Isalathiso: 20200423-6134
Inombolo yefayili: 3/3/2/3
Imibuzo: IZiko leeFoni

ISetyhula: 0020/2020
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, kuBaphathi beeSekethe, kwiiNtloko zawo onke amaziko emfundo nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: *Ukutshintshwa kwengqesho engesosigxina yooTitshala beZithuba zeNqanaba 1 itshintshelwe kwingqesho esisigxina ngokwesiqendu 6(b) soMthetho weNgqesho yooTitshala (Employment of Educators Act, 1998).*

Isihloko: **Ukutshintshwa kwengqesho engesosigxina yooTitshala beZithuba zeNqanaba 1 itshintshelwe kwingqesho esisigxina ngokwesiqendu 6(b)soMthetho wezeNgqesho yooTitshala *(Employment of Educators Act, 1998)*(uMthetho 76 ka 1998)**

1. Le setyhula ihlaziyiwe yaye itshitshisa ithatha indawo yeSetyhula 0055/2015 yomhla we-08 Oktobha 2015 neSetyhula 0006/2019, yomhla we-05 Januwari 2019 ngokupheleleyo.

2. Isiqendu *6(b)*soMthetho wezeNgqesho yooTitshala (*EEA)*, 1998, (uMthetho 76 ka-1998) sibonelela ngemigaqo yokutshintshwa kwemeko yengqesho yootitshala yethutyana/yokuqeshwa ngokwemvumelwano *(temporary/contract)* itshintshelwe kwingqesho esisigxina.

3. Utitshala ongesosigxina ngutitshala ngoku oqeshwe kwiSithuba seNqanaba 1 esivunyiweyo nesixhaswa ngezimali yaye kuqukwa iitheraphisti, iisayikholojisti (*therapists*, *psychologists) nee-counsellors* ezikwinqanaba lokungena emsebenzini neziqeshwe ngokungesosigxina ithuba eliqingqiweyo (*closed period*) kumaziko. Le nkcazo ayisebenzi kootitshala abaqeshwe kwizithuba zonyuselo-sikhundleni ezingenamntu ezixhaswa ngemali (*vacant substantive promotion posts*), ababambeleyo, okanye ootitshala ababambele ezindaweni zootitshala abaqeshwe ngokusisigxina abangekhoyo emsebenzini, ngenxa yaso nasiphi na isizathu.

4. Ngaphandle kokuba iNtloko yeSebe leMfundo ibone ngolunye uhlobo, ingqesho katitshala ongesosigxina ayinakutshintshelwa kwingqesho katitshala osisigxina, xa utitshala ongesosigxina wayeqeshwe njengotitshala osisigxina ngaphambili yaze ingqesho esisigxina katitshala yapheliswa ngenxa yokuba ethathe umhlalaphantsi phambi kwexesha elimisiweyo, ngenxa yokungabinampilo okanye ngenxa yokuthatha iphakheji yokuyeka emsebenzini ngokuzithandela apho utitshala wafumane i-*severance package*.

5. Ukutshintshwa kwengqesho engesosigxina itshintshelwe kwingqesho esisigxina kwenziwa ngokwesigqibo enelungelo lokusenza iNtloko yeSebe leMfundo.

6. Ngokungqinelana neSigqibo No. 4 soThetha-thethwano neMibutho yaBasebenzi sango-2018, iSebe leMfundo leNtshona Koloni (*WCED)* lazamkela ezi khrayitheriya zilandelayo zokutshintshwa kwengqesho yootitshala engesosigxina, itshintshelwe kwingqesho esisigxina ngokwesiqendu 6(b) soMthetho weNgqesho yooTitshala (*EEA),* 1998 (uMthetho 76 ka-1998).

6.1 Ukuqeshwa ngokusisigxina makwenziwe kwisithuba seNqanaba 1 kubandakanywa nee-*therapists,* ii-*psychologists* kunye nee-*counsellors* ezikwinqanaba lokungena emsebenzini. Isithuba masibonakaliswe kwinani lezithuba ezivunyiweyo zootitshala ezabelwe isikolo.

6.2 Utitshala ochaphazelekayo ngexesha lokufaka isicelo sokutshintshwa kwemeko yengqesho, makabe ngoqeshwe kwisithuba esingesosigxina kangangethuba eliqhubekeke okoko eliziinyanga ezintathu.

6.3 Utitshala makazanelise ezi khrayitheriya zilandelayo ukwenzela ukuba aqwalaselelwe ukutshintshwa kwemeko yengqesho yakhe engesosigxina itshintshelwe kwingqesho esisigxina ngokuthi abe:

6.3.1 ngofumene uqeqesho kumsebenzi wobutitshala wokufundisa,
6.3.2 unamabanga emfundo afanelekileyo okufundisa isifundo kwisigaba eya kutshintshelwa kuso ingqesho,
6.3.3 uyazifezekisa iimfuno ezimiselweyo ezisisiseko zesithuba ekuya kutshintshelwa kuso ingqesho yakhe; yaye
6.3.4 ubhalisile kwi-*South African Council for Educators*.

7. Utitshala ongesosigxina, uya kuqeshwa isigxina kuphela kwisithuba, esingenamntu esixhaswa ngemali seNqanaba 1 kwisikolo sikarhulumente esibonakala kwinani lezithuba ezivunyiweyo zootitshala ezabelwe isikolo. Utitshala ongesosigxina uya kuqeshwa isigxina kuphela kwisithuba esinjalo xa isithuba singenakuzaliswa:

7.1 ngutitshala osisigxina osilungeleyo isithuba yaye owongezelelwe kwinani lezithuba ezivunyiweyo zootitshala ezabelwe isikolo; okanye

7.2 ngumenzi-sicelo osenza okokuqala isicelo yaye umqeshi enesivumelwano esiyimbophelelo kunye naye sokumqesha ngokwebhasari ayinikiweyo umenzi-sicelo; okanye

7.3 nguye nawuphi na umenzi-sicelo osenza okokuqala isicelo; okanye

7.4 utitshala ongesosigxina uyabandakanywa ngokwemiqathango yomhlathi we-4 ongasentla.

8. Icandelo 6(b) loMthetho weNgqesho yooTitshala (EEA), 1998 (uMthetho 76 ka-1998) libonelela ngokuba iNtloko yeSebe emva kokuba ibonisene nebhunga lolawulo lesikolo sikarhulumente, iya kutshintsha ingqesho engesosigxina katitshala oqeshiweyo ibesisithuba sikatitshala oqeshwe isigxina esikwinani lezithuba ezivunyiweyo zootitshala ezabelwe isikolo sikarhulumente, ngaphandle kweengcebiso zebhunga lolawulo.

   Isicelo sokutshintshwa kwengqesho masenziwe ngokubonisana nebhunga lolawulo. Kwimeko engaqhelekanga apho ibhunga lolawulo kunye/okanye inqununu ingakuxhasiyo ukutshintshwa kwemeko yengqesho katitshala ukusuka kwingqesho engesosigxina/yemvumelwano ibe yingqesho esisigxina, inqununu <u>MAYINGENISE</u> isicelo somsebenzi sikatitshala kunye nencwadi ebhaliweyo ecacisa izizathu ezamkelekileyo zokuba kungani na kungaxhaswa oku kutshintshwa kwengqesho.

9. Ootitshala ababambeleyo abasenkonzweni (*serving substitute educators*) banako ukuqwalaselelwa ukuqeshwa ngokusisigxina, ngokwemiqathango ecaciswe kule setyhula, ukuba isithuba eso sithe sangabi namntu lo gama bebambeleyo kuso yaye utitshala makabe uyazifezekisa iimfuno ezimiselweyo. Makaqinisekise amabhunga olawulo neenqununu ukuba kusebenza imiqathango yokungabandakanywa kootitshala abathile echazwe kwingongoma 4.

10. ISebe i*WCED* linika ingqinisekiso yokuba inkqubo yokutshintshwa kwengqesho ngokwesiqendu 6(b) se-*EEA*, (uMthetho 76 ka-1998) njengoko kucacisiwe, iyakuvumela ukutshintshwa kwengqesho kuye wonke unyaka wokufunda.

11. Inqununu yesikolo mayingenise kwi-ofisi yesithili isicelo ngencwadi ebhaliweyo sokutshintshwa kwengqesho katitshala ongesosigxina ibe yingqesho esisigxina OKANYE utitshala ongaqeshwanga isigxina/oqeshwe ngemvumelwano ofuna ukufaka isicelo sokutshintshwa kwengqesho yakhe engesosigxina ibe yingqesho esisigxina ngokwecandelo 6(b) le-*EEA*, 1998 (uMthetho 76 ka-1998). Utitshala makangenise ifom *DPE1* ezalisiweyo (ifom yesicelo sengqesho) nencwadi ebhaliweyo ecacisa izizathu zokuba makaqeshwe isigxina, nemayiqale igqithe kwinqununu, ukuya kwiSebe i-*WCED* ngokungqinelana nomhlathi 8.

12. Le setyhula isebenza kuzo zonke izikolo zikarhulumente.

13. Kucelwa iinqununu ziqinisekise ukuba okukule setyhula kwaziswa amabhunga olawulo nootitshala ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-LJ ELY
USEKELA MLAWULI-JIKELELE: WEENKONZO ZEZIKO
UMHLA: 2020-07-23