



Your Chamber, Your Voice

Jou Sakekamer, Jou Stem

WEST COAST CHAMBER OF COMMERCE
WESKUS SAKEKAMER

WELCOME TO THE JULY 2024 NEWSLETTER

Our 5 Key Priorities:

- ✓ Advocacy
- ✓ Networking
- ✓ Information and Resources
- ✓ Promotion and Marketing
- ✓ Community Engagement

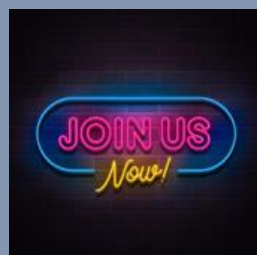
Ons 5 Sleutel Prioriteite:

- ✓ Voorspraak
- ✓ Netwerk
- ✓ Inligting en hulpbronne
- ✓ Bevordering en Bemarking
- ✓ Gemeenskapsbetrokkenheid

CHAMBER NETWORK FUNCTION



Membership Fees are unchanged at R1200per annum. Please support your Chamber by paying your 2024 fees.



INWARD MIGRATION (Stats SA Census)

Province of previous residence	2001	2011	2022
Eastern Cap	2 889	4 409	4 253
Free State	404	467	580
Gauteng	1 321	1 836	2 607
KwaZulu-Natal	476	415	743
Limpopo	164	282	314
Mpumalanga	342	306	372
Northern Cape	1 037	1 014	682
North West	187	232	371
Western Cape	63 165	86 141	136 923
Outside South Africa		1 106	2 626
Undetermined	455	2 985	5 162
Total	70 440	99 193	154 635

In 2001 there were 7 275 or 10.34% migrants. In 2011 there were 13 052 or 13.16% migrants. In 2022 there were 17 712 or 11.45% migrants in the SBM

Most migrants are from the Eastern Cape and Gauteng

94% are Born in SA

Region of birth	2001	2011	2022
Born in South Africa	66 403	93 508	144 891
SADC	749	1 055	5 200
Rest of Africa	194	274	650
United Kingdom and Europe	114	161	521
Asia	56	79	172
North America	0	0	31
Latin America and Caribbean	5	7	30
Oceania	4	6	36
Unspecified	2 913	4 102	199
Not applicable	0	0	2 906
Total	70 440	99 193	154 635

Population group	2001	2011	2022
Black African	3 154	7 592	8 689
Coloured	1 372	1 555	2 561
Indian or Asian	69	117	152
White	2 681	3 419	5 367
Other		369	895
Unspecified			48
Total	7 275	13 052	17 712

Age groups	2001	2011	2022
00 - 04	0	356	571
05 - 09	652	441	648
10 - 14	504	522	2 482
15 - 19	632	814	1 004
20 - 24	1 221	2 799	2 239
25 - 29	1 254	2 848	2 467
30 - 34	858	1 538	2 095
35 - 39	622	972	1 438
40 - 44	539	606	953
45 - 49	338	468	655
50 - 54	243	403	643
55 - 59	157	303	517
60 - 64	110	293	680
65 - 69	51	251	565
70 - 74	30	149	354
75 - 79	31	120	170
80 - 84	27	86	114
85+	6	84	118
Total	7 275	13 052	17 712

Black Africans account for the largest inward migration followed by the White Group

Majority of migrants are between 20 and 34 years of age

Equal between Males and Females



Gender	2001	2011	2022
Male	3 712	6 798	9 312
Female	3 562	6 254	8 399
Total	7 275	13 052	17 712

CLIMATE DYNAMICS (Copernicus)

Top 10 Wettest Months wrt total rainfall (mm) – February 1950 to June 2024

month	year	Hopefield	Langebaan	Parternoster	Saldanha	Sthelena	Vredenburg
July	2001	128,011	143,926	137,048	151,174	136,489	143,068
June	1962	106,358	117,813	126,664	126,671	128,634	125,054
July	2008	123,681	128,033	112,684	130,161	140,938	123,996
June	1986	90,711	106,749	116,748	119,17	102,355	116,364
June	1994	112,792	117,576	110,392	119,456	115,539	116,128
June	2023	103,882	107,881	110,153	112,968	122,767	113,604
June	1976	118,924	107,531	114,006	109,857	149,386	113,198
June	1977	97,312	106,574	106,876	114,451	117,338	110,175
August	2013	109,222	110,365	103,833	111,209	105,257	107,235

Top 10 Driest Months wrt total rainfall (mm) - February 1950 to June 2024

month	year	Hopefield	Langebaan	Parternoster	Saldanha	Sthelena	Vredenburg
November	1959	0,314	0,606	1,465	0,876	0,521	1,057
January	1956	0,348	0,741	1,4	0,935	0,605	1,034
November	2003	1,977	1,12	0,873	0,921	1,295	0,889
December	2023	2,64	1,435	0,667	0,997	2,742	0,875
January	1953	0,425	0,696	0,81	0,895	0,936	0,807
December	1962	0,881	0,608	0,952	0,725	1,221	0,807
January	1964	1,6	1,286	0,485	0,718	1,203	0,754
December	1979	0,199	0,482	0,825	0,636	0,195	0,656
December	2005	0,448	0,359	0,127	0,197	0,453	0,206

Top 10 Hottest Months wrt maximum temperatures (oC) - February 1950 to June 2024

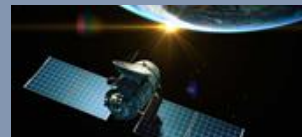
month	year	Hopefield	Langebaan	Parternoster	Saldanha	Sthelena	Vredenburg
January	2016	25,828	23,328	20,536	21,846	26,165	21,578
February	2009	23,718	21,995	19,884	20,91	24,304	20,687
February	2011	24,083	22,101	19,624	20,842	24,279	20,564
January	2012	23,488	21,769	19,767	20,764	23,802	20,51
January	1963	23,614	21,828	19,631	20,726	23,943	20,464
February	1950	24,192	21,844	19,449	20,585	25,247	20,403
February	2014	23,569	21,715	19,571	20,59	23,946	20,369
January	1978	22,801	21,408	19,718	20,62	23,258	20,36
January	1993	22,182	20,993	19,707	20,404	22,972	20,221

Top 10 Coldest Months wrt maximum temperatures (oC) - February 1950 to June 2024

month	year	Hopefield	Langebaan	Parternoster	Saldanha	Sthelena	Vredenburg
July	2015	11,365	12,091	12,306	12,282	11,255	12,174
August	1970	10,966	11,865	12,341	12,235	10,871	12,136
August	1971	11,246	11,963	12,282	12,217	11,265	12,128
August	2012	11,109	11,953	12,277	12,26	11,119	12,121
August	1956	11,149	11,937	12,252	12,226	11,134	12,106
July	1968	10,598	11,723	12,311	12,132	10,651	12,073
August	1954	11,157	11,878	12,227	12,153	11,041	12,052
August	1955	11,012	11,791	12,264	12,095	11,125	12,047
July	1954	10,497	11,514	12,111	11,928	10,323	11,855



<https://www.youtube.com/@ViewFromSpace4506/videos>



Logistics Snippets

Cargo vessel stranded on West Coast breaks up

Stormy waves have broken apart the *MV Ultra Galaxy*, leading to an oil spill off South Africa's west coast where the vessel ran aground earlier this month, according to a report released by the SA Maritime Safety Authority (Samsa) on Sunday.

Samsa said that salvage work on the grounded Panama-flagged general cargo vessel, which has been beached on its side in a remote area of the West Coast since early July, had "taken a turn" after the vessel broke apart in stormy weather, leading to an oil spill.

A full assessment is currently being conducted by both aerial and surface surveys. This follows the severe and disruptive weather that continues to batter the Western and Northern Cape coastlines."

"At one stage, 6.8-metre swells struck the wreck every 15 seconds, and the massive force of this constant battering caused the accommodation (section) to first break off, which then led to a number of larger cracks on the hull, forward of the accommodation," Samsa said.

The authority added that salvors had managed to remove several lube oil drums and about eight tons of marine gas oil from the wreck's fuel tanks last week.

"All essential resources needed to deal with the oil spill have been mobilised. An Orange level six warning for damaging winds and waves was issued earlier in the week, with conditions expected to last until Monday, with the swell subsiding by Wednesday. Active salvage work will resume once it is safe to access the wreck," said Samsa.



Burning issue – privatisation at the Port of Cape Town

Cape Town mayor Geordin Hill-Lewis made a strong case for the implementation of fast-paced privatisation initiatives at the Port of Cape Town, emphasising what it would mean for the economy of the Western Cape.

Speaking at a meeting of the Exporters Western Cape (EWC), his comments were aired on the evening ahead of a news report on Tuesday morning, stating that Transnet is not interested in entertaining privatisation developments similar to what's happening at the Port of Durban.

However, at least three industry stakeholders said that the report is based on old information, and factually inaccurate in referencing, in current terms, former port manager Rajesh Dana.

EWC chair, Terry Gale, pointed out that Dana had moved up the corporate ladder at the state-owned logistics company and had since been transferred to the Port of Ngqura.

"Not sure how much water this holds," Gale said about the report that claims Cape Town won't follow Durban's lead in relation to Philippines logistics multinational, International Container Terminal Services (ICTSI), getting 49% concessionary control at Durban Container Terminal.

Clifford Evans, customs liaison manager at freight forwarder Berry & Donaldson, also criticised the report, saying it's not true that Transnet is opposed to privatisation in Cape Town.

"They are open to private-sector participation but are looking at it as a long-term plan, within the next five to six years. But the Western Cape government is pushing to get the process started now.

"Their view is that an inefficient port has a direct impact on the economy of the province," said Evans.

Looking at Labour

Frequently asked questions:

We would love to answer your questions on labour legislation and labour issues in our newsletter. Please send us questions that you would like addressed for inclusion in the next newsletter.

The incapacity of an employee: What to do when an employee is unable to perform their duties

The labour law in South Africa only allows dismissal of an employee for three reasons: for misconduct, operational reasons (retrenchment), or for incapacity of an employee. Incapacity, simply put, is where an employee is unable to perform the duties of their role, despite being willing to do so. The recognised forms of incapacity are incapacity due to ill health or injury and incapacity due to poor work performance (incompetence).

Important to remember is that incapacity is no fault of the employee, they are simply too ill or injured to perform their duties, or despite their best effort, the employee is unable to do the job to the standards required. Poor performance could be for many reasons, such as, the employee is not able to assimilate the knowledge or learn the competencies required to perform the role or may not be able to cope with the pressures of the role. Interestingly, even the inability to fit into the culture of the organisation is deemed an incapacity.

Where the inability to meet performance standards is usually a permanent incapacity, ill health or injury may be permanent or temporary. Ascertaining whether an incapacity is permanent or not is important when determining whether dismissal of the employee is an appropriate option. Where reasonably possible,

As in the case of any other dismissal, alternatives short of dismissal must be considered in cases of incapacity too. My recommendation to any employer facing an incapacity case is to ensure they receive guidance from a reputable labour consultant or attorney before embarking on the process of dismissing an employee for incapacity.

Managing an incapacity can be a heart breaking process, particularly when a long serving, loyal employee can no longer do their job despite desperately needing or where an outstanding employee is injured in a freak accident, rendering them physically or mentally unable to perform their duties. This is even more difficult when the incapacity is as a result of an injury or illness sustained at the workplace, as this impacts on the morale and the sense of safety of all employees at the workplace.

A few important matters to consider when dealing with a potential incapacity:

In a case of ill health or injury, the process of "boarding" an employee is a separate process to that of the employer's process of establishing whether a person is capacitated to do their job. The requirements to board an employee are quite difficult to meet because insurance companies look at whether an employee is fit enough to work in any role before considering boarding, whereas the employer is only required to consider whether the employee is fit enough to work in their role and other roles that are available at the workplace. An employer can therefore fairly dismiss an employee who is incapacitated to work after following a fair internal process, but may find that an insurance company will not be willing to board the employee and pay disability benefits. The dismissal of the employer will still be considered fair in this case, even if the disability insurance has been arranged by the employer as an employee benefit.

an employee who is temporarily incapacitated should be accommodated, provided that the accommodation required is reasonable. A very lengthy period of incapacity, or a role that cannot easily be temporarily filled could be deemed a fair dismissal in the case of a temporary incapacity.

A fair procedure to address incapacity is laid out in Sections 9, 10 and 11 of Schedule 8 of the Labour Relations Act, the Code of Good Practice: Dismissal. The Code differentiates between fair process when managing incapacity due to ill health or injury and managing Incapacity due to poor work performance.

The Code requires that for dismissal for incapacity due to poor work performance to be fair, the employer must have had work performance standards in place and must have clearly communicated these standards to the employee. The employee will need to establish that these standards had not been met despite being given every opportunity to meet the required standards. Although the Code does not specify it, employers are taken to task in Bargaining Council and CCMA if it is deemed that they have failed to take reasonable steps to enable the employee to perform well. Reasonable steps are deemed to be providing reasonable guidance and training and the tools and equipment to perform the duties.

In the case of incapacity due to illness or injury, the Code requires that it is established whether the incapacity is temporary or permanent. The employer is required to consult with the employee and to obtain all available medical information on the employee's condition. This may include the employee's absenteeism records, medical reports, occupational therapy reports etc. before a hearing takes place on the incapacity of the employee. The employee should be afforded opportunity to state their case during the investigation. The Code additionally requires that the employer establishes whether the employee is incapacitated to perform other duties enabling the employee to be placed in alternative role. However, it is important to understand that an employer is not expected to create a role specially to accommodate an incapacitated employee. If the employee is facing incapacity due to an injury or illness sustained at work, the Courts have indicated that the requirement of the employer to accommodate the employee is more onerous. If the injury is temporary, the employer is to explore all possible alternatives to accommodate the employee and to prevent dismissal.

Many employers experience an employees claiming incapacity to perform duties they do not want to perform. When an employee claims that they cannot perform their duties, it is suggested that the employer explain that this could lead to dismissal for incapacity. An employer is only required to make reasonable accommodation if an employee cannot perform their work, and an employer is not expected to restructure the workplace or redefine roles to accommodate an employee who says they cannot perform their duties. My advice is never to redesign roles to accommodate only the tasks an employee wants to do. In my experience, when the employee is required to produce medical evidence to substantiate their claim that they cannot do their duties or when the employee realises that they may be dismissed if they are found to be incapacitated, it often emerges that the employee does not want to perform certain duties, and not that the employee cannot perform the duties. If it is found that it is not a case of incapacity but an unwillingness on the part of the employee to work, it will be deemed to be a disciplinary matter. Remember that there is a requirement to ensure pregnant and nursing mothers (until the baby is six months old) are accommodated and are to be given duties that are not hazardous to themselves or the baby. After the mother returns from maternity leave, accommodation must be made for breastfeeding. For more information on what is deemed reasonable accommodation, consult the Basic Conditions of Employment Act's Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child. Reasonable accommodation for pregnancy up until the baby is six months old would not be considered incapacity or temporary incapacity, and the accommodation thereof cannot be managed as such. Remember that dismissal for reasons related to pregnancy could infringe on the fundamental rights of the employee and this infringement would be deemed an automatically unfair dismissal.

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