



AMALUNGELO OMTHETHO WABASEBENZI, ZIKHUSELE!

OKO UMELE UKWAZI



IGQWETHALAKHO – UMCEBISI WAKHO ONOKUMTHEMBA

Le ncwadana yenzelwe ukuphendula imibuzo eqhelekileyo ngamalungelo waba sebenzi kwindawo yabo yempangelo nokuze inikele ngengebiso lamalungelo anokusetyenziswa ngawo ngoko mthetho xa abasebenzi begxothwa.

Halala! Ndiwufumene umsebenzi!

Xa ufumene umsebenzi, inyathelo lokuqala kukutyobela isivumelwano sengqesho. Unelungelo lokufumana imimiselo nemiqathango ebhalwe phantsi yokuqeshwa kwakho. Uza kufumana nekopi yendlela nenkqubo yoluleko. Umqeshwa unoxanduva lokubeka izimvo zomqeshi nangokuba nokholo oluhle.

Umqhesi unoxanduva lokumphatha ngokungenakhethe umqeshwa.

Umqeshi umele alungiselele umqeshwa, ngaphandle kwentlawulo, iimpahla zokhuseleko nezixhobo zokwenza umsebenzi wakhe.

Ndinexesha elingakanani ngaphambi kokuba ndifudukele kumsebenzi omtsha?

- Ukuba usebenze ngaphantsi kweenyanga ezi-6 kufuneka ufake isaziso seveki e-1 ngaphambi kokuba uyeke.
- Ukuba usebenze ngaphezulu kweenyanga ezi-6 kodwa ngaphantsi kweenyanga ezili-12 kufuneka ufake isaziso zseveki ezi-2.
- Ukuba usebenze ngaphezulu konyaka, kufuneka ufake isaziso seeveki ezi-4.
- Ukuba isivumelwano sakho sithetha enye into, umzekelo, kufuneka ufake isaziso kwinyanga yekhalenda, elo lungiselelo liya kusebenza kuba umqeshi nomqeshwa bavumelana nge saziso senyanga enye

Ingaba umgumqeshwa?

Ukhuseleko lomthetho wabasebenzi lukho kuba sebenzi abaqeshiweyo hayi abasebenzi abazimeleyo. Umsebenzi ozimeleyo ngumntu osebenzela omnye umntu esebenza ngokwesivumelwano sakhe nomqeshi aze angabiyo ingxenye yenkampani okanye abe phantsi kolawulo lomqeshi. Umzekelo, ufowunela umntu olungisa imibhobho yamanzi ukuze alungise umonakalo omkhulu wokwaphuka kwemibhobho, wenza umsebenzi oyinkonzo ezimeleyo kwaye akanguye umqeshwa.

Abasebenzi basemakhitshini nabasegadini abasebenza amaxesha athile, ngabaqeshwa futhi bakhuselwa ngumthetho wabasebenzi. Eneneni, kukho imithetho ekhethekileyo elawula eli candelo lo msebenzi, nelifumanekayo kwiwebhusayithi yesebe lezabasebenzi i-Department of Labour.

Umqeshwa osebenza ixesha eliqingqiweyo?

Umsebenzi wexesha eliqingqiweyo ngumntu oqeshwe ixesha elithile okanye kwiprojekthi ibe uyafaneleka ukuba abe ngumqeshwa. Ngokuqhelekileyo akufane kwenzeke umntu oqeshwe ixesha eliqingqiweyo asebenze ngaphezulu kweenyanga ezintathu. Ukuba kunjalo, ugqalwa njengomqeshwa osisigxina. Eli lungiselelo lisebenza kubaqeshwa abanomvuzo okumlinganiselo othile obekwe nguMphathiswa Wezabasebenzi rhoqo ngonyaka. Lo mlinganiselo, kunyaka ka-2016 wawuqikelelwa kwi -R205 000 ngonyaka. Zikhona nezinye iimeko ezikhethekileyo oya kuzichazelwa liqgwetha lakho.

Kuthekani ngee-arhente eziqeshayo?

Ukuba uqeshwe yiarhente eziqeshayo okanye inkonzo zemisebenzi yexeshana, unokunikwa umthengi wezo nkonzo iinyanga ezintathu kuphela. Ukuba usebenzela umthengi wezi nkonzo ixesha elide kuneli, uza kuthathwa njengomqeshwa womthengi weenkonzo. Ukuba kukho ukunyashwa kwamalungelo akho unokumangalela iarhente eziqeshayo kunye/okanye umthengi weenkonzo.

- Iarhente eqeshayo imele ibhalise neSebe Lezabasebenzi.
- Ukuba iarhente yabasebenzi eqeshayo igxotha umqeshwa kuba ifuna ukwaphula umthetho, oko akunafeya.

Ncedani! Ingathi ndisebenza ngapha komlinganiselo

Umthetho Weemeko Ezisisiseko Zokusebenza 75 ka-1997 (BCEA) umisela imimiselo nemiqathango yabaqeshwa. Ukuba isivumelwano sokuqeshwa sineemeko ezinganeno kwezo zifunwa yi-BCEA, kuza kusebenza ezo zesivumelwano. Kodwa ukuba imimiselo nemiqathango ingaphezulu kweye-BCEA, kuza kusebenza iimeko ze-BCEA.

Ithini i-BCEA ngexesha lekhefu?

- Unelungelo leentsuku ezili-15 zekhefu ngonyaka. Akuveli nje uziqokelele ezi ntsuku, ngoko ukuba akuzisebenzisi iintsuku zekhefu zonyaka, kufuneka uzisebenzise kwiinyanga ezintandathu emva koko, ngaphambi kokuba zikulahlekele.
- Ukuba usebenza iintsuku ezintlanu ngeveki, unelungelo leentsuku eziyi-30 zokugula kwiminyaka emithathu.
- Unelungelo leenyanga ezine zekhefu lokubeleka ungahlawulelwa. Ungafaka isicelo saloo ntlawulo kwiNgxowa Yesishorensi Yabangasebenziyo (i-Unemployment Insurance Fund).
- Unelungelo leentsuku ezintathu zokunyamekela iingxaki



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zosapho ngonyaka njengokuswelekelwa lilungu losapho, xa umntwana egula okanye xa kuzalwa umntwana wakho. Zintsuku zintathu ke kuzo zonke ezi zehlo – kungekhona iintsuku ezintathu kwisheho ngasinye.

Ithini i-BCEA ngeeyure zokusebenza?

Umqeshwa unokusebenza iiyure ezingama-45 ngeveki. Ukuba umqeshwa usebenza ngaphantsi kweeyure ezintlanu, akamelanga asebenze ngaphezulu kweeyure ezili-9 ngosuku. Ukuba umqeshwa usebenza iintsuku ezintandathu okanye ngaphezulu ngeveki, akamelanga asebenze ngaphezulu kweeyure ezisibhozo usuku ngalunye.

Ixesha elongezelekileyo linokusetyenzwa ngaphantsi kwemimiselo yesivumelwano kwaye umqeshwa unelungelo lokuhlalulwa umlinganiselo oyi-1½ kuminganiselo womvuzo weyure ayisebenzileyo / ixesha lokuphumla. Ukuba umqeshi akasebenzi ngokuqhelekileyo ngeCawa okanye ngeHolidi Kawonkewonke ngoko ukusebenza ezo ntsuku ziyure ezongezelekileyo, kwaye unelungelo lokuhlalulwa ngokuphindwe kabini okanye ixesha lokuphumla.

Ilungiselelo ngeeyure zomsebenzi alibhekiseli kubaqeshwa abahlawulwa ngaphezulu komlinganiselo obekwe nguMphathiswa Wezabasebenzi, obeke ngasentla, kodwa unokutshintshwa ngamaxesha athile.

Hayi bo! Ndigxothiwe

Umqeshi unokumgxotha umqeshwa ukuba kungezizathu ezivakalayo KUNYE nokuba uye walandela inkqubo engenakhethe. Kukho izizathu ezintathu qha ezinokwenza umqeshwa agxothwe –

- ukungaziphathi ngendlela;
- izizathu ezimalunga nokutshintsha kwendlela ekusetyenzwa ngayo ; okanye
- ukungakwazi ukusebenza.

Ukungakwazi ukusebenza kumayelana nokugula,i, ukwenzakala okanye ukusebenza ngomlinganiselo ophantsi. Izizathu zomsebenzi kujongiswa kuzo njengokudendwa okanye ukuncitshiswa kwabantu emsebenzini.

Umqeshi umele ahambisane nenkqubo yokuziphatha noluleko. Ukuba ayikho le nkqubo kwindawo yempangelo, kuya kusebenziswa eyomthetho Wezabasebenzi 66 ka-1995 (LRA). I-LRA ichaza ukuba kufuneka kubekho inkqubo ethe ngqo elandelwayo athi umqeshi ayilandele xa efuna ukugxotha umqeshwa nangasiphi na isizathu kwezi zintathu zingentla. Nokuba umqeshi unesizathu ezivakalayo kodwa ahlukele ekulandeleni

le nkqubo ye-LRA, ukugxothwa akusayi kwamkeleka.

Kuyintoni ukungaziphathi ngendlela?

Umqeshwa unokugxothwa ukuba uye waphula umthetho ocacileyo. Ukuba umqeshwa ebesezi (okanye ebemele ukuba uyazi) ngalo mthetho nokuba umthetho lo usetyenziswa ngendlela efanayo kwindawo yempangelo.

Umqeshi umele abambe ukuphulaphulwa koluleko apho umqeshwa eya kunikwa ithuba elaneleyo ngesaziso sokuphulaphulwa koluleko ukuze azilungiselele. Umqeshi umele amnike ithuba lokuba achaze elakhe icala aze abize awakhe amagqina kwaye aze awancine amangqina. Umqeshwa akavumelekanga ngokuzenzekelayo ukuba abe negqwetha xa kuphulaphulwa ululeko, kodwa unokusebenzisa igqwetha lomfela-ndawonye okanye omnye umqeshwa.

Nokuba umqeshwa ufunyaniswe enetyala, ukugxothwa kwakhe akusoloko kusisohlwayo esifanelekileyo. Umqeshi kumele akhangele iimeko zomqeshwa ngaphambi kokuba isigqibo sokugxothwa kwakhe senziwe.

Mayelana nokugxothwa ngenxa yokungakwazi ukusebenza nangenxa yezizathu zomsebenzi ('ukudendwa/ ukuncitshiswa')?

Ukuze umqeshi asebenze ngokufanelekileyo umele alandele inkqubo nomqeshwa/umeli wabaqeshwa xa yonke inkcazelo ihloliswisa aze umqeshi afumane ithuba lokuza neengcebiso aze anike umqeshi izizathu zokwenza isigqibo.

Inkcazelo echazwe kwi-LRA ithatha ixesha ukuyifizekisa kwaye iquka okungakumbi kunentlangano nje enye nomqeshi. Igqwetha lakho liya kukunika inkcazelo engakumbi ngale nkqubo.

Mayelana ngokwenzakala emsebenzini?

Ukuba uye wenzakala usemsebenzini unokufaka isicelo sengxaphezelo kwiKomishinala Yembuyekozo. Umqeshi wakho umele akuncede ngamaxwebhu ayimfuneko ukuze ufake isicelo.

Xa ufuna ukufaka isicelo sokwenzakala emsebenzini kufuneka ukhumbule ezi zinto zilandelayo:

1. Chaza umphathi okanye umqeshi wakho ngokukhawuleza; umqeshi kufuneka afake ingxelo kwiKomishinala Yembuyekozo (Compensation Commissioner) aze athumele iifomu eziyimfuneko.
2. Kufuneka ufumane ifomu eyi W.Cl.2 kumqeshi wakho ukuze

uye nayo kugqirha azeakuzalisele yona. Kufuneka uphinde uyibuyisele kumqeshi.

3. Umqeshi kufuneka ayithumele kumKomishinala Wembuyekozo aze agcine umqeshi esazi ngeenkukacha ukuze xa kufika imali kumqeshi zivela kwiKomishinala Wembuyekozo zikwazi ukuthunyelwa kuwe.
4. Ukuba akuyithumelanga ifomu okanye uthathe ixesha elide lokufaka isicelo, kufuneka uqhagamshelane neziko lezabasebenzi uze uchaze lo mba.

Ngaba ndinelungelo lentlawulo yokungasebenzi?

Ukuba uye wagxothwa (nokuba kungasiphi isizathu sokugxothwa) unokufaka isicelo kwiNgxowa Ye-inshorensi Yabangasebenziyo. Umqeshi wakho unokukunceda ngeefomu ezifanelekileyo ukuze ukwazi ukuya kwiSebe Labasebenzi.

Yintoni i-CCMA?

Ukuba uvakalelwa kukuba ukugxothwa kwakho kwakungahambanga ngoko mthetho, unokufaka isicelo kwiziko le-CCMA kwiintsuku ezingama-30 zokugxothwa. I-CCMA iza kukulungiselela usuku lokuphulaphula. Ngalo mhla iKomishinala iza kuzama chophela umba ukuze ijonge ukuba ayikho indlela ekungavanwa ngayo na. Ukuba akunjalo, umele aqhubeke nothethwano (kufana netyala lasenkundleni).

Abameli bezomthetho abafane bavunyelwe kwi-CCMA, kodwa amagosa emifela-ndawonye okanye omnye umqeshwa unokumela.

Inamba yase-CCMA yomnxeba ithi: 0861 16 16 16

Iifomu zokuqalisa inkqubo zinokukhutshelwa kwiwebhusayithi ye-CCMA eyile www.ccm.org.za.

Unokutyelela iwebhusayithi yeSebe Lezabasebenzi ukuze ufumane inkcazelo ethe vetsha kule miba sixubushe ngayo kule ncwadana kule dilesi www.labour.gov.za.



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