

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



## ISINGENISO

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

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

UMthetho kaZwelonke Wamaholo Ayisimiso Esiyisekelo, 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 abangabandakanywiwe kuloMthetho, unelungelo lokuthola umholo;
- Akekho umqashi ozovumeleka ukukhokha inani lomholo elingaphansi komholo oshicilelwe kumthetho wamaholo kwazwelonke ayisimiso esiyisekelo 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 nokhelo noma azinalo ilungelo lokwamukela inkokhelo.

## UMHOLO KAZWELONKE

Kusukela ngomhla ka 1 KuNdasa 2024 umholo oyisimiso kazwelonke ungu R27.58 ngehora ngalinye umsebenzi avame ukulisebenza ngaphandle kwaloku okuhlukile okulandelayo –

- Abasebenzi abaqashwe kuhlelo olunwetshiwe lwemisebenzi yomphakathi banelungelo lomholo kazwelonke ongu R15.16 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 Esiyisekelo.

## UKUBALWA KOMHOLU KAZWELONKE OYISIMISO ESIYISEKELO

Umholo kazwelonke oyisimiso esiyisekelo 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), nanye inhlobo yenkokhelo (izindleko zokulala, amathiphu, amabhonasi kanye neziphu). Ukuhlinzekwa kwenziwe ukuthi uNgqongqoshe Wezabasebenzi abeke eceleni ezinye izinhlobo zenkokhelo ngokwezimiso.

## UKULUNGISWA KOMHOLU KAZWELONKE NGOKONYAKA

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

## INQUBO YOKUKHULULWA EKUKHOKHENI UMHOLU KAZWELONKE OYISIMISO ESIYISEKELO

Umqashi noma inhlango 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 esiyisekelo.

Incwadi yokukhululwa enikeziwe ngokwalesigaba 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
- Ingaqakatha nanoma yiziphi ezinye izimiso ezifanele.

UNgqongqoshe Wezabasebenzi phecelezi Minister of Labour anganikeza izincwadi zokukhululwa ekukhokheni umholo kazwelonke oyisimiso esiyisekelo, ukusebenza kwazo okufanele kulawulwe ngokwezimiso.

## UKUSUNGULWA KWEKHOMISHANA YOMHOLU KAZWELONKE

Umsebenzi osemqoka weKhomishana Yomholo Kazwelonke ukubuyekisa umholo kazwelonke oyisimiso esiyisekelo nokwenza izincwadi zokukhululwa ngonyaka. Ikhomishana yomholo kazwelonke inemisebenzi ehambisana nayo njengokuphenya umthelela womholo kazwelonke oyisimiso esiyisekelo emnothweni, kwinzuzo nokuhluka kwamaholo.

*Ukuthola ulwazi oluningi ngenqubo yokufaka isicelo sokukhululwa ekukhokheni umholo kazwelonke, sicela ubheke iShidi loLwazi lakaCCMA: Uhlolojikelele lokukhululwa ekukhokheni umholo kazwelonke.*

## UKUPHOQELELWA KOMHOLU KAZWELONKE

Abahloli bezoMthetho wabasebenzi bangazama ukuthola isibophezelo esibhaliwe kumqashi sokuthi akhokhe umholo noma bangakhapha umyalelo omphoqeelayo malunga nokungahloniphi uMthetho. Kukabili imiyalelo ephoqeelayo nezibophezelo ezibhaliwe zomqashi zingenziwa izinqumo zokwahlulela ezikhishwe ngumnyango weCCMA ezibizwa ngokuthi izindondo zokulamula (arbitration awards) uma umqashi engazilandeleli.

Abasebenzi abahola ngaphansi kwenani lombundu obekwe nguNgqongqoshe wezabasebenzi (threshold) okungu R254 371.67 bangafuna usizo kumnyango we CCMA, belandela isigaba soMthetho esingunombolo 73A kwincwadi yomthetho i BCEA, lapho abekweletwa khona imali ngenxa yokwehluleka kukamqashi ukukhokha umholo kazwelonke.

## IMITHETHO EFANELE

- Basic Conditions of Employment Act 75 of 1997.
- Labour Relations Act 66 of 1995.
- National Minimum Wage Act 9 of 2018.
- Skills Development Act 97 of 1998.