UHLOLOJIKELELE LOMTHETHO KAZWELONKE WAMAHOLO AYISIMISO ESIYISISEKELO (NATIONAL MINIMUM WAGE ACT 9 2018)

ISINGENISO

Injongo yoMthetho Wamaholo Kazwelonke Ayisimiso Esiyisisekelo (Eyaziwa Ngokuthiwa NMWA) ithuthukisa umnotho nobulungiswa emphakathini ngo –

- Kwenza ngcono amaholo abasebenzi abakhokhelwa inani eliphansi;
- Kuvikela abasebenzi ngemiholo emncane engenelisi;
- Kulondoloza ukubaluleka komholo kazwelonke;
- Kugqugquzela ukuxoxisana ndawonye;
- Kweseka ezomnotho;
- Kunciphisa ukungalingani kwamaholo kubasebenzi

UMthetho kaZwelonke Wamaholo Ayisimiso Esiyisisekelo, usebenza kubo bonke abasebenzi nabaqashi babo, ngaphandle kwamalunga ombutho wokuvikela isizwe, abenza umsebenzi wezobunhloli nabanikeza inkonzo eyimfihlo. Kanti lo mthetho awusebenzi kubasebenzi abasebenza ngokuzithandela phecelezi (Independent Contractor) abesebenzela omunye umuntu bengamukeli mholo ngomsebenzi wabo noma abangenalo ilungelo lokwamukela nanoma iyiphi inhlobo yomholo ngomsebenzi wabo.

Lokhu kusho ukuthi-

- Wonke umsebenzi, ngaphandle kwalabo abangabandakanyiwe kuloMthetho, unelungelo lokuthola umholo;
- Akekho umqashi ozovumeleka ukukhokha inani lomholo elingaphansi komholo oshicelelwe kumthetho wamaholo kwazelonke ayisimiso esiyisisekelo phecelezi (NMWA);
- Umholo oyisisekelo kazwelonke angeke kwenzeke uncishiswe ngokwenkontileka, ngesivumelwano esihlanganyelwe okukanye ngomthetho;
- Umholo oyisimiso kazwelonke wakha ithemi (term) yenkontileka yesisebenzi ngaphandle kuze kube sezingeni inkontileka ihlinzekela amaholo angcono; futhi
- Kuba umkhuba ongalungile ukuba umqashi ashintshe amahora okusebenza noma eminye imibandela yokuqashwa ngokuqondene nokuqaliswa komholo kazwelonke.

Izisebenzi zokuzithandela (“amavolontiya”) azifakiwe ngoba azimukeli nkokhelo noma azinalo ilungelo lokwamukela inkokhelo.

UMHOLO KAZWELONKE

Umholo oyisimiso kazwelonke ungu R21.69 ngehora ngalinye umsebenzi avame ukulisebenza ngaphandle kwaloku okuhlukile okulandelayo:

- Abasebenzi basemakhishini banelungelo lomholo kazwelonke ongu R19.09 ngehora;
- Abasebenzi abaqashwe kuhlelo olunwetshiwe lwemisebenzi yomphakathi banelungelo lomholo kazwelonke ongu R11.93 ngehora;
- Abasebenzi abake baphetha izivumelwano ezihlongozwa ngokwesigaba esingunombolo 17 soMthetho obizwa nge Skills Development Act banelungelo lokuthola izibonelelo eziqukethwe kuhlu lwesibili loMthetho KaZwelonke Wamaholo Ayisimiso Esiyisisekelo.

Kusukela ngomhlaka 1 KuNdasa (March) 2021 abasebenzi basemapulazini bathola umholo kazwelonke ongamaphesenti angu100. Isigaba sabasebenzi basemapulazini, sihlanganisa abasebenzi basezindlini, abasebenza emakhaya asemapulazini Kanye nalabo abasebenza kwimvelo yamahlathi, unogada wasemapulazini noma kwezinye izakhiwo zezolimo. Asimuhlanganisi unogada oqashwe kumkhakha wezokuphepha wangasese ngokoMthetho obizwa nge Private Security Industry Regulation Act 56 of 2001.

UKUBALWA KOMHOLO KAZWELONKE OYISIMISO ESIYISISEKELO

Umholo kazwelonke oyisimiso esiyisisekelo yinani elikhokhelwa ngokwamahora omsebenzi ajwayelekile. Lokhu kusho ukuthi umsebenzi unelungelo lokwamukela umholo ngokwenamba yamahora ajwayelekile umsebenzi awasebenza ngosuku.
Inkokhelo yomholo ayihlanganisi inkokhelo yezibonelelo (njengemali yokugibela, ithuluzi, ukudla noma indawo yokuhlala), nenye inhlobo yenkokhelo (izindleko zokulala, amathiphu, amabhonasi kanye nezipho).
Ukuhlinzekwa kwenziwe ukuthi uNgqongqoshe Wezabasebenzi abeke eceleni ezinye izinhlobo zenkokhelo ngokwezimiso.

UKULUNGISWA KOMHOLO KAZWELONKE NGOKONYAKA

Umholo kazwelonke uzobuyekezwa njalo ngonyaka yiKhomishana entsha Yomholo Kazwelonke, uma futhi kunesidingo, uyolungiswa ngokonyaka.

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INQUBO YOKUKHULULWA EKUKHOKHENI UMHOLO KAZWELONKE OYISIMISO ESIYISISEKELO

Umqashi noma inhlangano yabaqashi ebhaliswe ngokwesigaba esingunombolo 96 soMthetho obizwa ngeLabour Relations Act noma imuphi omunye umthetho angafaka isicelo ngokwendlela ebekiwe egameni lamalunga ayo ukuthi akhululwe kwisibophezelo sokukhokha umholo kazwelonke oyisimiso esiyisisekelo.

Incwadi yokukhululwa enikeziwe ngokwalesisigaba soMthetho –

- Kufanele icacise isikhathi esinikeziwe ukuthi isebenze, kanti futhi ayivumelekile yeqe onyakeni owodwa;
- Kufanele icacise umholo noma amaphesenti omholo kazwelonke okudingeka ukuthi umqashi awakhokhele abasebenzi; futhi
- Ingaqukatha nanoma yiziphi ezinye izimiso ezifanele.

UNgqongqoshe Wezabasebenzi anganikeza izincwadi zokukhululwa ekukhokheni umholo kazwelonke oyisimiso esiyisisekelo, ukusebenza kwazo okufanele kulawulwe ngokwezimiso.

UKUSUNGULWA KWEKHOMISHANA YOMHOLO KAZWELONKE

Umsebenzi osemqoka weKhomishana Yomholo Kazwelonke ukubuyekeza umholo kazwelonke oyisimiso esiyisisekelo nokwenza izincomo zokuwulungisa ngonyaka. Ikhomishana yomholo kazwelonke inemisebenzi ehambisana nayo njengokuphenya umthelela womholo kazwelonke oyisimiso esiyisisekelo emnothweni, kwinzuzo nokuhluka kwamaholo.

UKUPHOQELELWA KOMHOLO KAZWELONKE

Abahloli bezoMthetho wabasebenzi bangazama ukuthola isibophezelo esibhaliwe kumqashi sokuthi akhokhe umholo noma bangakhipha umyalelo omphoqelelayo malungana nokungahloniphi uMthetho. Kukabili imiyalelo ephoqelelayo nezibophezelo ezibhaliwe zomqashi zingenziwa izinqumo zokwahlulela ezikhishwe uCCMA ezibizwa ngokuthi izindondo zokulamula (arbitration awards) uma umqashi engazilandeleli.

Abasebenzi abahola ngaphansi kwenani lombundu obekwe nguNgqongqoshe wezabasebenzi (threshold) okungu R211 596.30 bangafuna usizo eCCMA, belandela isigaba soMthetho esingunombolo 73A se BCEA, lapho abekweletwa khona imali ngenxa yokwehluleka kukamqashi ukukhokha umholo kazwelonke.

IMITHETHO EFANELE

- Basic Conditions of Employment Amendment Bill, 2018.
- Labour Relations Act 66 of 1995.
- National Minimum Wage Act 9 of 2018.
- Skills Development Act 97 of 1998.

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