Isalathiso: 20160606-1499
5/6/2
Imibuzo: O. Apollis

ISetyhula: 0033/2016
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, kumaSekela Balawuli, kuBaphathi beeSekethe, kuBaphathi bezeNgcaciso, uKuphathwa noLawulo lwaBasebenzi ngoBuchule, kwiiNtloko zoQuquzelelo neNgcebiso ngezeKharityhulam; kwiiNqununu nakooSihlalo baMabhunga oLawulo bezikolo eziziprayimari neziziisekondari zikarhulumente

Isishwankathelo esifutshane: *Le Setyhula yazisa bonke aBalawuli neeNqununu ngokuqeshwa kwabo njengabanyulwe ezikhundleni ngokwesiqendu 16(2) esibenza babenoxanduva lokulawula imiba yezempilo nokhuseleko apha ngaphakathi kulo ndawo baqeshwe kuyo.*

Isihloko: Abaqeshwa abonyulwe ezikhundleni ngokwesiqendu 16(2) njengoko kumiselwe nguMthetho wezeMpilo noKhuseleko *(Occupational Health and Safety Act)*

1. NgokoMthetho wezeMpilo noKhuseleko, 1993 (uMthetho 85 ka-1993) *(Occupational Health and Safety Act (Act 85 of 1993*), bonke abaqeshi apho kufanelekileyo yaye kunokwenzeka ngokwasengqiqweni, mababonelele ngendawo yomsebenzi yaye mabayigcine ikhuselekile inempilo oko kukuthi kungekho zingozi kubaqeshwa. Umsebenzi ongundoqo wokuqinisekisa ukuba indawo yomsebenzi yekhuselekileyo nenempilo, ngowegosa eliyintloko lesigqeba *(CEO)* okanye ngowomntu othathwa njenge-*CEO* yeziko.

2. I-*CEO* nakuba kunjalo, inako ukudlulisela amagunya emisebenzi emalunga nezempilo nokhuseleko kubalawuli beshishini okanye beziko yaye oko akunakuthathwa njengokuba kukuthoba umgangatho walo msebenzi okanye wale mfanelo (responsibility or liability). Ngokumalunga noku kuqeshwa, umqeshwa (abaqeshwa) onyulwe esikhundleni ngokwesiqendu 16(2) uya kuthwala uxanduva lolawulo lwemiba yezempilo nokhuseleko emsebenzini kulo ndawo yomsebenzi alathelwe yona.

3. Emva kokuqeshwa kwabo baya kubopheleleka ngokomthetho ukuba bancedise i-*CEO* [siqendu 16(1)] kulawulo lokhuseleko kwezi ndawo zomsebenzi babelwe zona. Injongo yomwisi-mthetho kukunyanzelisa ukubakho kwestraktsha somthetho esisemthethweni apha ngaphakathi kwiziko. Ezi zitraktsha zimiselweyo zinceda ubukhulu becala ekudluliselweni okufanelekileyo kwamagunya emisebenzi yezempilo nokhuseleko apha ngaphakathi kwindawo yomsebenzi (ngokususelwa kwiziqendu 16 no-37 zoMthetho wezeMpilo noKhuseleko eMsebenzini).

4. Ukuququzelela ulawulo lokhuseleko olusebenzayo apha ngaphakathi kumaziko emfundo kaRhulumente weNtshona Koloni (*WCG educational institutions*), iNtloko yeSebe ngokwenjenje ibhengeza ukuba bonke abalawuli nazo zonke iinqununu zezikolo zikaRhulumente weNtshona Koloni ukuba zibe ngabaqeshwa abonyulwe ezikhundleni ngokwesiqendu 16(2). Ukwenzela ukuba bakwazi ukwenza lo msebenzi, njengabanyulwe ngokwesiqendu 16(2) mababe nolwazi ngayo yonke imithetho eyimfuneko *(statutory requirements*) ecaciswa kuMthetho wezeMpilo noKhuseleko eMsebenzini (*Occupational Health and Safety Act*) neMimiselo kangangoko oku kunokwenzeka, yaye makuqinisekiswe ukuba imisebenzi echatshazelwe kulo Mthetho yenziwa ngokufanelekileyo.

5. Le leta iqhotyoshelweyo yesiqendu (16(2) yoMqeshwa oNyuliweyo *(Appointee letter)* yokwamkela imisebenzi ayalathelweyo, mayisayinwe yaye ingeniswe apha:

   - kwi-Ofisi yoMlawuli we-ofisi yesithili ngasinye ziinqununu zezikolo zikaRhulumente weNtshona Koloni ;
   - kuMlawuli oyiNtloko weZithili ngabalawuli bee-ofisi zezithili; kunye
   - nakwi-ofisi yeNtloko yezeMfundo ngabo bonke abalawuli bakwaNdlunkulu.

6. Kucelwa wazise okukule setyhula bonke abasebenzi abachaphazelekayo ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-PA VINJEVOLD
INTLOKO YESEBE LEMFUNDO
UMHLA: 2016-08-18