



AMALUNGELO AKHO NJENGOMSEBENZI, ZIVIKELE!

LOKHO OKUFANELE UKWAZI



Inhloso yalencwajana ukuphendula imibuzo esihlangana nayo nsuku zonke emayelana namalungelo abasebenzi endaweni yomsebenzi nokunikeza amacebo awusizo futhi asemthethweni uma umsebenzi ezithola exoshwa emsebenzini.

Ngaze ngajabula! Ngithole umsebenzi!

Uma uqashwa, isinyathelo sokuqala ngokuvamile ukusayina isivumelwano somsebenzi. Unelungelo lokuthola imigomo nemibandela oqashwe ngaphansi kwayo ibhalwe phansi. Kungenzeka futhi uthole okubhaliwe okusho indlela umqashi akalindele ukuthi uziphande ngayo endaweni yomsebenzi, okuzothi uma kutholakala ukuthi awenzi ngaleyondlela, umqashi akuvezele izindlela ongajeziswa ngayo uma kungatholakala ukuthi uyaqhubeka nokungaziphathi kahle emsebenzini. Umsebenzi unesibopho sokuziphatha kahle emsebenzini futhi athembeke.

Umqashi naye kufanele athembeke futhi asebenzisane kahle nomqashi/nomsebenzi wakhe.

Umqashi kumele ngaso sonke isikhathi aqiniseke ukuthi umsebenzi wakhe uphephile futhi kumele amunike namathuluzi okusebenza adingekayo ukuze umsebenzi akwazi ukwenza umsebenzi wakhe, konke loku kumele akwenze mahhala umqashi.

Kumele nginikeze isaziso esingakanani ngaphambi kokuba ngiqale emsebenzini wami omusha?

- Uma ususebenze isikhathi esingaphansi kwezinyanga ezingu-6 kumele unikeze isaziso sevisi elilodwa.(1 week).
- Uma ususebenze isikhathi esingaphezu kwezinyanga ezingu-6 kodwa ngaphansi kwezinyanga ezingu-12, kumele unikeze isaziso samaviki amabili-(2 weeks).
- Uma ususebenze isikhathi esingaphezu konyaka owordwa kumele unikeze isaziso samasonto -amane (4 weeks) .
- Uma isivumelwano (contract) sakho sisho okuthile okuhlukile, isibonelo: ukuthi kumelee unikeze isaziso senyanga , lelo lungiselelo liyosebenza uma nje umqashi nomsebenzi beboshwe yinkathi efanayo yaleso saziso.

Ingabe wena ungumsebenzi na?

Umthetho ovikela abasebenzi wakhelwe ukuvikela abasebenzi kuphela , osonkontileka abazimele ababaliwe kulokuvikeleka. Usonkontileka ozimele ngumuntu owenza umsebenzi ngaphansi komunye umuntu kepha inzuzo akayenza lapho kuba ngeyakhe. Usokhontileka ozimele akasiyona akaqashiwe esikhungwini noma enkampanini ethize ngakhoke uyazilawula yena.. Uma, ngokwesibonelo, ubiza upulamba ukuba azokulungiselela ipayipi eliphukile, wenza umsebenzi ngokwakhe, akayena umsebenzi oqashiwe, uyazisebenza yena.

Abasebenzi basemakhishini (domestic worker) nabasebenza engadini ababambe amatoho, bangabasebenzi abaqashiwe futhi bangena ngaphansi kwesigaba sokuvikelwa ngumthetho

wabasebenzi. Uma kuza kuluhlobo lomsebenzi kuneziqondiso ezikhethekile ezikhishelwe lo mkhakha, ezitholakala kwi(website) yoMnyango Wabasebenzi.

Ingaba abasebenzi abanqunyelwe isikhathi esithile bangabasebenzi?

Umsebenzi onqunyelwe isikhathi esithile emsebenzini (fixed-term worker) ngumuntu oqashelwe isikhathi esibekiwe noma oqashelwe ukwenza umsebenzi othile, okuthi uma kuphela lesosikhathi noma loyomsebenzi, isivumelwano sakhe somsebenzi kube sesifike ekugcineni.. Akujwayelekile ukuqashwa njengomsebenzi wesikhathi esinqunyelwe esingaphezu kwezinyanga ezintathu. Uma kwenzeka, uthathwa njengomsebenzi oqashwe ngokuphelele. Leli lungiselelo lisebenza kubasebenzi abahola ngaphezu kwesilinganiso esithile sehlo esinqunyelwe nguNgqongqoshe Wabasebenzi. Ngo-2016 isilinganiso esasibekiwe sasingu-R205 000 ngonyaka.Kukhona okunye okumbalwa okuhlukile ummeli wakho angase akwazi ukukuchazela kona.

Kuthiwani ngama-labour broker?

Uma uqashwe ngumxhumanisi wekilayenti nabasebenzi (labour broker) noma abophiko lwamatoho (temporary employment service), ikilayenti lingakusebenzisa isikhathi esiyizinyanga ezintathu kuphela. Uma usebenzela ikilayenti isikhathi esingaphezu kwalesi, uzothathwa njengomsebenzi oqashiwe waleyo kilayenti. Uma kukhona ukwephuwa kwanoma yimaphi amalungelo akho, ungase uthwese i-labour broker kanye/noma ikilayenti icala.

- I-labour broker kumelwe ibe ngebhalise noMnyango Wabasebenzi.
- Uma i-labour broker ixosha umsebenzi ukuze nje igweme uMthetho kuzobe kungafanelekile ukwenza kanjalo.

Sizani! Ngicabanga ukuthi ngisebenza ngokweqile

Imibandela Eyisisekelo Yomthetho 75 Wabasebenzi ka-1997 (BCEA) ibeka izimfuneko nemibandela eyisisekelo ngabasebenzi. Uma isivumelwano sakho somsebenzi (contract)sinemibandela eminingana ekuvunayo yokusebenza kune-BCEA, kuyosebenza sona isivumelano somsebenzi, kepha uma kuyi BCEA ekuvuna kakhulu, laphoke kuyosebenza yone i BCEA.

Ithini i-BCEA ngokuthatha ikhefu emsebenzini?

- Wonke umuntu uvumelekile ukuthathaizinsuku ezingu-15 zekhefu emsebenzini ngonyaka. Izinsuku zakho zekhefu aziveli nje zinqwabelane, ngakho uma ungazithathi izinsuku zakho zekhefu onyakeni, unezinyanga eziyisithupha onikezwa zona ukuba usebenzise izinsuku zakho ngaphambi kokuba uphucwe lezozinsuku.
- Uma usebenza izinsuku ezinhlano ngesonto, uvumelekile ukuthola izinsuku ezingu30 zekhefu uma ugula esikhathini esiyiminyaka emithathu.



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UMMELI WAKHO - UMELELEKI WAKHO ONGAMETHEMBA

- Uvumelekile ukuthola izinyanga ezine zekhefu uma ungu-muntu wesimame uyokubeletha, lelokhefu alikhokhelwa . Ngalesikhathi ungakhokhelwa umqashi wakho, ungacela ukukhokhelwa eSikhwameni Somshuwalensi Wabangasebenzi.
- Uvumelekile ukuthola ikhefu uma udinga ukunakelwa umndeni wakho odinda usuzo, ikhefu lapho lapho lingaba izinsuku ezintathu ngonyaka isibonelo, ua kukhona odlulile emhlabeni emndenini wakho, lapho ingane yakho igula. Konke loku sekuhlangene uthola izinsuku ezintathu, awutholi izinsuku ezintathu ngesenzakalo ngasinye.

Ithini i-BCEA ngamahora omsebenzi?

Umsebenzi angasebenza amahora angu-54 ngesonto kuphela. Uma umsebenzi esebenza izinsuku ezinhlanu noma ngaphansi ngesonto, akufanele asebenzamehora angaphezu kwayisishiyagalolunye ngosuku. Uma umsebenzi esebenza izinsuku eziyisithupha noma ngaphezulu ngesonto, akufanele asebenze amahora angaphezu kwayisishiyagalombili ngosuku.

Ukusebenza isikhathi eseqile (overtime) kumele kwenzeke uma umqashi nomsebenzi bevumelana, umqashi kumele akhokhele umsebenzi imali ephindaphindwe kanye no hfafu weholo akajwayele ukumuholetela lona. Umqashi angenza lokhu noma anike umsebenzi isikhathi sokuyophumula ekhaya.. Uma umsebenzi ngokuvamile engasebenzi ngeSonto noma ngeholidi bese bevumelana nomqashi wakhe ukuthi uzosebenza kulezinkusum, kumele umsebenzi akhokhelwe iholo eliphindwe kabili noma athole ithuba lokuyophumula ekhaya.

Izinhlinzeko eziphathelene namahora omsebenzi azisebenzi kubasebenzi abahola imali engaphezu kwaleyo ebekwe nguNgqongqoshe Wabasebenzi, ebese ishiwo ngenhla, kodwa ezingase zishintshwe njalo ngezikhathi ezithile.

Kwakubi! Ngixoshiwe

Umqashi angase axoshe umsebenzi uma enesizathu esizwakalayo FUTHI elandela inqubo efanele. Kunezizathu ezintathu kuphela umsebenzi angaxoshelwa zona –

- ukuziphatha okungafanelekile;
- izizathu ezingokwenqubo yokusebenza (operational reasons); noma
- ukwehluleka ukusebenza (incapacity).

Ukwehluleka ukusebenza kungase kubhekiselwe ekuguleni, ukulimala noma izinga eliphansi kakhulu lomsebenzi (poor work performance). Izizathu ezingokwenqubo yokusebenza nazo zibhekiselwe ekutheni kudilizwe abasebenzi (retrenchment) noma ukubaphungula (redundancy).

Umqashi kumelwe enze ngokuvumelana nomthetho nenqubo yakhe yokuqondiswa kwezigwegwe. Uma ingekho inqubo enjalo endaweni yomsebenzi, inqubo ebekwe nguMthetho 66 Wokusebenzelana Nabasebenzi ka-1995 (LRA) izosebenza. I-LRA iveza

ukuthi kukhona inqubo ekhethekile kakhulu umqashi okumelwe ayilandele uma efuna ukuxosha umsebenzi nanganoma isiphi sezizathu ezintathu ezishiwo ngenhla. Ngisho noma kungaba umqashi unesizathu esizwakalayo kodwa ahluleke ukulandela inqubo evezwe yi-RLA, lokho kuxosha kuyoba okungafanelekile.

Kuyini ukuziphatha ngendlela engafanelekile?

Umsebenzi angase axoshwe uma ephula umthetho ofanele, Kepha loyomsebenzi kumele kube ubewazi lowomthetho, noma bekufanelekile ukba uyawazi, noma lowomthetho ukewasethenziswa, futhi ubusetshenziswa ngokungashintshi khona endaweni yokusebenza.

Umqashi kumelwe abe esemisa ikomiti lokuqondiswa kwezigwegwe lapho umqashi ezonikezwa khona isixwayiso esanele ukuze akwazi ukuzilungiselela ngaphambi kokuba ame phambi kwalelikomiti. Umsebenzi kumelwe anikwe ithuba lokubeka udaba lwakhe emkhandlwini wokuqondiswa kwezigwegwe futhi avunyelwe ukubiza ofakazi abangase bahlatshe ngemibuzo.. Umsebenzi akanalo ilungelo elenzakalelayo lokuletha ummeli ukuba azomumela ecaleni, kodwa angase asebenzise ummeleli wenyonyana yabasebenzi noma umsebenzi akanye naye Ngisho noma umsebenzi etholakala enecala, ukuxosha njengesijeziso akufanelekile ngaso sonke isikhathi. Umqashi kumele acabangele isimo somsebenzi ngaphambi kokuba kwenziwe isinqumo sokuxosha umsebenzi.

Kuthiwani ngokuxosha ngenxa yokwehluleka ukwenza umsebenzi Kanye nokuxosha ngezizathu ezingokwenqubo yokusebenza ('ukudilizwa' / ukuphungula)?

Uma umqashi efuna ukwenza ngendlela elungile, kumele alandele inqubo ebanzi yokuthintana nomsebenzi/ummeleli womsebenzi lapho lonke ulwazi luhlolwa khona futhi umsebenzi enikezwa ithuba lokuza nezinye izindlela athole nezizathu kumqashi ngezinqumo ezenziwe.

Indlela ebekwe iLRA izothatha isikhathi ukwenza ngokuvumelana nezinqubo ezibekwe yi-LRA, lokhu kuyothatha okungaphezulu komhlangano owodwa.

Ummeli wakho uzokwazi ukukunikeza ulwazi olwengeziwe ngale nqubo.

Kuthiwani ngokulimala usemsebenzini?

Uma imuntu elimale esemsebenzini angacela isinxephezelo kuKhomishane Wezinxephezelo (Compensation Commissioner). Umqashi wakho kumele akusize ngamaphepha afanele ukuze ukwazi ukufaka isicelo sokunxeshelwa.

Uma ufuna ukufaka isicelo sesinxephezelo ngoba ulimalile usemsebenzini kumele ukhumbule lokhu okulandelayo:

1. Bika ukulimala kumuntu okuphethe noma kumqashi wakho

ngokushesha; umqashi kumelwe abikele uKhomishane Wezinxephezelo bese ethumela amafomu afanele.

2. Kumelwe uthole ifomu i-W.Cl.2 kumqashi wakho ulihambiseise kudokotela wakho ukuze aligcwalise. Uma udokotela esligcwalisile, kumele ulibuyisele kumqashi wakho.
3. Umqashi kumele athumele leli fomu kuKhomishane Wezinxephezelo ebese wena kumele umazise umqashi wakho ukutji kwenzekalani. Kumele umqashi wakho abe nazo izindlela zokukuthol, eg inamba yocingo ukuze noma yiziphi izimali ezamukelwa ngumqashi kuKhomishane Wezinxephezelo akwazi ukuzithumela kuwena.
4. Uma umqashi engazange awathumele amafomu noma izimali ezifakelwe isicelo zithatha isikhathi eside, kumelwe uthintane nesikhungo sabasebenzi esiseduze ukubike lokho.

Ingabe nginalo ilungelo lokuthola izimali ezikhokhelwa abangasebenzi?

Uma uye waxosha (Akukhathaliukuthi sithini isizathu sokuxosha) ungasifaka isicelo semali eSikhwameni Somshuwalensi Wabasebenzi (Unemployment Insurance Fund). Umqashi wakho kumelwe akusize ngamafomu afanelekile ukuze ukwazi ukuthintana noMnyango Wabasebenzi.

Kuthiwani nge-CCMA?

Uma unomuzwa wokuthi uye waxosha kungafanele, kufanele ufake isicelo kwi-CCMA kungakadluli izinsuku ezingu-30 zokuxosha kwakho. I-CCMA izobe isikunikeza usuku lwe-conarb. Ngalolu suku iKhomishane izozama ukuhlanganisa lolu daba bese ibona ukuthi abathintekayo bangaluxazulula yini. Umakungalungi, izoqhubeka nesimangalo (okuzoba njengecala lasenkantolo).

Ukumelwa ngummeleli akuvamile ukuvumeleka e-CCMA, kepha omelet inyonyana yabasebenzi noma umsebenzi okanye nawe angakumela.

Inombolo ye-call centre ye-CCMA ithi: 0861 16 16 16

Amafomu okuqhubeka nenqubo atholakala kwi website ye-CCMA ethi www.ccma.org.za.

Ungavakashela futhi i website yoMnyango Wabasebenzi ukuze uthole ulwazi olwengeziwe nanganoma yiziphi izindaba ezixoxwe kulencwajana www.labour.gov.za.



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