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**GENERAL NOTICE**

**Trade and Industry, Department of**

*General Notice*

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## GENERAL NOTICE

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### NOTICE 1162 OF 2009

Issued in terms of Section 9 (1) of the BBBEE Act 53, 2003

(DEPARTMENT OF TRADE AND INDUSTRY)

### CODES OF GOOD PRACTICE ON BROAD BASED BLACK ECONOMIC EMPOWERMENT

Whereas, the Minister of Trade and Industry:

- (a) Has issued a **DRAFT TRANSPORT SECTOR CODE (THE DRAFT CODE)** provided for in Code 000 Statement 003 of the Codes of Good Practice under **Section 9 (5)** of the Broad-Based Black Economic Empowerment (Act No. 53 of 2003) on the **24<sup>th</sup> December 2008**
- (b) In terms of which the public and interested persons were invited to comment on the Draft Sector Charter within a period of **60 days** from the date on which the Draft Sector having been published,
- (c) The public having commented, I, **Dr Rob Davies**, now publish the **TRANSPORT SUB-SECTOR CODES** as a **SECTOR CODES** on black economic empowerment in terms of **Section 9 (1)** of the BBBEE Act, 53 of 2003.

This notice is effective from the date of publishing and means that the **TRANSPORT SUB-SECTOR CODES** are binding on all stakeholders operating in the **TRANSPORT** Sector within which the Sub-Sector Codes apply.



.....  
**DR ROB DAVIES**

**MINISTER OF TRADE AND INDUSTRY**

**DATE: 28/7/09**

# **INTEGRATED TRANSPORT SECTOR CODES**

**GAZETTED IN TERMS OF SECTION 9 (1) OF THE  
BBBEE ACT 53 OF 2003**

**JULY 2009**

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## PREAMBLE

The parties to this Charter, organized as Government, Organised Labour, Industry and Interest groups, commit themselves to actively promote a transformed, vibrant, and globally competitive transport sector that reflects the demographics of South Africa, and contributes to the establishment of an equitable society by effectively providing accessible transport services to all South Africans, particularly Black people, and their participation in the transport industry.

The parties to this Sector Codes attest that this Integrated Transport Sector Codes provides guidelines for transformation in the transport sector and represents a partnership of programmes as outlined in the Government's Strategy for Broad-based Black Economic Empowerment and is aligned with the Department of Trade and Industry's Code of Good Practice.

The parties to this Sector Codes concur that the Sector Codes constitutes a framework that establishes the principles upon which Broad-Based Black Economic Empowerment will be implemented in the transport sector and in terms of which each principle shall be underpinned by targets, responsibilities, implementation mechanism and monitoring tools for the transformation of the sector.

The parties to this Sector Codes confirm that all the processes of targets, responsibilities, reviews, implementation and monitoring, shall be carried out primarily by the Transport Sector Black Economic Empowerment Council that shall be established specifically for this purpose.

The parties to this Sector Codes, commit to use Black Economic Empowerment as a tool to unlock efficiencies throughout the transport sector, maximizing all the sub sectors to promote an integrated, intermodal and multifaceted transport logistics system that supports both public and freight for the benefit of our economy.

Lastly the parties to this Sector Codes agree on embarking on 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 transportation industry, while creating opportunities for the unemployed and working poor to enter the formal economy.

### DEFINITIONS

For purposes of clarification and for avoidance of ambiguity, the following terms apply to the all the gazetted Broad Based Economic Empowerment (B-BBEE) Sub-Sector Codes:

TERM	DEFINITION
<b>Acceptable Valuation Standard</b>	Means a valuation of an asset, an Economic Interest, an Enterprise or another instrument or right relevant to measurement under the ownership indicator undertaken in accordance with normal valuation methodologies which represent standard market practice in the context of the nature as well as the stage of development of the asset, Equity Interest or Enterprise being valued.
<b>Aged Persons Act</b>	Means the Aged Persons Act 81 of 1967, as amended.
<b>Airline Service Providers</b>	Are those service providers that give services to airlines companies e.g catering services, travel news magazines etc
<b>Allowable Exclusions From Total Procurement</b>	Refers to procurement by a measured entity as defined in Code 500 of the Generic Codes of Good Practice gazetted on February 2007 and subsequent amendments.
<b>Associated Enterprise</b>	Means any black Enterprise other than the Measured Enterprise with which the Measured Enterprise has concluded a Qualifying Transaction.
<b>Black aged people</b>	Black people who are also aged people as defined in the Aged Persons Act 81 of 1967, as amended or substituted.
<b>Black designated groups</b>	(a) means unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution. (b) Black people who are youth as defined in the National Youth Commission Act of 1996. (c) Black people who are persons with disabilities as defined in the Code of Good Practise on employment of people with disabilities issued under the Employment Equity Act. (d) Black people living in rural and under-developed areas.
<b>Black Enterprise</b>	Is one that is 50,1% owned by black persons and where there is substantial management control.
<b>Black Empowered Enterprise</b>	Is one that is at least 25.1% owned by black persons and where there is substantial management control.
<b>Black New Entrants</b>	Means a black Partnership(s) (which includes without limitation, black Participants in Broad-Based Ownership Schemes) holding in aggregate in excess of 5% of the total Voting Rights and Economic Interest in a Measured Enterprise who has not, prior to their acquisition of their Equity Interest in the Measured Enterprise, concluded similar transactions in respect of any other Enterprise, which in aggregate have a cumulative value of

TERM	DEFINITION
	R20,000,000.00 measured in accordance with an Acceptable Valuation.
<b>Black People</b>	has the meaning defined in the Act qualified as including only natural persons who are citizens of the Republic of South Africa by birth or descent; or are citizens of the republic of South Africa by naturalisation: (a) occurring before the commencement date of the constitution of the Republic of South Africa Act of 1993; or (b) occurring after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, without the Apartheid policy would have qualified for naturalisation before then.
<b>Black unemployed people</b>	Black people who are unemployed, are not attending or are not required by law to attend an educational institution and who are not awaiting admission to an educational institution
<b>Black Women-Owned Enterprise</b>	is one with a minimum of 50,1% representation of black women in the ownership structure, which includes related economic interest and exercisable voting rights.
<b>Black workers</b>	Black Persons employed in market production activities are those (aged 15-64 years) who during the reference week, even if it was for only one hour, did any of the following:  a) Worked for a wage, salary, commission or payment in kind (including paid domestic work).  b) Ran any kind of business, big or small, on their own or with one or more partners.  c) Helped without being paid in a business run by another household member.  d) Were temporarily absent from their jobs or businesses to which they would definitely return.
<b>Black youth</b>	Black persons who are also youth as defined in the National Youth Commission Act 19 of 1996, as amended or substituted.
<b>Broad Based Black Economic Empowerment (B-BBEE)</b>	Government defines B-BBEE as an integrated and coherent socio-economic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the numbers of black people that manage, own and control the country's economy, as

TERM	DEFINITION
	well as significant decreases in income inequalities. Thus the B-BBEE process will include elements of human resource development, employment equity, enterprise development, preferential procurement, as well as investment, ownership and control of enterprises and economic assets.
<b>Community or broad based enterprise</b>	has an empowerment shareholder who represents a broad base of members such as a local community or where the benefits support a target group, for example black women, people living with disabilities, the youth and workers.
<b>Control</b>	of a business entity can be achieved in a number of ways a) a majority shareholding position i.e. 50% + 1 share, b) an effective controlling shareholding; c) a majority of a board of directors; and/or d) a shareholders agreement.
<b>Co-operative or Collective Enterprise</b>	An autonomous association of persons who voluntarily join together to meet their economic, social and cultural needs and aspirations through the formation of a jointly – owned enterprise and democratically controlled enterprise.
<b>Development</b>	Includes but not limited to Joint Ventures, sub-contracting, and supplier development initiatives. It also includes but not limited to the facilitation provided by established company to its B-BBEE partners e.g. discounts, access to cash flow, guarantees or put options deferred payments, and other vendor financing models.
<b>Direct Empowerment</b>	The process of BEE should/may result in an increase in the ownership and control of the economy by black persons. This means that a significant portion of a black persons ownership of assets and enterprises must be a controlling interest, reflecting genuine participation in decision making at board executive management and operational levels, and the assumption of real risk. In this Charter, direct empowerment focuses on ownership of enterprises and assets through shares and other instruments that provide the holder thereof with voting rights and economic benefits such as dividends or interest payments.
<b>Disabled employees</b>	For the purpose of this Charter, the definition of employees with disabilities as contained in the Employment Equity Act is used. It means employees who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into or advancement in employment. The total number of employees with disabilities (irrespective of race or gender) is expressed as a percentage of the total number of employees (irrespective of race or gender) in all levels of the organisation.
<b>Enterprise Development ventures</b>	Includes business ventures such as sub-contracting, joint ventures, driver owner schemes, twinning, etc, which involves the development or setting up of business

TERM	DEFINITION
	ventures which involves black operators, suppliers and especially or black SMME's (small, medium and micro enterprises).
<b>Exclusions from Total Measured Procurement</b>	Generally has the same meaning as that contained in the Codes of Goods Practice gazetted on the 9 February 2007 and as amended however the list of inclusions/exclusions as per Annexure A of this Charter takes precedence.
<b>Executive Management</b>	Means the most senior position in the organisation as well as the overall heads of major divisions or functions (e.g. finance, engineering, operations, human resources etc.) responsible for planning, policymaking and directing of such functions.
<b>Exempted Micro Enterprises</b>	These are enterprises with a turnover of R5 million or less for the purposes of this charter. They have an automatic recognition level of Level 4 in the B-BBEE Recognition Levels in the B-BBEE Codes of Good Practice. This affords companies procuring from these entities 100% B-BBEE recognition of spend.
<b>Fronting</b>	The deliberate misrepresentation of information in order to gain an advantage over another individual or entity. In addition, it includes the use of questionable ownership structures in order to unjustifiably gain points to get preference points in any business/ tender adjudication process.
<b>Growth</b>	Relates to the National Economic Growth, Industry Growth as well as Enterprise Development growth
<b>Indicator</b>	The indicator represent the key measurement yardstick included to determine the BEE contribution made by taxi enterprises within each broad-based BEE factor of Ownership, Strategic Representation (Management), Employment Equity, Skills Development, Preferential Procurement, Enterprise Development, Social Development and Industry Specific.
<b>Indirect Empowerment</b>	<p>a core component of this BEE Strategy is the creation and nurturing of new enterprises established or owned by black people. Preferential procurement by the State, Parastatals and the private sector is an effective and efficient instrument to drive BEE. A second element of indirect empowerment is enterprise development. This can take two forms:</p> <ul style="list-style-type: none"> <li>• Investment in black owned and black empowered enterprises.</li> <li>• Joint Ventures with black owned and black empowered enterprises that result in substantive skills transfers.</li> </ul>



TERM	DEFINITION
<b>Indirect ownership</b>	Occurs where a company or any other institution owns equity in a company on behalf of beneficiaries and there is no direct participation by the beneficiaries in the voting rights.
<b>Job Creation</b>	Refers to the creation of opportunities for sustainable permanent employment.
<b>Job Creation Target</b>	This is not a payroll tax but refers to a stakeholder commitment to create opportunities for unemployed learners for which there is a tax rebate from government. These employees must account for 5% of the workforce.
<b>Learners</b>	Refers to the people participating in learnerships or other learning interventions.
<b>Leviable Amount</b>	Bears the meaning as defined in the Skills Development Levies Act of 1999 as determined using the Fourth Schedule to the Income Tax Act.
<b>Locally-owned Enterprise</b>	A commercial undertaking or business where 50% or more of shareholding is held within the borders of the Republic of South Africa.
<b>Management</b>	Refers to the effective control of economic activities and resources. This involves the power to determine policies as well as the direction of economic activities and resources. Management control measures black representation at board of directors' level and executive management level.
<b>Managerial or Supervisory Employees</b>	Means employees who are working in supervisory or managerial positions i.e. those who have other employees reporting to them and who are responsible to oversee and supervise subordinates and/or processes.
<b>Midibus</b>	Minibus means a motor vehicle designed, or lawfully adapted by a registered manufacturer in compliance with Road Traffic Act, 1989 (Act No. 29 of 1989), to carry from nine to 18 seated persons, excluding the driver.
<b>Net Asset Value</b>	Within the context of this Sub-Sector Code this term refers to Total Asset less Liabilities.
<b>Net Value</b>	This is the portion of equity in the hands of black shareholders that is fully paid up. Essentially it is the value of the shareholding, less the outstanding amounts owed by that shareholder to third party funders or the principle entity in which the stake was acquired.
<b>Net Economic Interest</b>	Is the percentage of the shareholding by black shareholders that is unencumbered by any financial obligations to third parties or to the principle company in which the stake is held.
<b>Non-Discretionary spend</b>	Non-discretionary spending is spending that is required and by law.

TERM	DEFINITION
<b>Ownership</b>	refers to equity participation and the ability to exercise rights and obligations that accrue under such ownership. These rights and obligations include the right the economic interest flowing from the shareholding and the right to exercisable voting rights in proportion to that shareholding. It also refers to the net economic interest, in other words paid up capital. The parties to this Charter agree that the measurement of the extent of the achievement of this target of the aggregate value of the equity will be based on the asset values per the audited accounts of the entities concerned and that the net economic interest will be calculated according to the market value of the shareholding less the outstanding amounts owing to third parties or the principle company by the black shareholders.
<b>People Living With Disabilities</b>	<p>Disabled employees. For the purpose of this Charter, the definition of employees with disabilities as contained in the Employment Equity Act is used. It means employees who have a long-term or recurring physical or mental impairment, which substantially limits their prospects of entry into or advancement in employment. The total number of employees with disabilities (irrespective of race or gender) is expressed as a percentage of the total number of employees (irrespective of race or gender) in all levels of the organisation.</p> <p>Types of disabilities include:</p> <p>Spinal injuries-quadriplegic, paraplegic;                      Physical disabilities and deformities-post polio, amputations, arthritis, cerebral palsy;                      Epilepsy;                      Traumatic brain injuries &amp; neurological disorders, strokes;                      Visual impairments - blind, degrees of blindness, retinitis pigment, albinism;                      Hearing impairments- deaf, degrees of deafness;                      Psychiatric conditions- depression, bi-polar, personality disorders, mood disorders;                      Learning disabilities - dyslexia, downs syndrome; and                      Communication/speech problems</p>
<b>Preferential Procurement</b>	Is a measure designed to widen market access for entities, in order to integrate them into mainstream of the economy. Preferential Procurement will create economic empowerment benefits indirectly but meaningfully as it multiplies the effects of private and public sector intervention to promote broad-based BEE.
<b>Scorecard</b>	means the standard B-BBEE scorecard used by the transport sector.
<b>Skills Development</b>	Refers to all expenditure on Black skills development, education and training (including the Skills Development

TERM	DEFINITION
	Levy). The actual expenditure on Black skills development, education and training that has been conducted during the last completed financial year to be used as a basis for the calculation. The total expenditure on Black skills development, education and training is expressed as a percentage of the total payroll costs. Total payroll costs include all remuneration related expenditure such as basic wages/salaries, overtime, and employment related company contributions.
<b>Socio-economic Development</b>	Specifically aimed at targeted socio-economic development projects or initiatives. Organisations are encouraged to support, develop and invest in targeted community projects – this includes e.g. poverty alleviation initiatives, HIV/ Aids programmes, study bursaries, programmes or projects for the disabled, occupational health programmes, youth camps, crime prevention programmes, alcohol and drug awareness, and internships.
<b>Stakeholders</b>	Refers to a range of interest groups who directly and indirectly participated in this process. These groups included Government, Private Industry, Parastatals, Agencies, Financial Institutions (Private and Public), Organised Labour, Civil Society Associations, B-BBEE operators, suppliers, SMME's as well as individuals.
<b>Taxi Recapitalisation</b>	The overall goal of the Taxi Recapitalisation (TRP) initiated by Government in 1999 is the replacement of the current ageing fleet that constitute the bulk of the taxi industry with new vehicles that are safe and reliable. The programme also sought to ensure the sustainability of the industry as a business, as well as ensure its formalisation and effective regulation.
<b>Total Measured Procurement Spend</b>	Generally has the same meaning as that contained in the Codes of Good Practice gazetted on 9 February 2007 and as amended however the list of exclusions as per Annexure A of this Charter takes precedence.

Definitions of terms and concepts not captured in this Charter are contained in the Codes of Good Practice gazetted on 9 February 2007.

**BUS COMMUTER AND COACH SERVICES SUB-SECTOR  
CODE FOR BBBEE**



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

**DEPARTMENT OF TRANSPORT**

**BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBBEE**

## **BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE**

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## BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE

### ABBREVIATIONS

<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>C-BRTA</b>	Cross Border Road Transport Agency
<b>DOT</b>	Department of Transport
<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>GDS</b>	Growth and Development Summit
<b>NPAT</b>	Net Profit After Tax
<b>PPPFA</b>	Preferential Procurement Policy Framework Act
<b>QSEs</b>	Qualifying Small Enterprises
<b>SANAS</b>	South African National Accreditation System
<b>SMMEs</b>	Small Micro Medium Enterprises
<b>TETA</b>	Transport Education and Training Authority

### 1. INTRODUCTION AND BACKGROUND

#### 1.1 **Scope of the Sub-Sector Code**

- 1.1.1 The Bus Sector Broad-Based Black Economic Empowerment (B-BBEE) Sub-Sector Code applies to all road passenger transport services rendered by means of minibuses and buses (as defined in the National Land Transport Transition Act, 2000 and its subsequent amendments).
- 1.1.2 The Bus B-BBEE Sub-Sector Code **excludes** road passenger transport services rendered by means of minibuses (as defined in the National Land Transport Transition Act, 2000 and its subsequent amendments) as such will be covered by the Minibus Taxi Industry B-BBEE Charter.
- 1.1.3 Further to clause 1.1.1 above, the scope of this Bus Sector B-BBEE Sub-Sector Code extends to all sub-sectors of the industry and includes inter alia:
- 1.1.3.1 Commuter bus services
  - 1.1.3.2 Long distance bus services
  - 1.1.3.3 Tour and bus services
  - 1.1.3.4 Cross border bus services
  - 1.1.3.5 Intercity bus services
  - 1.1.3.6 School/learner bus services
  - 1.1.3.7 Commercial contract bus services
  - 1.1.3.8 Special hire or private hire bus services
  - 1.1.3.9 Subsidized and non-subsidized bus services
  - 1.1.3.10 Scheduled and unscheduled bus services
- 1.1.4 The Bus Sector B-BBEE Sub-Sector Code covers the following entities involved in rendering passenger bus services:

## **BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE**

- 1.1.4.1 Privately owned bus operations
- 1.1.4.2 Listed bus operations
- 1.1.4.3 State owned bus operations
- 1.1.4.4 Municipal bus services or bus operations owned by and/or metropolitan authorities
- 1.1.4.5 Parastatals and bus operations owned by provincial authorities
- 1.1.5 The Bus Sector B-BBEE Sub-Sector Code makes provision for Exempted Micro Enterprises (EMEs) and will cover Qualifying Small Enterprises (QSEs) as well as medium and big bus operators.
- 1.1.6 The Bus Sector B-BBEE Sub-Sector Code also cross-references to the Codes of Good Practice on BEE in terms of key measurement principles and definitions and as amended.
- 1.2. Duration of the Bus Commuter and Coach Services Sub-Sector Code**

This Sub-Sector Code shall remain in effect until amended, substituted and repealed under Section 9 of the BBEE 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.

### **1.2.1 All stakeholders commit to:**

- 1.2.1.1 review the Bus Sector B-BBEE Sub-Sector Code following the end of the fifth (5) year after the commence date; and
- 1.2.1.2 conduct annual reviews to monitor the implementation of B-BBEE throughout the sector.

### **1.3 Challenges facing the Bus Commuter and Coach Services Industry**

1.3.1 The Bus Sector faces many challenges, among others are:

- 1.3.1.1 Restructuring and transforming the current public transport system into a fully integrated, multi-modal network of public transport aimed at meeting the economic and social development needs of South Africa;
- 1.3.1.2 Making bus transport more accessible and affordable to users of public transport;
- 1.3.1.3 Improving the quality, safety, punctuality and reliability of bus services and providing the relevant information to users of public transport;
- 1.3.1.4 Recapitalization of operator vehicles outside the contract system; and

## **BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE**

- 1.3.1.5 Improving the infrastructure supporting bus services and public transport, e.g. dedicated public transport lanes, bus stops transfer stations, ticketing systems, passenger information systems, etc.
- 1.4 The role of the Bus Commuter and Coach Services Sub-Sector B-BBEE Code**
- 1.4.1 The Bus Sector B-BBEE Sub-Sector Code has an important role to play in transforming the bus sector to support the realization of the below vision:
- 1.4.1.1 Ensure more equitable participation of all groups in the ownership and control of enterprises in the Bus Sector;
- 1.4.1.2 Promote equal opportunity and fair treatment in employment in the sector through the elimination of unfair discrimination;
- 1.4.1.3 Promote the development of skills of the workforce and the increase in the levels of investments in education and training to meet the changing demands of the future public transport system in South Africa;
- 1.4.1.4 Enhance the restructuring of procurement policies and practices in the sector to ensure that B-BBEE suppliers and providers will participate meaningfully in the procurement spend of the sector;
- 1.4.1.5 Promote the investment in and the establishment and support of enterprise development beneficiaries; and
- 1.4.1.6 Promote the contributions to socio-economic development initiatives.
- 2. A VISION TO DEVELOP A WORLD CLASS BUS COMMUTER AND COACH SERVICES INDUSTRY**
- 2.1 The Vision of the Bus Sector in South Africa is to transform the current system of public transport into a world class public transport system where different modes are fully integrated and coordinated in a network of public transport services aimed at meeting all the passenger transport needs of the country.
- 2.2 The signatories to this agreement believe that every company in the bus and coach sector should voluntarily commit to this Sub-Sector Code in support of constitutional, legislative, social and economic imperatives to secure a prosperous future for all our citizens and the well-being of our customers. In agreeing to commit to this balanced scorecard charter, all signatories commit themselves to be monitored, verified and rated by an independent B-BBEE rating company/Verification Agency that is accredited by the appropriate Accreditation Agency on behalf of the Department of Trade and Industry (DTI).
- 2.3 The signatories further commit to communicate this broad-based Sub-Sector Code to every company in our industry's value chain to ensure maximum participation by all stakeholders.



## **BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE**

### **2.4 Undertakings from bus and coach operators to achieve this vision**

- 2.4.1 Both the operator groups above are committed to develop world class bus and coach businesses in South Africa. <sup>1</sup> We believe that this is possible through committed training and development, consistent investments, an acceptable return on such investments, and the offering of superior services to our customers.
- 2.4.2 Operators are committed to safe operations and will continuously strive to improve safety standards – both in technical design as well as operations. Our industry will also achieve significant B-BBEE participation in ownership, management and employment amongst all role players in the industry. The “transformed” industry will also embrace the development of SMME operators as well as other SMME role players. This will be done through retaining existing jobs where feasible, whilst striving to expand the scope of bus and coach operations in South Africa.

### **2.5 Government undertakings to achieve this vision**

- 2.5.1 Government demonstrates its commitment to the bus industry by:
- 2.5.1.1 Actively supporting the bus industry as a core component of the transport industry in South Africa;
- 2.5.1.2 Actively supporting the intercity and tour charter coach and tour bus industry as a core component of the national, regional and international tourism industry;
- 2.5.1.3 Continuously clarifying the public transport policy direction in order to provide stability and direction to the industry;
- 2.5.1.4 To actively engage in discussions with the bus industry in view of the expansion of desperately needed services;
- 2.5.1.5 Resolve legislative and fiscal restrictions that have a negative impact on the further development of the industry as well as policy implementation;
- 2.5.1.6 To engage in discussions regarding issues of learner transport services;
- 2.5.1.7 Assist B-BBEE companies in accessing funds for training and skills development through the Transport Sector Education and Training Authority (TETA);
- 2.5.1.8 Assist industry and B-BBEE companies in training and development initiatives;
- 2.5.1.9 To apply this Bus Sector B-BBEE Sub-Sector Code in the tender and negotiated contract processes;
- 2.5.1.10 Enforce and monitor compliance with existing legislation that may impact on B-BBEE such as the Employment Equity, Skills Development and Competition Acts; and
- 2.5.1.11 Stakeholders should use the annual B-BBEE report published by the Transport Sector B-BBEE Council to annually review progress on transformation.

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<sup>1</sup> For the purpose of this bus sector Sub-Sector Code the dominant business activities (where most revenue is generated) of the respective businesses will dictate the group within which operators reside, and for that matter the respective charters that apply to such companies

## **BUS COMMUTER AND COACH SERVICES SUB-SECTOR CODE FOR BBEE**

### **2.6 Labour undertakings to achieve this vision**

- 2.6.1 Encourage employers to first look towards their own employees when considering options for achieving black equity participation;
- 2.6.2 Ensure that workers are empowered through skills development and training and create opportunities to deploy them into management positions;
- 2.6.3 Mobilize members to ensure compliance with existing legislation e.g. the BEE, Employment Equity, Skills Development, Labour Relations and Basic Conditions of Employment Acts;
- 2.6.4 Encourage 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;
- 2.6.5 To work constructively with employers in the industry to grow and develop the bus industry to a world class industry; and
- 2.6.6 Monitor the impact of tendering/negotiated contracts and procurement/outsourcing on job retention and creation.

### **2.7 TETA undertakings to achieve this vision**

- 2.7.1 To lead in facilitating the accurate determination of the real training needs in the Bus Industry and setting appropriate training priorities in the Bus Chamber;
- 2.7.2 Assist stakeholders with the analysis of people in a particular skills set (or job category) broken down by race and gender;
- 2.7.3 Continuously analyze and update statistics about the future demand and supply of critical skills sets;
- 2.7.4 Continuously conduct an analysis of the quantity, quality and nature of training that companies are doing;
- 2.7.5 Commit to this B-BBEE Strategy and strive to achieve the targets set (where applicable) with specific reference to service providers;
- 2.7.6 Align its mission and vision with the imperatives of B-BBEE and assist with the implementation and monitoring of the B-BBEE strategy; and
- 2.7.7 The signatories of this Sub-Sector Code are of the view that the sector should endeavor to facilitate the realization of these commitments by monitoring contributions to B-BBEE. The evaluation of these contributions should be conducted through an Evaluation Matrix provided in Appendix B.

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### **3. THE BUS COMMUTER AND COACH SERVICES SUB-SECTOR B-BBEE SCORECARD**

#### **3.1 Guiding principles**

3.1.1 The detailed Bus Sub-sector B-BBEE Scorecard is included under section 5 of the document. The B-BBEE Scorecard, as agreed between the stakeholders, contains indicators with detailed notes to guide role players. The bus sector scorecard stretches over a 5 year period, and points will be scored using the 5 year targets.

3.1.2 The Coach Sub-sector B-BBEE Scorecard indicators and time frames are the same as for the bus commuter industry although there are differences in terms of some of the targets. As is the case with the bus commuter sub-sector scorecard, a scorecard is employed in the measurement of contributions to B-BBEE. Differences to the bus commuter industry scorecard are indicated in the text of this document.

3.1.3 The BEE compliance of bus operators with this scorecard will be measured against a total score achieved across all indicators (i.e. the sum of the individual scores on the B-BBEE indicator scorecard).

#### **3.2 Indicators of empowerment**

##### **3.2.1 OWNERSHIP**

###### **3.2.1.1 Guiding Principle**

3.2.1.1.1 Our guiding principle is to increase black ownership across the spectrum of the bus and coach industry. We also aim to increase the economic sustainability of black ownership.

###### **3.2.1.2 Stakeholder Undertakings**

###### **3.2.1.2.1 Government aims to:**

3.2.1.2.1.1 Clarify public transport policy with specific reference to the funding model; targeting of subsidies, growth of the industry, future of the negotiated/tendering system and so forth.

3.2.1.2.1.2 In the design of tenders/negotiated contracts make provision for small operators, women enterprises and other designated groups.

3.2.1.2.1.3 Engage public and private sector funding agencies to develop innovative funding mechanisms for B-BBEE companies seeking to invest in the sector.

3.2.1.2.1.4 Ensure that policies are in place to facilitate the entry of new players into the entire industry, including subsidized buses, cross border transport and domestic long distance. This will require co-ordination of initiatives between the DOT, the C-BRTA and the provincial operating license

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boards to review legal impediments that may prevent small operators from entering the industry.

### **3.2.1.2.2 Industry ownership measures include the following:**

#### **3.2.1.2.2.1 ECONOMIC INTEREST**

- 3.2.1.2.2.1.1 Measured entities within the bus commuter industry, will achieve maximum points when the percentage of the total issued shares held by black persons exceeds **35%** - the applicable direct shareholding is **25%** for the coach services industry;
- 3.2.1.2.2.1.2 Measured entities will achieve maximum points when the portion of the total shareholding (i.e. the number of black women shareholders expressed as a percentage of the total shareholding) is or exceeds 10% of the total shareholding held by black women shareholders – The applicable percentage for the coach industry is equal to or greater than 10%; and
- 3.2.1.2.2.1.3 Black natural people - A measured entity, will achieve maximum points when the portion of the total shareholding held by black natural persons exceeds 2.5%.

#### **3.2.1.2.2.2 VOTING RIGHTS**

- 3.2.1.2.2.2.1 A measured entity will achieve maximum points if more than 35% vote of the total voting rights is held by black shareholders. The applicable percentage for the coach industry is greater than 25% + 1 vote;
- 3.2.1.2.2.2.2 A measured entity in the bus commuter industry will achieve maximum points if 10% or more of the total voting rights are held by black women shareholders. The applicable percentage for the coach industry is greater than 10%;
- 3.2.1.2.2.2.3 For Qualifying Small Enterprises (**QSEs**) as defined in this charter, the following criteria and targets shall apply:
- Economic interest in the hands of Black people, for which the target will be 35% for the commuter industry and 25% for the coach industry;
  - Voting rights in the hands of Black people, for which the target will be 35% for the commuter industry and 25% + 1 vote for the coach industry; and
- 3.2.1.2.2.2.4 In order to assist in ownership transformation, the industry is committed to developing creative funding mechanisms, e.g. vendor finance and earn-in models, to facilitate funding for companies.

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### **3.2.1.3 MEASUREMENT PRINCIPLES AND APPLICATION OF THE CODE**

- 3.2.1.3.1 Measurement principles associated with the ownership element are contained in Statement 100 of Code 100 of the Generic Codes of Good Practice.
- 3.2.1.3.2 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 Codes of Good Practice.
- 3.2.1.3.3 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 Codes of Good Practice. The target contained in the ownership element of this Sub-Sector Code will apply.
- 3.2.1.3.4 The recognition of the equity equivalent programmes for multinationals has the same meaning and interpretation as that contained in Statement 103 of Code 100 of the Generic Codes of Good Practice.
- 3.2.1.3.5 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 Codes of Good Practice.
- 3.2.1.3.6 Measurement principles relating to the ownership element for QSEs are contained in Statement 801 of Code 800 of the Generic Codes of Good Practice.

### **3.2.2 MANAGEMENT CONTROL**

#### **3.2.2.1 Guiding Principle**

- 3.2.2.1.1 Industry commits to increase black participation on company boards and similar governance structures across the sector to become more representative of the overall country demographics and gender diversity.
- 3.2.2.1.2 Stakeholders see to increase black participation on company boards and similar governing structures across the sector to create decision-making structures that truly represent the racial, ethnic and gender diversity of our country. The industry will be transparent, eliminate unscrupulous business practices including fronting and fraud, and adopt best-practice corporate governance policies.

#### **3.2.2.2 Management measures include the following:**

##### **3.2.2.2.1 Board of Directors**

- 3.2.2.2.1.1 A measured entity will achieve maximum points if 50% or more of the seats on the Board of Directors are held by black persons. The applicable percentage for the coach industry is equal to or greater than 50%; and

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- 3.2.2.2.1.2 In addition, a measured entity, will achieve maximum points if 25% or more of the total seats on the Board of Directors are held by black women. The applicable percentage for the coach industry is equal to or greater than 25%.
- 3.2.2.2 Executive Directors**
- 3.2.2.2.1 A measured entity will achieve maximum points if 50% or more of all executive positions are held by black persons. The applicable percentage for the coach industry is equal to or greater than 50%;
- 3.2.2.2.2 Also, a measured entity will achieve maximum points if 25% or more of all executive positions are held by black women.
- 3.2.2.3 Senior Top Management**
- 3.2.2.3.1 A measured entity will achieve maximum points if 40% or more of all senior top management positions are held by black persons. The applicable percentage for the coach industry is equal to or greater than 40%; and
- 3.2.2.3.2 In addition, a measured entity will achieve maximum points if more than 20% of all senior top management positions are held by black women in bus and coach services.
- 3.2.2.4 Other Top Management**
- 3.2.2.4.1 A measured entity will achieve maximum points if 40% or more of all other top management positions are held by black persons. The applicable percentage for the coach industry is equal to or greater than 40%;
- 3.2.2.4.2 Also, a measured entity, will achieve maximum points if 20% or more of all other top management positions are held by black women in bus commuter and coach services;
- 3.2.2.4.3 For **QSEs** as defined in this charter, the following criteria and targets shall apply:
- Total Black top management representation, for which the target will be 50.1% of all top management positions.
- 3.2.2.4.4 Evaluation guidelines:
- Senior Top Management - have individual responsibility for overall management of the enterprises;
  - Other Top Management – have responsibility for their area of responsibility only; and

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- If a measured entity does not distinguish between Senior Top Management and Other Top Management-This may justify a single grouping under "Senior Management", but individuals included here cannot be counted under the Employment Equity scorecard as well.

### **3.2.2.3 Measurement Principles and Application of the Charter**

- 3.2.2.3.1 Measurement principles associated with the management control element are contained in Statement 200 of Code 200 of the Generic Code of Good Practice.
- 3.2.2.3.2 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 found in Annexure 200 (A)-A will not apply.
- 3.2.2.3.3 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, of Code 800, of the Generic Codes of Good Practice.

### **3.2.3 EMPLOYMENT EQUITY**

#### **3.2.3.1 Guiding Principle**

- 3.2.3.1.1 Our guiding principle is to increase the representation of black people in senior management, professional, technical and supervisory occupations in the bus industry. This will require that all stakeholders create a supportive culture within their organizations to attract new talent, facilitate the development of existing employees, and accelerate their progress into key positions within the industry.

#### **3.2.3.2 Employment equity measures include the following:**

- 3.2.3.2.1 Senior management - A measured entity will obtain maximum points when 43% of all senior managers are black.
- 3.2.3.2.2 Black Women Representation at senior management - A measured entity will obtain maximum points when 22% of all senior managers are black women.
- 3.2.3.2.3 Middle and junior management - A measured entity will obtain maximum points when 63% and 68% of all middle and junior managers are black, respectively.
- 3.2.3.2.4 Black Women representation at middle and junior management - A measured entity will obtain maximum points when 32% and 34% of all middle and junior managers are black women, respectively.
- 3.2.3.2.5 Semi-skilled and unskilled Women representation - A measured entity will obtain maximum points when more than 20% of all semi-skilled and unskilled positions are composed of black women.
- 3.2.3.2.6 Black People living with disability - A measured entity will obtain maximum points when more than 1% of the total workforces are black employees with disabilities. The corresponding target for Bus Commuter and Coach Services is 0.5% black women employees with disabilities.

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3.2.3.2.7 For QSEs as defined in this charter, the following criteria and targets shall apply:

- Total Black management representation, for which the target will be 40% of all management positions;
- Total Black women management representation, for which the target will be 20% of all management positions;
- Total Black representation, for which the target will be 60% of all employees; and
- Total Black women representation, for which the target will be 30% of all employees.

### **3.2.3.3 Measurement Principles and Application of the Charter**

3.2.3.3.1 Measurement principles on the employment equity element are contained in Statement 300 of Code 300 of the Generic Codes of Good Practice.

3.2.3.3.2 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 Codes of Good Practice. The formula for the determination of the Adjusted Recognition for Gender found in Annexure 300 (A)-A, will not apply.

3.2.3.3.3 Measurement principles for the determination of the Employment Equity score for QSEs are contained in Statement 803 of Code 800 of the Generic Codes of Good Practice.

### **3.2.4 SKILLS DEVELOPMENT**

#### **3.2.4.1 Guiding Principle**

3.2.4.1.1 Our guiding principle is to substantially increase the economic value added (or productivity) of every employee in the Bus sub-sector through skills development and employment equity as well as increase the scale of initiatives aimed at developing black professionals and technical experts.

3.2.4.1.2 Stakeholders will identify within and outside their businesses, a talent pool of black people for accelerated development through mentorship programmes, learnerships, intra-industry exchange and internship programmes, and higher education and training.

#### **3.2.4.2 Skills development measures include the following:**

3.2.4.2.1 A measured entity will obtain maximum points when more than 3% of the total leviable amount is dedicated to skills development, training and education related expenditure on Black employees.

3.2.4.2.2 A measured entity will obtain maximum points when more than 1.5% of the total leviable amount is dedicated to skills development, training and education related expenditure on Black women employees.



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- 3.2.4.2.3 A company will obtain maximum points when black employees participating in learnerships, represent more than 5% of the total work force.
- 3.2.4.2.4 A measured company will obtain maximum points when black women employees participating in learnerships, represent more than 2.5% of the total work force.
- 3.2.4.2.5 For QSEs as defined in this charter, the following criteria and targets shall apply:
- Black skills development expenditure on learning programmes as a percentage of payroll or leviable amount (whichever is applicable), for which the target will be 3%; and
  - Black women skills development expenditure on learning programmes as a percentage of payroll or leviable amount (whichever is applicable), for which the target will be 1.5%.

### **3.2.4.3 Measurement Principles and Application of the Charter**

- 3.2.4.3.1 Measurement principles associated with the skills development element are contained in Statement 400 of Code 400 of the Generic Codes of Good Practice.
- 3.2.4.3.2 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 Codes of Good Practice. The formula for the determination of the Adjusted Recognition for Gender found in Annexure 400 (A)-A will not apply.
- 3.2.4.3.3 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.
- 3.2.4.3.4 Learning Programme Matrix – This matrix is used to ensure that the skills spend is truly beneficial and can also be categorized. The Learning Programme Matrix may be found in Annexure 400(A) of the B-BBEE Codes of Good Practice.

### **3.2.5 PREFERENTIAL PROCUREMENT**

#### **3.2.5.1 Guiding Principle**

- 3.2.5.1.1 Our guiding principle is to use the purchasing power of the public and private sector bus operators to create new B-BBEE companies, and develop existing ones. Stakeholders will make deliberate attempts to identify new entrants, particularly in areas such as specialist maintenance, equipment manufacturing and suppliers to the industry, which have traditionally excluded black people. We commit to increase procurement from black-owned and empowered enterprises and implement best-practice supplier development policies.

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- 3.2.5.1.2 Stakeholders undertake to determine the current levels of procurement from B-BBEE companies and identify areas where they can achieve significant results over the short term.
- 3.2.5.2 Preferential procurement measures include the following:**
- 3.2.5.2.1 B-BBEE Procurement Spend from all Suppliers – A measured entity will obtain maximum points when the B-BBEE procurement spend from all suppliers based on the B-BBEE procurement recognition levels is equal to or greater than 50% of the total measured procurement spend.
- 3.2.5.2.2 B-BBEE Procurement Spend from QSEs and Exempted EMEs - A measured entity will obtain maximum points when B-BBEE procurement spend from QSEs and EMEs based on the B-BBEE procurement recognition levels represents 10% or more of the total measured procurement.
- 3.2.5.2.3 B-BBEE Procurement Spend from Black-owned enterprises: This measures the percentage of the total measured procurement spend with suppliers who are 50% Black owned. A measured entity will achieve maximum points when 9% or more of total measured procurement is spent with Black-owned suppliers.
- 3.2.5.2.4 B-BBEE Procurement Spend from Black women-owned enterprises: This measure the percentage of the total measured procurement spent with suppliers who are 30% Black women-owned. A company will earn maximum points when 6% or more of total measured procurement is spent with Black women-owned suppliers
- 3.2.5.2.5 QSEs within this sub-sector commit to procuring a minimum of 50% of total procurement from B-BBEE compliant suppliers.
- 3.2.5.3 Measurement Principles and Application of the Charter**
- 3.2.5.3.1 Measurement principles associated with the preferential procurement element are contained in Statement 500 of Code 500 of the Generic Code of Good Practice.
- 3.2.5.3.2 The formulae required in the determination of the preferential procurement score are contained in Annexure 500 (A) of Statement 500 of Code 500 of the Generic Code of Good Practice.
- 3.2.5.3.3 Measurement principles required in evaluating the preferential procurement contributions made by QSEs within this sub-sector are contained in Statement 805 of Code 800 of the Generic Codes of Good Practice.
- 3.2.5.3.4 Monopolistic procurement – This type of procurement can only be excluded from total measured procurement if it is from entities that are listed as schedule 1 (constitutional institutions) or are regulated monopolies.
- 3.2.5.3.5 Imports - Imports may be excluded from total measured procurement if the relevant goods and/or services are not being produced in South Africa.
- 3.2.5.3.6 Subcontracting from black owned; black women owned; EMEs

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- QSEs; and, B-BBEEE compliant suppliers are recognised as preferential procurement contributions and forms part of B-B BEE procurement.
- 3.2.5.3.7 If a subcontracting entity is also involved in enterprise developing one or more of its subcontractors, the procurement spend from such subcontractors will be enhanced by a factor of 1.2.

### **3.2.6 ENTERPRISE DEVELOPMENT**

#### **3.2.6.1 Guiding Principle**

- 3.2.6.1.1 The stakeholder guiding principle is to create and nurture new B-BBEE enterprises within the industry and develop existing ones. This will require all stakeholders to develop strategies to enter into joint ventures and other forms of alliances with B-BBEE enterprises. In order to avoid potential problems (especially in sub-contracting), stakeholders agree to develop a Code of Good Practice to address concerns about the practical application of sub-contracting and include it in the Model Tender and Negotiated Tender Documents.

#### **3.2.6.2 Enterprise development measures include the following:**

- 3.2.6.2.1 Enterprise Development Contributions - Measure B-BBEE enterprise development contributions as a percentage of Net Profit After Tax (NPAT).
- 3.2.6.2.2 A measured entity will achieve maximum points when more than 3% of NPAT is dedicated to enterprise development contributions.
- 3.2.6.2.3 A measured entity will earn maximum points when more than 2% of its bus fleet is used for enterprise development within the operation of different B-BBEE enterprise development partners as a percentage of the total operator bus fleet.
- 3.2.6.2.4 QSEs within this sub-sector aspire to make contributions to enterprise development, which will amount to 3% of NPAT evaluated annually over the next 5 years.

#### **3.2.6.3 Measurement Principles and Application of the Charter**

- 3.2.6.3.1 Measurement principles associated with the enterprise development element are contained in Statement 600 of Code 600 of the Generic Codes of Good Practice.
- 3.2.6.3.2 Qualifying contributions for the enterprise development element are contained in Annexure 600 (A) – Benefit Factor Matrix of Statement 600 of Code 600 of the Generic Codes of Good Practice.
- 3.2.6.3.3 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 Codes of Good Practice.
- 3.2.6.3.4 Measurement principles required in evaluating the enterprise development contributions made by QSEs within this sub-sector are contained in Statement 806 of Code 800 of the Generic Codes of Good Practice.

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### 3.2.7 SOCIO-ECONOMIC DEVELOPMENT (SED)

#### 3.2.7.1 Guiding Principle

3.2.7.1.1 Stakeholders agree to support community development and social projects. These projects include, study bursaries, job creation programmes and internships.

#### 3.2.7.2 SED measures include the following

3.2.7.2.1 A measured entity will achieve maximum points if a minimum of 1% of NPAT is on social and community projects.

3.2.7.2.2 QSEs within this sub-sector contributing a minimum of 1% of NPAT evaluated annually to socio-economic development initiatives over the next 5 years will achieve maximum points.

#### 3.2.7.3 Measurement Principles and Application of the Charter

3.2.7.3.1 Measurement principles associated with the socio-economic development element are contained in Statement 700 of Code 700 of the Generic Codes of Good Practice.

3.2.7.3.2 Qualifying contributions for the socio-economic development element are contained in Annexure 700 (A) – Benefit Factor Matrix of Statement 700 of Code 700 of the Generic Codes of Good Practice.

3.2.7.3.3 The formulae required in the determination of the socio-economic development score are contained in Annexure 700 (A) of Statement 700 of Code 700 of the Generic Codes of Good Practice.

3.2.7.3.4 Measurement principles required in evaluating socio-economic development contributions made by QSEs within this sector are contained in Statement 807 of Code 800 of the Generic Codes of Good Practice.

## 4. THE BUS BROAD-BASED BALANCED SCORECARD

B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
<b>Foreign Ownership:</b> Provide evidence of a global practice against selling equity to locals in investee countries	25% of the value of the South African operations of the Multinational, determined using a Standard Valuation; OR	25% of the value of the South African operations of the Multinational, determined using a Standard Valuation OR	25% of the value of the South African operations of the Multinational, determined using a Standard Valuation OR	20

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B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
	4% of Total Revenue from its South African operations annually over the period of continued measurement Equity Equivalence	4% of Total Revenue from its South African operations annually over the period of continued measurement 20	4% of Total Revenue from its South African operations annually over the period of continued measurement 20	
<b>Ownership</b>	Exercisable voting rights in the hands of black people	35%	25%+1 vote	3
	Exercisable voting rights in the hands of black women	10%	10%	2
	Economic Interest in the hands of black people	35%	25%	4
	Economic Interest in the hands of black women	10%	10%	2
	Economic Interest of the following black natural people in the enterprise: -black designated groups; -black participants in Employee Ownership Schemes; -black beneficiaries of broad based Ownership schemes or -black participants in co-operatives	2.5%	2.5%	1
	Ownership fulfilment	Same as codes	Same as codes	1

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B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
	Net Economic Interest/Net Value	25% graduated over 10 years as per the Codes (year 5 at 60%)	25% graduated over 10 years as per the Codes (year 5 at 60%)	7
	<b>Bonus points:</b>			
	Involvement in the ownership of the Enterprises of black new entrants:	10%	10%	2
	Involvement in the ownership of the Enterprises of black Participants: ESOPS, Broad-Based Ownership; Co-operatives	10%	10%	1
<b>Management</b>	% of total exercisable voting rights in the hands of black board members	50%	50%	1.5
	% of total exercisable voting rights in the hands of black-women board members	25%	25%	1.5
	% Black executive directors	50%	50%	1
	% Black Women executive directors	25%	25%	1
	% of black senior top management	40%	40%	1.5
	% of black women senior top management	20%	20%	1.5
	% of black other top management	40%	40%	1
	% of black women other top management	20%	20%	1

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B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
	<b>Bonus points: Black Independent Non-Executive Board Members</b>	40%	40%	1
<b>Employment Equity</b>	% Black People in Senior Management	43%	43%	2.5
	% Black Women in Senior Management	22%	22%	2.5
	% Black People in Middle Management	63%	63%	1.5
	% Black Women in Middle Management	32%	32%	1.5
	% Black People in Junior Management	68%	68%	1.5
	% Black Women in Junior Management	34%	34%	1.5
	Black People living with disabilities as a % of all employees <sup>2</sup>	1%	1%	1
	Black Women living with disabilities as a % of all employees <sup>3</sup>	0.5%	0.5%	1
	% of Black Women in semi-skilled and unskilled positions (i.e. staff below junior management)	20%	20%	2
	<b>Bonus Point for meeting or exceeding the EAP targets</b>			3
<b>Skills Development</b>	Skills development expenditure on learning programmes specified in the learning programmes matrix for black employees as a % of leviable amount	3%	3%	3

<sup>2</sup> Target subject to Disabled definition review.

<sup>3</sup> Target subject to Disabled definition review

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B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
	Skills development expenditure on black Women learning programmes specified in the learning programmes matrix for black employees as a % of leviab amount	1.5%	1.5%	3
	Skills development expenditure on learning programmes specified in the learning programmes matrix for black disabled employees as a % of leviab amount	0.3%	0.3%	1.5
	Skills development expenditure on black Women learning programmes specified in the learning programmes matrix for black disabled employees as a % of leviab amount	0.15%	0.15	1.5
	Number of black employees participating in learnerships or category B, C and D programmes as a % of total employees	5%	5	3
	Number of black Women employees participating in learnerships or category B, C and D programmes as a % of total employees	2.5%	2.5	3
<b>Preferential Procurement</b>	B-BBEE procurement spend from all suppliers based on the B-BBEE procurement	50%		12



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B-BBEE Element	Indicators of Empowerment	Bus Commuter Services 5 year Targets	Coach Services 5 year Targets	Weightings
			50%	
	Procurement from B-BBEE Compliant QSEs and EME as defined by the B-BBEE Recognition Levels as a % of Total Measurable Spend	10%	10%	3
	Procurement from 50% Black-Owned as a % of Total Measured Procurement Spend	9%	9%	3
	Procurement from 30% Black Women-Owned Enterprises as a % of Total Measured Procurement Spend	6%	6%	2
<b>Enterprise Development</b>	Expenditure on supplier development initiatives as a % of NPAT	3% NPAT	3% NPAT	10
	Number of different B-BBEE enterprise development partners expressed as a percentage of the total operator bus fleet (Sector Specific)	2%	2%	5
<b>Socio-Economic Development</b>	social development programmes as a % of NPAT	1% of NPAT	1% NPAT	5
<b>TOTAL</b>				<b>100</b>

**DRAFT B-BBEE SUB-SECTOR CODE- BUS COMMUTER AND COACH SERVICES SUB-SECTOR**

**5. QUALIFYING SMALL ENTERPRISES SCORECARD**

B-BBEE Element	Indicators of Empowerment	Bus Commuters Sector 5 year target	Bus Coach Sector 5 year target	Weighting
<b>Ownership</b>	Exercisable voting rights in hands of black people	35% Vote	25% +1 vote	6
	Economic Interest of black people in the Enterprise	35%	25%	9
	Realisation Points:			
	Ownership fulfilment			1
	Net Value	25% graduated over 10 years as per the Codes (year 5 at 60%)	25% graduated over 10 years as per the Codes (year 5 at 60%)	9
	<b>Bonus Points:</b>			
	Involvement in the ownership of the Enterprise by black women	20%	10%	2
	Involvement in the ownership of the Enterprise by black participants in Employee Share Schemes, Co-operatives or Broad Based Ownership Schemes	10%	10%	1
<b>Management Control</b>	Black Representation at Top Management level	50.1%	50.1%	25
	<b>Bonus Points:</b> Black women representation at Top-Management	25%	25%	2
<b>Employment Equity</b>	Black Employees of the Measured Entity who are Management	40%	40%	7.5
	Black Women Employees of the Measured Entity who are management	20%	20%	7.5

**DRAFT B-BBEE SUB-SECTOR CODE- BUS COMMUTER AND COACH SERVICES SUB-SECTOR**

B-BBEE Element	Indicators of Empowerment	Bus Commuters Sector 5 year target	Bus Coach Sector 5 year target	Weightings
	Black employees of the Measured Entity as a percentage of total employees	60%	60%	5
	Black Women employees of the Measured Entity as a percentage of total employees	30%	30%	5
	<b>Bonus points</b> for meeting or exceeding the EAP targets in each category			2
<b>Skills Development</b>	Skills Development spend on learning programmes for black employees as a percentage of the leviable/payroll	3%	3%	12.5
	Skills Development spend on learning programmes for black female employees as a percentage of the leviable/payroll	1.5%	1.5%	12.5
<b>Preferential Procurement</b>	BEE Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	50%	50%	25
<b>Enterprise Development Spend</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	3% of NPAT	3% of NPAT	25
<b>Socio-Economic Development</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	1% of NPAT	1% of NPAT	25

**DRAFT B-BBEE SUB-SECTOR CODE- BUS COMMUTER AND COACH SERVICES SUB-SECTOR**

B-BBEE Element	Indicators of Empowerment	Bus Commuters Sector's year target	Bus Coach Sector's year target	Weightings
<b>TOTAL</b>				<b>175</b>

A QSE must select any four of the above seven elements for the purposes of measurement. If a QSE does not select, its four best element scores will be used for the purposes of measurement.

**6. APPENDIX A: COMMITMENT EVALUATION MATRICES**

Action Undertaken	Input measurement	Output measurement	Quality Control
Clarify public transport policy as a matter of urgency.	Money spent on research as a % of total discretionary funds	Report handed to Steering Committee/ Transport Charter Council clarifying the different issues in public trade policy (specifically funding models, subsidies and tendering models).	Steering Committee/ Transport Charter Council
Work closely with private and public sector entities to develop funding opportunities for B-BBEE enterprises.	Money spent on research as a % of total discretionary funds	Progress Report on research into the Ownership Levels within the Bus Sector, this may form part of the Annual B-BBEE Report	Steering Committee/ Transport Charter Council

**Skills Development**

Action Undertaken	Input measurement	Output measurement	Quality Control
Facilitate high quality training of black people through learnership and mentorship programmes.	Money spent on skills development as a % of total discretionary funds	Assessment Report on skills of black people within the industry.	TETA & Steering Committee/ Transport Charter Council

**Enterprise Development**

Action Undertaken	Input measurement	Output measurement	Quality Control
Improve percentage of buses involved in enterprise development	Number of buses involved in new enterprise development initiatives	Report to Steering Committee/Transport Charter Council on improvement	Steering Committee/Transport Charter Council

**DRAFT B-BBEE SUB-SECTOR CODE- BUS COMMUTER AND COACH  
SERVICES SUB-SECTOR**

initiatives		(percentage change) in number of buses involved in enterprise development initiatives.	
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**TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**



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

**DEPARTMENT OF TRANSPORT**

**TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

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## TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE

### ABBREVIATIONS

<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>EE</b>	Employment Equity
<b>EMEs</b>	Exempted Micro Enterprises
<b>NPAT</b>	Net Profit After Tax
<b>PBO</b>	Public Benefit Organisation
<b>QSEs</b>	The Qualifying Small Enterprises
<b>SOEs</b>	State Owned Enterprises
<b>TRP</b>	Taxi Recapitalisation Programme
<b>TETA</b>	Transport Education and Training Authority

### 1. SCOPE OF APPLICATION

- 1.1 The scope of this Sub-Sector Code extends to the entire taxi industry, which may influence the value chain, including and not limited to:
- 1.1.1 Commuter service providers (i.e. Minibus, Minibus Taxi-Type Service and Metered Taxi Service)
- 1.1.2 Vehicle warehousing, distribution, sales and maintenance
- 1.1.3 Manufacturers
- 1.1.4 Electronic management systems players
- 1.1.5 Scrapping Administration Agents
- 1.1.6 Taxi Retail Installations

### 2. DURATION OF THIS SUB-SECTOR CODE

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. VISION

#### 3.1 **Taxi Industry Support for the vision**

The taxi industry adopts and supports the overall transport sector Broad-Based Black Economic Empowerment (B-BBEE) vision, as our industry stands on the threshold of implementing an historic taxi recapitalisation programme. We also embrace the following guiding principles that take into account the unique nature of our industry.

#### 3.2 **Guiding Principles**

- 3.2.1 Develop a world-class industry that will be sustainable, profitable and dynamic, grow in size, diversify into related industries and stimulate economic growth and development in South Africa.



## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.2.2 Implement taxi recapitalisation in a transparent and all-inclusive manner with effective communication between all stakeholders through all mediums to eliminate uncertainty during the adjustment period. This will require a deliberate strategy to co-ordinate efforts of all stakeholders.
- 3.2.3 Pursue a growth strategy that prioritises the retention and creation of quality jobs and fair labour practices throughout the industry. We will ensure that all workers in the taxi industry are afforded the same rights as other workers in South Africa.
- 3.2.4 Develop a national register of taxis to inform decision-making and co-ordinate planning.
- 3.2.5 Create an industry with an excellent public and safety image that is recognised as an integral part of the public transport system and operates in an equitably funded environment with regulations that are enforced.
- 3.2.6 Strive to make our industry part of the public transport system for all South Africans by providing commuters with reliable, safe, affordable, efficient and quality services.
- 3.3 Government Undertakings (to achieve this vision):**
- 3.3.1 Make decisive and direct interventions to enhance the competitiveness of the taxi industry as a mode of transport for commuters.
- 3.3.2 Set up structures that will ensure inter-governmental co-ordination between departments to align their programmes with the Transport and Taxi Industry B-BBEE processes. Examples of cross-cutting issues that require interventions across government departments and agencies include, and are not limited to:
- 3.3.2.1 Increasing awareness within the transport sector of available government investment incentives and grants;
- 3.3.2.2 Through Transport Charter Council, monitor stakeholder achievements in terms of the indicators in the Taxi Industry Balanced B-BBEE Scorecard;
- 3.3.2.3 Convene an annual multi-stakeholder forum through the Transport Charter Council to investigate the scale of B-BBEE opportunities within the value chain;
- 3.3.2.4 Ensure that the Public Sector/ State Owned Enterprises (SOE's) maximise employment opportunities in the taxi industry through the use of labour-intensive methods, in so far as it is economically viable, in the maintenance and expansion of infrastructure;

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.3.2.5 Ensure that the restructuring and formalisation of the taxi industry to effect new institutional arrangements in a manner that results in an increase in black participation at all levels, particularly black women, black youth and black people living with disabilities—in employment and the procurement of services and goods;
- 3.3.2.6 Enforce and monitor compliance with existing legislation that may impact B-BBEE such as the Employment Equity, Skills Development, Competition Act, etc and :
- 3.3.2.7 Publish an annual report on B-BBEE and job creation within the taxi industry that consolidates reports and information from all stakeholders. Stakeholders will use this report to review progress at an annual Transport Industry B-BBEE Forum.
- 3.4 Labour Undertakings (to achieve this vision):**
- 3.4.1 Encourage employers to first look towards their own employees when considering options for achieving black equity participation through the creation of Employee Share Ownership Schemes.
- 3.4.2 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 organisations in the industry.
- 3.4.3 Ensure that workers are empowered through skills development and create opportunities to deploy them into management positions.
- 3.4.4 Mobilise members to ensure compliance with existing legislation e.g. the Employment Equity, Skills Development, Labour Relations and Basic Conditions of Employment Acts. Non-compliant taxi operators and/or associations must be reported to the Transport Sector B-BBEE Council and other reporting structures of Government so that further action may be taken after inspecting the causes for non-compliance and reviewing performance targets as necessary.
- 3.4.5 Mobilise members to monitor the performance of their employers in implementing the Growth and Development Summit agreement on promoting local content and/or procurement and supporting the Proudly South African campaign.
- 3.4.6 Monitor the impact of procurement/outsourcing on job creation and report findings to the Transport Sector B-BBEE Council.
- 3.5 TETA Undertakings (to achieve this vision):**
- 3.5.1 Play a more interventionist role in influencing training priorities in the Taxi Chamber.
- 3.5.2 Assist stakeholders with the analysis of people in particular skill sets (or job categories), which are broken down by race and gender.

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 3.5.3 Continuously analyse and update statistics on the future demand and supply of critical skills sets.
- 3.5.4 Continuously analyse the quantity, quality and nature of training carried out by organisations and companies.
- 3.5.5 Commit to this B-BBEE Sub-Sector Code and strive to achieve the targets set for the various criteria across all seven elements contained in the balanced scorecard.
- 3.5.6 Align its mission and vision with the imperatives of B-BBEE and assist with the implementation and monitoring of the B-BBEE Charter.
- 4. CURRENT GOVERNMENT INITIATIVES IN THE TAXI INDUSTRY**
- 4.1 Government through the Taxi Operations Directorate of the Department of Transport, also support and embrace the empowerment vision outlined in this charter. The following ongoing initiatives are part of the Directorate's programmes:
- 4.1.1 Development of a Business Model for the taxi industry.
- 4.1.2 In line with the National Land Transport Transitional Act, the Department is facilitating the registration of taxi operators with the South African Revenue Service, This is aimed at assisting taxi operators to formalise and access other passenger transport services such as bus contracts, etc.
- 4.1.3 Training of taxi drivers with a view to obtaining appropriate driver's licences required for the prescribed vehicles.
- 4.1.4 Training of taxi operators in various transport related legislation such as the National Land Transport Transitional Act and the Road Traffic Act in order to improve passenger safety and customer service.
- 4.1.5 Communication campaign regarding the taxi recapitalisation project. This campaign will also promote the usage of taxis and disseminate information related to taxi operations.
- 5. INDICATORS OF EMPOWERMENT**
- 5.1 The Taxi Industry should make significant strides in addressing the issue of Broad-Based Black Economic Empowerment through the Taxi Recapitalisation Project as well as by using the industry's Buying Power in the areas of maintenance, insurance, communication, fuel, spares, mining, etc. to benefit its stakeholders and members.
- 5.2 In light of the above statement all stakeholders are supportive of the indicators of empowerment as stated in the B-BBEE Generic Codes of Good Practice. Thus the industry decided to develop a balanced B-BBEE Scorecard (Annexure A) that exhibit BEE framework compliance by Taxi Owners and/or Operators (Section 5) as well as

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

Taxi Associations (Section 6). These are two sub-sectors of this industry. That is, in this document sub-sector refers to either the Taxi Owners and Operators or the Taxi Associations.

- 5.3 However, since the industry is almost entirely black-owned, the indicators will have to be amended to be in line with the industry's unique circumstances.
- 5.4 This "Broad-Based BEE Charter" for the Taxi Industry has the following key components:
- 5.4.1 The extent to which the industry is transformed in terms of representation by **gender, youth and black people living with disabilities**, needs to be addressed. This Sub-Sector Code therefore seeks to address the empowerment of black women, black youth and black people living with disabilities in terms of ownership, management control and employment equity in the sub-sector.
- 5.4.2 B-BBEE may also be used to address the key challenges of skills development and training, preferential procurement, enterprise development and social development.
- 5.4.3 Lastly, *addressing the issue of subsidies and participation in other passenger transport services such as buses and tour operations*, would go a long way in addressing the long-term sustainability of the industry.
- 5.5 This B-BBEE Sub-Sector Code for the Taxi Industry therefore seeks to address the above-mentioned challenges.

### **6. TAXI OWNERS AND/OR OPERATORS**

#### **6.1 EVALUATION OF TAXI OWNERS AND OPERATORS**

Taxi operators and owners have an option of choosing 4 of the 7 elements of the Balanced B-BBEE Scorecard to be evaluated on. That is, they will be assessed out of the total of hundred points as each indicator has total weightings of 25 points.

#### **6.2 OWNERSHIP**

- 6.2.1 The narrow definition of equity ownership refers to the percentage share of economic interest accruing to black shareholders within a company. Our challenge is to increase the percentage share of economic interest accruing to black women, black youth and black people living with disabilities. In addition, the aim is to increase their economic benefits and participation in the taxi industry as well as in related industries. This indicator is linked to the long-term sustainability of the taxi industry.
- 6.2.2 **Industry commits to:**

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

- 6.2.2.1 Increase the participation of black women, black youth and black people living with disabilities across the entire spectrum of the Taxi Industry's value chain in ownership and management control and as far as possible in the operational involvement of the industry. At some point, Taxi Owners and/or Operators should graduate to become Bus Owners and Operators.
- 6.2.2.2 The Qualifying Small Enterprises (QSEs) scorecard will apply when measuring the ownership contributions of taxi owners and operators. In instances where the taxi owner and/or operator has sold equity to black women and youth, they will receive enhanced recognition by being elevated to a recognition level higher than the one they have.
- 6.2.2.3 The ownership of Taxi owners and/or operators will be evaluated using the following criteria:
- 6.2.2.3.1 Voting Rights**
- 6.2.2.3.1.1 Black Women: 25%+1 of voting rights in Measured Entities in the hands of black women.
- 6.2.2.3.2 Economic Interest**
- 6.2.2.3.2.1 Black Women: 25% of economic interest in Measured Entities in the hands of black women.
- 6.2.2.3.3 Measuring Principles and the Application of the Charter**
- 6.2.2.3.3.1 Measurement principles associated with the ownership element, is contained in Statement 801 of Code 800 of the Generic Code of Good Practice.
- 6.3 MANAGEMENT CONTROL**
- 6.3.1 Industry commits to:**
- 6.3.1.1 The QSEs scorecard will apply when evaluating the management control element. The key indicators for this element will be:
- 6.3.1.1.1 Representation of black women at top management, the minimum compliance levels being 50% of all people at top management level; and
- 6.3.1.1.2 Representation of black youth at top management, the minimum compliance level being 40% of all people at top management level.
- 6.3.2 Measurement Principles and the Application of the Charter**
- 6.3.2.1 Measurement principles required in evaluating the management control contributions made by QSEs within this sector are contained in Statement 802 of Code 800 of the Generic Codes of Good Practice.
- 6.4 EMPLOYMENT EQUITY**

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

- 6.4.1 Industry commits to:**
- 6.4.1 The following criteria will be used in evaluating taxi owners and operators compliance to employment equity:
- 6.4.1.1 Total number of black women employees as a percentage of total staff, with the minimum compliance level set at 50% of all employees;
- 6.4.1.2 Total number of black youth as a percentage of total staff, with the minimum compliance level set at 40% of all employees; and
- 6.4.1.3 Total number of black people with disability as a percentage of total staff, with the minimum compliance level set at 1% of all employees.
- 6.4.2 Measurement Principles and the Application of the Charter**
- 6.4.2.1 The measurement principles required in the determination of the employment equity score for QSEs are contained in Statement 803 of Code 800 of the Generic Code of Good Practice.
- 6.5 SKILLS DEVELOPMENT**
- 6.5.1 Industry commits to:**
- 6.5.1.1 The following criteria will be used in evaluating skills development:
- 6.5.1.1.1 Skills development expenditure on black employees as a percentage of the leviable amount/total payroll (whichever amount is applicable), with the target set at 1% of the leviable amount/total payroll.
- 6.5.1.1.2 Skills development expenditure on black women employees as a percentage of the leviable amount/total payroll (whichever amount is applicable), with the target set at 1% of the leviable amount/total payroll.
- 6.5.1.1.3 Skills development expenditure on black youth as a percentage of the leviable amount/total payroll (whichever amount is applicable), with the target set at 1% of the leviable amount/total payroll.
- 6.5.2 Measurement Principles and the Application of the Charter**
- 6.5.2.1 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.
- 6.6 PREFERENTIAL PROCUREMENT**
- 6.6.1 Industry commits to:**
- 6.6.1.1 The following criteria will be used in the evaluation of preferential procurement:

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 6.6.1.1.1 Percentage of Total Measured Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels; with the target set at 50% of Total Measured Procurement Spend.
- 6.6.2 Measurement Principles and Application of the Charter**
- 6.6.2.1 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.
- 6.7 ENTERPRISE DEVELOPMENT**
- 6.7.1 Industry commits to:**
- 6.7.1.1 The following criteria will be used in the evaluation of enterprise development:
- 6.7.1.1.1 Average annual value of all qualifying contributions made by the measured entity as a percentage of Net Profit after Tax (NPAT)/total payroll (whichever amount is applicable); with the target set at 2% if NPAT is used, or 0.6% if payroll is used.
- 6.7.2 Measurement Principles and the Application of the Charter**
- 5.7.2.1 Measurement principles required in evaluating the enterprise development contributions made by QSEs within this sub-sector are contained in Statement 806 of Code 800 of the Generic Codes of Good Practice.
- 6.8 SOCIO-ECONOMIC DEVELOPMENT**
- 6.8.1 Industry commits to:**
- 6.8.1 The following criteria will be used in the evaluation of socio-economic development:
- 6.8.1.1 Average annual value of all socio-economic development contributions made by the measured entity as a percentage of NPAT/total payroll (whichever amount is applicable); with the target set at 1% if NPAT is used, or 0.3% if total payroll is used.
- 6.8.2 Measurement Principles and the Application of the Charter**
- 6.8.2.1 Measurement principles required in evaluating socio-economic development contributions made by QSEs within this sub-sector are contained in Statement 807 of Code 800 of the Generic Codes of Good Practice.
- 7. TAXI ASSOCIATIONS**
- 7.1 Ownership**

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 7.1.1 This sub-sector acknowledge the strides made by the taxi industry in entering into collaborative partnerships with other sectors of the economy e.g. the liquids fuels, mining, insurance, spares and financial sectors. The industry should continuously investigate and seek opportunities to diversify into other related industries.
- 7.1.2 The industry commits to pursuing alternative ownership models (such as collective forms of ownership) as the current individualistic approach to taxi operations prevent economies of scale and pooling of resources. These models may include collective and employee ownership vehicles, co-operatives and other corporate structures that separate ownership and management control. At some point, taxi owners should graduate to bus owners.
- 7.1.3 Section 21 Companies**
- 7.1.3.1 Section 21 companies will be **excluded** from evaluation on the ownership element of the scorecard.
- 7.1.3.2 Associations registered, as Section 21 companies will be evaluated using the adjusted scorecard developed for this sub-sector using principles contained in statement 004 of the Generic Codes of Good Practice. The scorecard is contained in Annexure A of this document.
- 7.1.3.3 Contributions to the other elements of the scorecard will be measured using the same measurement principles and indicators as for other enterprises within the sub-sector, but the weightings will be adjusted as per the scorecard.
- 7.1.4 Public Benefit Organisations**
- 7.1.4.1 An association registered as a Public Benefit Organisation (PBO) will receive the **same** treatment as Section 21 companies, regarding ownership requirements.
- 7.1.5 Private and Public Limited Companies**
- 7.1.5.1 Industry Associations commits to:**
- 7.1.5.1.1 The ownership of Associations registered, as private companies, limited companies, close corporations and partnerships will be evaluated using the following criteria:
- 7.1.5.1.1.1 **Voting Rights**
- 7.1.5.1.1.1.1 **Black Women:** 25%+1 of voting rights in Measured Entities in the hands of black women.
- 7.1.5.1.1.1.2 **Black Youth:** 5% of voting rights in Measured Entities in the hands of black youth.



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7.1.5.1.1.1.3 Black Designated Groups (including black people living with disabilities): 5% of voting rights in Measured Entities in the hands of black designated groups which excludes black youth.

### **7.1.5.1.1.2 Economic Interest**

7.1.5.1.1.2.1 Black Women: 25% of economic interest in Measured Entities in the hands of black women.

7.1.5.1.1.2.2 Black Youth: 5% of economic interest in Measured Entities in the hands of black youth.

7.1.5.1.1.2.3 Black Designated Groups excluding Black Youth: 3% of economic interest in Measured Entities in the hands of black natural people excluding black youth.

### **7.1.5.1.1.3 Measurement Principles and the Application of the Charter**

7.1.5.1.1.3.1 Measurement principles associated with the ownership element is contained in Statement 100 of Code 100 of the Generic Code of Good Practice.

7.1.5.1.1.3.2 The formulae required in the determination of the ownership score are contained in Annexure 100 (c) of Statement 100 of Code 100 of the Generic Code of Good Practice.

7.1.5.1.1.3.3 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.

7.1.5.1.1.3.4 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.

7.1.5.1.1.3.5 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.

7.1.5.1.1.3.6 Measurement principles relating to the ownership element for QSEs are contained in Statement 801 of Code 800 of the Generic Codes of Good Practice.

## **7.2 Management Control**

7.2.1 In this regard, the challenge is to develop the skills of owner-managers and to increase the participation of black women, black youth and black people living with disabilities as well as to inculcate a culture of good corporate governance and transparency.

7.2.2 The principle is therefore to increase the participation of black women, black youth and black people living with disabilities on Taxi

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

Association boards and similar governing structures at Local, Provincial and National levels, and where applicable, to company boards to create decision-making structures that truly represent the gender diversity and marginalized groups of our country. The industry will be transparent to eliminate unscrupulous business practices by adopting best-practice governance policies. In addition, the industry will work towards promoting safety, customer care activities etc.

- 7.2.3 Industry commits to:**
- 7.2.3.1 Top Management: 50% of Top Management in Measured Entities being black women.
- 7.2.3.2 Top Management: 25% of Top Management in Measured Entities being black youth.
- 7.2.3.3 Board Representation: 50% of voting rights in the hands of black women board members in all national, regional and local boards.
- 7.2.3.4 Black Youth: 25% of voting rights in the hands of black youth in all national, regional and local boards.
- 7.2.3.5 Black Disabled People: 2% of voting rights in the hands of black disabled board members in all national, regional and local boards.
- 7.2.3.6 Develop a national code of ethics, which will guide the industry at the provincial and local levels.
- 7.2.4 Measurement Principles and the Application of the Charter**
- 7.2.4.1 Measurement principles associated with the management control element are contained in Statement 200 of Code 200 of the Generic Code of Good Practice.
- 7.2.4.2 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.
- 7.2.4.3 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, of Code 100, of the Generic Codes of Good Practice.
- 7.3 Employment Equity**
- 7.3.1 This indicator refers to the weighted employment equity analysis within a traditional company as required by the Employment Equity Act. Our challenge is to increase the representation of black women, black youth and black people living with disabilities in our industry. Through the various initiatives with other private sector companies and industries, opportunities have been created within the taxi industry to increase the participation of black women, black youth and people

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

living with disabilities in areas of supervision, administration, training etc.

### **7.3.2 TETA commits to:**

7.3.2.1 Ensure that it plays a significant role in monitoring and supporting stakeholders to meet their EE targets.

### **7.3.3 Industry Commits to:**

7.3.3.1 Black Women Representation: 50% of all employees should be Black women.

7.3.3.2 Black Youth Representation: 30% of all employees should be Black Youth.

7.3.3.3 Black Disabled: 2% of all employees should be Black People Living with Disabilities.

7.3.3.4 Adhere to existing legislation, which includes the Basic Conditions of Employment Act, Skills Development Act, Employment Equity Act, etc. and conclude as soon as possible, the discussions on a Sectoral Determination.

### **7.3.4 Measurement Principles and the Application of the Charter**

7.3.4.1 Measurement principles on the employment equity element, is contained in Statement 300 of Code 300 of the Generic Code of Good Practice.

7.3.4.2 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.

7.3.4.3 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.

### **7.4 Skills Development**

7.4.1 This indicator refers to expenditure on skills development and training as a proportion of total payroll. Our challenge is to exponentially increase the skills base of all stakeholders in the areas of communications, customer care, driving training, safety and other training needs as identified by stakeholders in the Taxi industry. Our vision is to substantially increase the economic value added (or productivity) of every employee in the Taxi Industry through best practice Human Resource and Skills Development and increase the scale of initiatives aimed at developing stakeholders in the Taxi industry.

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE**

- 7.4.2 Government Commits to:**
- 7.4.2.1 Design and fund a co-ordinated framework and programme for career awareness and training that leverages off and adds value to existing initiatives. The awareness programme will publicise and co-ordinate information regarding scholarships, training resources and careers in the industry. Other stakeholders will be encouraged to contribute towards the cost of this initiative.
- 7.4.3 Industry Commits to:**
- 7.4.3.1 Black Skills Development Expenditure: Invest a minimum of 2% of the leviable amount on skills development initiatives contained in the Learning Programme Matrix in Code 400 of the Codes of Good Practice aimed at black employees.
- 7.4.3.2 Black Disabled Skills Development Expenditure: Invest a minimum of 0.5% of the leviable amount on skills development initiatives contained in the Learning Programme Matrix in Code 400 of the Codes of Good Practice aimed at black disabled employees.
- 7.4.3.3 The number of Black employees on accredited training programmes being 5% of the total work force.
- 7.4.3.4 To promote the effective utilisation of existing training opportunities and allow employees to participate in self-improvement initiatives.
- 7.4.3.5 Develop a campaign to encourage operators to register as tax payers and design an appropriate training programme to educate them about government policies, tendering for government contracts, corporate and business management, tax-related matters, etc.
- 7.4.4 TETA Commits to:**
- 7.4.4.1 Conduct research to identify the management, professional and technical skills that the industry will require over the next decade and map out future demand/supply scenarios in a detailed skills audit that will guide and inform stakeholders in implementing their EE targets.
- 7.4.4.2 Develop training programmes specifically designed for entrepreneurs in the Taxi Industry.
- 7.4.4.3 Conduct research on the supply side of skills development – 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 taxi industry.

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

- 7.4.4.4 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 achieve their employment equity targets.
- 7.4.4.5 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 to publish an annual report on the EE Profile of the industry according to occupational level and category.
- 7.4.5 Measurement Principles and Applications of the Charter**
- 7.4.5.1 Measurement principles associated with the skills development element is contained in Statement 400 of Code 400 of the Generic Code of Good Practice.
- 7.4.5.2 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.
- 7.4.5.3 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.
- 7.4.5.4 The Learning Programme Matrix is contained under Code 400, Annexure 400 (A) of the Generic Code of Good Practice.
- 7.5 Preferential Procurement**
- 7.5.1 This indicator refers to procurement from black-owned and empowered enterprises as a proportion of total procurement. Our challenge is to maximise procurement from such enterprises. Accordingly, all stakeholders commit as far as possible to identify and promote the use of black empowered suppliers. This process should help in the establishment of business structures/trading co-operatives, which will facilitate cheaper fuel, spares, tyres, vehicles, etc.
- 7.5.2 Industry Commits to:**
- 7.5.2.1 B-BBEE Procurement: Total B-BBEE spend as a percentage of Total Measured Procurement based on the B-BBEE recognition levels of suppliers with a compliance target set at 50% over 5 years.
- 7.5.2.2 QSE and EME: Procurement from QSEs and Exempted Micro Enterprises as a percentage of total Measured Procurement with a compliance target set at 15% over 5 years.
- 7.5.2.3 Black Women Owned and Black Youth Owned: Procurement from Black Women Owned and Black Youth Owned Enterprises as a percentage of total Measured Procurement with a minimum

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

compliance target set at 12% from Black Youth owned companies and 8% from Black women owned companies over 5 years.

### **7.5.3 Measurement Principles and Application of Charter**

7.5.3.1 Measurement principles associated with the preferential procurement element is contained in Statement 500 of Code 500 of the Generic Code of Good Practice.

7.5.3.2 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.

7.5.3.3 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.

7.5.3.4 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.

### **7.6 Enterprise Development**

7.6.1 This indicator refers to contributions of the industry towards the development of enterprises within the sub-sector. Our aim is to increase the impact of the industry within the value chain of local communities.

#### **7.6.2 Industry Commits to:**

7.6.2.1 Enterprise Development Contributions: The industry commits to a minimum contribution, which is 1% of total payroll or 3% of NPAT (whichever is applicable).

### **7.6.3 Measurement Principles and Application of the Charter**

7.6.3.1 Measurement principles associated with the enterprise development element are contained in Statement 600 of Code 600 of the Generic Code of Good Practice.

7.6.3.2 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.

7.6.3.3 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.

## **TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE**

- 7.6.3.4 Measurement principles required in evaluating the enterprise development contributions made by QSEs within this sub-sector are contained in Statement 806 of Code 800 of the Generic Codes of Good Practice.
- 7.7 Socio-economic Development**
- 7.7.1 This indicator refers to contributions of the industry towards the development of local communities. Our aim is to increase the impact of the industry within the value chain of local communities.
- 7.7.2 Industry Commits to:**
- 7.7.2.1 The industry commits to a minimum socio-economic contribution which is 0.3% of total payroll or 1% of NPAT (whichever is applicable).
- 7.7.2.2 Job Creation: Socio-economic development contributions that lead to job creation in beneficiary entities will be enhanced by a factor of 1.25.
- 7.7.3 Measurement Principles and Application of the Charter**
- 7.7.3.1 Measurement principles associated with the socio-economic development element are contained in Statement 700 of Code 700 of the Generic Code of Good Practice.
- 7.7.3.2 Qualifying contributions for the socio-economic development element are contained in Annexure 700 (A) – Benefit Factor Matrix of the Statement 700 of Code 700 of the Generic Codes of Good Practice.
- 7.7.3.3 The formulae required in the determination of the socio-economic development are contained in Annexure 700 (A) of Statement 700 of Code 700 of the Generic Code of Good Practice.
- 7.7.3.4 Measurement principles required in evaluating socio-economic development contributions made by QSEs within this sub-sector are contained in Statement 807 of Code 800 of the Generic Codes of Good Practice

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

### ANNEXURE A: TAXI INDUSTRY B-BBEE SCORECARD: ASSOCIATIONS/SECTION 21/PBO AND OWNERS/OPERATORS

NB: Section 21/Public Benefit Organisation (PBO) are sharing same targets as Associations

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (OSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
<b>Ownership</b>	Voting rights in the hands of black women	25% + 1 vote	3	N/A	Exercisable voting rights in the hands of black women	25%+1 vote	6
	Voting Rights in the Hands of black youth	5%	1		Economic interest in the hands of black women	25%	9
	Voting Rights in the hands of black designated groups excluding youth	5%	1		Net Economic Interest	25%	9
	Economic Interest in the hands of black women	25%	4				
	Economic Interest in the hands of black youth	5%	2		Realisation points		1



## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (QSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
	Economic Interest in the hands of black natural people in the enterprise excluding youth in the following: -Black designated groups; -Black participants in employee ownership scheme; -Black participants of broad-based ownership schemes or -Black participants in cooperatives.	3%	1		<b>Bonus Point</b>		
	Net Economic Interest/ Net value	25% graduated over 10 years as per the Codes (year five at 60%)	7		Involvement in the ownership by black youth/designated Groups	10%	2
	Ownership Fulfilment	-	1				
	<b>Bonus Point</b>						

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (OSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
	Involvement in the ownership by black new entrants	10%	2		Involvement in the ownership by black participants in ESOPS or Broad Based Schemes		
	Involvement in the ownership by black participants in ESOPS or Broad Based Schemes	10%	1			10%	1
<b>Management</b>	Exercisable Voting Rights of black women Board members	50%	2	2	Black Women representation at Top Management level	50%	15
	Exercisable Voting Rights of black youth Board members	25%	2	2	Black youth representation at Top Management	40%	10
	Black Women Top Managers as a percentage of all such employees	50%	4	4			
	Black Youth Top Managers as a percentage of all such employees	25%	4	4	<b>Bonus Point:</b> Black People Living with disability	1%	3

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (QSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
	Black people with disability at Top Management as a percentage of all such employees	2%	3	3	representation at Top Management		
Employment Equity	Black women as a percentage of total number of employees	50%	6	6	Black women employees as a percentage of all employees	50%	15
	Black Youth as a percentage of total number of employees	30%	6	6	Black youth who are employees as a percentage of all employees	40%	10
	Black People with disability as a percentage of total employees	2%	3	3	<b>Bonus Point:</b> Black people with disability as a percentage of all employees	1%	2

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (QSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
Skills Development	Skills Spend on black employees as a % of the leviabile amount/payroll	2%	6	8	Skills Development expenditure on learning programmes for black people as a percentage of leviabile amount/payroll	1%	9
	Number of employees in Accredited Learning Programmes as a % of total workforce	5%	6	8	Skills Development expenditure on learning programmes for black women as a percentage of leviabile amount/payroll	1%	9

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (QSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
	Skills Spend on black employees living with disabilities as a % of total payroll	0.5%	3	4	Skills Development expenditure on learning programmes for black youth as a percentage of leviable amount/payroll	1%	7
Preferential Procurement	Procurement from all B-BBEE Compliant Enterprises as defined by the B-BBEE Recognition Levels as a % of discretionary spend	50%	10	12	BEE procurement spend from all Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement	50%	25
		Procurement from B-BBEE Compliant QSEs and EME as defined by the B-BBEE Recognition Levels as a % of Total Measured Procurement	15%	5			

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Associations/Section 21/PBO 5 Years					Taxi Owners and/or Operators (QSEs) 5 Years		
B-BBEE Element	Indicators of Empowerment	Private Sector (Associations) Targets	Private Sector (Associations) Weightings	Section 21/PBO Weightings	Indicators of Empowerment	Private Sector Targets	Private Sector Weightings
	Procurement from 50% Black-Owned as a % of total Measured Procurement	12%	5	3			
	Procurement from 30% Black Women- Owned Enterprises as a % of Total Measured Procurement Spend	8%	5	2			
<b>Enterprise Development</b>	Enterprise development contributions as a percentage of NPAT/payroll	1% of Payroll/3% of NPAT	5	15	Enterprise Development contributions as a percentage of NPAT/payroll	2% of NPAT/0.6% Payroll	25
<b>Social- economic development</b>	SED contributions as a percentage of NPAT/payroll	0.3% of Payroll/1% of NPAT	5	15	SED contributions as a percentage of NPAT/payroll	1% NPAT or 0.3% Payroll	25
<b>TOTAL</b>			<b>100</b>	<b>100</b>			<b>175</b>

The ownership element will only apply to association registered as private, public companies, close corporations and partnerships.

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

### ANNEXURE B: TAXI RECAPITALISATION PROJECT – POTENTIAL BEE OPPORTUNITIES

Taxi Recapitalisation project Element	Sector where activity is generated	Opportunities for BEE	Equity
NTV Operator	<ul style="list-style-type: none"> <li>• Tourism</li> <li>• Current business operation</li> <li>• Improved business operation</li> <li>• Vehicle warehousing</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-booked tours</li> <li>• Curio sales</li> <li>• Catering</li> <li>• Deliveries</li> <li>• JV with NTV manufacturers</li> </ul>	<ul style="list-style-type: none"> <li>• JV with NTV manufacturers</li> </ul>
	<ul style="list-style-type: none"> <li>• Deliveries</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	
NTV Manufacturer	<ul style="list-style-type: none"> <li>• Automotive manufacturing</li> <li>• NTV manufacture</li> <li>• Component supply</li> <li>• Raw material supply</li> <li>• Vehicle distribution</li> <li>• Vehicle warehousing</li> <li>• Vehicle sales</li> <li>• Vehicle maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Supplier development (especially SMME)</li> <li>• Logistics management</li> <li>• Vehicle maintenance</li> </ul>	
Bank (Financing)	<ul style="list-style-type: none"> <li>• Commercial (financing institutes)</li> </ul>	<ul style="list-style-type: none"> <li>• New business in the form of franchises</li> </ul>	
DOT (Licensing/registration)	<ul style="list-style-type: none"> <li>• Administration - License issue</li> </ul>	<ul style="list-style-type: none"> <li>• Printing</li> </ul>	
EMS	<ul style="list-style-type: none"> <li>• Information technology</li> </ul>	<ul style="list-style-type: none"> <li>• JV with EMS provider</li> <li>• Hardware/software supply</li> <li>• Sub component supply</li> <li>• Installation businesses – fitment/retrofitment</li> </ul>	

## TAXI INDUSTRY SUB-SECTOR CODE FOR BBEE

Taxi Recapitalisation project Element	Sector where activity is generated	Opportunities for BEE	Equity
		<ul style="list-style-type: none"> <li>• New business in the form of franchises</li> <li>• Maintenance and support structures</li> </ul>	
Consulting Agents (verify payment)	<ul style="list-style-type: none"> <li>• Consultancy services</li> </ul>	<ul style="list-style-type: none"> <li>• Consultants</li> <li>• Taxi industry planning</li> <li>• JV with scrapping agent</li> </ul>	
Scrapping Administration Agents	<ul style="list-style-type: none"> <li>• Recycling</li> </ul>	<ul style="list-style-type: none"> <li>• Scrap metal sales</li> <li>• New business in the form of franchises</li> <li>• Logistics support</li> <li>• Infrastructure development</li> </ul>	
Facilities	<ul style="list-style-type: none"> <li>• Building and roads construction</li> </ul>	<ul style="list-style-type: none"> <li>• Construction services</li> <li>• Materials supply</li> <li>• Consultancy</li> </ul>	
Communication	<ul style="list-style-type: none"> <li>• Advertising and marketing</li> </ul>	<ul style="list-style-type: none"> <li>• Printing</li> <li>• Photography</li> <li>• Communications</li> </ul>	
Refurbishment	<ul style="list-style-type: none"> <li>• Engine remanufacturing</li> </ul>		



## TAXI INDUSTRY SUB-SECTOR CODE FOR BBBEE

### ANNEXURE C: EVALUATION MATRICES

An example of the matrix to be used to measure stakeholder commitments. This example indicates the matrix that will be used to measure commitments by TETA to the skills development.

Action Undertaken	Input measurement	Output measurement	Quality Control
Conduct research to identify scarce skills	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/ Transport Charter Council	Steering Committee/Transport Charter Council
Conduct research on the supply side of the skills development equation	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/ Transport Charter Council	Steering Committee/ Transport Charter Council
Introduce new categories of learnerships	Money spent on research as a % of total discretionary funds	Report to Steering Committee/ Transport Charter Council on the number of new learnership categories introduced and accredited as a % of the number of new categories identified	TETA & Steering Committee/ Transport Charter Council
Collect and publish detailed and aggregated statistics on the EE profile of the industry	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/ Transport Charter Council	Steering Committee/ Transport Charter Council
Assist in unlocking the funds from the National Skills Fund	Money spent on assistance as a % of total discretionary funds	Report to Steering Committee on value of funding unlocked as a % of total funds required to address learnership needs in the Taxi Sector	Steering Committee/ Transport Charter Council
Continuously benchmark training programmes against international best practice	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/ Transport Charter Council	Steering Committee/ Transport Charter Council
Expand the number of learnerships available based on the sector's skills requirements	Number of new learnership categories introduced and accredited as a % of the number of new categories identified	Number of learners in initiated learnerships as a % of total skills required in each category	TETA & Steering Committee/ Transport Charter Council
Facilitate easy access to finance learnerships and eliminate bottlenecks and bureaucratic procedures in accessing grants	Money spent on assistance as a % of total discretionary funds	Report to Steering Committee/ Transport Charter Council on value of funding available as a % of total funds required to address learnership needs in the Taxi Sector	TETA & Steering Committee/ Transport Charter Council

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**ROAD FREIGHT SUB-SECTOR CODE FOR  
BBEE**

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

**DEPARTMENT OF TRANSPORT**

**ROAD FREIGHT SUB-SECTOR CODE FOR BBEE**

## ROAD FREIGHT SUB-SECTOR CODE FOR BBBEE

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## ROAD FREIGHT SUB-SECTOR CODE FOR BBEE

### ABBREVIATIONS

ABBREVIATIONS	
<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>ASGISA</b>	Accelerated and Shared Growth initiative for South Africa
<b>BCEA</b>	Basic Conditions of Employment Act
<b>DoT</b>	Department of Transport
<b>DTI</b>	Department of Trade and Industry
<b>EE</b>	Employment Equity
<b>EEA</b>	Employment Equity Act
<b>EMEs</b>	Exempted Micro Enterprises
<b>GDS</b>	Growth and Development Summit
<b>HRD</b>	Human Resource Development
<b>NBC</b>	National Bargaining Council
<b>NRA</b>	National Roads Agency
<b>NSF</b>	National Skills Fund
<b>NPAT</b>	Net Profit After Tax
<b>PPPFA</b>	Preferential Procurement Policy Framework Act
<b>PSA</b>	Proudly South African
<b>QSEs</b>	Qualifying Small Enterprises
<b>RTQS</b>	Road Transport Quality System
<b>SARS</b>	South African Revenue Services
<b>SATAWU</b>	South African Transport and Allied Workers Union
<b>SMMEs</b>	Small Micro and Medium Enterprises
<b>TETA</b>	Transport Education and Training Authority
<b>WSP</b>	Workplace Skills Plan

### 1. SCOPE OF APPLICATION

- 1.1 The scope of this Broad-Based Black Economic Empowerment (B-BBEE) Sub-Sector Code is limited to the Road Freight Transport for Logistics and Allied Services for Reward Industry and includes inter alia:
- 1.1.1 Supply Chain Management Companies
  - 1.1.2 Logistics companies
  - 1.1.3 Trucking companies
  - 1.1.4 Transport Management companies
  - 1.1.5 Transport Brokers
  - 1.1.6 Associated Labour Brokers
  - 1.1.7 BEE Operators
  - 1.1.8 Management Companies for Owner Drivers
  - 1.1.9 South African registered Cross Border Operators
  - 1.1.10 Parcel Delivery Services
  - 1.1.11 Motor ferry Companies
  - 1.1.12 Cash In transit Companies

### 2. VISION

- 2.1 Our overarching 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,

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- comply with international safety standards, and deliver efficient and quality services to customers. Our industry will also 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.
- 2.2 To make this vision a reality will require a deliberate strategy to increase access to skills, capital and 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 stakeholders to facilitate the creation of new black entrepreneurs (and the development of existing ones) who can participate in economic opportunities throughout the industry value chain.
- 2.3 The signatories to this document believe that every company in South Africa must embrace B-BBEE voluntarily, recognising that it is an 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 "Broad-Based BEE Sub-Sector Code for the Road Freight Industry" to every organisation within our industry to ensure maximum participation by all stakeholders.
- 2.4 Accordingly, all private sector stakeholders who commit themselves to this Sub-Sector Code agree to have their B-BBEE achievements (in terms of the indicators in the Balanced B-BBEE Scorecard for the Road Freight Industry) rated by an independent B-BBEE verification agency or company that is accredited by the Department of Trade and Industry (DTI). This is in line with the Accelerated and Shared Growth initiative for South Africa (ASGISA) which aims to improve the level of procurement from black enterprises by supporting the use of the B-BBEE Codes of Good Practice. The independent B-BBEE verification of entities involved in the road freight industry will go a long way towards eliminating misrepresentation or fraudulent practices in the industry.
- 2.5 **Government undertakings (to achieve the vision)**
- 2.5.1 Develop and implement a programme to substantially increase investments in road infrastructure to eliminate current backlogs over the next decade with funds from the fiscus, parastatals, road users and the financial industry.
- 2.5.2 Set up a dedicated road infrastructure fund to finance the road component of these investments and ensure that the National Roads Agency (NRA) and provincial government departments maximise employment opportunities through the use of labour-intensive methods in the maintenance and expansion of road infrastructure. This is reflective of the labour-absorbing projects promoted in ASGISA.

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- 2.5.3 Commit to facilitate growth by ensuring that the industry is attractive to investors and free of unnecessary regulation and ensure that over-regulation does not impede B-BBEE initiatives in the industry.
- 2.5.4 Collaborate with all stakeholders to develop a strategy to grow the industry and create quality jobs by promoting the outsourcing of non-core transport and logistics operations of businesses. Businesses should give preferences to their own employees in the event of such activities/transactions.
- 2.5.5 Engage relevant governmental departments such as the DTI and South African Revenue Services (SARS) and review the current tax laws (Fiscal policy), which make it difficult for small Black operators to enter the industry.
- 2.5.6 Effectively implement and monitor the Road Transport Quality System (RTQS) and ensure compliance.
- 2.5.7 Enforce and monitor compliance with existing legislation that may impact on BEE such as the Employment Equity (EE), Skills Development and Competition Acts.
- 2.5.8 Ensure that all parastatals and public sector agencies submit an annual B-BBEE report (within their annual reports) that covers achievements in meeting B-BBEE targets. The report should also include information on jobs created/lost.
- 2.5.9 Publish an annual report on B-BBEE and job creation within the road freight industry that consolidates reports, B-BBEE verification and other information from all stakeholders.
- 2.5.10 Publish an annual report on the jobs created through the labour-intensive road construction programme.
- 2.6 Labour Undertakings (to achieve this vision)**
- 2.6.1 Investigate opportunities to establish collective investment vehicles that will make investments in the sector.
- 2.6.2 Educate members to ensure compliance with existing legislation e.g. the Employment Equity, Skills Development, Labour Relations and Basic Conditions of Employment Acts, and to understand the relevant channels to deal with instances of non-compliance.
- 2.6.3 Educate members with regard to the agreements contained in the Growth and Development Summit (GDS) in order for them to participate in the promotion of local content and/or procurement and support the Proudly South African campaign.
- 2.7 Industry Undertakings (to achieve this vision)**
- 2.7.1 To form collaborative relationships with organisations such as Proudly South African, Department of Trade and Industry (DTI) and other stakeholders as well as to promote the economic benefits of utilising and growing Black Economic Empowerment (BEE) compliant by the Road Freight Industry companies. The signatories of this Sub-Sector Code are of the view that the sector should endeavour to facilitate the realisation of these commitments by monitoring contributions to B-BBEE. The evaluation of these contributions should be conducted through Commitment Evaluation Matrix provided in Appendix C.

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### **3 INDICATORS OF EMPOWERMENT**

#### **3.1 ALIGNMENT TO THE GENERIC CODES**

This "Broad-Based BEE Sub-Sector Code for the Road Freight Industry" seeks to encourage all stakeholders to pursue an aggressive transformation agenda according to the broad guidelines spelt out in Government's National B-BBEE Strategy, B-BBEE Act of 2003 and Codes of Good Practice on B-BBEE.

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 the 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 The vision is to increase black ownership, management control and operational involvement throughout the road freight industry value chain and design appropriate funding mechanisms to facilitate the process. We recognise that ownership is a complex matter due to the large number of different ownership structures prevalent in the Road Freight Industry. Businesses in this industry range from large corporate organisations to small family businesses and even owner-driver operations. However, stakeholders will collectively strive to address these challenges and develop innovative mechanisms to increase black ownership.

##### **3.2.2 Stakeholder undertakings**

###### **3.2.2.1 Government Commits to:**

3.2.2.1.1 Engage public and private sector funding agencies to facilitate innovative funding mechanisms for BEE companies seeking to invest in the sector. This will require a high-level workshop with these agencies to inform them about opportunities available in the transport industry, including road freight.

###### **3.2.2.2 The Private Industry Commits to:**

3.2.2.2.1 Voting Rights-Black People: The Private Sector commits to a minimum of 25%+1 voting rights in hands of Black People

3.2.2.2.2 Voting Rights-Black Women: The Private Sector commits to ensure a minimum of 10% of voting rights in the hands of Black Women

3.2.2.2.3 Economic Interest: The Private Sector commits to a minimum of 25% of equity interest in the hands of Black People

3.2.2.2.4 Economic Interest-Black Women: The Private Sector commits a

## **ROAD FREIGHT SUB-SECTOR CODE FOR BBEE**

- minimum of 10% of equity interest in the hands of Black Women.
- 3.2.2.2.5 Ensure that 2.5% is earmarked for black natural people in the enterprise: Employee Ownership Schemes, Broad based Ownership Schemes and Co-operatives within five years
- 3.2.2.2.6 Qualifying small enterprises as defined in this Sub-Sector Code also commit to:
- 3.2.2.2.6.1 Increase the ownership base of their companies and ensure that a minimum of 25% of economic interest is the hands of black people;
- 3.2.2.2.6.2 25% +1 vote voting rights, or equivalent thereof, are in black hands; and,
- 3.2.2.2.6.3 Ensure that the net economic interest of the black equity participants is 60% of the 25% within 5 years. If this is achieved, it will be deemed that Ownership Fulfilment has been achieved
- 3.2.2.3 Stakeholders will consider a variety of ownership models, including:**
- 3.2.2.3.1 Joint Ventures
- 3.2.2.3.2 Sale of Assets
- 3.2.2.3.3 Employee Share Ownership Participation Schemes
- 3.2.2.3.4 Collective ownership schemes
- 3.2.2.3.5 The measurement of ownership contributions from the above ownership models are the same as the one contained in the Codes.
- 3.2.2.3.6 Develop creative financing mechanisms for BEE companies to achieve equity ownership.
- 3.2.3 Measuring Principles and Application of the Charter**
- 3.2.3.1 Measurement principles associated with the ownership element, are contained in Statement 100 of Code 100 of the Generic Codes of Good Practice.
- 3.2.3.2 The formulae required in the determination of the ownership score are contained in Annexure 100 (c) of Statement 100 of Code 100 of the Generic Codes of Good Practice.
- 3.2.3.3 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 Codes of Good Practice. The target contained in the ownership element of this Sub-Sector Code will apply.
- 3.2.3.4 The recognition of the equity equivalent programmes for multinationals has the same meaning and interpretation as that contained in Statement 103 of Code 100 of the Generic Codes of Good Practice.
- 3.2.3.5 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 Codes of Good Practice.
- 3.2.3.6 Measurement principles relating to the ownership element for QSEs are contained in Statement 801 of Code 800 of the Generic Codes of Good Practice.



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### **3.3 MANAGEMENT CONTROL**

#### **3.3.1 The Private sector commits to:**

- 3.3.1.1 Board Representation: The private sector commits itself to a minimum of 50% exercisable voting rights of black board members. Points will only be scored if enterprises achieve a target of 10% in year one, 20% in year two, 30% in year three and 40% in year four.
- 3.3.1.2 Board Representation-Black Women: The private sector commits to a minimum of 25% voting rights of black women board members. Points will only be scored if enterprises achieve a target of 5% in year one, 10% in year two, 15% in year three and 20% in year four.
- 3.3.1.3 Senior Top Management-Black People: The private sector commits to a minimum of 40% of the total employees in Senior Top Management.
- 3.3.1.4 Senior Top Management-Black Women: The private sector commits to a minimum of 20% of the total employees in Senior Top Management.
- 3.3.1.5 Other Top Management-Black People: The private sector commits to a minimum of 40% of the total employees in Other Top Management.
- 3.3.1.6 Other Top Management-Black Women: The private sector commits to a minimum of 20% of the total employees in Other Top Management.
- 3.3.1.7 If the measured entity is unable to distinguish between Senior Top Management and Other Top Management, both criteria may be combined into "Top Management" which is measurable as a single indicator with a target of 40% and a weighting of 2.5%, and "Woman Top Management" which is measurable as a single indicator with a target of 20% and a weighting of 2.5%.
- 3.3.1.8 QSE within the sector commit to recruiting black people at Top Management positions, where they should constitute 50.1% of total Top Management
- 3.3.1.9 Conclude discussions with stakeholders to develop a Code of Good Practice for Owner-Driver Schemes (See Appendix B).

#### **3.3.2 Measurement Principles and Application of the Charter**

- 3.3.2.1 Measurement principles associated with the management control element are contained in Statement 200 of Code 200 of the Generic Codes of Good Practice.
- 3.3.2.2 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 Codes of Good Practice. The Adjustment Recognition for Gender found in Annexure 200 (A)-A will not apply.
- 3.3.2.3 Measurement principles needed for the application of the Sub-Sector Code with regards to the management control element for QSE are contained in statement 802, of Code 800, of the Generic Codes of Good Practice.

### **3.4 EMPLOYMENT EQUITY**

- 3.4.1 Our vision is to increase the participation of black people in senior management, middle management; professional and technical occupations in the Road Freight Industry to create a workforce that

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truly represents the racial, ethnic and gender diversity of our country. This will require that all stakeholders create a supportive culture within their organisations to attract new talent, facilitate the development of existing employees, and accelerate their progress into key positions within the industry.

- 3.4.2 Stakeholder undertakings**
- 3.4.2.1 Government commits to:**
- 3.4.2.1.1 The Department of Transport is to engage the Department of Labour to ensure that it plays a significant role in monitoring stakeholder progress in meeting EE targets.
- 3.4.2.2 Private Sector Commits to :**
- 3.4.2.2.1 **Senior Management-Black People:** Having a minimum of **43%** of Black employees as a percentage of all such employees. Points for senior management will only be scored after enterprises achieve a target of 9%.
- 3.4.2.2.2 **Senior Management-Black Women:** Having a minimum of **22%** of Black women as a percentage of all such employees. Points for black women at senior management will only be scored after enterprises achieve a target of 5%.
- 3.4.2.2.3 **Middle Management-Black People:** Having a minimum of **63%** of Black employees as a percentage of all such employees. Points for black employees at middle management will only be scored after enterprises achieve a target of 13%.
- 3.4.2.2.4 **Middle Management-Black Women:** Having a minimum of 32% of Black women as a percentage of all such employees. Points for black women at middle management will only be scored after enterprises achieve a target of 8%.
- 3.4.2.2.5 **Junior Management-Black People:** The private sector commits itself to having a minimum of **68%** of Black employees as a percentage of all such employees. Points for black people at junior management will only be scored after enterprises achieve a target of 14%.
- 3.4.2.2.6 **Junior Management-Black Women:** Having a minimum of **34%** of Black women as a percentage of all such employees. Points for black women at junior management will only be scored after enterprises achieve a target of 7%. Black Women unskilled and semi skilled (below junior management) with a target of 15%.
- 3.4.2.2.7 **Black People living with disability:** Having a minimum of 2% of Black disabled employees as a percentage of all employees. Points for employees living with disability will only be scored after enterprises achieve a target of 0.8%.
- 3.4.2.2.8 **Black Women living with disability:** Having a minimum of 1% of Black disabled women as a percentage of all employees. Points for black women living with disability will only be scored if enterprises achieve a target of 0.4%.
- 3.4.2.2.9 Inability to distinguish between Middle Management and Junior Management: If the measured entity is unable to distinguish between Junior Management and Middle Management, both criteria may be combined into Junior Management which is measurable as a single

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- indicator with a target of 68% and a weighting of 1.75%, and "Women Junior Management", which is measurable as a single indicator with a target of 34% and a weighting of 1.75%. In this case, the weighting for "Senior Management" will change to 4% and the weighting for "Women Senior Management" will change to 2.5%.
- 3.4.2.2.10 Measured entities falling within the QSE threshold commit to 40% of all management staff being black within 5 years. 50% of these positions should be earmarked for black women
- 3.4.2.2.11 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
- 3.4.3 Measurement Principles and Application of the Charter**
- 3.4.3.1 Measurement principles on the employment equity element are contained in Statement 300 of Code 300 of the Generic Codes of Good Practice.
- 3.4.3.2 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 Codes of Good Practice. The formula for the determination of the Adjusted Recognition for Gender found in Annexure 300 (A)-A, will not apply.
- 3.4.3.3 Measurement principles for the determination of the Employment Equity score for QSEs are contained in Statement 803 of Code 800 of the Generic Codes of Good Practice
- 3.4.4 Labour Standards**
- 3.4.4.1 The Road Freight Industry will be characterised by fair labour practices across the board.
- 3.4.4.2 All stakeholders commit to:**
- 3.4.4.2.1 Implement interventions to ensure fair labour practices in line with the legislative matters of the National Bargaining Council (NBC) as well as the Basic Condition of Employment Act (BCEA), the Employment Equity Act (EEA) and Skills Development Act.
- 3.4.4.2.2 Ensure non-discrimination against employees living with HIV/AIDS. Whilst the industry has made strides in this area more can still be done by all stakeholders in a partnership approach aimed at setting up a fund to address initiatives relating to HIV/AIDS education, counselling and treatment of all employees.
- 3.5 SKILLS DEVELOPMENT**
- 3.5.1 Our vision is to increase the economic value added of every employee in the Road Freight Industry through best-practice Human Resource Development (HRD), skills development, EE and Gender policies. A key element will be to identify the critical skills, retain and create quality employment in the sector.

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- 3.5.2 Private Sector Commit to:**
- 3.5.2.1 Invest a minimum of 3% of the leviable amount on skills development expenditure on Learning programmes as per the Learning Matrix contained in the Codes for black people. The target is inclusive of all associated costs and the current 1% skills development levy.
- 3.5.2.2 Invest a minimum of 1.5% of the leviable amount on skills development expenditure on Learning Programmes as per the Learning Matrix contained in the Codes for black women. The target is inclusive of all associated costs and the current 1% skills development levy.
- 3.5.2.3 Invest a minimum of 0.3% of the leviable amount on skills development expenditure on Learning programmes as per the Learning Matrix contained in the Codes for black disabled people. The target is inclusive of all associated costs and the current 1% skills development levy.
- 3.5.2.4 Invest a minimum of 0.15% of the leviable amount on skills development expenditure on Learning programmes as per the Learning Matrix contained in the Codes for black disabled women. The target is inclusive of all associated costs and the current 1% skills development levy.
- 3.5.2.5 Black employees having participated in Learnerships or Category B, C or D programmes being 5% of the total employees.
- 3.5.2.6 Black women employees having participated in Learnerships or Category B, C or D programmes being 2.5% of the total employees.
- 3.5.2.7 QSEs within this subsector investing a minimum of 2% of the leviable amount or payroll whichever is applicable on skills development spend on learning programmes for black people 1% on black Woman.
- 3.5.3 TETA Commits to:**
- 3.5.3.1 Conduct research to identify the management, professional and technical skills that the industry will require over the next decade and map out future demand/supply scenarios in a detailed skills audit that will guide and inform stakeholders in implementing their EE targets. The report will make proposals on how to eliminate the identified skills deficits in the medium term. The proposal will quantify the financial resources that may be required to eliminate the skills deficit.
- 3.5.3.2 Conduct research on the supply side of skills development – 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 industry.
- 3.5.3.3 Introduce, after consulting stakeholders and completing the skills audit, new categories of learnerships - in management, technical and

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- professional occupational categories - to help organisations to achieve their employment equity targets.
- 3.5.3.4 Develop a training programme to improve the business management skills of owner-drivers. The training programme will also have a component that provides advice on the contracts given to owner-drivers and ensure that employers comply with the Codes of Good Practice for Owner Drivers.
- 3.5.3.5 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.
- 3.5.4 Measurement Principles and the Application of the Charter**
- 3.5.4.1 Measurement principles associated with the skills development element, are contained in Statement 400 of Code 400 of the Generic Codes 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 found in 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.
- 3.6 PREFERENTIAL PROCUREMENT**
- 3.6.1 Our vision is to grow South Africa's Road Freight Industry in order to stimulate and facilitate economic growth. We commit to increase procurement from black-owned and empowered enterprises and implement best-practice supplier development policies.
- 3.6.2 Stakeholder undertakings**
- 3.6.2.1 Government commits to:**
- 3.6.2.1.1 Ensure that parastatals and public sector agencies develop uniform policies on Accounting for Affirmative Procurement and adopt the guidelines that will be set by the Transport Sector BEE Council.
- 3.6.2.1.2 Ensure that parastatals and public sector agencies constantly explore possibilities to increase the amount of total measurable procurement – for example by supporting local procurement and/or content in line with the agreements reached by stakeholders at the Growth and Development Summit. (GDS).
- 3.6.2.1.3 This will require that parastatals and public sector agencies state in their annual BEE reports the reasons for classifying an item of expenditure as an excluded item. This information should be disclosed

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- in a detailed statement that reconciles total measurable procurement and allowable exclusions.
- 3.6.2.1.4 Parastatals and public sector agencies should support the Proudly South African (PSA) campaign and note the agreement at the GDS that PSA is "an important means of taking the message of local content, fair labour standards, environmental sustainability and quality products and services to the nation."
- 3.6.2.2 Private Sector Commits to:**
- 3.6.2.2.1 Commission, together with other stakeholders, a study to establish current levels of procurement from BEE companies and identify areas where they can achieve "quick wins" to accelerate BEE.
- 3.6.2.2.2 Advance BB-Black Economic Empowerment through the procurement of ancillary services and equipment.
- 3.6.2.2.3 B-BBEE Procurement: 50% of total measured procurement on B-BBEE Procurement from B-BBEE compliant suppliers based on the B-BBEE Recognition Levels.
- 3.6.2.2.4 Procurement from QSE or EMEs: 10% of total measured procurement on B-BBEE procurement from Qualifying Small Enterprises and Exempted Micro-Enterprises.
- 3.6.2.2.5 Procurement from enterprises that are 50% black owned: 9% of total measurable procurement on B-BBEE procurement from enterprises that are 50% black owned.
- 3.6.2.2.6 Procurement from enterprises that are 30% black women owned: 6% of total measurable procurement on B-BBEE procurement from enterprises that are 30% black women owned.
- 3.6.2.2.7 QSEs within this sub sector commit to procuring a minimum of 40% over the next 5 years.
- 3.6.2.2.8 Adopt the guidelines on Accounting for Affirmative Procurement that will be set by the Transport Sector BEE Council.
- 3.6.3 Measurement Principles and Application of the Sub-Sector Code**
- 3.6.3.1 Measurement principles associated with the preferential procurement element, are contained in Statement 500 of Code 500 of the Generic Codes of Good Practice.
- 3.6.3.2 The formulae required in the determination of the preferential procurement score are contained in Annexure 500 (A) of Statement 500 of Code 500 of the Generic Codes of Good Practice.
- 3.6.3.3 The measurement principles required in the determination of the skills development score for QSEs are contained in Statement 805 of Code 800 of the Generic Code of Good Practice
- 3.7 ENTEPRISE DEVELOPMENT**
- 3.7.1 Our vision is to create, nurture and grow viable BEE enterprises within the industry while increasing opportunities available to existing companies.
- 3.7.2 Government Commits to:**
- 3.7.2.1 Investigate opportunities to enter into creative joint ventures with BEE

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companies.

### **3.7.3 The Private Industry Commits to:**

- 3.7.3.1 Pro-actively seek opportunities to enter into joint ventures (and other forms of alliances) and make direct investments in BEE companies.
- 3.7.3.2 Investigate opportunities to outsource non-core activities such as workshops, certain maintenance functions, security services and subcontract certain transport activities to BEE companies.
- 3.7.3.3 Enterprise Development Contributions: Ensure a minimum of 3% of Net Profit After Tax (NPAT) is directed towards enterprise development initiatives.
- 3.7.3.4 QSEs within this sector aspire to make contributions to enterprise development which will amount to 2% of NPAT evaluated annually over the next 5 years.
- 3.7.3.5 Enterprise Development Contributions: Endeavour to pay suppliers within 15 days of the date of invoice. The amount of the invoices will be recognisable as enterprise development contributions.

### **3.7.3.4 Measurement Principles and Application of the Sub-Sector Code**

- 3.7.4.1 Measurement principles associated with the enterprise development element are contained in Statement 600 of Code 600 of the Generic Codes 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 Codes of Good Practice.
- 3.7.4.4 Measurement principles required in evaluating the enterprise development contributions made by QSEs within this sector are contained in Statement 806 of Code 800 of the Generic Codes of Good Practice

## **3.8 SOCIO-ECONOMIC DEVELOPMENT**

### **3.8.1 All Stakeholders commit to:**

- 3.8.1.1 Invest at least 1% of NPAT on social development projects;
- 3.8.1.2 Social development contributions leading to the following will be enhanced by a factor 1.25:
  - 3.8.1.2.1. Poverty alleviation;
  - 3.8.1.2.2 Community development;
  - 3.8.1.2.3 HIV/AIDS; and
  - 3.8.1.2.4 the provision of housing and transport.

### **3.8.2 Measurement Principles and Application of the Sub-Sector Code**

- 3.8.2.1 Measurement principles associated with the socio-economic development element are contained in Statement 700 of Code 700 of the Generic Code of Good Practice.

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- 3.8.2.2 Qualifying contributions for the socio-economic development element are contained in Annexure 700 (A) – Benefit Factor Matrix of the Statement 700 of Code 700 of the Generic Codes of Good Practice.
- 3.8.2.3 The formulae required in the determination of the socio-economic development score are contained in Annexure 700 (A) of Statement 700 of Code 700 of the Generic Code of Good Practice.
- 3.8.2.4 Measurement principles required in evaluating socio economic development contributions made by QSEs within this sector are contained in Statement 807 of Code 800 of the Generic Codes of Good Practice

### 4. ROAD FREIGHT SUB-SECTOR BROAD-BASED BEE SCORECARD

B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
Ownership	Exercisable voting rights in the hands of black people	25% + 1 vote	3
	Exercisable voting rights in the hands of black women	10%	2
	Economic Interest in the hands of black people	25%	4
	Economic Interest in the hands of black women	10%	2
	Economic Interest of following black natural people in the Enterprise: -black designated groups, -black participants in Employee Ownership Schemes, -black beneficiaries of Broad based Ownership Schemes ;or -black participants in Co-operatives	2.5%	1
	Net Economic Interest/Net Value	25% graduated over 10 years as per the Codes (year 5 at 60%)	7
	Ownership Fulfilment	-	1



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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	<b>Bonus points:</b> Involvement in the ownership of the Enterprise of Black new entrants	10%	2
	<b>Bonus Points:</b> Involvement in the ownership of the Enterprise of Black participants in: Employee Ownership Schemes, Broad-Based Ownership Schemes or Co-operatives	10%	2
<b>Management (Refer to management sub-minimum target matrix)</b>	% of total exercisable voting rights in the hands of black board members	50%	1.5
	% of total exercisable voting rights in the hands of black-women board members	25%	1.5
	% Black persons who are executive directors	50%	1
	% Black women who are executive directors	25%	1
	<sup>1</sup> % of black people who hold senior top management positions	40%	1.5
	% of black women who hold senior top management positions	20%	1.5
	% of black people who hold other top management positions	40%	1
	% of black women who hold other top management positions	20%	1

<sup>1</sup> If the measured entity is unable to distinguish between Senior Top Management and Other Top Management, both criteria may be combined into "Top Management" which is measurable as a single indicator with a target of 40% and a weighting of 2.5%, and "Women Top Management", which is measurable as a single indicator with a target of 20% and a weighting of 2.5%

Owner-driver schemes will only be considered under Enterprise Development.  
Net Value under Ownership at year five should be at 60%.

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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	<b>Bonus Points:</b> Black Independent Non-Executive Board Members	40%	1
<b>Employment Equity</b>	% Black People in Senior Management	43%	2.5
	% Black Women in Senior Management	22%	2.5
	<sup>2</sup> % Black People in Middle Management	63%	1.5
	% Black Women in Middle Management	32%	1.5
	% Black People in Junior Management	68%	1.5
	% Black Women in Junior Management	34%	1.5
	% of Black Women who are semi and unskilled (i.e employees below junior management)	15%	2
	Black People living with disabilities as a % of all employees	2%	1
	Black Women living with disabilities as a % of all employees	1%	1
		<b>Bonus Points:</b> Meeting or exceeding the EAP targets in each category of employment equity	
<b>Skills Development</b>	Skills Development Expenditure on learning programmes specified in the learning programme matrix for black employees as percentage of leviable amount	3%	3

<sup>2</sup> If the measured entity is unable to distinguish between Black Junior Management and Black Middle Management, both criteria may be combined into Black Junior Management which is measurable as a single indicator with a target of 68% and a weighting of 1.75%, and "Black Women Junior Management", which is measurable as a single indicator with a target of 34% and a weighting of 1.75%. In this case, the weighting for "Senior Management" will change to 4% and the weighting for "Black Women Senior Management" will change to 2.5%. No Measured Entity shall receive any points under the Employment Equity Scorecard unless they have achieved a sub-minimum of 40% of each of the targets.

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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	Skills Development Expenditure on learning programmes specified in the learning programme matrix for Black Women employees as percentage of leviable amount	1.5%	3
	Skills Development Expenditure on learning programmes matrix for black employees with disabilities as a percentage of leviable amount	0.3%	1.5
	Skills Development Expenditure on learning programmes matrix for Black Women employees with disabilities as a percentage of leviable amount	0.15%	1.5
	Number of black employees participating in learnerships or category B, C & D programmes as percentage of total employees	5%	3
	Number of Black Women employees participating in learnerships or category B, C & D programmes as percentage of total employees	2.5%	3
<b>Preferential Procurement</b>	Procurement from all B-BBEE Compliant Enterprises as defined by the B-BBEE Recognition Levels as a % of Total Measured Procurement Spend	50%	12

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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	Procurement from B-BBEE Compliant QSEs and EME as defined by the B-BBEE Recognition Levels as a % of Total Measured Procurement Spend	10%	3
	Procurement from 50% Black-Owned as a % of Total Measured Procurement Spend	9%	3
	Procurement from 30% Black Women-Owned Enterprises as a % of Total Measured Procurement Spend	6%	2
<b>Enterprise Development</b>	Expenditure on supplier development initiatives as a proportion of NPAT	3% of NPAT	15
<b>Socio-economic Development</b>	Expenditure on social development programmes as a % of NPAT. N.B: Expenditure on programmes that address HIV/AIDS, poverty alleviation, community development will be enhanced by a factor of 1.25	1% of NPAT	5
<b>TOTAL</b>			<b>100</b>

## ROAD FREIGHT SUB-SECTOR CODE FOR BBEE

### 5. QUALIFYING SMALL ENTERPRISES SCORECARD

B-BBEE Element	Indicators of Empowerment	Private Sector 5 year target	Private Sector Weightings	
<b>Ownership</b>	Exercisable voting rights in hands of black people	25% + 1 Vote	6	
	Economic Interest of black people in the Enterprise	25%	9	
	Realisation Points:			
	Ownership fulfilment		1	
	Net Value	25% graduated over 10 years as per the Codes (Year 5 at 60%)	9	
	<b>Bonus Points:</b> Involvement in the ownership of the Enterprise by black women	10%	2	
	<b>Bonus Points:</b> Involvement in the ownership of the Enterprise by black participants in Employee Share Schemes, Co-operatives or Broad Based Ownership Schemes	10%	1	
<b>Management Control</b>	Black Representation at Top Management level	50.1%	25	
	<b>Bonus Points:</b> Black women representation at Top-Management	25%	2	
<b>Employment Equity</b>	Black Employees of the Measured Entity who are Management as a % of all Management	40%	7.5	
	Black Women Employees of the Measured Entity who are management as a % of all Management	20%	7.5	
	Black employees of the Measured Entity as a percentage of total employees	60%	5	
	Black Women employees of the Measured Entity as a percentage of total employees	30%	5	
	<b>Bonus points:</b> meeting or exceeding the EAP targets in each category		2	
<b>Skills Development</b>	Skills Development spend on learning programmes for Black employees as a percentage of the leviable/payroll	2%	12.5	

## ROAD FREIGHT SUB-SECTOR CODE FOR BBEE

B-BBEE Element	Indicators of Empowerment	Private Sector 5 year target	Private Sector Weightings
	Skills Development spend on learning programmes for Black Women employees as a percentage of the leviable/payroll	1%	12.5
<b>Preferential Procurement</b>	BEE Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	40%	25
<b>Enterprise Development Spend</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	2% of NPAT	25
<b>Socio-Economic Development</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	1% of NPAT	25
<b>TOTAL</b>			<b>175</b>

A QSE must select any four of the above seven elements for the purposes of measurement. If a QSE does not make a selection, its four best element scores will be used for the purposes of measurement.

### MANAGEMENT CONTROL: SUB-MINIMUM TARGET MATRIX

Year	Voting rights on Board		Executive Directors		Senior Top Management		Other Top Management	
	Black people	Black Women	Black people	Black Women	Black people	Black Women	Black people	Black Women
1	10%	5%	10%	5%	8%	4%	8%	4%
2	20%	10%	20%	10%	16%	8%	16%	8%
3	30%	15%	30%	15%	24%	12%	24%	12%
4	40%	20%	40%	20%	32%	16%	32%	16%
5	50%	25%	50%	25%	40%	20%	40%	20%

## 6. APPENDIX A: ROAD FREIGHT SECTOR OWNER DRIVER SCHEME POLICY

### 6.1 Introduction

There are five available options for Empowerment:

**Existing Status** – employed drivers assisted through accelerated training inclusive of training related to Business Management, which should, in turn, open up opportunities for promotions and progression.

**Group Incentives** – collective sharing of benefits between the company and the employees.

## ROAD FREIGHT SUB-SECTOR CODE FOR BBBEE

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- **Collective Ownership** – drivers belong to a group that owns the vehicles.
- **Share Ownership** – the group owns vehicles and has shares in the company.
- **Individual Owner-Drivers.**

### 6.2. Key Elements of an Owner-Driver Scheme

There are certain elements typically required for a successful Owner-Driver Scheme:

- **Sponsoring Corporate** – provides the business.
- **Owner-Drivers** – supply service.
- **Owner-Driver responsibility** in respect of the retention and development of the business.
- **Finance House.**
- **Business Advisor** (incorporating bookkeeper).

A Business Advisor should be an independent party and must be paid a fee, agreed by all parties, which is part of the fixed cost of an Owner-Driver's structure. While the accounting function is essential, Business Advisor's must have specific transportation and vehicle management skills.

### 6.3. Critical Success Factors

There are critical success factors that ensure sustainability of the Owner-Driver Scheme:

#### **Business Training**

**Management Training** (and business skills transfer).

**Change of Mindset** – empower individual and invest in asset ownership (and the promotion of independency).

**Benchmark** – the provisions of the relevant labour and taxation legislation must be taken into account and inform such benchmarking.

**Preferential Contract**, sustainable tariff and genuine independent contractor status according to the tax laws.

#### **Transparency**

- The identification of a person who will coordinate Owner-Driver Schemes and liaise between Owner-Drivers and the Principle Company or management company.
- The availability of a dedicated contract and guaranteed volumes.
- Accreditation of management companies.
- Full ownership of the vehicle at the end of the period.
- The identification of responsibilities of Owner-Drivers regarding administrative functions.

## **ROAD FREIGHT SUB-SECTOR CODE FOR BBBEE**

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### **Key Objectives**

- Empowerment of the individual *and his/hers heirs*.
- Variability in cost for the company.

### **6.4. Criteria**

The Owner-Driver Scheme can work to the benefit of both company and owner-driver, if the following issues are identified and addressed, with the aim of achieving better productivity and the inclusion of back-up arrangements:

- **Training** (an example of training elements for Owner-Drivers is appended)
  - Constant review of training and training requirements.
  - Selection criteria.
  - Accredited training courses and service providers.
  - Basic business skills.
- **Entrepreneur**
  - Mindset change of the owner-driver.
  - Mindset change of management.
- **Benchmarking**
- **Routes**
- **Sustainability**
- **Pricing**
- **Contract payment cycles payment made within 14 days of date of invoice**
- **Uniformity of Cross Border charges**
- **Identification of the elements of benchmarking**

### **6.5. Go Live**

- Pilot in an area;
- Resign as an employee;
- Go back as an employee, if not successful as an owner-driver and;
- Time frames and guarantees;

### **6.6. Owner-Driver Contract**

- Should be protective to the owner-driver.
- Should also include penalties to encourage excellent performance.
- Transparency.
- Share in risks and rewards.
- Should have payment, which is output, and results based.
- The development of standard guidelines/contract.
- Conditions pertaining to rate increases.

*In order to protect transport operators from unscrupulous transport brokers the Cross Border Agency can also develop some model contracts to be signed by the parties concerned.*



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### **6.7. New Legislation**

- R90 000 per annum.
- Branding on vehicles. (Specifics should be included in contract)
- Uniform to be worn to identify owner-driver.
- Communication. (Needs some clarification)
- Requirements of the Dangerous Goods Legislation
- Statutory levies.

### **6.8. Benefits**

- Improved efficiencies for the company.
- Increased revenue.
- Client relationship developed by the owner-driver, who would like to get the business.

### **6.9. Problems Faced by the Owner-Driver**

- Taxation at the same rate as employees as if:
  - Owner-driver works more than 80% for one company; or
  - Owner-driver has less than 4 employees
- Funding
- Freight rates
- Payment of invoices
- Vehicle replacement has to be budgeted for. (need some clarification)
- The Cross Border Costs
- Input and effort of the owner-driver is required, especially in the first year.
- Timorously payment of Owner-Drivers

### **6.10. Conclusion**

An Owner-Driver Scheme can work very well, if it is a joint effort between management and labour and not meant as a means of shifting the burden of cost by the employer. If the objective of an Owner-Driver Scheme is primarily aimed at empowerment, that would yield investment, efficiency and facilitation of asset ownership, from which both parties.

## ROAD FREIGHT SUB-SECTOR CODE FOR BBEE

### 7. APPENDIX B: COMMITMENT EVALUATION MATRICES

#### Ownership

Action Undertaken	Input measurement	Output measurement	Quality Control
Develop financing mechanisms for B-BBEE companies to achieve equity ownership	Money spent on research and implementation of mechanisms as a % of total discretionary funds	Report to Steering Committee/Transport Charter Council on improvement (percentage change) in black shareholding.	Committee/Transport Charter Council and Industry

#### Employment Equity

Action Undertaken	Input measurement	Output measurement	Quality Control
Department of Labor to ensure that employment equity targets are met.	Money spent on research survey as a % of total discretionary funds	Assessment Report on employment equity targets for black people within the industry to be handed to Committee/Transport Charter Council.	TETA & Committee/Transport Charter Council

#### Skills Development

Action Undertaken	Input measurement	Output measurement	Quality Control
Implement skills audit to identify management, professional and technical skills that will be required over the next decade.	Money spent on research as a % of total discretionary funds	Analysis and forecasts to be presented to Steering Committee and TETA.	TETA & Committee/Transport Charter Council
Develop training programmes to improve the business management skills of owner-drivers.	Money spent on skills development as a % of total discretionary funds	Assessment Report on management skills of owner-drivers within the industry to be handed to Committee/Transport Charter Council	TETA & Committee/Transport Charter Council

#### Preferential Procurement

Action Undertaken	Input measurement	Output measurement	Quality Control
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## ROAD FREIGHT SUB-SECTOR CODE FOR BBEE

Ensure that uniform accounting practices regarding preferential procurement are adopted by public sector agencies.	Money spent on research as a % of total discretionary funds	Assessment Report on accounting practices regarding preferential procurement submitted to Committee/ Transport Charter Council.	Committee/ Transport Charter Council
Identify opportunities in which quick results can be achieved through procurement from B-BBEE companies.	Money spent on research as a % of total discretionary funds	Research Report, together with suggestions handed to Committee/ Transport Charter Council.	Committee/ Transport Charter Council
Adopt the guidelines set out by the Transport Sector BEE Council on Accounting for Affirmative Procurement.	Money spent on training and administrative costs in adopting guidelines.	Assessment Report on adherence to guidelines within the industry.	Committee/ Transport Charter Council

### Enterprise Development

Action Undertaken	Input measurement	Output measurement	Quality Control
Create joint ventures with and invest directly in black owned enterprises.	Annex 600A (Benefit Factor Matrix) of the Codes shall apply	Report to Steering Committee on improvement (percentage change) in new entities created.	Committee/ Transport Charter Council
Research ways in which non-core activities such as workshops, certain maintenance functions and security services can be subcontracted to B-BBEE enterprises.	Money spent on research as a % of total discretionary funds	Research Report, together with suggestions handed to Committee/ Transport Charter Council.	TETA & Committee/ Transport Charter Council

### Socio-economic Development

Action Undertaken	Input measurement	Output measurement	Quality Control
Improve socio-development contributions on poverty alleviation and community development	Percentage Net profit after tax on relevant contributions.	Report to Steering Committee on contributions made	Committee/ Transport Charter Council
Implement labour practices in line with labour legislation.	Money spent on awareness campaigns and legal and administrative fees as a % of total discretionary funds	Report to Committee/ Transport Charter Council on adherence to labour legislation.	Committee/ Transport Charter Council

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Ensure non – discrimination against employees living with HIV/AIDS.	Percentage Net profit after tax spent on HIV/AIDS education and surveys on attitude towards people living with HIV/AIDS.	Report to Committee/ Transport Charter Council on attitudes toward people living with HIV/AIDS.	Committee/ Transport Charter Council
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**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR – TRANSPORT**



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

**DEPARTMENT OF TRANSPORT**

**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR - TRANSPORT**

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**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT****ABBREVIATIONS**

	<b>DEFINITION</b>
<b>B-BBEE</b>	Broad-Based Black Economic Empowerment
<b>CPI</b>	Consumer Price Index
<b>DO</b>	Developing Organisation
<b>DOT</b>	Department of Transport
<b>DTI</b>	Department of Trade and Industry
<b>ED</b>	Enterprise Development
<b>EEA</b>	Employment Equity Act
<b>EO</b>	Established Organisation
<b>GDS</b>	Growth and Development Summit
<b>HRD</b>	Human Resource Development
<b>KPIs</b>	Key Performance Indicators
<b>MM</b>	Measurement Matrix
<b>NFA</b>	National Framework Agreement
<b>NSDS</b>	National Skills Development Strategy
<b>PEPs</b>	Personal Empowerment Plans
<b>PFMA</b>	Public Finance Management Act
<b>PLWD</b>	People Living with Disabilities
<b>PPPFA</b>	Preferential Procurement Policy Framework Act
<b>PPPs</b>	Public Private Partnerships
<b>PSA</b>	Proudly South African
<b>SMMEs</b>	Small Medium and Micro Enterprises
<b>SOES</b>	State Owned Enterprises

**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT****1. SCOPE OF APPLICATION****1.1 Stakeholders**

The Broad-Based Black Economic Empowerment Code is specifically aimed at accelerating transformation within the Transport Sector. The key stakeholders in this process are:

- 1.1.1. Department of Transport ("The Department")
- 1.1.2. Transport Agencies;
- 1.1.3. State-Owned Enterprises (SOEs);
- 1.1.4. Provincial Departments of Transport;
- 1.1.5. Local authorities (including metropolitan councils);
- 1.1.6. Labour; and
- 1.1.7. Transport Education and Training Authority.

**1.2. Guiding Principle**

The Stakeholders will maximize our leverage within the sector with the aim of increasing black participation at all levels of the industry value chain and work together with stakeholders to drive implementation of the Transport Sector B-BBEE. Accordingly, Stakeholders will invest new financial and human resources and capacity to participate meaningfully in the process.

**1.3. Undertakings****1.3.1. The sector commits to:**

- 1.3.1.1. Embrace and lead the implementation of the Transport Sector B-BBEE Code and participating in all stakeholder forums and initiatives to drive the process, for example access to finance, marketing and communication, monitoring and evaluation and coordinating the publication of an annual report on B-BBEE in the sector.
- 1.3.1.2. Monitor actual progress made in meeting B-BBEE targets, together with stakeholders.
- 1.3.1.3. Play an advocacy role for B-BBEE in the Sector and increase awareness about investment and funding opportunities in the Industry, especially for B-BBEE operators.
- 1.3.1.4. Co-ordinate the Transport B-BBEE Steering Committee and participate in establishing the Transport Sector B-BBEE Council that will drive the overall B-BBEE Strategy for the Transport Sector.
- 1.3.1.5. Ensure inter-departmental co-ordination of B-BBEE initiatives across government.



**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT****1.4 Duration of this Sub-Sector Code**

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.

**2. DEPARTMENT OF TRANSPORT UNDERTAKING****2.1. Guiding principles****2.1.1. A World Class Industry**

2.1.1.1 The employees of the Department of Transport (DOT) commit to working with all stakeholders in our industry to develop a world-class transport industry that will grow in size, create jobs, stimulate economic growth and development and provide accessible and affordable transport services to our people. We will strive towards achieving the empowerment of black people, especially black women, youth and people living with disabilities.

**2.1.2. Accelerating B-BBEE in the Transport Sector**

2.1.2.1 We further commit ourselves to develop good, effective policies, in consultation with stakeholders, that will result in a significant increase in black participation at all levels of the Transport Sector and throughout the industry value chain. We will develop the capacity to monitor implementation of these policies together with stakeholders in the transport industry.

**2.1.3. A world class Department of Transport**

2.1.3.1 To achieve this vision for the sector, we will develop a world class transport department, that is adequately staffed with highly skilled, motivated and visible officials with a passion to make the transport sector a vital engine for economic growth, development and job creation in South Africa in line with government's Vision 2014, which aims to half the country's unemployment rate. We will improve efficiency within the department with the aim of effectively and efficiently delivering services to all South Africans.

**2.2 Three Pillars of the Scorecard**

2.2.1 Firstly, it has an internal focus that seeks to encourage the DOT (which includes Provincial Departments of Transport) to pursue a transformation agenda according to the broad guidelines set out in the National B-BBEE Strategy and the **Transport Public Sector B-BBEE Scorecard**. The

## BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT

DOT will use its procurement spending to accelerate B-BBEE objectives amongst suppliers and recipients of subsidies, permits and licenses. It will also make significant investments in human resource development, delivering a cadre of highly-skilled public servants who can make a contribution to the SA economy at large.

2.2.2 Secondly, the Sub-Sector Code seeks to encourage transport SOEs and agencies that report to the Department to implement aggressive transformation policies in line with the National B-BBEE Strategy and **Transport Public Sector B-BBEE Scorecard**. The DOT will also develop technology-based tools and procedures to systematically monitor the progress of these entities in implementing their B-BBEE targets. This will require the DOT to invest additional financial and human resources.

2.2.3 Thirdly, the Sub-Sector Code has an external focus because the DOT is the facilitator and the custodian of the process. Stakeholders expect the Department to play a critical role in the Implementation of the Sub-Sector Code. This will require that the Department invests new resources (financial and human) and develops the capacity to meaningfully participate in the new activities and initiatives that the Sub-Sector Code process will spawn.

To achieve these objectives will require the establishment of an inter-departmental B-BBEE task team, chaired by the Director of B-BBEE, to drive implementation. It will also require all units within the Department to integrate B-BBEE objectives into their policies, programmes and key performance indicators (KPIs) used to evaluate managers.

### 2.3 Indicators of empowerment

#### 2.3.1 Elements

The Department of Transport B-BBEE Scorecard has 5 indicators of empowerment, which are: Management, Employment Equity, Skills Development, Preferential Procurement and Enterprise Development. Other indicators within the Generic B-BBEE Scorecard, namely ownership and socio-economic development, will not apply as a result of the DOT being a public entity that operates within the constraints of the Public Finance Management Act (PFMA).

#### 2.3.2 MANAGEMENT CONTROL

##### 2.3.2.1 Guiding Principle

2.3.2.1.1 The Public Sector will attract and retain highly-skilled and motivated black staff in senior management, middle management and junior management positions in the Department and become an "Employer of Choice" for skilled professionals throughout the country. This will require the Department to create a supportive culture and facilitate the development of all employees, especially black women, youth and people living with disabilities. The emphasis on supporting black women and youth is cited

### **BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT**

in the Accelerated and Shared Growth initiative for South Africa (ASGISA) as a prerequisite for halving poverty and unemployment by 2014.

- 2.3.2.1.2 The public sector does not have a say over who is appointed as a minister or a member of the executive council, hence the exclusion of the board of directors for the department of transport. "Executive directors" shall comprise of Director-General and Deputy Directors-General and "Top management" (senior top management and other top management) shall be constituted by Chief Directors and Directors.

#### **2.3.2.2 Criteria and targets:**

The management control element will comprise the following criteria and targets:

- 2.3.2.1.1 Black Representation at the Executive Director level, for which the target will be 70%.
- 2.3.2.1.2 Black Women Representation at the Executive Director level, for which the target will be 35%.
- 2.3.2.1.3 Black Representation at the Senior Top Management level, for which the target will be 70%.
- 2.3.2.1.4 Black Women Representation at the Senior Top Management level, for which the target will be 35%.
- 2.3.2.1.5 Black Representation at the Other Top Management level, for which the target will be 70%.
- 2.3.2.1.6 Black Women Representation at the Other Top Management level, for which the target will be 35%.
- 2.3.2.1.7 Black Disabled Representation, for which the target will be 1%.

#### **2.3.2.2 Measurement Principles and Application of the Charter**

- 2.3.2.2.1 Measurement principles associated with the management control element, are contained in Statement 200 of Code 200 of the B-BBEE Generic Codes of Good Practice.
- 2.3.2.2.2 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 B-BBEE Generic Codes of Good Practice. The Adjustment for Gender Recognition, found in Annexure 200 (A)-A will not apply.

### **2.3.3 EMPLOYMENT EQUITY**

#### **2.3.3.1 Undertakings By Public Sector:**

- 2.3.3.1.1 Embark on an aggressive campaign to market career opportunities within the DOT to position it as an "employer of choice" within the South African economy. The campaign will start at school level and include universities, technikons and other organisations in the public and private sector.
- 2.3.3.1.2 Develop creative programmes to retain staff at all levels – for example, personal empowerment plans (PEPs), flexible work arrangements and incentive schemes.

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- 2.3.3.1.3 The "senior management" criteria under the Employment Equity element will be collapsed into the Top Management category. The target for senior management will apply when determining the DoT's EE contributions. The total weighting will be the sum of the individual weightings.
- 2.3.3.1.4 The Middle management categories will be constituted by professionals as defined in the EE Act and EEA2 form.
- 2.3.3.1.5 Junior management will be constituted by technical, academically qualified, and skilled individuals as per the EEA2 and the EE Act.

#### **2.3.3.2 Criteria and targets:**

The employment equity element will comprise the following criteria and targets:

- 2.3.3.2.1 Black Representation at the Senior Management level, for which the target will be 70%.
- 2.3.3.2.2 Black Women Representation at the Senior Management level, for which the target will be 35%.
- 2.3.3.2.3 Black Representation at the Middle Management level, for which the target will be 70%.
- 2.3.3.2.4 Black Women Representation at the Middle Management level, for which the target will be 35%.
- 2.3.3.2.5 Black Representation at the Junior Management level, for which the target will be 70%.
- 2.3.3.2.6 Black Women Representation at the Junior Management level, for which the target will be 35%.
- 2.3.3.2.7 Black Disabled Representation, for which the target will be 3%.
- 2.3.3.2.8 Black Women Disabled Representation, for which the target will be 1%.
- 2.3.3.2.9 Black Women Representation at semi-skilled and unskilled levels, for which the target will be 35%.
- 2.3.3.2.10 Black Youth Representation, for which the target will be 10%.

#### **2.3.3.3 Measurement Principles and Application of the Charter**

- 2.3.3.3.1 Measurement principles on the employment equity element are contained in Statement 300 of Code 300 of the B-BBEE Generic Codes of Good Practice.
- 2.3.3.3.2 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 B-BBEE Generic Codes of Good Practice. The formula for the determination of the Adjusted Recognition for Gender found in Annexure 300 (A)-A, will not apply.

### **2.3.4 SKILLS DEVELOPMENT**

#### **2.3.4.1 Guiding Principle**

- 2.3.4.1.1 Our objective is to increase the economic value added (or productivity) of every employee in the Department through best-practice Human

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Resource Development (HRD), Employment Equity and Gender policies. A key element will be to identify the critical skills required to fulfil the Department's vision and mission and create a conducive environment for all employees to develop their talent to the fullest. This is congruent with ASGISA which seeks to raise the skill level in areas needed by the economy.

#### **2.3.4.2 The Public Sector commits to:**

- 2.3.4.2.1 Increase our intake of unemployed people to at least 10% of our staff complement and develop PEPs to provide them with the skills required to become productive employees within the economy as a whole. This will require the development of effective mentoring programmes to ensure that the new intakes obtain meaningful work experience and exposure.
- 2.3.4.2.2 Within 3 years, invest at least 5% of the total leviable amount or payroll cost (whichever is applicable) on learning programmes identified in the Learning Programme Matrix contained in Code 400 of the B-BBEE Generic Codes of Good Practice. This includes the current 1% skills development levy as well as all associated training costs, but excludes the department's expenditure on Centres of Excellence.
- 2.3.4.2.3 Invest a minimum of 0.50% of the leviable amount or payroll cost (whichever is applicable) on the training of black people with disabilities on Learning Programmes Contained in Code 400 of the B-BBEE Generic Codes of Good Practice.
- 2.3.4.2.4 The training budget will be spent equitably to develop staff at all levels and strike a balance between specific job-related training and training for personal development. Training programmes will align PEPs with the strategic imperatives of the department. Efforts will be made to improve the quality of skills development expenditure to ensure that it adds real value to employees.

#### **2.3.4.3 Criteria and targets:**

The skills development element will comprise the following criteria and targets:

- 2.3.4.3.1 Expenditure on skills development for Black people as a percentage of total payroll, for which the target will be 3%.
- 2.3.4.3.2 Skills Spend on Black Women employees as a percentage of total payroll, for which the target will be 3%.
- 2.3.4.3.3 Skills Spend on Black disabled employees as a percentage of total payroll, for which the target will be 0.5%.
- 2.3.4.3.4 Skills Spend on Black Women disabled employees as a percentage of total payroll, for which the target will be 0.25%.
- 2.3.4.3.5 Black employees participating in category B, C & D Learning Programmes as a percentage of the total work force, for which the target will be 5%.
- 2.3.4.3.6 Black Women employees participating in category B, C & D Learning Programmes as a percentage of the total work force, for which the target will be 3%.

#### **2.3.4.4 Measurement Principles and Application of the Sub-Sector Code**

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2.3.4.4.1 Measurement principles associated with the skills development element, are contained in Statement 400 of Code 400 of the B-BBEE Generic Codes of Good Practice.

2.3.4.4.2 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 B-BBEE Generic Codes of Good Practice. The formula for the determination of the Adjusted Recognition for Gender found in Annexure 400 (A)-A, will not apply.

### **2.3.5 PREFERENTIAL PROCUREMENT**

#### **2.3.5.1 Guiding Principle**

2.3.5.1.1 Stakeholders will increase procurement from black-owned enterprises, implement transparent and ethical policies and practices, and develop best-practice supplier development policies. This will require the investment of additional resources to monitor and evaluate performance and eliminate practices such as fronting. The Department will also monitor the B-BBEE performance of SOEs and agencies that report to the DOT.

#### **2.3.5.2 Undertakings**

##### **2.3.5.2.1 All stakeholders commits to:**

- 2.3.5.2.1.1 Develop a new B-BBEE procurement policy for the Department that is aligned to the new B-BBEE Act and B-BBEE Strategy; and train all procurement officials about the mechanics of the Generic B-BBEE Scorecard.
- 2.3.5.2.1.2 Co-ordinate procurement policies and reporting procedures across national and provincial departments and transport sector SOEs and agencies to maximise leverage in the transport industry.
- 2.3.5.2.1.3 Introduce pre-qualifying criteria for all suppliers that stipulate a minimum B-BBEE compliance level for every supplier and stipulates a commitment to increase the B-BBEE score on the Generic B-BBEE Scorecard during the duration of the contract (when a contract exceeds a period of six months).
- 2.3.5.2.1.4 Constantly evaluate opportunities to increase the value of total procurement that can be procured from B-BBEE companies and create opportunities for black Qualifying Small Enterprises (QSEs) and Exempted Micro Enterprises (EMEs) by unbundling large contracts where possible.
- 2.3.5.2.1.5 Develop best-practice technology-based monitoring, evaluation and reporting mechanisms for the DOT to enable real-time reporting of B-BBEE procurement and make verification of the B-BBEE credentials of all suppliers according to the Generic B-BBEE Scorecard, a prerequisite for all tenders, in order to eliminate fronting and blacklist offenders.
- 2.3.5.2.1.6 Develop within the DOT the capacity to monitor and evaluate the performance of the SOEs and agencies that report to the department in meeting the targets in the SOEs B-BBEE Scorecard.
- 2.3.5.2.1.7 Produce regular reports that record the largest categories of expenditure and a ranking of suppliers by the value of contracts awarded. The reports will evaluate the tenders awarded and compliance in terms of commitments

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- undertaken by B-BBEE compliant enterprises by value to identify the extent to which such enterprises participate in high value-added contracts.
- 2.3.5.2.1.8 Introduce an e-Procurement system in a manner that will not create new barriers to entry for black entrepreneurs. The system will be introduced with a training programme for B-BBEE suppliers, where necessary.
- 2.3.5.2.1.9 Implement creative mechanisms to overcome the constraints imposed by the Preferential Procurement Policy Framework Act (PPPFA) and its subsequent amendments. This could be achieved by: reducing barriers to entry by introducing best-practice affirmative procurement policies e.g. price preferences, price matching, and reducing the payment cycle to a maximum of 30 days. Such policies will be developed in conjunction with other government departments.
- 2.3.5.2.1.10 Renegotiate all long-term contracts to add B-BBEE requirements.
- 2.3.5.2.1.11 Convene a task team of internal and external specialists to identify areas where the DOT has leverage (for example, permit and license issuing boards) to ensure that the department maximises its leverage across the transport sector value chain to accelerate B-BBEE.
- 2.3.5.2.1.12 Develop, together with stakeholders, Public Finance Management Principles for Affirmative Procurement and ensure that SOE's and agencies that report to the department adopt them.
- 2.3.5.2.1.13 The measurement of preferential procurement as portrayed in Appendix A will provide a transparent and consistent manner in which enterprises within the public sector are scored. The targets and required recognition levels for suppliers are lenient initially, becoming stricter in later years as the enterprise gains market experience and starts to grow in stature.
- 2.3.5.2.1.14 It is envisaged that the gradual lifting of preferential procurement targets will decrease the probability that enterprises will attempt to circumvent the preferential procurement process and thereby render it ineffective.

#### 2.3.5.3 Criteria and targets:

The preferential procurement element will comprise the following criteria and targets:

- 2.3.5.3.1 Percentage of Total Measured Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels, for which the target will be 60%.
- 2.3.5.3.2 Procurement from B-BBEE Compliant QSEs and EMEs as defined by B-BBEE recognition levels, for which the target will be 15%.
- 2.3.5.3.3 Percentage of Total Measured Procurement Spend from enterprises that are 50% Black owned based on the B-BBEE Procurement Recognition Levels, for which the target will be 9%.
- 2.3.5.3.4 Percentage of Total Measured Procurement Spend from enterprises that are 30% Black Women-owned based on the B-BBEE Procurement Recognition Levels, for which the target will be 6%.
- 2.3.5.3.5 Bonus Points: Percentage of Total Measured Procurement Spend from enterprises that are owned by Black disabled people based on the B-BBEE Procurement Recognition Levels, for which the target will be 1%.

#### 2.3.5.4 Measurement Principles and Application of the Charter

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- 2.3.5.4.1 Measurement principles associated with the preferential procurement element are contained in Statement 500 of Code 500 of the B-BBEE Generic Codes of Good Practice.
- 2.3.5.4.2 The formulae required in the determination of the preferential procurement score are contained in Annexure 500 (A) of Statement 500 of Code 500 of the B-BBEE Generic Codes of Good Practice.

### **2.3.6 ENTERPRISE DEVELOPMENT**

#### **2.3.6.1 Guiding Principle**

The DOT will ensure that best-practice enterprise development programmes are implemented, aimed at uplifting communities by providing them with the tools to become economically active.

#### **2.3.6.2 Criteria and targets:**

The only criterion applicable here is the average annual value of all qualifying contributions made by the measured entity as discretionary spend with the target set at 1% of discretionary spend is used.

#### **2.3.6.3 Measurement Principles and Application of the Sub-Sector Code**

- 2.3.6.3.1 Measurement principles associated with the enterprise development element are contained in Statement 600 of Code 600 of the B-BBEE Generic Codes of Good Practice.
- 2.3.6.3.2 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 B-BBEE Generic Codes of Good Practice.
- 2.3.6.3.3 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 B-BBEE Generic Codes of Good Practice.

## **3 STATE OWNED ENTERPRISES**

### **3.1 Guiding principles**

It is important to maximise the impact on the economy of the SOEs and agencies that report to the DOT and ensure that they continue to implement aggressive transformation policies. The SOEs and agencies will contribute towards economic growth by significantly increasing levels of investment and implementing best practice human resource development (HRD) strategies on a large scale to create a cadre of highly-skilled employees who can raise the productivity of investment in the transport sector and the economy. The restructuring of state assets will proceed in a manner that does not reverse the gains made by SOEs and agencies in areas such as ownership, employment equity, procurement and job creation.

### **3.2 Indicators of Empowerment**



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The SOEs B-BBEE Scorecard has 7 indicators.

- 3.2.1 OWNERSHIP**  
(See footnote under the score card)
- 3.2.1.1 The ownership element comprises of the following criteria and targets:
- 3.2.1.1.1 Exercisable voting rights in the hands of black people, for which the target is 25%+ 1 vote.
- 3.2.1.1.2 Exercisable voting rights in the hands of black women, for which the target will be 10%.
- 3.2.1.1.3 Economic interest in the hands of black people, for which the target is 25% of the economic interest accruing to black people.
- 3.2.1.1.4 Economic interest in the hands of black women, for which the target is 10% of the economic interest accruing to black women.
- 3.2.1.1.5 Economic interest in the hands of black designated groups, for which the target is 3%.
- 3.2.1.2 Guidelines for selection in the case of a sale of an SOE or a Productive State Asset**
- 3.2.1.2.1 According to the Broad-Based Black Economic Empowerment Act (2003), the B-BBEE Codes of Good Practice must be applied when determining qualification criteria for the sale of state-owned enterprises. In line with this stipulation, SOEs will be allocated according to the acquiring company's B-BBEE status as determined by the acquiring company's sector charter. In the absence of a sector charter, the B-BBEE Generic Codes of Good Practice shall be applied.
- 3.2.1.2.2 The ownership requirements stipulated above and contained in the scorecard below will be used in the evaluation of the bidders' ownership status and the appropriate sector Sub-Sector Code where applicable.
- 3.2.1.3 The Ownership B-BBEE Scorecard of public sector agencies and regulators that report to the DOT will have the following indicators:**
- 3.2.1.3.1 The percentage of economic interest and exercisable voting rights in the hands of black people.
- 3.2.1.3.2 The percentage of economic interest and exercisable voting rights in the hands of black women.
- 3.2.1.3.3 The percentage of economic interest and exercisable voting rights in the hands of black designated groups.
- 3.2.1.3.4 Net Economic Interest held by black shareholders. This is the portion of equity in the hands of black shareholders that is fully paid up. Essentially it is the value of the shareholding, less the outstanding amounts owed by that shareholder to third party funders or the principle entity in which the stake was acquired.
- 3.2.1.3.5 **Ownership fulfilment** (This occurs when black shareholders are free from all financial obligations relating to their share acquisition and own 100% of their stake in the enterprise.)

**BBBEE SUB-SECTOR CODE FOR PUBLIC SECTOR- TRANSPORT****3.2.1.4 Measurement Principles and Application of the Charter**

- 3.2.1.4.1 Measurement principles associated with the ownership element are contained in Statement 100 of Code 100 of the B-BBEE Generic Codes of Good Practice.
- 3.2.1.4.2 The formulae required in the determination of the ownership score is contained in Annexure 100 (c) of Statement 100 of Code 100 of the B-BBEE Generic Codes of Good Practice.
- 3.2.1.4.3 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 B-BBEE Generic Codes of Good Practice. The target contained in the ownership element of this Sub-Sector Code will apply.
- 3.2.1.4.4 The recognition of the equity equivalent programmes for multinationals has the same meaning and interpretation as that contained in Statement 103 of Code 100 of the B-BBEE Generic Codes of Good Practice.
- 3.2.1.4.5 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 B-BBEE Generic Codes of Good Practice.

**3.2.2 MANAGEMENT CONTROL**

- 3.2.2.1 The measurement principles and the application of the Sub-Sector Code are the same as those that are discussed within the Department of Transport guidelines (Section 2.3.2.3), page 6). The management control element will comprise the following criteria and targets:
- 3.2.2.1.1 The management control element will comprise the following criteria and targets:
- 3.2.2.1.2 Exercisable voting rights of black board members, for which the target will be 70%.
- 3.2.2.1.3 Exercisable voting rights of black woman board members, for which the target will be 35%.
- 3.2.2.1.4 Black Representation at the Executive Director level, for which the target will be 70%.
- 3.2.2.1.5 Black Women Representation at the Executive Director level, for which the target will be 35%.
- 3.2.2.1.6 Black Representation at the Senior Top Management level, for which the target will be 70%.
- 3.2.2.1.7 Black Women Representation at the Senior Top Management level, for which the target will be 35%.
- 3.2.2.1.8 Black Representation at the Other Top Management level, for which the target will be 70%.
- 3.2.2.1.9 Black Women Representation at the Other Top Management level, for which the target will be 35%.
- 3.2.2.1.10 Black Disabled Representation, for which the target will be 1%.

**3.2.3 EMPLOYMENT EQUITY**

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- 3.2.3.1 The measurement principles and the application of the Sub-Sector Code are the same as those that are discussed within the Department of Transport guidelines (Section 2.3.3.3, page 8). The employment equity element will comprise the following criteria and targets:
- 3.2.3.1.1 Black Representation at the Senior Management level, for which the target will be 70%.
- 3.2.3.1.2 Black Women Representation at the Senior Management level, for which the target will be 35%.
- 3.2.3.1.3 Black Representation at the Middle Management level, for which the target will be 70%.
- 3.2.3.1.4 Black Women Representation at the Middle Management level, for which the target will be 35%.
- 3.2.3.1.5 Black Representation at the Junior Management level, for which the target will be 70%.
- 3.2.3.1.6 Black Women Representation at the Junior Management level, for which the target will be 35%.
- 3.2.3.1.7 Black Disabled Representation, for which the target will be 3%.
- 3.2.3.1.8 Black Women Disabled Representation, for which the target will be 1%.
- 3.2.3.1.9 Black Women Representation at semi-skilled and unskilled levels, for which the target will be 35%.
- 3.2.3.1.10 Black Youth Representation, for which the target will be 10%.

#### **3.2.4 SKILLS DEVELOPMENT**

- 3.2.4.1 The measurement principles and the application of the Sub-Sector Code are the same as those that are discussed within the Department of Transport guidelines (Section 2.3.4.4, page 9). The skills development element will comprise the following criteria and targets:
- 3.2.4.1.1 Skills Spend on Black employees as a percentage of total payroll, for which the target will be 3%.
- 3.2.4.1.2 Skills Spend on Black Women employees as a percentage of total payroll, for which the target will be 3%.
- 3.2.4.1.3 Skills Spend on Black disabled employees as a percentage of total payroll, for which the target will be 0.5%.
- 3.2.4.1.4 Skills Spend on Black Women disabled employees as a percentage of total payroll, for which the target will be 0.25%.
- 3.2.4.1.5 Black employees participating in category B, C & D Learning Programmes as a percentage of the total work force, for which the target will be 5%.
- 3.2.4.1.6 Black Women employees participating in category B, C & D Learning Programmes as a percentage of the total work force, for which the target will be 3%.

#### **3.2.5 PREFERENTIAL PROCUREMENT**

- 3.2.5.1 The preferential procurement element will comprise the following criteria and targets:
- 3.2.5.1.1 The measurement principles are the same as those that are discussed within the department of transport guidelines. The preferential procurement element will comprise the following criteria and targets:

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- 3.2.5.1.2 Percentage of Total Measured Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels, for which the target will be 60%. In addition, procurement from B-BBEE compliant QSEs and EMEs as defined by B-BBEE recognition levels, for which will be 15%.
- 3.2.5.1.3 Percentage of Total Measured Procurement Spend from enterprises that are 50% Black owned based on the B-BBEE Procurement Recognition Levels, for which the target will be 9%.
- 3.2.5.1.4 Percentage of Total Measured Procurement Spend from enterprises that are 30% Black Women-owned based on the B-BBEE Procurement Recognition Levels, for which the target will be 6%.
- 3.2.5.1.5 **Bonus Points:** Percentage of Total Measured Procurement Spend from enterprises that are owned by Black disabled people based on the B-BBEE Procurement Recognition Levels, for which the target will be 1%.
- 3.2.6 ENTERPRISE DEVELOPMENT**
- 3.2.6.1 The measurement principles and the application of the Sub-Sector Code are the same as those that are discussed within the Department of Transport guidelines (Section 2.3.6.3, page 12).
- 3.2.6.2 The only criterion applicable here is the average annual value of all qualifying contributions made by the measured entity as a percentage of Net Profit after Tax (NPAT)/discretionary spend (whichever amount is applicable); with the target set at 3% if NPAT is used, or 1% if discretionary spend is used.
- 3.2.7 SOCIO-ECONOMIC DEVELOPMENT**
- 3.2.7.1 The only criterion applicable here is the average annual value of all socio-economic development contributions made by the measured entity as a percentage NPAT/discretionary spend (whichever amount is applicable); with the target set at 1% if NPAT is used, or 3% if discretionary spend is used.
- 3.2.7.2 Contributions focused on HIV/AIDS, Poverty Alleviations and Social Development will receive enhanced recognition by being multiplied by a factor of 1.25.
- 3.2.7.3 Measurement Principles and Application of the Sub-Sector Code**
- 3.2.7.3.1 Measurement principles associated with the socio-economic development element are contained in Statement 700 of Code 700 of the B-BBEE Generic Codes of Good Practice.
- 3.2.7.3.2 Qualifying contributions for the socio-economic development element are contained in Annexure 700 (A) – Benefit Factor Matrix of the Statement 700 of Code 700 of the B-BBEE Generic Codes of Good Practice.

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- 3.2.7.3.3 The formulae required in the determination of the socio-economic development are contained in Annexure 700 (A) of Statement 700 of Code 700 of the B-BBEE Generic Codes of Good Practice.

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### 4. PUBLIC SECTOR B-BBEE SCORECARD

B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities including SOEs and Agencies Weightings	Public Entities including SOEs and Agencies Weightings <sup>2</sup>
Ownership	Exercisable voting rights in the hands of black people	N/A	N/A	25% + 1 vote	3	N/A
	Exercisable voting rights in the hands of black women	N/A	N/A	10%	2	N/A
	Economic interest in the hands of black people	N/A	N/A	25%	4	N/A
	Economic interest in the hands of black women	N/A	N/A	10%	2	N/A

<sup>1</sup> These are points/weightings allocation in the event of an asset disposal and/or upon restructuring.

<sup>2</sup> These are points/weightings allocation prior to disposal of assets and/or restructuring

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B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities Including SOEs and Agencies Weightings <sup>1</sup>	Public Entities Including SOEs and Agencies Weightings <sup>2</sup>
	Economic Interest of the following black natural people in the enterprise: -Black designated groups; -Black participants in employee ownership schemes; -Black beneficiaries of broad-based ownership schemes or -Black participants in cooperatives.	N/A	N/A	3%	1	N/A
	Net Economic Interest/Net value	N/A	N/A	25%	7	N/A
	Ownership Fulfilment	N/A	N/A	-	1	N/A
	<b>Bonus Points:</b>					
	Involvement in the ownership of the enterprise of Black new entrants	N/A	N/A	10%	2	N/A
	Involvement of Broad Based Schemes, ESOPS, Co-ops	N/A	N/A	10%	1	N/A

## PUBLIC SECTOR SUB-SECTOR CODE FOR BBEE

B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities Including SOEs and Agencies Weightings	Public Entities including SOEs and Agencies Weightings
Management	Percentage of total exercisable voting rights in the hands of black board members	N/A	N/A	70%	1.5	1.5
	Percentage of total exercisable voting rights in the hands of black women board members	N/A	N/A	35%	1.5	1.5
	Percentage of black persons who are executive directors	70%	1.5	70%	1	1
	Percentage of black women who are executive directors	35%	1.5	35%	1	1
	Percentage of black persons who are Senior Top Management	70%	2	70%	1	1
	Percentage of black women who are Senior Top Management	35%	2	35%	1	1
	Percentage of black persons who are Other Top Management	70%	1	70%	1	1
	Percentage of black women who are Other Top Management	35%	1	35%	1	1



## PUBLIC SECTOR SUB-SECTOR CODE FOR BBEE

B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities Including SOEs and Agencies Weightings <sup>1</sup>	Public Entities Including SOEs and Agencies Weightings <sup>2</sup>
	Percentage of black disabled representation in management	1%	1	1%	1	1
	<b>Bonus Point:</b> Black Independent Non-Executive Board Members	-	-	20%	1	1
<b>Employment Equity</b>	Percentage of Black People in Senior Management	70%	3	70%	2	2
	Percentage of Black Women in Senior Management	35%	2	35%	1	1
	Percentage of Black People in Middle Management	70%	2	70%	2	2
	Percentage of Black Women in Middle Management	35%	2	35%	2	2
	Percentage of Black People in Junior Management	70%	2	70%	2	2
	Percentage of Black Women in Junior Management	35%	2	35%	2	2

## PUBLIC SECTOR SUB-SECTOR CODE FOR BBEE

B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities including SOEs and Agencies Weightings <sup>1</sup>	Public Entities including SOEs and Agencies Weightings <sup>2</sup>
	Black People living with disabilities as a percentage of all employees	3%	2	3%	1	1
	Black Women living with disabilities as a percentage of all employees	1%	1	1%	1	1
	Black women as percentage of staff below junior management levels	35%	1	35%	1	1
	Black youth as a percentage of all employees	10%	1	10%	1	1
	<b>Bonus point</b> for meeting or exceeding the EAP targets in each category	-	3	-	3	3
<b>Skills Development</b>	Skills Spend on black employees as a percentage of total payroll	3%	5	3%	4	5
	Skills Spend on black women employees as a percentage of total	3%	5	3%	4	5

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B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities Including SOEs and Agencies Weightings <sub>1</sub>	Public Entities Including SOEs and Agencies Weightings <sub>2</sub>
	payroll					
	Number of black employees in Learnerships, Category B, C, & D Learning Programmes as a percentage of total workforce	5%	6	5%	5	6
	Number of black women employees in Learnerships, Category B,C, & D Learning Programmes as a percentage of total workforce	3%	6	3%	4	6
	Skills Spend on black employees living with disabilities as a percentage of total payroll	0.5%	1.5	0.5%	1.5	1.5
	Skills Development on black women employees with disability as a percentage of total	0.25%	1.5	0.25%	1.5	1.5

## PUBLIC SECTOR SUB-SECTOR CODE FOR BBEE

B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities Including SOEs and Agencies Weightings <sub>1</sub>	Public Entities Including SOEs and Agencies Weightings <sub>2</sub>
	payroll					
<b>Preferential Procurement</b>	Procurement from all B-BBEE Compliant Enterprises as defined by the B-BBEE Recognition Levels as a percentage of Total Procurement spend	60%	12	60%	12	12
	Procurement from B-BBEE Compliant QSEs and EME as defined by the B-BBEE Recognition Levels as a percentage of Total Procurement spend	15%	10	15%	3	10
	Procurement from 50% Black-Owned as a % of Total Procurement spend	9%	5	9%	3	4
	Procurement from 30% Black Women-Owned Enterprises as a percentage of Total Procurement spend	6%	5	6%	2	4

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B-BBEE Element	Indicators of Empowerment	National & Provincial DOT 3 Year Targets	National & Provincial DOT Weightings	Public Entities including SOEs & Agencies 3 Year Targets	Public Entities including SOEs and Agencies Weightings	Public Entities including SOEs and Agencies Weightings
	<b>Bonus Points:</b> Procurement from black people living with disability.	1%	3	1%	3	3
<b>Enterprise Development</b>	Expenditure on supplier development initiatives as a proportion of total discretionary spend/NPAT	1% of discretionary spend	15	3% of NPAT or 1% of discretionary spend	10	15
<b>Socio-Economic Development</b>	Expenditure on social development programmes as a percentage of NPAT or discretionary spend	N/A	N/A	1% of NPAT or 1% of discretionary spend	5	5
<b>TOTAL</b>			100		100	

- A. Provincial targets are set in consultation with provinces after conducting a status quo assessment of B-BBEE in the Provincial Departments of Transport, Transport being defined as Road Construction, Rail and Road Transport (Infrastructure and Operations, Safety and Traffic).
- B. All percentages displayed in the scorecard are minimum targets

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### 5. APPENDIX A: B-BBEE STATUS FOR ACCREDITATION ON PREFERENTIAL PROCUREMENT

PERIOD	START – 1 YEARS	2-4 YEARS	5 YEARS PLUS
% OF TOTAL PROCUREMENT	Minimum 50%	Minimum 50%	Minimum 70%
COMPULSORY SUB-TARGET FOR THE DIRECT EMPOWERMENT (OWNERSHIP AND MANAGEMENT CONTROL) ELEMENT	34%	40%	44%

**B-BBEE SUB-SECTOR CODE-- PUBLIC SECTOR****6. APPENDIX B: ENTERPRISE DEVELOPMENT ENHANCED RECOGNITION FACTOR MECHANISM****A. PREAMBLE**

In order for the country to realize its full economic potential it has to draw its entire population into the mainstream economy. This encompasses amongst other issues the reduction of unemployment and the eradication of poverty. It has been proven internationally that the development of new enterprises especially in the SMME sector is the best initiative.

**B. DEFINITIONS**

1. **Contributing Enterprise (CE):**  
This is the organization that is doing the developing and will be claiming the benefit in its Sub-Sector Code scorecard in its' economic sector/sub-sector.
2. **Beneficiary Enterprise (BE):**  
This is the relatively new organization that is receiving the mentorship, direction and assistance from the CE
3. **Enterprise Development Programme:**  
This is the internal programme that the CE designs to develop new/existing organizations against which its scorecard points will be measured in terms of its progress against the plan.

**C. CATEGORIES**

Enterprise development can be separated into four categories viz:

- Category 1: Suppliers – suppliers of equipment, material and the like e.g. stationary, cleaning materials, electronic equipment etc.
- Category 2: Professional service providers – auditing and financial service providers, legal services, services in the built environment (architects, engineering consultants, quality surveyors), etc.
- Category 3: Other service providers – contractors, (building, interior decorators, painting, civil, mechanical), cleaning services and security services.
- Category 4: A special category is necessary for SOEs, provincial and local government for the PPP's. Outsourcing and possible privatisation of certain functions that are still being done within the organization such as: internal bus transport services, internal construction and maintenance units. This category has a short-term duration.

**D. FORMULATION OF ENTERPRISES**

The beneficiary enterprise must:

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- be a legally registered entity compliant with all the necessary regulations etc.
- the owner/s, shareholders must be employers of at least three other permanently employed personnel and not merely a one person operation.
- it must be a genuine emerging entity with employees and shareholders that lack skills and experience and have a genuine need to be empowered (there should be no window dressing or fronting).

### E. ENHANCED RECOGNITION DETERMINATION

This is to be broken up into two components:

1. Determination of enterprise development compliance; and
2. Measurement of development and computing this measure of progress and determining the enhanced recognition factor.

#### 1. Development Compliance

- 1.1 Auditors\* or an accredited verification agency will measure progress against the plan of development.
- 1.2 Auditors\* or an accredited verification agency will review the enterprise development documentation
- 1.3 Auditors\* or an accredited verification agency will interview the DO owner and selected staff to gauge benefits provided and actual development attained by the DO.
- 1.4 \*These can be auditors with an accounting/financial background but are not limited to this category of people.

#### 2. Measurement

- 2.1. When the above 3 steps are achieved, the auditor can deem that the enterprise development has been attained and that the development programme is compliant.
- 2.2 The equation/formula used to convert this achievement into an enhanced recognition is as follows:

#### 3. Prerequisites

A CE should have a minimum of 2 BEs' that being developed at a time, in order to qualify to receive the enhanced recognition for ED within the scorecard.

- I. The phase-in period for the CE to develop its development programme and identify its BEs' is 12 months from the date of signature of the Transport Sector Charter.
- II. BEs should be factored in over 24 months from date of signature to be catering for a minimum of 30% of a CEs discretionary spend increasing to 60% at the end of year 5 from the date of signature of the Transport Sector Charter.



**B-BBEE SUB-SECTOR CODE- PUBLIC SECTOR****a) Scoring**

- i) The scores derived from the MM for each enterprise in the programme are added together and an average is computed.
- ii) If the average is growth rate is less than real GDP growth for the period in question then the CEs will receive a penalty point (i.e. a reduced score with zero as a minimum).
- iii) If the average growth rate is equal to real GDP growth, the CE will be neither penalized nor rewarded.
- iv) If the average growth rate exceeds real GDP growth the CE will be rewarded on a sliding scale up to a maximum of multiplier of 1.5.

**TABLE 1: MULTIPLICATION OF FACTORS**

Average Growth Rate of BE	Multiplication Factor
25% less than real GDP growth annualised	0.75
20% less than real GDP growth annualised	0.80
15% less than real GDP growth annualised	0.85
10% less than real GDP growth annualised	0.90
5% less than real GDP growth annualised	0.95
Equal to real GDP growth annualised	1.0
5% greater than real GDP growth annualised	1.025
10% greater than real GDP growth annualised	1.05
15% greater than real GDP growth annualised	1.075
20% greater than real GDP growth annualised	1.10
25% greater than real GDP growth annualised	1.125

**F. CRITERIA FOR COMPLIANCE**

For the enterprise development programme to be compliant, it must include the following components:

1. Management skills transfer
2. Establishment of Administrative systems
3. Establishment of cost control systems
4. Planning skills transfer
5. Business skills transfer
6. Technical skills transfer
7. Legal compliance skills transfer
8. Procurement skills transfer
9. Establish credit rating/history

**B-BBEE SUB-SECTOR CODE- PUBLIC SECTOR**

## 10. Establish financial loan capacity/history

**G. MEASUREMENT MATRIX (MM)**

Item	Criteria	Previous Year	Current Year	% Growth	Weighting	Score
<b>A</b>	<b>FINANCIAL</b>					
1	Annual turnover				20	
2	No. of permanent employees				20	
3	Total value of assets				20	
<b>B</b>	<b>REGULATORY</b>					
4	Total credit facilities available for suppliers				10	
5	Tax & other regulatory compliance				10	
<b>C</b>	<b>OTHER</b>					
6	Operating & costing systems capacity				10	
7.	Skills Transfer				10	

**B-BBEE SUB-SECTOR CODE-- PUBLIC SECTOR**

**EXAMPLE**

**DO I**

**DO II**

**DO III**

	% GROWTH	WIEGHTING	SCORE		% GROWTH	WIEGHTING	SCORE		% GROWTH	WIEGHTING	SCORE
1	+ 10%	X 20	= 2.0		+ 8%	X 20	= 1.6		+ 12%	X 20	= 2.4
2	+ 33%	X 20	= 6.6		+ 0%	X 20	= 0		+ 66%	X 20	=
3	+ 6%	X 20	= 1.2		+ 4%	X 20	= 0.8		+ 15%	X 20	= 3.0
4	+ 0%	X 10	= 0		+ 0%	X 10	= 0		+ 0%	X 10	= 0
5	+ 15%	X 10	= 1.5		+ 8%	X 10	= 0.8		+ 3%	X 10	= 0.3
6	+ 12%	X 10	= 1.2		+ 4%	X 10	= 0.4		+ 0%	X 10	= 0
7	+ 20%	X 10	= 2		+ 5%	X 10	= 0.5		+ 5%	X 10	= 0

TOTAL SCORE

**14.5**

**4.1**

**18.9**

Average Growth Rate =  $\frac{14.5 + 4.1 + 18.9}{3}$

= 12.5

Assume real GDP growth rate to be 10

12.5 > 10 i.e. Growth Rate Exceeds real GDP growth annualised by 25% ∴ multiplier factor is 1.125

Therefore if these 3 developing organizations together accounted for 15% of the CE discretionary spend in the year in question, out of a total 30% allocated by the CE for Sub-Sector Code requirements then the multiplier effect will be 1.125 x 15 = 16.875 x [the monetary value of discretionary spend from the entities]

- i.e Discretionary spend = R20 million
- 30% = R6m
- 16.875% = R1.0125m
- 15% = R0.9m

CEs Scorecard Score R1.0125m = 16.875 x weighting = x

**B-BBEE SUB-SECTOR CODE- PUBLIC SECTOR****7. APPENDIX C: LEARNING PROGRAMME MATRIX**

Category	Narrative Description	Delivery Mode	Learning Site	Learning Assessment
A	Institution-based theoretical instruction alone – formally assessed by the institution	Institutional instruction	Institutions such as universities and colleges, schools, ABET providers	Recognised theoretical knowledge resulting in the achievement of a degree, diploma or certificate issued by an accredited or registered formal institution of learning
B	Institution-based theoretical instruction as well as some practical learning with an employer or in a simulated work environment – formally assessed through the institution	Mixed mode delivery with institutional instruction as well as supervised learning in an appropriate workplace or simulated work environment	Institutions such as universities and colleges, schools, ABET providers and workplace	Theoretical knowledge and workplace experience with set requirements resulting in the achievement of a degree, diploma or certificate issued by an accredited or registered formal institution of learning
C	Recognised or registered structured experiential learning in the workplace that is required after the achievement of a qualification – formally assessed by a statutory occupational or professional body	Structured learning in the workplace with mentoring or coaching	Workplace	Occupational or professional knowledge and experience formally recognised through registration or licensing
D	Occupationally-directed instructional and	Institutional instruction together	Institution and workplace	Theoretical knowledge and workplace learning,

**B-BBEE SUB-SECTOR CODE-- PUBLIC SECTOR**

Category	Narrative Description	Delivery Mode	Learning Site	Learning Achievement
	work-based learning programme that requires a formal contract – formally assessed by an accredited body	with structured, supervised experiential learning in the workplace		resulting in the achievement of a South African Qualifications Authority registered qualification, a certificate or other similar occupational or professional qualification issued by an accredited or registered formal institution of learning
E	Occupationally-directed instructional and work-based learning programme that does not require a formal contract – formally assessed by an accredited body	Structured, supervised experiential learning in the workplace which may include some institutional instruction	Workplace and some institutional as well as ABET providers	Credits awarded for registered unit standards
F	Occupationally-directed informal instructional programmes	Structured information sharing or direct instruction involving workshops, seminars and conferences and short courses	Institutions, conferences and meetings	Continuing professional development, attendance certificates and credits against registered unit standards (in some instances)
G	Work-based informal programmes	Informal training	Workplace	Increased understand of job or work context or improved performance or skills

**B-BBEE SUB-SECTOR CODE– PUBLIC SECTOR****8. APPENDIX D: COMMITMENT EVALUATION MATRICES****Employment Equity**

Action Undertaken	Input measurement	Output measurement	Quality Control
Embark on an aggressive campaign to market career opportunities within the DOT	Current level of new job applications at the DOT	Report to Steering Committee/Sub-Sector Code Council on the number of new applications to the DOT and statistical information to prove any movement in the number of career seekers	DOT & Steering Committee/Sub-Sector Code Council
Develop creative programmes to retain staff at all levels	Current level of job retention at the DOT	Statistical report on staff retention to Steering Committee/Sub-Sector Code Council	Steering Committee/Sub-Sector Code Council

**Skills Development**

Action Undertaken	Input measurement	Output measurement	Quality Control
Increase our intake of unemployed school-leavers to at least 10% of our staff complement	Current level of in-take of unemployed school-leavers	Progress Report to the Steering Committee/Sub-Sector Code Council on the level of intake of unemployed school-leavers	DOT & Steering Committee/Sub-Sector Code Council
Identify sources of donor funds for skills development	% of training spend that is comprised of donor funds	Annual update to Steering Committee/Sub-Sector Code Council on % of training spend sourced from donor funds	Steering Committee/Sub-Sector Code Council
Implement effective mentorship and succession planning programmes	Hours spent mentoring employees	Annual updates to Steering Committee/Sub-Sector Code Council on employment progress of mentored employees and new mentoring initiatives	Steering Committee/Sub-Sector Code Council
Constantly evaluate skills gaps within the department and take action to recruit competent staff	Analysis of current skills shortage	Annual updates to Steering Committee/Sub-Sector Code Council, Sub-Sector Code	Steering Committee/Sub-Sector Code Council

**B-BBEE SUB-SECTOR CODE- PUBLIC SECTOR**

		Council on skills shortages	
<b>Preferential Procurement</b>			
<b>Action Undertaken</b>	<b>Input measurement</b>	<b>Output measurement</b>	<b>Quality Control</b>
Develop a new B-BBEE procurement policy	Analysis of gaps in current procurement policy	New procurement policy	DOT
Co-ordinate procurement policies and reporting procedures across national and provincial departments and transport sector SOEs and agencies	Report on current co-ordination mechanisms	Report to Steering Committee/Sub-Sector Code Council regarding new and updated co-ordination mechanisms	DOT & Steering Committee/Sub-Sector Code Council
Introduce pre-qualifying criteria B-BBEE for suppliers	Analysis of current pre-qualifying criteria	New procurement pre-qualifying criteria aligned with the requirements of the charter	DOT
Develop best-practice supplier development programmes	Current compliance with targets set out in the charter	Annual Progress Report to Steering Committee/Sub-Sector Code Council on BEE Procurement	DOT & Steering Committee/Sub-Sector Code Council
Constantly evaluate possibility of procurement from black SMMEs	Current level of black SMME procurement	Annual Report on black SMME procurement submitted to Steering Committee/Sub-Sector Code Council	Steering Committee/Sub-Sector Code Council
Develop best-practice technology-based monitoring, evaluation and reporting mechanisms	Evaluation of current procurement management systems	BEE Procurement management system integrated into procurement reporting	DOT
Overcome constraints to overcome restrictions of PPPFA	Evaluation of constraints imposed by PPPFA	Report on measures taken to overcome PPPFA constraints	DOT
Negotiate B-BBEE Requirements into all new and existing long-term contracts	Current level of supplier B-BBEE Compliance	Annual update on B-BBEE compliance of suppliers	DOT
Maximise leverage and policy influence in the transport sector to drive B-BBEE	Current level of B-BBEE compliance within the sector (baseline study)	Annual update of B-BBEE compliance within the sector submitted to Steering Committee Sub-Sector Code Council	Steering Committee/Sub-Sector Code Council

**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**

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

### 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 BBEE**

### **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;
- 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 BBEE 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-



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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.

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### **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

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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

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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

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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

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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.

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- 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.

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- 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



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- 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.

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- 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.

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- 3.8.3.2.3 SAMSA's mandate is to promote South Africa's maritime interests.
- 3.8.4 Measurement Principles and the Application of the Sub-Sector Code**
- 3.8.4.1 Measurement principles associated with the socio-economic development element are contained in Statement 700 of Code 700 of the Generic Code of Good Practice.
- 3.8.4.2 Qualifying contributions for the socio-economic development element are contained in Annexure 700 (A) – Benefit Factor Matrix of the Statement 700 of Code 700 of the Generic Codes of Good Practice.
- 3.8.4.3 The formulae required in the determination of the socio-economic development are contained in Annexure 700 (A) of Statement 700 of Code 700 of the Generic Code of Good Practice.
- 3.8.4.4 Measurement principles required in evaluating socio-economic development contributions made by QSEs within this subsector are contained in Statement 807 of Code 800 of the Generic Codes of Good Practice

### 4. MARITIME TRANSPORT & SERVICES INDUSTRY B-BBEE SCORECARD

B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
<b>Foreign Ownership:</b> <u>Provide evidence of a global practice against selling equity to locals in investee countries</u>	25% of the value of the South African operations of the Multinational, determined using a Standard Valuation; OR	25% of the value of the South African operations of the Multinational, determined using a Standard Valuation OR	20
	4% of Total Revenue from its South African operations annually over the period of continued measurement Equity Equivalence	4% of Total Revenue from its South African operations annually over the period of continued measurement 20	
<b>Ownership</b>	Exercisable voting rights in the hands of black people	25% + 1 vote	3
	Exercisable voting rights in the hands of black women	10%	2
	Economic Interest in the hands of black people	25%	4
	Economic Interest in the hands of black women	10%	2

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BBBEE Element	Indicators of Empowerment	Private Sector's Year Targets	
	Economic Interest of following black natural people in the Enterprise: -black designated groups, -black participants in Employee Ownership Schemes, -black beneficiaries of Broad based Ownership Schemes ;or -black participants in Co-operatives	3%	1
	Net Economic Interest/Net value	25% graduated over 10 years as per the Codes (Year 5 at 60%)	7
	Ownership Fulfillment		1
	<b>Bonus points:</b>		
	Involvement in the ownership of the Enterprises of black new entrants:	10%	2
	Involvement in the ownership of the Enterprises of black Participants: ESOPS, Broad-Based Ownership schemes; Co-operatives	10%	1
<b>Management</b>	% of total exercisable voting rights in the hands of black board members	50%	1.5
	% of total exercisable voting rights in the hands of black-women board members	25%	1.5
	% Black persons who are executive directors	50%	1
	% Black women who are executive directors	25%	1
	% of black people who hold senior top management positions	40%	1.5
	% of black women who hold senior top management positions	20%	1.5
	% of black people who hold other top management positions	40%	1

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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	% of black women who hold other top management positions	20%	1
	<b>Bonus Point:</b> Black Independent Non-Executive Board Members	40%	1
	<b>Bonus points:</b> Percentage of black people living with disability as a percentage of total management	3%	1
<b>Employment Equity</b>	% Black People in Senior Management	60%	3
	% Black Women in Senior Management	30%	2
	% Black People in Middle Management	75%	2
	% Black Women in Middle Management	38%	2
	% Black People in Junior Management	80%	2
	% Black Women in Junior Management	40%	2
	Black People living with disabilities as a % of all employees	3%	1
	Black Women living with disabilities as a % of all employees	1.5%	1
	<b>Bonus Points:</b> Meeting or exceeding EAP Targets in each category of employment equity	-	3
<b>Skills Development</b>	Skills Development Expenditure on Learning Programmes specified in the learning programme matrix for Black Employees as a percentage of leviable amount	5%	3.5
	Skills Development Expenditure on Learning Programmes specified in the learning programme matrix for Black Women Employees as a percentage of leviable amount	2.5%	3.5

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B-BBEE Element	Indicators of Empowerment	Year Targets	Weightings
	Skills Development Expenditure on learning programmes specified in the learning programme matrix for black employees with disabilities	0.5%	1.5
	Skills Development Expenditure on learning programmes specified in the learning programme matrix for black women employees with disabilities	0.25%	1.5
	Number of black employees participating in learnerships or category B, C and D programmes as a percentage of total employees	5%	2.5
	Number of black employees participating in learnerships or category B, C and D programmes as a percentage of total employees	2.5%	2.5
<b>Preferential Procurement</b>	Procurement from all B-BBEE Compliant Enterprises as defined by the B-BBEE Recognition Levels as a % of discretionary spend	70%	12
	Procurement from B-BBEE Compliant QSEs and EME as defined by the B-BBEE Recognition Levels as a % of Total Measurable Spend	15%	3
	Procurement from 50% Black-Owned as a % of Total Measured Procurement Spend	12%	3
	Procurement from 30% Black Women-Owned Enterprises as a % of Total Measured Procurement Spend	8%	2
<b>Enterprise Development</b>	Expenditure on supplier development initiatives	3% NPAT	

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B-BBEE Element	Indicators of Empowerment	Private Sector 5 Year Targets	Private Sector Weightings
	as a % of NPAT		15
<b>Socio-Economic Development</b>	Expenditure on social development programmes as a % of NPAT	1% of NPAT	5
<b>Total</b>			<b>100</b>

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### 5. QUALIFYING SMALL ENTERPRISES B-BBEE SCORECARD

B-BBEE Element	Indicators of Empowerment	Private Sector 5 year target	Private Sector Weightings
<b>Ownership</b>	Exercisable voting rights in hands of black people	25% + 1 Vote	6
	Economic Interest of black people in the Enterprise	25%	9
	Realisation Points:		
	Ownership fulfilment		1
	Net Value	25% graduated over 10 years as per the Codes (Year 5 at 60%)	9
	<b>Bonus Points:</b>		
	Involvement in the ownership of the Enterprise by black women	10%	2
	Involvement in the ownership of the Enterprise by black participants in Employee Share Schemes, Co-operatives or Broad Based Ownership Schemes	10%	1
<b>Management Control</b>	Black Representation at Top Management level	50.1%	25
	<b>Bonus Points:</b> Black women representation at Top-Management	25%	2
<b>Employment Equity</b>	Black Employees of the Measured Entity who are Management	40%	7.5
	Black Women Employees of the Measured Entity who are management	20%	7.5
	Black employees of the Measured Entity as a percentage of total employees	60%	5
	Black Women employees of the Measured Entity as a percentage of total employees	30%	5
	<b>Bonus points</b> for meeting or exceeding the EAP targets in each category		2
<b>Skills Development</b>	Skills Development spend on learning programmes for black employees as a percentage of the leviable/payroll	2%	12.5
	Skills Development spend on learning programmes for black women employees as a percentage of the leviable/payroll	1%	12.5



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

B-BBEE Element	Indicators of Empowerment	Private Sector 5 year target	Private Sector Weightings
<b>Preferential Procurement</b>	BEE Procurement Spend from all suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	40%	25
<b>Enterprise Development Spend</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	2% of NPAT	25
<b>Socio-Economic Development</b>	Average annual value of Qualifying Contributions made by the Measured Entity as a percentage of the target	1% of NPAT	25
<b>TOTAL</b>			175

A QSE must select any four of the above seven elements for the purposes of measurement. If a QSE does not make a selection, its four best element scores will be used for the purposes of measurement.

### APPENDIX A: COMMITMENT EVALUATION MATRIX

This is an example of a matrix that will be used by this Sub-Sector Code to measure the commitments by stakeholders to the Sub-Sector Code. This matrix represents commitments to Skills Development made by TETA.

Action Undertaken	Input measurement	Output measurement	Quality Control
Conduct research to identify scarce skills	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/Council	Transport Charter Council
Conduct research on the supply side of the skills development equation	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/Council	Transport Charter Council
Introduce new categories of learnerships	Money spent on research as a % of total discretionary funds	Report to Steering Committee/Council on the number of new learnership categories introduced and accredited as a % of the number of new categories identified	TETA & Transport Charter Council
Collect and publish detailed and aggregated statistics on the EE profile of the industry	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/Council	Transport Charter Council
Assist in unlocking the funds from the National Skills Fund	Money spent on assistance as a % of total discretionary funds	Report to Steering Committee/Council on value of funding unlocked as a % of total funds required to	Transport Charter Council

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

		address learnership needs in the Maritime Sector	
Continuously benchmark training programmes against international best practice	Money spent on research as a % of total discretionary funds	Progress Report on research to Steering Committee/Council	SAMSA & Transport Charter Council
Expand the number of learnerships available based on the sector's skills requirements	Number of new learnership categories introduced and accredited as a % of the number of new categories identified	Number of learners in initiated learnerships as a % of total skills required in each category	TETA & Transport Charter Council
Facilitate easy access to finance learnerships and eliminate bottlenecks and bureaucratic procedures in accessing grants	Money spent on assistance as a % of total discretionary funds	Report to Steering Committee/Council on value of funding available as a % of total funds required to address learnership needs in the Maritime Sector	TETA & Transport Charter Council







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