

UHLOLOJIKHELE LOMTHETHO OWENGAMELA IZICELO ZOKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE

ISINGENISO NENHLOSO

UMthetho Wamaholo kaZwelonke ka 2018 wethula umuholo oyisimiso kazwelonke. Uhlelo lokuqala loMthetho Wamaholo kaZwelonke ubuyekeziwe, futhi, kusukela ngomhlaka 1 kuNdasa (March) 2024 umholo kaZwelonke ukhuphukile usungu R27.58 ngehora ngalinye umsebenzi alisebenzile. Leli nani liyafana nalelo labasebenzi basemapulazini, kuhlanganisa nabasebenzi basezindlini, abasebenza emakhaya asemapulazini nalabo abasebenza kwimvelo yamahlathi, nonogada basemapulazini noma kwezinye izakhiwo zezolimo. Alifani nenani likanogada oqashwe kumkhakha wezokuphepha wangasese ngokoMthetho obizwa nge Private Security Industry Regulation Act 56 of 2001.

Umholo kaZwelonke wabanye abasebenzi basezindlini kuhlanganisa umsebenzi wasengadini, umsebenzi oqashelwe ukushayelela umndeni imoto, umsebenzi oqashelwe ukunakekela izingane, asebhukile, ababuthaka, abagulayo noma abakhubazekile; nabasebenzi basezindlini abaqashwe noma abahlinzekwe izinkonzo zokuqashwa umholo ungu R27.58, bese kuthi kulabo basebenzi abaqashwe kuhlelo olunwetshiwe lwemisebenzi yomphakathi phecelezi (Public Works Programme) umholo ungu R15.16 ngehora.

UMthetho Wamaholo kaZwelonke wenza ukuhlinzekwa kokuba umqashi afake isicelo sokuthi abonelelwe ekukhokheni umholo oyisimiso kazwelonke ophelile.

Inqobo mgomo yokubonelelwa ekukhokheni umholo oyisimiso kazwelonke yakhishwa ngomhlaka 19 December 2018. Lenqobomgomo ibeka indlela okumele ilandelwe, uma kufakwa izicelo zokubonelelwa, imininingwane okumele ithunyelwe kanye nesicelo, izibophezelo kubaqashi zokuthi kubonisiwane, ukuhlolwa ukuthi abaqashi bangakwazi ukukhokha umholo oyisimiso kazwelonke. Iphinde futhi ibeke isikhathi sokubonelelwa ekukhokheni umholo kazwelonke kanye nezinqubo okufanele zilandelwe makhoxiswa isibonelelo.

KUYINI UKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE?

Inqobomgomo ayinikezeli ukubonelelwa okuphelele ekukhokheni umholo oyisimiso kazwelonke, kodwa ihlinzeka ukunciphisa ukubonelelwa okungeqi kumaphesenti ayishumi (10%) kusuka,

ngokwesibonelo, sika R27.58 ngehora ukuya ku R24.82 ngehora kubaqashi okufanelekile babonelelwe. Umholo oyisimiso kazwelonke ongu R24.82 ngehora wenza umholo wenyanga ube ngu R4 298.82 esikhundleni sika R4 776.86, uma ubalwa ngamahora angu 40 okusebenza ngesonto.

Ukubonelelwa ekukhokheni umholo kazwelonke kunganikezwa kusukela ngosuku umqashi efaka isicelo, esingeqi izinyanga ezingamashumi amabili phecelezi (12).

NGUBANI ONGAFAKA ISICELO SOKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE?

Umqashi noma inhlango yabaqashi ebhaliswe ngokwesigaba esingunombolo 96 encwadini yomthetho ebizwa nge Labour Relations Act angafaka isicelo sokubonelelwa ekukhokheni umholo oyisimiso kaZwelonke. Nokho izicelo eziningi ezilethwa yizinhlangano zabaqashi ezimele wonke amalunga azo azivumelekile, futhi kufanele kwenziwe isicelo ngasinye selunga ngalinye ngesikhathi.

ZIFAKWA KANJANI IZICELO ZOKUBONELELWA SOKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE?

Umqashi noma omele inhlango yabaqashi kumele ifake isicelo ngekompuyutha esebenzisa uhlelo lokufaka isicelo sokubonelelwa ekukhokheni umholo oyisimiso kazwelonke (National Minimum Wage Exemption system). Uhlelo lufinyeleleka emphakathini ngokusebenzisa ikompuyutha noma uvakashele nanoma yiliphi ihhovisi lomnyango wezabasebenzi ihhovisi elaziwa ngokuthi (iDepartment of Labour) Ukuze ukwazi ukufaka isicelo usebenzisa ikompuyutha ungasebenzisa iwebsite: [-https://nmw.labour.gov](https://nmw.labour.gov)

Lolu hlelo luzotshengisa imininingwane eqondile yomqashi kubandakanya nenombolo yakwa SARS, imininingwane yomkhandlu wokuxoxisana (bargaining council) nezivumelwano ezibophezelayo ezenziwe ngokuhlanganyela (collective agreements).

Uhlelo ludinga le mininingwane elandelayo:

- Izitatimende zemali engenayo kanye nezindleko Emabizinisini:

- Isitatimende sokusebenza ngokwezimali (Isitatimende semali engenayo: izibikezelo zonyaka wamanje kanye nezeminyaka emibili edlule)
- Isitatimende sesimo sezimali zenkampani phecelezi (balance sheet)
- Imininingwane yokwehla kwenani lempahla ngokuhamba kwesikhathi, uqedisizungu, ukusulwa kwezikweletu ezimbi, izabelo zenzuzo ezinikezwa abanikazi bamasheya njalo njalo.

Kwimindeni yangasese (Private Households):

- Isitatimende sokusebenza ngokwezimali (Imali engenayo kanye nezindleko, kubalwa nezindleko zemfundo, ukudla, iziphuzo, uqedisizungu, nezokuvakasha)
- Amahora asetshenzwa abasebenzi kanye nemininingwane ngamaholo
- Ubufakazi bokuthi kubonisenwe nazo zonke izinyunyana zabasebenzi ezifanelekile ngokomthetho noma abasebenzi abathintekayo uma ingekho inyunyana enjalo.

Isicelo sokubonelelwa ekukhokheni umholo oyisimiso kazwelonke siyobuyekiswa kuphela uma umqashi eqinisekile ukulandela umthetho malunga nenkokhelo esemthethweni kubandakanya nesikhwama somshwalense wabasebenzi phecelezi (UIF), isikhwama sezinxephezelo phecelezi (Compensation Fund) kanye nezivumelwano ezenziwe kumkhandlu wokuxoxisana eyaziwa nge (Bargaining Council Agreements).

Umqashi kumele athole amaphepha okufaka isicelo sokubonelelwa kwikompuyutha bese ethumela ikhophi kumkhandlu wokuxoxisana, nakunoma iyiphi inyunyana yabasebenzi ebhalisiwe ngokusemthethweni futhi nakubasebenzi abathintekayo.

UKUHLOLWA UKUZE UMQASHI AFANELEKE UKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE

Ukubonelelwa ekukhokheni umholo oyisimiso kazwelonke kunganikwa kuphela uma loyo ongunya (uMqondisi Jikelele womnyango wezabasebenzi) noma isikhulu esithunyelwe sanelisekile ukuthi -

UHLOLOJIKHELELE LOMTHETHO OWENGAMELA IZICELO ZOKUBONELELWA EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE

- Umqashi akakwazi ukukhokha umholo oyisimiso kazwelonke; futhi
- Umqashi uthintane nazo zonke izinyunyana zabasebenzi ezifanelekile ngokomthetho endaweni yokusebenzela futhi, nabasebenzi abathintekayo uma ingekho inyunyana yabasebenzi.

Inqubomgomo ibeka izindlela ezahlukeni zokuhlola ezingasetshenziswa yizinkampani ukuze kubonakale ukuthi zifanelekile ukubonelelwa ekukhokheni umholo oyisimiso kazwelonke, ukusekelwa inzuzo yenkampani phecelezi (profitability), ikhono lenkampani lokuthola imali yayo nanoma inini lapho iyidinga khona phecelezi (liquidity) kanye nekhono lenkampani lokukwazi ukuhlalabazana nezikweletu kwisikhathi eside phecelezi (solvency).

Ngaphambi kokuthi kuthathwe isinqumo sokuthi umqashi anikezwe isibonelelo ekukhokheni umholo oyisimiso kazwelonke, isinyathelo sokuqala ukunquma ukuthi umholo oyisimiso kazwelonke uzobiza umqashi imali engakanani ngaphezulu. Isinyathelo sesibili ukunquma ukuthi umqashi angakwazi yini ukukhokha imali eyengeziwe kumholo.

Kungaqalwa kanje, ukubonelelwa kukamqashi ekukhokheni umholo oyisimiso kazwelonke kuyonikezwa uma umqashi esebenza ngokulahlekelwa inzuzo.

Ngisho nezinkampani ezenza inzuzo zinganikezwa isibonelelo ekukhokheni umholo oyisimiso kazwelonke uma kukhombisa – ngokwendlela emisiwe - ukuthi inzuzo yenkampani ngokuhlobene nempahla yayo (return on assets) ingaphansi kwamaphesenti ayisithupha ngolimi lwasemzini (6%) futhi abaqashi bephasa uchungechunge lwezivivinyo eziphathelele namandla abo ngokwezimali phecelezi (financial strength) noma ikhono lokukwazi ukuhlalabazana nezikweletu kwisikhathi eside ngolimi lwasemzini (Solvency).

Uma kuhlolwa ukuthi ibhizinisi liyakwazi ukuhlalabazana nezikweletu kwisikhathi eside phecelezi (Solvency tests) kuye kubhekwe izimpahla zenkampani. Umqashi uyonikezwa isibonelelo ekukhokheni umholo oyisimiso kazwelonke uma kube nokwehla kwezimpahla noma uma kube nokwanda kwezimpahla – isilinganiso esibizwa nge“debt-to-asset ratio”siyanqunywa. Uma isilinganiso singaphezu kwamaphesenti angu (50%) (okusho ukuthi impahla engaphezu kwamaphesenti angu (50%) ingeyababolekisi) isicelo

sokubonelelwa ekukhokheni umholo oyisimiso kazwelonke siyonikezwa uma isilinganiso singaphansi kwamaphesenti angu (50%), isicelo siyonqatshwa noma angeke sivumeleke.

Izinkampani ezinenzuzo ngokuhlobene nempahla yazo ngolimi lwasemzini (Companies that are profitable in relation to their assets) engamaphesenti angaphezu kuka (6%) zisengakwazi ukunikezwa isibonelelo ekukhokheni umholo omisiwe kazwelonke uma zingakwazi ukuletha ubufakazi bokuthi umholo omusha ophakeme ungazibangela ukulahlekelwa. Ngenxa yalokhu, kwenziwa ukuhlolwa kwekhono lenkampani lokuthola imali yayo nanoma inini lapho iyidinga ngolimi lwasemzini (*Liquidity tests*). Impahla engashintshwa ibe ukheshi phecelezi (cash) ngesikhathi esifushane, njengempahla yababoleki, impahla ebhalwe kwi – “inventory”, nezinye izimpahla ezikhona ngaso lesi sikhathi ziqhathaniswa nemali eyandisiwe kwi akhawunti eyisikweletu esisuka esikhungweni sokubolekisa ebizwa ngokweqisa ngokweqile phecelezi (overdraft). Isicelo sokunikezwa isibonelelo siyonqatshwa uma lezo zimpahla zingakwazi ukuhlalabazana i-overdraft.

Kunezivivinyo ezihlukile ezenziwayo ngokuphathelele nemizi phecelezi (households) nezinhlango ezingenzi inzuzo ezaziwa nge (NPOs). Ngokuphathelele nemizi kuhlaziya imali engenayo kanye nezindleko ukuze kunqunywe ukuthi umqashi angakwazi yini ukukhokha amaholo anyusiwe adingekayo. Uma engakwazi, isicelo sokubonelelwa siyovunywa noma siyokwamukeleka. Izinhlango ezingenzi inzuzo kungenzeka zibonelelwe uma zenza imali engaphantsi kwebilindelwe noma edingekayo phecelezi (deficit) noma, yize zenza imali engaphezulu kwebilindelwe noma edingakalayo, leyo mali ayanele ukukhokhela umholo oyisimiso kazwelonke.

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

KUTHIWANI UMA UMQASHI ENIKEZIWE ISIBONELELO EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE?

Umqashi onikeziwe isibonelelo ekukhokheni umholo oyisimiso kazwelonke kumele abonise isitifiketi sokubonelelwa endaweni yokusebenzela futhi anikeze ikhophi kumkhandlu wokuxoxisana, ikhophi kwinyunyana yabasebenzi efanelekile ngokomthetho, ikhophi nakunoma yibaphi abasebenzi abacela ikhophi.

UKUHOXISWA KWESIBONELELO EKUKHOKHENI UMHOLO OYISIMISO KAZWELONKE

Noma yimuphi umuntu othintekayo angafaka esebenzisa ikhompuyutha isicelo sokuhoxiswa kwesibonelelo ekukhokheni umholo oyisimiso kazwelonke esinikeziwe umqashi. Isibonelelo ekukhokheni umholo oyisimiso kazwelonke singahoxiswa uma kunezizathu ezivumelekile, kubandakanya:

- Imininingwane engamanga noma engalungile eyaholela ekunikezweni kwesibonelelo
- Umqashi akathobeli isaziso sesibonelelo
- Izimali zomqashi zithuthuke kangangoba angakwazi ukukhokha umholo oyisimiso kazwelonke

IMITHETHO EFANELE

- Basic Conditions of Employment Act 75 of 1997.
- National Minimum Wage Act 9 of 2018 as amended (March 2024).
- Regulations to the National Minimum Wage Act, 2018.