

# We will force Cape Gate to listen

In December 2013, the ex-employees together with general members of society in Sebokeng in the Emfulweni Municipality (former Vaal) made peace with the fact that the Cape Gate management and directors were not willing to listen to them. In response the workers resolved that they were going to force the employer to listen and were ready to be shot let alone arrested. **Itani Rasalanavho** writes on how the workers have been organising and mobilising around their claims for benefits.

**W**orkers embarked on a third legal protest march in three months with no response from Cape Gate with regard to the memorandum(s) of demands.

The protests were caused by the lack of information regarding the ex-employees' benefits. Upon converting the workers' pension into the provident fund there were promises by Cape Gate that workers would receive the funds on retirement. However, for the last 13 years they have been sent from pillar to post and no one seems to know where the funds are. Fairsure, an authorised financial aid provider, was appointed by Cape Gate in 2001 to facilitate the transfer of such funds to the rightful beneficiaries.

Not only were they, seemingly, robbed of their surplus funds but of the shares they were promised. There is proof at hand to that effect. The workers did not undergo medical check-ups upon

retirement/retraining as per labour law requirements.

The ex-employees, together with community members, various political parties: African National Congress (ANC), African National Congress Youth League (ANCYL), Pan Africanist Congress (PAC), SOPA, Democratic Left Front as well as the National Union of Metalworkers of South Africa (Numsa) and the Congress of South African Trade Unions (Cosatu) and activist movements (VEJA, Right2know, BDS SA, FXI) also embarked on a solid demand for a carbon emission report that must reflect the amount of carbon Cape Gate produces. This request was spearheaded by VEJA.

BDS on the other hand demanded that Cape Gate, which has a subsidiary company that provides mesh and fencing for construction of a discrimination enforcing wall used to separate Palestinians from Israeli Zionists, should divest and move out of

occupied Palestinian land.

The subsidiary also provides fencing for settlements for Zionist Israelis who are predominantly settled on stolen land. BDS says if Cape Gate does not move out of the occupied land, it shall mobilise businesses in South Africa not to buy Cape Gate material.

The ex-employees, were receiving inconclusive responses from those supposed to assist them. Cape Gate is silent on the shares, and Fairsure says it sent the funds back to Cape Gate.

Numsa has distanced itself from the destitute old people, and the local government is said to be on the side of the capitalist, oppressive Cape Gate.

During one of the marches to Cape Gate, the company security was instructed to close the gate in front of the demonstrating protesters. However, they moved to the main gate, frustrating the company management and



# Unlocking labour laws

## What is preservation of pension and provident funds?

security. The tension was worsened when police officers were called into the plant premises and offered soft drinks. This raised a lot of eyebrows. Not saying soft drinks influenced the police but, they were very tense towards the demonstrators and said organisers must submit the petition and leave.

The memorandum was received by a security officer, and demonstrators demanded that a member of the management team should come and talk to them. When the police did not help with this request protesters then refused to leave the gate and said they would only do so when management received the memorandum. This led to arrests.

It has been a tough journey for these old people. For instance, Sello Nkoloko was employed from 1982 until 1991. He received his provident fund but has been sick ever since. He feels that had he undergone a medical check-up upon retirement he would have received early treatment.

Most ex-employees have decided to head back to their native homelands. Some have generally given up and lost hope on receiving what is duly theirs. However, some still meet on a weekly basis to discuss amongst others the Cape Gate issue, community struggles and their personal health conditions.

As it is, the ex-employees embark on monthly pickets in front of Cape Gate headquarters in Braamfontein and at the Vanderbilj Park plant. **LB**

Preservation funds are meant to benefit workers during retirement. They aim to protect and preserve pension and provident funds' benefits for members exiting approved retirement funds. According to proposals by Treasury the following will be done when government starts implementing the policies currently under discussion, which might happen in 2015.

**T**he day at which the changes will come into effect is called P-day in Treasury documents. Taxation rules and annuitisation requirements will also be changed at a day called T-day.

The 2013 retirement reform proposals lists the following:

- Full vested rights with respect to withdrawals from retirement funds will be protected. Amounts in retirement accounts at the date of implementation

of the legislation, called P-day, and growth on these, can be taken in cash, but from a preservation fund, and subject to taxation as currently.

- After P-day, all retirement funds will be required to identify a preservation fund and transfer members' balances into that fund, or another preservation fund, when members withdraw from the fund before retirement.