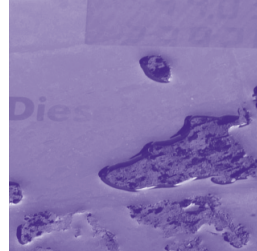


# I. THE PETROL STATION 5 SAFETY PROJECT



## 1. Introduction

On a cold winter's night in late June, 2002, five men were executed with a single bullet to the head at the petrol station where they worked in the Cape Town suburb of Grassy Park. They were bright, hopeful young men with an average age of only 28. The murders shocked the community and indeed the country. Their deaths sparked a flood of public empathy, outrage and anger. More than R100,000 was donated to the families by concerned citizens. Thousands of people visited the site to give their condolences. A week after the murders, the Premier of the Western Cape, Marthinus van Schalkwyk, and the provincial minister for community safety, Leonard Ramatlakane, attended a high profile and bitterly sad funeral in a tent at the Grassy Park sports ground in Klip Road.

In the annals of South African violent crime, the deaths of the Petrol Station 5 amounted to a tragic but minor chapter. Most people soon forgot the incident, leaving colleagues to shake their heads and families to mourn. But while there was much about the incident that was 'unique', not least the callousness of the killings and the number of victims, the murders struck a chord among civil society organisations. There was surprise, initially, that the employer struggled to find any personal details about the dead men and had difficulty contacting their families. There was concern, too, that the response from the oil company, Shell, seemed slow and then ungenerous. An initial sum to help the families was revised upwards on the back of public outrage. It was then dwarfed by an advertising campaign that struck many as cynically self-serving.

As details of the murders emerged, early signs of a pattern became evident that demanded exploration. The pattern suggested that petrol station attendants comprise a deeply vulnerable sector of the South African population. Poorly organised by their unions, inadequately monitored by occupational health and safety inspectors, badly paid (R4,65 an hour) and exposed through their work in a largely cash-based business to a growing tide of violent crime, petrol station attendants occupy an unenviable position on the periphery of the formal South African economy. Soon after the murders, the Human Science Research Council – through its new unit, the Social Cohesion and Integration Research Programme – the Nelson Mandela Foundation, the Community Chest and the Institute for Security Studies agreed to fund and facilitate a study of the working environment of this most vulnerable group of people.

It was hoped that by investigating conditions, hearing evidence and submissions from interested parties and by applying high quality research techniques and knowledge, that solutions could be unearthed that might help not only the people who work at South Africa's petrol stations but also the managers and owners who take responsibility for them, the oil companies who supply them and the customers who use them. In all, many South Africans stand to gain if safety levels at petrol stations can be improved.

At the root of what became known as the 'Petrol Station 5 Safety Project' was an acknowledgement of the new constitutional era and of the need proactively to seek the common acceptance of the founding principles and, particularly, of the Bill of Rights. In this sense, the profound importance of human dignity and the entrenched human rights to an environment that is not harmful to health or wellbeing, the right to freedom and security, the right to not be treated in a cruel, inhuman or degrading way and the right to bodily and psychological integrity were all considered lodestones of the research.

A working group was established in early July 2002 with the task of running the project

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and producing a report with recommendations. The working group, chaired by HSRC executive director Dr Wilmot James, set itself an urgent timeframe. It was considered vital that the investigation didn't drag on for years losing, in the process, all impetus or public recall. The other members of the working group are Rhoda Kadalie from Impumelelo Innovations Awards Programme, labour consultant Brian Williams, University of Cape Town criminologist Elrena van der Spuy, Institute for Security Studies expert Antoinette Louw and HSRC chief research specialist Adrian Hadland.

The working group agreed to gather information and data from two sources: from submissions, reports and interviews with and from as wide a range of stakeholders and interested parties as possible, and from a survey of petrol stations which was to be commissioned from an independent company. The Research Institute for Socio-Economics (RISE), a division of Research Surveys, was later taken on to do the work. The results and methodology of this research will be found contained within the body of this report.

The working group was gratified by the response from individuals and organisations both from within the fuel retail sector and from outside. A wide and diverse range of opinion was gathered, many different lessons and experiences were recorded and the recommendations that complete this report reflect the wishes, understanding and interests of a large number of people. Naturally, not everyone will be pleased with the findings or with the recommendations of the project. The working group was determined, however, not to make recommendations that were worth little more than the paper they were written on. The group sifted many hours of submissions and hundreds of documents and letters to come up with recommendations that are practical, achievable, cost-effective and which will hopefully make a real impact.

## 2. Terms of reference

It is true to say that the retail fuel sector in South Africa is a deeply complex industry. The working group was keenly aware of this from the start. The sector is governed by a myriad of regulations, legal considerations, agreements, understandings and practices. The ownership patterns, bargaining structures, pricing methods, franchising policies and business considerations combine to create a mind-boggling environment of political and economic complexity. In this miasma, many a good intention has foundered.

It was agreed by the governing committee of the principal, founding organisations<sup>1</sup> that the working group would not include anyone with a direct interest in the oil industry. While this stripped the working group of any specialist knowledge, it gave the group the unmistakable, and in the eyes of the committee an essential mantle of neutrality in a realm in which vested interest is ubiquitous. The working group has garnered the advice and testimony of experts to make up for their own shortcomings in this area and have relied on their own collective insights and wisdom to uncover what truths there may be. The degree of success of this strategy will be assigned according to this report and its recommendations and, ultimately, according to whether petrol stations become safer places to work in, own or visit.

It must be said at the outset that along with the constitutional context, the working group acknowledged the economic realities of contemporary South Africa. In particular, given the national priority with regard to overcoming poverty, it was commonly assumed that no recommendation would be made that would lead to substantial job losses in the

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<sup>1</sup> Governing committee: Human Sciences Research Council, Nelson Mandela Foundation, Community Chest, Institute for Security Studies.

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sector. A completely automated petrol station system, for instance, would certainly be safer for customers but would inevitably damage the lives and livelihoods of many tens of thousands of people.

It was also acknowledged that fuel retailing is about business. Recommendations placing unrealistic, over-burdensome or even ruinous demands on businesses, companies or individuals could only prove unconstructive at best and would render the work of the project unhelpful and, ultimately, irrelevant.

Much work has been done and a great deal of money has been spent on improving safety at petrol stations, both within the sector itself and in related sectors. The report will go into these initiatives later on, including the valuable work of the oil industry's retail security forum.

The working group is also aware that, in spite of the best intentions, government does not always have the capacity to fulfill its current responsibilities as regards the implementation, monitoring and enforcement of policy. The working group recognises, therefore, that any expectations in this regard need to be moderated by the prevailing reality. Government admits freely that the Department of Mineral and Energy's hydrocarbons Chief Directorate, which would normally be expected to play a key role in regulation of safety in the sector, is 'stretched to the limit currently and this will be unlikely to improve in the future'.<sup>2</sup> Solutions that depend on a radical response from government or on substantial increases in the allocation of resources will make good reading but, in the end, will not contribute in any positive way. This does not mean to say the working group will not call on government to fulfil its own basic functions and to carry out the duties it is obliged to accept by its own laws and regulations.

The working group understands, too, that safety factors will vary depending on the location, ownership structure, refurbishment level and turnover of individual petrol stations. The team also notes the importance and relevance of regional and international trends, which it intends to take into consideration. The team, furthermore, acknowledges the changing topography of South Africa's own fuel industry, in particular as a consequence of deregulation, empowerment and restructuring initiatives. Recent legislation and developing government policy form a critical backdrop to any proposed plan of action.

In light of the above, the working group believes it is nevertheless in a position to generate sufficient political will and industry-wide consensus to make a significant contribution to petrol station safety. It will consider local and international trends, hear informed and diverse opinion and conduct a survey of attitudes and practices. The working group hopes to frame a number of recommendations with a view to safeguarding the lives of those who work, own or use the national fuel distribution infrastructure.

At the outset of the project, the working group set itself a series of questions it wanted to answer. These questions informed the discussions with stakeholders, the guiding parameters of submissions and the phrasing and purpose of the recommendations. These questions, broadly considered its 'terms of reference' were as follows:

1. What obstacles exist to the substantial improvement of petrol station safety and how can these be removed?

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<sup>2</sup> Presentation of Portfolio Committee on Mineral & Energy Affairs to working group, August 8, 2002.

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2. What governmental, legislative or regulatory framework is required to ensure minimum safety standards?
3. What is the outlook for security issues in the light of a changing fuel retail environment?
4. Should costs for improving security be absorbed by the oil industry, fuel retailers, consumers or the state? In what proportions?
5. Should deregulation require a safety commitment by new entrants?
6. What best practices should be adopted across the industry and how can the mobilisation of industry-wide resources be used to leverage cost-effective solutions?
7. What assistance can be provided by other indirectly involved institutions such as the banks, cash collection companies, food and beverage retailers?
8. How can policing be improved?
9. What deterrence measures are appropriate?
10. What training should be implemented for managers or staff?
11. What other governmental, non-governmental organisation or private sector agencies can be mobilised to assist?
12. Should individual petrol stations be rated for their security measures, thereby rewarding the proactive and punishing the laggards?

In considering these questions, and in attempting to provide the answers, the working group was mindful of the fact that many sectors and communities in South Africa bear the brunt of criminal violence, at times of an extreme nature. In addition, it was noted that the murders of the Petrol Station 5 that were the catalyst for this study were unusually callous and numerous by any standard and in any sector. These elements caused some to question the necessity of focusing resources and research on the fuel retail sector when many other communities or sectors would have been just as urgent.

The working group remains convinced, however, that the 50,000 petrol station attendants who earn a living at garages and depots across the country represent a unique, marginalised and deeply vulnerable group of South Africans working under extraordinarily tough circumstances. The evidence for this will become clear as the report continues. This vulnerability in a context of gathering criminal violence and a deeply fractured and fragmented sector has powerful human and social consequences not only for the individuals concerned but for their families, friends, neighbours, employers, colleagues and communities. It is with a view to relieving some of the terrible psychological, financial and physical burdens suffered by the petrol attendants and in the hope that things can be made better for this group in the future that this project has been launched and which underpins every one of the recommendations it contains.

As the survey of petrol stations undertaken for this project clearly shows, many people who work in these environments do so in fear of their lives. At least two more people were killed at petrol stations in the greater Cape Town area between the murders of the Petrol Station 5 in late June and the first week of September. Terrified of the arbitrary and brutal violence that has come to characterise our society but which has honed in particularly on businesses in which cash is a common commodity, tens of thousands of South Africans are suffering from day to day in terror and in silence. The psychological impact of this is staggering. According to the traumaClinic, which has assisted this project not only with its insights but with counselling for the families of the Petrol Station 5, workplace violence is a special type of traumatic event with its own dynamics:

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Intense exposure to death and destruction in the form of wounded or murdered colleagues is often a major cause of later psychological distress. Not only is there the potential loss of body function and/or the loss of the relationship with the deceased/survivors, there may also be the loss of the relationship with the perpetrator, loss of control as well as the loss of belief in safety at home or at work. Issues of anger and blame are inevitable as employees search for the cause of violence in their workplace. (Van Wyk, 2001: 1)

According to data from the oil industry, almost every day an act of criminal violence occurs at a South African petrol station (see Chapter 4). And these are only the acts that are recorded in a sector in which this kind of data is both new and unreliable.

In concluding this section, the working group wishes to extend its gratitude and thanks to all those organisations, individuals, companies, associations and other groups who contributed to and who participated in this project. Among those who have earned our thanks are: the Oil Industry Retail Security Forum, Shell South Africa, BP, Total, Engen, Caltex, the Congress of South African Trade Unions, the National Union of Mineworkers, the Metal and Electrical Workers Union of South Africa, Willem Wolmarans and the Petrol Attendants' Academy, Datatrack, the Jaffer family, the National and Provincial Crime Prevention Divisions of the South African Police Service, the Department of Mineral & Energy Affairs, the Portfolio Committee on Mineral & Energy Affairs, David Dlali MP, the Department of Labour, Mr Leonard Ramatlakane, (Western Cape Minister for Community Safety), Datatrack, Security Audit Services, the Banking Council of South Africa, the Fuel Retailers Association, the South African Fuel Distributors Association, Mr Owen Simons, the traumaClinic, the Trauma Centre for Survivors of Violence and Torture, Andrew Marquard, Delphisure, Defence Concepts, the MTN Crime Prevention Centre at the University of Rhodes, Mr Grant Ballantyne and Mr Willem Steenkamp.

Our thanks go to the Research Institute for Socio-Economics (RISE) and in particular director, Jacqui Goldin, senior researcher, Carey-Ann Jackson and lead field researcher, Zanine Wolf, for their professionalism, efficiency and for the high quality of their work.

A special thanks goes to the families of the 'Petrol Station 5' who have played their own part in this project and who reminded the working group of the young, proud men who lost their lives and their families on that terrible night in June and who stiffened our resolve to make a difference.