ISHEDYULI YOKU-1

A. IINKCAZELO

Kule nkqubo, ngaphandle kokuba umxholo ukhombisa ngenye indlela –

“iKomishini”ithetha iKomishini yeeNkonzo zikaRhulumente esekwe ngokwemiqathango yecandelo le-196 (1) loMgaqo-siseko;

“uMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996 (umThetho oyiNombolo ye-108 ka-1996);

“iintsuku” zibhekiselele kwiintsuku zokusebenza;

“igunya elenzayo” ithetha igunya njengoko kuchaziwe kwicandelwana 1 (1) lomThetho weeNkonzo zikaRhulumente, 1994;

“isikhalazo” kuthetha ukungoneliseki okuphathelene nesenzo esisemthethweni okanye ukutyeshelwa ngumqeshi okuye kuchaphazele umsebenzi ngokungalunganga kubudlelwane basemsebenzini, kuqukwa nokugxothwa ngokungafanelekanga okusolwayo;

“intloko yesebe” kuthethwa umntu ophethe isithuba esikhankanywe kwiiShedyuli eyoku-1, 2 neyesi-3 zomThetho weeNkonzo zikaRhulumente, 1994, okanye umntu obambeleyo kwisithuba esinjalo;

“umThetho weeNkonzo zikaRhulumente” uthethe umThetho weeNkonzo zikaRhulumente, 1995 (iSaziso esiyiNombolo ye-103 sika-1994);

“imanyano yabasebenzi eyaziwayo” ithetha zonke iimanyano zabasebenzi ezingeniswe kuQuquzelelo lweBhunga leeNgxoxo zothethathethwano (Co-ordinating Bargaining Council) lweeNkonzo zikaRhulumente ngokunjalo naziphi na ezinye iimanyano zabasebenzi ezixhamla amalungelo afanelekileyo ombutho kwisebe elithile;

B. INJONGO NOKUSETYENZISWA

1. Injongo yale nkqubo yezikhalazo kukuqhubelisela phambile unxulumano lwezabasebenzi olulungileyo kunye nokulungisa izikhalazo kwinkonzo karhulumnte ngokuzalisekisa iinjongo zokuqala zale nkqubo ezi zezi:-

    (a) ukwenza ukuba kusebenze icandelo le-196 (4) (f) (ii) loMgaqo-siseko elazisa iKomishini ukuba iphande ngezikhalazo zabasebenzi kwiinkonzo zikarhulumente eziphathelene nezenzo ezisemthethweni akanye ukutyeshelwa, kwaye yenze izincomo ezifanelekileyo zokulungisa;

(b) ukwenza ukuba kusebenze icandelo le-11 lomThetho weKomishini yeeNkonzo zikaRhulumnte, 1997 (umThetho oyiNombolo yama-46 ka-1997), owazisa iKomishini ngokwenza imiThetho esebenza ngezikhalazo;

(c) ukuphakamisa –

(i) ukuphathwa kwezikhalazo okukhawulezayo, okungakhethiyo nokunobulungisa;
(ii) unxulumano lwabasebenzi olulungileyo;
(iii) ukusonjululwa kwezikhalazo zabantu abangabodwa ukusukela kowona mgangatho usezantsi kwisebe ukuba kuyenzeka

C. UKUPHATHWA KWESIKHALAZO

1. Isikhalazo kufuneka sisonjululwe ngumqeshi kangangoko kunokwenzeka kwaye kufutshane nomba wokuqala kwaso kangangoko.

2. Umqeshi kufuneka aqinisekise ukuba isikhalazo kusetyenzinzwa ngaso ngendlela efanelekileyo engakhethiyo kwaye engalungiseleli omnye umntu, kunye nokuba imithetho-siseko yendalo yobulungisa iyaqwalaselwa.

3. Inkqubo kufuneka ukuba ibe ngendlela yokuncedisa kwaye yenze ukuba umsebenzi kunye nomqeshi babe nako ukulungisa ukungeneliseki.

4. Akukho msebenzi makoyikiswe okanye makuthathelwe isigqibo lingekeviwa icala lakhe. Ngokungqalileyo okanye ngokungangqalanga ngenxa yokufaka isikhalazo.

5. Ukuba ngaba isenzo soluleko sithathelwa umsebenzi, ukusetyenziswa kwale nkqubo ngumqeshi ukulungisa nawuphi na umcimbi onxulumene nesenzo soluleko asinakumisa inkqubo yoluleko.

6. Isikhalazo masifakwe ngokubhalwe phantsi kwaye zonke izigqibo ezithathiweyo ngexa lenkqubo kufuneka zibhalwe phantsi.

7. Umsebenzi kufuneka ancediswe ngummeli.

D. UKUBAMBELELA KWIMIDA YEXESHA

1. Ekumiseleni ukubambelela kwimida yamaxesha, oku kufuneka kubalwe ngokukhutshwa kosuku lokuqala kwaye kuqukwe usuku lokugqibela.

2. Amaqela kufuneka abambelele kwimida yexesha ebekwe kule nkqubo, ngaphandle kokuba bavumelene ngokuhlanganyelana ukuyandisa.

3. Isikhalazo kufuneka sifakwe kumqeshi kwiintsuku ezingama-90 ukusukela kumhla umsebenzi aye wasiqonda ngawo isenzo esisemthethweni okanye ukutyeshelwa esiye samchaphazela ngokungalunganga.

4. Umsebenzi unokufuna ukuba isikhalazo sakhe sidluliselwe kwiKomishini kwiintsuku ezili-10 emva kokufumana isigqibo segunya elisebenzayo.

E. ULUNGISELELO LOLWAZI

1. Umqeshi kufuneka anike ulowazi olufunekayo olubalulekileyo olwenza ukuba umsebenzi afake okanye aqhube isikhalazo, ukuba kuceliwe.

2. Ulungiselelo lolwazi olunjalo luxhomekeke kuyo nayiphi na imida emiselwe ngumthetho.

3. Umsebenzi kufuneka anikwe ulwazi malunga nobume besikhalazo kunye nenkqubela eyenziweyo ejoliswe kumhla ocetyiweyo wokugqitywa.

4. Umqeshi kufuneka anike umsebenzi ikopi yefom yezikhalazo emva kokuba kusetyenzwe ngomgangatho wegunya ngalinye lesikhalazo.

F AMABAKALA ESEBE OKULUNGISA ISIKHALAZO

1. Umsebenzi unokufaka isikhalazo ngomsebenzi owonyulelwe ukuba alungelelanise isisombululo sezikhalazo kwisebe.

2. Ifom emiselweyo ekwiSihlomelo A mayisetyenziswe xa kufakwa isikhalazo.

3. Umsebenzi owonyuliweyo kufuneka adibane nabantu abafanelekileyo abaziziphathamandla zesebe kwiinzame zokusombulula isikhalazo.

4. Isikhalazo sinokusonjululwa nguye nabani na kubantu abafanelekileyo abaziziphathamandla abanegunya elifunekayo lokwenza oko.

5. Umsebenzi ofake isikhalazo uyakwaziswa kwangethuba ngumsebenzi owonyuliweyo malunga nobume kunye nenkqubela eyenziweyo ekusonjululweni kwesikhalazo.

6. Ukuba ngaba isikhalazo sisonjululwe ngokwanelisa umsebenzi osifakileyo isiqinisekiso ke ngoko siyakwehliselwa ekubhalweni ngumsebenzi owonyuliweyo.

7. Ukuba ngaba isikhalazo asisombululeki, iziphathamandla eziphetheyo kufuneka zazise umsebenzi ofake isikhalazo.

8. Isebe (kuqukwa neziphathamandla eziphetheyo) lineentsuku ezingama-30 zokusebenza ngesikhalazo. Ixesha linokolulwa ngokuvumelana ngokuhlanganyeleneyo ngokubhalwe phantsi.

9. Ukuba emva kokuba umsebenzi ofake isikhalazo esaziswa ngesiphumo usasala engonelisekanga –

   (a) kufuneka azise iziphathamandla eziphetheyo ngokubhalwe phantsi kwiintsuku ezili-10;

   (b) iziphathamandla eziphetheyo kufuneka ngokwemiqathango yecandelo lama-35 (1) lomThetho weeNkonzo zikaRhulumente, 1994, zidlulisele isikhalazo kunye namaxwebhu abalulekileyo kwiKomishini yeeNkonzo zikaRhulumente oko kusenzelwa isincomo kwiintsuku ezintlanu zokwaziswa ngumsebenzi ofake isikhalazo.

10. Ukuba ngaba isikhalazo simisela isenzo somsebenzi esingafanelekanga njengoko kuchaziwe kumThetho woNxulumano lwabaSebenzi, (Labour Relations Act), 1995, umsebenzi unokwazisa ngokubhalwe phantsi ukuba ufuna ukusebenzisa indlela yokusombulula imbambano elungiselelweyo kumgaqo-siseko we-Public Service Co-ordinating Bargaining Council okanye ibunga lecandelo elibandakanyekayo (nokuba yeyiphi na esebenzayo) kwaye iKomishini yeeNkonzo zikaRhulumente kufuneka ingasithatheli ngqalelo isikhalazo.

11. Ukuba ngaba kukho ukusilela kwicala lesebe ukunika impendulo kwisikhalazo kwixesha ekubhekiselelwe kulo kumThetho F8, igosa elifake isikhalazo linokufaka isikhalazo laso –

   (a) kwiKomishini ngqo; okanye
   (b) kwisehlo sesenzo somsebenzi esingafanelekanga esisolwayo , kwi-Public Service Co-ordinating Bargaining Council okanye kwicandelo lebhunga elibandakanyekayo (nokuba yeyiphi na esebenzayo) ngokwemiqathango yenkqubo yalo yokusombulula imbambano.

G. UKUDLULISELWA KWIKOMISHINI

1. Yakube iKomishini ilufumene lonke ulwazi kwiziphatha-mandla ezisebenzayo, kufuneka kwiintsuku ezingama-30 isithathele ingqalelo isikhalazo esinjalo kwaye yazise iziphathamandla eziphetheyo ngezincomo zayo kunye nezizathu ngezigqibo zayo ngokubhalwe phantsi.

2. Ekufumaneni izincomo zeKomishini, iziphathamandla ezisebenzayo kufuneka, kwiintsuku ezintlanu, zazise umsebenzi kunye neKomishini ngezigqibo zayo ngokubhalwe phantsi.

H. IZIKHALAZO ZEENTLOKO ZAMASEBE

1. Ukuba ngaba intloko yesebe ifake isikhalazo, kwesi sehlo

    (a) intloko yesebe lesizwe, inokufaka isikhalazo kuMongameli; okanye

    (b) intloko yesebe lephondo, inokufaka isikhalazo kwiNkulumbuso efanelekileyo.

2. uMongameki okanye iNkulumbuso ineentsuku ezingama-30 zokusebenza ngesikhalazo. Eli xesha linokolulwa ngesivumelwano esihlanganyelweyo.

3. ImiThetho F9 no-F10 iya, kufunda notshintsho olufunwa ngumxholo, kusebenza kuzo zonke izikhalazo zeentloko zamasebe.

I. UHLOLO

1. Intloko yesebe kufuneka iqinisekise ukuba isisombululo sesikhalazo sihlolwa ngokugcinwa kwerekhodi yenani lezikhalazo ezisonjululiweyo ukusukela ekuqaleni konyaka ngamnye wekhalenda kunye nokwenza ingxelo kwiKomishini ngokweenyanga ezintandathu.

2. iKomishini kufuneka ukuba yenze ingxelo ngokuphathwa kwezikhalazo kunye nokwanela kwenkqubo yezikhalazo okungenani kanye ngonyaka kwiNdlu yoWiso-mThetho kunye nangokuphathelene nemisebenzi yayo kwiPhondo kwinsdlu yowiso-mthetho yelo phondo.

J. EZINYE IINKQUBO

Xa isikhalazo sifakiwe ngokwemiqathango yale nkqubo, umsebenzi ofake isikhalazo kufuneka aveze ukuba usebenzisa nayiphi na enye inkqubo.

K. IMILINGANISELO YOTSHINTSHO

1. Isikhalazo esifakiwe phambi kokubhengezwa kwemiThetho yeXeshana, phambi komhla woku-1 Julayi 1999, kuyakusetyenzwa kwaye kugqitywe ngayo ngokungathi imiMiselo yeeNkonzo zikaRhulumente ayirhoxiswanga.

2. Isikhalazo esifakiwe phambi kokubhengezwa kwale miThetho yezikhalazo, makusetyenzwe kwaye kugqitywe ngaso ngokwemiqathango yemiThetho yeXeshana yeziKhalazo ebhengezwe kwi*Phepha likaRhulumente (Government Gazette)* eliyiNombolo yama-20231 lika-1999.

L. UMHLA WOKUQALA

Umhla wokuqala kwale miThetho, ixhomekeke kwimimiselo yomThetho K, 19 Septemba 2003.

IFOM YESIKHALAZO

NCEDA UFUNDE LE MIYALELO ILANDELAYO PHAMBI KOKUBA UGCWALISE IFOM

1. Le fom mayisetyenziselwe ukufaka isikhalazo (kukhutshelwa ngaphandle ukugxothwa okungafanelekanga) xa ungonelisekanga sisenzo okanye ukutyeshelwa kwaye ungakhange ube nako ukuyisombulula ingxaki ngokusebenzisa ingxoxo engekho sikweni.

2. Kufuneka isikhalazo sakho usifake kwiintsuku ezingama-90 ukusukela kumhla oye wasiqonda ngawo isenzo okanye ukutyeshelwa okukuchaphazele ngokungalunganga.

3. Unokuncediswa okanye umelwe ngomnye umsebenzi osebenza naye okanye ummeli okanye igosa elivela kwimanyano eyaziwayo.

4. Kubalulekile ukugcwalisa lonke ulwazi ngokuchanekileyo. Xa kugcwalsiwa le fom, kufuneka inikwe umsebenzi owonyulelwe ukulungelelanisa izikhalazo kwiziko lakho. Isebe liyakuhlomela le fom kungqinelo ngamaxwebhu lwesikhalazo kwaye iyakusetyenziswa kumabakala onke enkqubo yesikhalazo.

5. Kwibakala ngalinye apho umntu akwisikhundla esibalulekileyo seziphathamandla azama ukusombulula isikhalazo, iqela ngalinye liyakugcwalisa indawo efanelekileyo yefom. Uyakunikwa ithuba lokuphendula kwinqaku ngalinye.

6. Ekugqityweni kwebakala ngalinye lenkqubo yesikhalazo, isebe liya kukunika ikopi yefom egcwalisiweyo.

7. Sakube sisonjululwe isikhalazo, akukho mfuneko yokuba uyigcwalise yonke ifom. ICandelo leziBonelelo zabaSebenzi lesebe lakho liyakuyifaka kwifayile ifom. Iyakusetyenziswa ke ngoko ukuxela ingqokelela yamanani kwiKomishini yeeNkonzo zikaRhulumente ngonyaka.

8. Kufunwa ukuba ugcwalise iNxenye A kunye no-B kule fom kwaye uyinikezele kumsebenzi owonyuliweyo olungiselela izikhalazo kwiziko lakho. Umsebenzi uyakufaka usayino lwakhe kwibloko engaphantsi kwenxenye B yefom ukukhombisa ukuba isikhalazo sifunyenwe. Qinisekisa ukuba ufumana ikopi yale fom apho ukufunyanwa kwesikhalazo sakho kwazisiweyo ukuba sifunyenwe.

9. INxenye C yefom yesikhalazo iyakugcwaliswa ngumqeshi kunye nawe ngexa lamabakala awohlukeneyo apho iinzame zokusombulula isikhalazo ziyakwenziwa.

INXENYE A: IINKCUKACHA ZAKHO ZOBUQU

Igcwaliswa ngumsebenzi onesikhalazo:

Oonobumba bamagama neFani : _____
Inombolo yomvuzo : _____
Isebe eliqeshileyo : _____
iCandelwana : _____
Isikhundla : _____
Umhla oqonde ngawo isenzo okanye ukutyeshelwa: _____
linombolo zoqhagamshelwano : iNombolo yomNxeba_____
iNombolo yeFeksi: _____

Igama lommeli (ukuba ukhona) : _____
linombolo zoqhagamshelwano zommeli : iNombolo yomNxeba:_____
iNombolo yeFeksi _____

Igama leManyano (ukuba ikhona) : _____
linombolo zeManyano : iNombolo yomNxeba:_____
iNombolo yeFeksi: _____

INXENYE B : IINKCUKACHA ZESIKHALAZO

igcwaliswa ngumsebenzi onesikhalazo:

Yintoni oyikhalazelayo? (Ukuba ngaba isithuba esingezantsi asonelanga, nceda uhlomele i (ama) phepha elongezelekileyo):

Sisombululo sini osicebayo?

ISAYINWE:

UMSEBENZI **UMHLA**

ukufunyanwa kwefom yesikhalazo kuyaziswa kunye nekopi enikwe umsebenzi ofake isikhalazo.

UMSEBENZI OWONYULIWEYO: **UMHLA**

Igama:

Isikhundla:

INXENYE C: UKUSONJULULWA KWESIKHALAZO: AMANQANAM

QAPHELA:

Le nxenye yefom yenza ulungiselelo lwamanqanam awohlukeneyo eziphathamandla ukuba zizame ukusombulula ingxabano. Kodwa ke akukho manqanam amiselweyo okusonjululwa kwesikhalazo. Ngokuxhomekeke kwiimeko, elinye okanye ngaphezulu ala maphepha angasezantsi kufuneka agcwaliswe.

Ukuba ngaba isikhalazo asinakusonjululwa ukuya kuma kwinqanam lentloko yesebe, kufuneka ukuba singeniswe kwiziphathamandla ezilawulayo (njengokuba iphepha elingasezantsi elibhekiselele ngqo kwiziphathamandla ezilawulayo kufuneka ligcwalisiwe).

Isikhalazo kufuneka sijongwe ngawo onke amanqanam akhona (kuqukwa neziphathamandla ezilawulayo) kwixesha leentsuku ezingama-30, ngaphandle kokuba lolulwe ngesivumelwano kunye nomsebenzi ofake isikhalazo.

(Inxenye C isaqhutywa)

INQANAM: UMSEBENZI OWONYULIWEYO_____

Igcwaliswa ngumsebenzi owonyuliweyo

Igama : _____

Isikhundla : _____

iNombolo yomNxeba : _____

iNombolo yeFeksi : _____

Ingaba isikhalazo sisonjululwe? Ewe ☐ Hayi ☐

Ukuba ngu-ewe, nika iinkcukacha zesivumelwano (ukuba ngaba isithuba esingasezantsi asonelanga nceda uhlomele i (ama) phepha elongezelelekileyo)

ISAYINWE:

_____ _____

UMSEBENZI OWONYULIWEYO **UMHLA**

Igcwaliswa ngumsebenzi

Ingaba isikhalazo sisonjululwe? Ewe ☐ **Hayi** ☐

Ingaba kukho nayiphi na into ofuna ukuyitsho?

ISAYINWE:

_____ _____

UMSEBENZI **UMHLA**

(Inxenye C isaqhutywa)

INQANAM: ISIPHATHAMANDLA ESILAWULAYO

Kugcwalisa isiphathamandla esilawulayo

Isigqibo esiphathelene nesikhalazo kunye nezizathu zesigqibo (ukuba ngaba isithuba esingasezantsi asonelanga nceda uhlomele i (ama) phepha elongezelelekileyo)

ISAYINWE:

ISIPHATHAMANDLA ESILAWULAYO **UMHLA**

Igcwaliswa ngumsebenzi ofake isikhalazo

Ingaba isikhalazo sisonjululwe ? **Ewe** ☐ **Hayi** ☐

Ukuba ngaba ngu-hayi, nceda ucacise ukuba kutheni ungekoneliseki nje:

ISAYINWE:

UMSEBENZI **UMHLA**

Ingaba uyafuna ukuba isikhalazo sidlulisewle kwiKomishini yeeNkonzo zikaRhulumente?

Ewe ☐ **Hayi**