

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

*Regulation Gazette*

**No. 6342**

*Regulasiekoerant*

Vol. 401

PRETORIA, 13 NOVEMBER 1998

**No. 19453**

## PROCLAMATION

*by the*

*President of the Republic of South Africa*

**No. 112, 1998**

### **COMMENCEMENT OF THE BASIC CONDITIONS OF EMPLOYMENT ACT, 1997 (ACT No. 75 OF 1997)**

In terms of section 96 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) I hereby determine that all the provisions of the Act which have not been put into operation come into operation on 1 December 1998.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Second day of November, One thousand Nine hundred and Ninety-eight.

**N. R. MANDELA**

**President**

By Order of the President-in-Cabinet:

**M. M. S. MDLADLANA**

**Minister of the Cabinet**

# PROKLAMASIE

*van die*

*President van die Republiek van Suid-Afrika*

**No. 112, 1998**

## **INWERKINGTREDING VAN DIE WET OP BASIESE DIENSVOORWAARDES, 1997 (WET No. 75 VAN 1997)**

Kragtens artikel 96 van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997), bepaal ek hierby dat al die bepalings van die Wet wat nog nie in werking gestel is nie op 1 Desember 1998 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Tweede dag van November Eenduisend Negehonderd Agt-en-negentig.

**N. R. MANDELA**

**President**

Op las van die President-in-Kabinet:

**M. M. S. MDLADLANA**

**Minister van die Kabinet**

## GOVERNMENT NOTICES

No. R. 1438

13 November 1998

### REGULATIONS

Promulgated in terms of the Basic Conditions of Employment Act, No. 75 of 1997, under Government Notice No. R 1438 of 1998 in Government Gazette No. 19453 of 13 November 1998.

The Minister of Labour has, under section 86(1) of the Basic Conditions of Employment Act (Act No. 75 of 1997), and after consulting the Employment Conditions Commission, made the Regulations set out in the Schedule.

### CONTENTS OF REGULATIONS

#### A. INDEX OF GENERAL ADMINISTRATIVE REGULATIONS

#### Page

Definitions	
Informing employees of their rights	
Keeping of Records	
Record of Employee's Wages	
Written Particulars of Employment	
Certificate of Service	
Ministerial Determination	
Subpoenas	
Securing an Undertaking	
Compliance Order	
Objections to Compliance Order	
Proof of Service	

#### B. INDEX OF FORMS ANNEXED TO REGULATIONS

BCEA 1	Summary to be kept by an employer in terms of section 30	Section 30
BCEA 2	Wages register	Section 31
BCEA 3	Attendance register	
BCEA 4	Payslip	Section 33
BCEA 5	Certificate of Service	Section 42

BCEA 6	Application for Ministerial Determination	Section 50(1)(b)
BCEA 7	Determination in terms of Section 50	Section 50(8)(c)
BCEA 8	Subpoena	Section 66(1)
BCEA 9	Undertaking	Section 68
BCEA 10	Receipt	Section 68(2)(d)
BCEA 11	Receipt	Section 66(3)(b)
BCEA 12	Compliance order	Section 69
BCEA 13	Notice of objection	Section 71

## GENERAL REGULATIONS

### SCHEDULE

#### 1. Definitions

- (1) In these regulations any expression that is defined in the Act has that meaning unless the context indicates otherwise –

**“the Act” means the Basic Conditions of Employment Act (Act no. 75 of 1997).**

**“Labour Relations Act” means the Labour Relations Act (Act 66 of 1995).**

**“form” means a document attached to these regulations.**

- (2) Whenever the expression “Department of Labour” or “Provincial Director” appears in the Act or in these regulations, it means –
- (a) in the province of KwaZulu/Natal, the Provincial Director, Department of Labour, P O Box 940, Durban, 4000;
  - (b) in the province of Northern Cape, the Provincial Director, Department of Labour, Private Bag X5012, Kimberley, 8300;
  - (c) in the Northern Province, the Provincial Director, Department of Labour, Private Bag X9368, Pietersburg, 0700;
  - (d) in the province of North-West, the Provincial Director, Department of Labour, Private Bag X2040, Mmabatho, 8681;
  - (e) in the province of Eastern Cape, the Provincial Director, Department of Labour, Private Bag X9005, East London, 5200;
  - (f) in the province of Mpumalanga, the Provincial Director, Department of Labour, Private Bag X7263, Witbank, 1035;
  - (g) in the province of the Free State, the Provincial Director, Department of Labour, P O Box 522, Bloemfontein, 9300;

- (h) in the province of Gauteng:  
**Gauteng-South:** - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria, The Provincial Director, Department of Labour, P O Box 4560, Johannesburg, 2000;  
**Gauteng North:** - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom, the Provincial Director, Department of Labour, P O Box 393, Pretoria, 0001; and
- (i) in the Province of the Western Cape, the Provincial Director, Department of Labour, P O Box 872, Cape Town, 8000.

## 2. Informing employees of their rights

An employer must keep the statement of employees rights referred to in section 30 of this Act in the form of BCEA 1 in all official languages.

Form BCEA 1A	English
Form BCEA 1B	Afrikaans
Form BCEA 1C	Sepedi
Form BCEA 1D	Sesotho
Form BCEA 1E	Setswana
Form BCEA 1F	siSwati
Form BCEA 1G	Tshivenda
Form BCEA 1H	Xitsonga
Form BCEA 1I	isiNdebele
Form BCEA 1J	isiXhosa
Form BCEA 1K	isiZulu

## 3. Keeping of Records

- (1) The record that an employer is required to keep in terms of section 31 must comprise
- a wages register in the form of BCEA 2 or some other record that contains the information set out in that form; and
  - an attendance register in the form of BCEA 3 or some other record that contains the information set out in that form.

## 4. Record of employee's wages

The information about remuneration that an employer is required to give an employee in terms of section 33 of the Act must be given in the form of BCEA 4, or contain the information required by that form.

## 5. Written particulars of employment

Within six months of the date on which the Act comes into effect, an employer must give an employee who was in employment on that date the written particulars of employment required by Section 29.

**6. Certificate of service**

The certificate of service that an employer is required to give an employee in terms of section 42 must be given in the form of BCEA 5, or contain the information required by that form.

**7. Ministerial determination**

An application for a Ministerial determination in terms of Section 50(1)(b) of the Act must be in the form of BCEA 6, or contain the information required by that form. A Ministerial determination must be issued in the form of BCEA 7, or contain the information required by that form.

**8. Subpoenas**

- (1) For the purpose of performing the functions referred to in section 66 of the Act, a labour inspector may—
- (a) subpoena for questioning any person who may be able to give information or whose presence may help the inspector in performing the inspector's functions;
  - (b) subpoena any person who is believed to have possession or control of any book, document or object relevant to an inspection or investigation to appear before the inspector to be questioned or to produce that book, document or object;
  - (c) call, and if necessary subpoena, any expert to appear before the inspector to give evidence relevant to an inspection or investigation;
  - (d) call any person present at an inspection or investigation who was or could have been subpoenaed for any purpose set out in these regulations, to be questioned about any matter relevant to an inspection or investigation;
  - (e) administer an oath or accept an affirmation from any person called to give evidence or be questioned;
  - (f) examine, demand the production of, and seize any book, document or object that is on or in those premises and that is relevant to an inspection or investigation;
  - (g) take a statement in respect of any matter relevant to an inspection or investigation from any person on the premises who is willing to make a statement; and
  - (h) inspect, and retain for a reasonable period, any of the books, documents, or objects that have been produced to, or seized by, the inspector.
- (2) A subpoena issued in terms of sub-regulation (1) must be made in the form of BCEA 8.
- (3) A subpoena issued for any purpose in terms of sub-regulation (1) must be signed by the Director-General or a person authorised by the Director-General and must —
- (a) specifically require the person named in it to appear before the inspector;
  - (b) sufficiently identify the book, document or object to be produced; and
  - (c) state the date, time and place at which the person is to appear.

**9. Securing an undertaking**

- (1) Any undertaking secured by a labour inspector in terms of Section 68(2) of the Act must be in the form of BCEA 9 or contain the information required by that form.
- (2) A receipt for any payment in terms of Section 68(2)(d) of the Act must be in the form of BCEA 10 or contain the information required by that form.
- (3) A receipt for any record, document, article, substance or machinery removed in terms of Section 66 (3)(b) of the Act must be in the form of BCEA 11 or contain the information required by that form.

**10. Compliance order**

A compliance order issued by a labour inspector in terms of Section 69 of the Act must be in the form of BCEA 12 or contain the information set out in that form.

**11. Objections to compliance order**

- (1) An objection lodged by an employer in terms of Section 71 of the Act must be in the form of BCEA 13 or contain the information set out in that form.
- (2) The objection must be lodged at any office of the Department of Labour listed in regulation 1(2).

**12. Proof of service**

Whenever a party is required to satisfy any person that a copy of a referral, objection or other document has been served on another party, that party may do so by providing –

- (a) a copy of the proof of mailing the referral, objection or other document by registered post to the other party;
- (b) a copy of the telegram, telex or telefax including proof of transmission, communicating the referral, objection or other document to the other party;
- (c) a copy of a receipt signed by the other party or on that party's behalf if the copy of the referral, objection or other document was delivered by hand; or
- (d) a statement confirming service signed by the person who delivered a copy of the referral objection or other party.

**(Regulation 3)****BASIC CONDITIONS OF EMPLOYMENT ACT, 1997****SUMMARY TO BE KEPT BY AN EMPLOYER IN TERMS OF SECTION 30**

The following is a summary of the provisions of the most important sections of the Basic Conditions of Employment Act, 1997.

**1. APPLICATION OF THE ACT : SECTION 3**

The Act applies to all employees and employers except members of the National Defence Force, National Intelligence Agency, South African Secret Service and unpaid volunteers working for an organisation with a charitable purpose.

The Act takes precedence over any agreement.

**2. REGULATION OF WORKING TIME : CHAPTER TWO****2.1 Application**

This chapter does not apply to senior managerial employees, employees engaged as sales staff who travel and those employees who work less than 24 hours a month.

**2.2 Ordinary hours of work: Section 9**

No employer shall require or permit an employee to work more than—

- (a) 45 hours in any week;
- (b) nine hours in any day if an employee works for five days or less in a week; or
- (c) eight hours in any day if an employee works on more than five days in a week.

**2.3 Overtime: Section 10**

2.3.1 An employer may not require or permit an employee—

- (a) to work overtime except by an agreement;
- (b) to work more than—
  - (i) three hours' overtime a day; or
  - (ii) ten hours' overtime a week.

2.3.2 Overtime must be paid at 1.5 times the employee's normal wage or an employee may agree to receive paid time off.

**2.4 Compressed working week: Section 11**

2.4.1 An employee may agree in writing to work up to 12 hours in a day without receiving overtime pay.

2.4.2 This agreement may not require or permit an employee to work—

- (a) more than 45 ordinary hours in any week;
- (b) more than ten hours' overtime in any week; or



- (c) more than five days in any week.

## **2.5 Averaging of hours of work: Section 12**

- 2.5.1 A collective agreement may permit the hours of work to be averaged over a period of up to four months.
- 2.5.2 An employee who is bound by a collective agreement may not work more than—
  - (a) an average of 45 ordinary hours in a week over the agreed period;
  - (b) an average of five hours overtime in a week over the agreed period.

## **2.6 Meal intervals: Section 14**

- 2.6.1 An employee must have a meal interval of 60 minutes after five hours work.
- 2.6.2 A written agreement may—
  - (a) reduce the meal interval to 30 minutes;
  - (b) dispense with the meal interval if worked fewer than six hours on a day.

## **2.7 Daily and weekly rest period: Section 15**

An employee must have a daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which, unless otherwise agreed, must include Sunday.

## **2.8 Pay for work on Sundays: Section 16**

- 2.8.1 An employee who occasionally works on a Sunday must receive double pay.
- 2.8.2 An employee who ordinarily works on a Sunday must be paid at 1.5 times the normal wage.
- 2.8.3 Paid time off in return for working on a Sunday may be agreed upon.

## **2.9 Night work: Section 17**

- 2.9.1 Employees who work at night between 18:00 and 06:00 must be compensated by payment of an allowance or by a reduction of working hours and transport must be available.
- 2.9.2 Employees who work regularly after 23:00 and before 06:00 the next day must be informed
  - (a) of any health and safety hazards; and
  - (b) the right to undergo a medical examination.

## **2.10 Public holidays: Section 18**

- 2.10.1 Employees must be paid for any public holiday that falls on a working day.
- 2.10.2 Work on a public holiday is by agreement and paid at double the rate.
- 2.10.3 A public holiday is exchangeable by agreement.

## **3. LEAVE: CHAPTER THREE**

### **3.1 Application**

The chapter on leave does not apply to an employee who works less than 24 hours a month for an employer and if an agreement provides for leave in excess of the leave entitlement under this chapter.

### **3.2 Annual leave: Sections 20 & 21**

- 3.2.1 Employees are entitled to 21 consecutive days' annual leave or by agreement, one day for every 17 days worked or one hour for every 17 hours worked.
- 3.2.2 Leave must be granted not later than six months after the end of the leave cycle.
- 3.2.3 An employer must not pay an employee instead of granting leave except on termination of employment.

### **3.3 Sick leave: Sections 22 – 24**

- 3.3.1 An employee is entitled to six weeks' paid sick leave in a period of 36 months.
- 3.3.2 During the first six months an employee is entitled to one day's paid sick leave for every 26 days worked.
- 3.3.3 An employer may require a medical certificate before paying an employee who is absent for more than two consecutive days or who is frequently absent.

### **3.4 Maternity leave: Sections 25 & 26**

- 3.4.1 A pregnant employee is entitled to four consecutive months' maternity leave.
- 3.4.2 A pregnant employee or employee nursing her child is not allowed to perform work that is hazardous to her or her child.

### **3.5 Family responsibility leave: Section 27**

- 3.5.1 Full time employees are entitled to three days paid family responsibility leave per year, on request, when the employee's child is born or sick, or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.
- 3.5.2 An employer may require reasonable proof.

## **4. PARTICULARS OF EMPLOYMENT AND REMUNERATION: CHAPTER FOUR**

### **4.1 Application**

This chapter does not apply to an employee who works less than 24 hours a month for an employer.

### **4.2 Written particulars of employment: Section 29**

- 4.2.1 An employer must supply an employee when the employee commences employment, with the following particulars in writing:
- full name and address of the employer;
  - name and occupation of the employee, or a brief description of the work ;
  - various places of work;
  - date of employment;
  - ordinary hours of work and days of work;
  - wage or the rate and method of calculating;

- (g) rate for overtime work;
- (h) any other cash payments;
- (i) any payment in kind and the value thereof;
- (j) frequency of remuneration;
- (k) Any deductions;
- (l) leave entitlement;
- (m) period of notice or period of contract;
- (n) description of any council or sectoral determination which covers the employer's business;
- (o) period of employment with a previous employer that counts towards the period of employment;
- (p) list of any other documents that form part of the contract, indicating a place where a copy of each may be obtained.

4.2.2 Particulars must be revised if the terms of employment change.

#### 4.3 Informing employees of their rights: Section 30

A statement of employees' rights must be displayed at the workplace in official languages used at the workplace.

#### 4.4 Keeping of records: Section 31

Every employer must keep a record containing the following information:

- (a) employee's name and occupation;
- (b) time worked;
- (c) remuneration paid;
- (d) date of birth if under 18 years of age; and
- (e) any other prescribed information.

#### 4.5 Information about remuneration: Section 33

The following information must be given in writing when the employee is paid:

- (a) employer's name and address;
- (b) employee's name and occupation;
- (c) period of payment;
- (d) remuneration in money;
- (e) any deduction made from the remuneration;
- (f) the actual amount paid; and
- (g) if relevant to the calculation of that employee's remuneration-
  - (i) employee's rate of remuneration and overtime rate;
  - (ii) number of ordinary and overtime hours worked during the period of payment;
  - (iii) number of hours worked on a Sunday or public holiday during that period; and
  - (iv) if an agreement to average working time has been concluded, the total number of ordinary and overtime hours worked in the period of averaging.

#### 4.6 Deductions and other acts concerning remuneration: Section 34

No unlawful deductions may be made unless agreed to in writing.

#### 4.7 Calculation of remuneration and wages: Section 35

4.7.1 Wages are calculated by the number of hours ordinarily worked.

- 4.7.2 Monthly remuneration or wage is four and one-third times the weekly wage.
- 4.7.3 If calculated on a basis other than time, or if the employee's remuneration or wage fluctuates significantly from period to period, any payment must be calculated by reference to remuneration or wage during—
- (a) the preceding 13 weeks; or
  - (b) if employed for a shorter period, that period.

## **5. TERMINATION OF EMPLOYMENT: CHAPTER FIVE**

### **5.1 Application**

This chapter does not apply to an employee who works less than 24 hours in a month for an employer.

### **5.2 Notice of termination of employment: Section 37**

- 5.2.1 A contract of employment may be terminated only on notice of not less than—
- (a) one week, if employed for four weeks or less;
  - (b) two weeks, if employed for more than four weeks but not more than one year;
  - (c) four weeks, if employed for one year or more, or is a farm worker or a domestic worker who has been employed for more than four weeks.
- 5.2.2 Notice must be given in writing except when it is given by an illiterate employee.
- 5.2.3 The notice on termination of employment by an employer in terms of the Act does not prevent the employee challenging the fairness or lawfulness of the dismissal in terms of the Labour Relations Act, 1995 or any other law.

### **5.3 Severance pay: Section 41**

An employee, dismissed for operational requirements is entitled to one week's severance pay for every year of service.

### **5.4 Certificate of service: Section 42**

On termination of employment an employee is entitled to a certificate of service.

## **6. PROHIBITION OF EMPLOYMENT OF CHILDREN AND FORCED LABOUR: SECTIONS 43 – 48**

- 6.1 It is a criminal offence to employ a child under 15 years of age.
- 6.2 Children under 18 may not be employed to do work inappropriate for their age or that places them at risk.
- 6.3 Forced labour is a criminal offence.

## **7. VARIATION OF BASIC CONDITIONS OF EMPLOYMENT: SECTIONS 49 – 50**

- 7.1 A collective agreement concluded by a bargaining council may replace or exclude any basic condition of employment except the following:

- (a) the duty to arrange working time with regard to the health and safety and family responsibility of employees (S.7,9 and 13);
  - (b) reduce the protection afforded to employees who perform night work(S. 17(3) and (4);
  - (c) reduce annual leave to less than two weeks (S. 20);
  - (d) reduce entitlement to maternity leave (S 25);
  - (e) reduce entitlement to sick leave to the extent permitted (S. 22-24); and
  - (f) prohibition of child and forced labour (S.48).
- 7.2 Collective agreements and individual agreements may only replace or exclude basic conditions of employment to the extent permitted by the Act or a sectoral determination (S.49).
- 7.3 The Minister of Labour may make a determination to vary or exclude a basic condition of employment. This can also be done on application by an employer or employer organisation (S. 50).
- 7.4 A determination may not be granted unless a trade union representing the employees has consented to the variation or has had the opportunity to make representations to the Minister. A copy of any determination must be displayed by the employer at the work place and must be made available to employee's (S.50).

## 8. **SECTORAL DETERMINATIONS : SECTION 51**

Sectoral determinations may be made to establish basic conditions for employees in a sector and area.

## 9. **MONITORING, ENFORCEMENT AND LEGAL PROCEEDINGS : SECTIONS 63 – 81**

- 9.1 Labour inspectors must advise employees and employers on their rights and obligations in terms of employment laws. They conduct inspections, investigate complaints and may question persons and inspect, copy and remove records and other relevant documents (S. 64 – 66).
- 9.2 An inspector may serve a compliance order on an employer who is not complying with a provision of the Act. The employer may object against the order to the Director-General: Labour, who after receiving representations, may confirm, modify or set aside an order. This decision is subject to appeal to the Labour Court (S. 68 – 73).
- 9.3 Employees may not be discriminated against for exercising their rights in terms of the Act (S. 78 – 81).

## 10. **GENERAL**

It is an offence to—

- (a) obstruct or attempt to influence improperly a person who is performing a function in terms of the Act;
- (b) obtain or attempt to obtain any prescribed document by means of fraud, false pretences, or by presenting or submitting a false or forged document;
- (c) pretend to be a labour inspector or any other person performing a function in terms of the Act;
- (d) refuse or fail to answer fully any lawful question put by a labour inspector or any other person performing a function in terms of the Act;
- (e) refuse or fail to comply with any lawful request of, or lawful order by, a labour inspector or any other person performing a function in terms of the Act;
- (f) hinder or obstruct a labour inspector or any other person performing a function in terms of the Act. (S. 92)

(Regulasie 3)

## WET OP BASIESE DIENSVOORWAARDES, 1997

### OPSOMMING WAT KRAGTENS ARTIKEL 30 DEUR 'N WERKGEWER GEHOU MOET WORD

Die volgende is 'n opsomming van die bepalings van die belangrikste artikels van die Wet op Basiese Diensvoorwaardes, 1997.

#### 1. TOEPASSING VAN DIE WET: ARTIKEL 3

Die Wet is van toepassing op alle werknemers en werkgewers behalwe op lede van die Nasionale Weermag, die Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheime diens en onbesoldigde vrywillige werkers wat vir 'n organisasie werk wat 'n liefdadigheidsdoel dien.

Die Wet neem voorrang bo enige ander ooreenkoms.

#### 2. REËLING VAN WERKSTYD: HOOFSTUK TWEE

##### 2.1 Toepassing

Hierdie hoofstuk is nie van toepassing op senior bestuurswerknemers, en werknemers wat in diens is as verkoops personeel wat rondreis en werknemers wat minder as 24 uur per maand werk nie.

##### 2.2 Gewone werkure: Artikel 9

Geen werkgewer mag van 'n werknemer vereis of hom toelaat om meer as:

- (a) 45 uur in 'n week te werk nie;
- (b) nege uur op 'n dag te werk nie indien die werknemer vir vyf dae of minder in 'n week werk; of
- (c) agt uur op 'n dag te werk nie indien die werknemer op meer as vyf dae in 'n week werk.

##### 2.3 Oortyd: Artikel 10

2.3.1 'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om:

- (a) oortyd te werk nie behalwe ooreenkomstig 'n ooreenkoms;
- (b) meer oortyd te werk as:
  - (i) drie uur op 'n dag; of
  - (ii) tien uur in 'n week.

2.3.2 Oortyd moet teen 1.5 maal die werknemer se gewone loon betaal word of 'n werknemer kan instem om tyd vry te neem met betaling.

## 2.4 Saamgeperste werkweek: Artikel 11

2.4.1 'n Werknemer mag skriftelik ooreenkom om 12 uur op 'n dag te werk sonder oortyd betaling.

2.4.2 Hierdie ooreenkoms mag nie van die werknemer vereis of toelaat om:

- (a) meer as 45 gewone werkure in 'n week te werk nie;
- (b) meer as 10 uur oortyd in 'n week te werk nie; of
- (c) meer as vyf dae in 'n week te werk nie.

## 2.5 Berekening van gemiddelde werkure: Artikel 12

2.5.1 'n Kollektiewe ooreenkoms kan toelaat dat die werkure as 'n gemiddelde bereken word oor 'n tydperk van tot vier maande.

2.5.2 'n Werknemer wat deur 'n kollektiewe ooreenkoms gebind word mag nie meer as:

- (a) 'n gemiddelde van 45 gewone werkure per week oor die ooreengekome tydperk werk nie;
- (b) 'n gemiddelde van vyf uur oortyd per week oor die ooreengekome tydperk werk nie.

## 2.6 Etenspouses: Artikel 14

2.6.1 'n Werknemer moet 'n etenspouse van 60 minute na vyf ure se werk neem.

2.6.2 'n Skriftelike ooreenkoms kan:

- (a) die etenspouse tot 30 minute verkort;
- (b) wegdoen met 'n etenspouse indien minder as ses uur op 'n dag gewerk word.

## 2.7 Daaglikse en weeklikse rustye: Artikel 15

'n Werknemer moet 'n daaglikse rusperiode van 12 opeenvolgende ure en 'n weeklikse rusperiode van 36 opeenvolgende ure neem, wat, tensy anders ooreengekom, 'n Sondag moet insluit.

## 2.8 Betaling vir werk op Sondag: Artikel 16

2.8.1 'n Werknemer wat by geleentheid op 'n Sondag werk, moet dubbelbetaling ontvang.

2.8.2 'n Werknemer wat gewoonlik op Sondag werk moet 1.5 maal die gewone loon ontvang.

2.8.3 Daar kan ooreengekom word dat werk op 'n Sondag verruil kan word vir tyd vry met betaling.

## 2.9 Nagwerk: Artikel 17

2.9.1 Werknemers wat nagwerk verrig tussen 18:00 en 06:00, moet vergoed word met betaling van 'n toelaag of deur vermindering van werkure en vervoer moet beskikbaar wees.

2.9.2 Werknemers wat gereeld na 23:00 uur en voor 06:00 uur die volgende dag werk verrig, moet ingelig word oor:

- (a) enige gesondheids- of veiligheidsgevaar; en
- (b) die reg om 'n mediese ondersoek te ondergaan.

## 2.10 Openbare vakansiedae: Artikel 18

2.10.1 Werknemers moet vir enige openbare vakansiedag wat op 'n werksdag val vergoed word.

2.10.2 Werk op 'n openbare vakansiedag is per ooreenkoms en moet teen dubbel betaling vergoed word.

2.10.3 'n Openbare vakansiedag is ruilbaar deur ooreenkoms.

## 3. VERLOF: HOOFSTUK DRIE

### 3.1 Toepassing

Hierdie hoofstuk is nie van toepassing op 'n werknemer wat minder as 24 uur per maand vir 'n werkgewer werk nie en op verlof toegestaan per ooreenkoms aan 'n werknemer wat meer is as die werknemer se geregtigheid kragtens hierdie hoofstuk.

### 3.2 Jaarlikse verlof: Artikel 20 & 21

3.2.1 Werknemers is geregtig op 21 opeenvolgende dae jaarlikse verlof of volgens ooreenkoms, een dag vir elke 17 dae gewerk of een uur vir elke 17 ure gewerk.

3.2.2 Verlof moet nie later as ses maande na die einde van die verlofsiklus toegestaan word nie.

3.2.3 'n Werkgewer mag nie 'n werknemer betaal in plaas van verlof met betaling toestaan nie behalwe by die beëindiging van diens.



### **3.3 Siekteverlof: Artikel 22 - 24**

- 3.3.1 'n Werknemer is geregtig op ses weke se betaalde siekteverlof in 'n periode van 36 maande.
- 3.3.2 Gedurende die eerste ses maande is 'n werknemer geregtig op een dag betaalde siekteverlof vir elke 26 dae gewerk.
- 3.3.3 'n Werkgewer kan 'n mediese sertifikaat vereis voordat hy 'n werknemer betaal wat vir meer as twee agtereenvolgende dae afwesig was of iemand wat dikwels afwesig was.

### **3.4 Kraamverlof: Artikel 25 & 26**

- 3.4.1 'n Swanger werknemer is geregtig op vier opeenvolgende maande kraamverlof.
- 3.4.2 'n Swanger werknemer of 'n werknemer wat haar kind borsvoed mag nie toegelaat word om werk te verrig wat vir haar of haar kind gevaarlik is nie.

### **3.5 Verlof vir gesinsverantwoordelikheid: Artikel 27**

- 3.5.1 Voltydse werknemers is op versoek geregtig op drie dae betaalde verlof per jaar, wanneer die werknemer se kind gebore word of siek is, of in die geval van die dood van die werknemer se gade of lewensmaat of die werknemer se ouer, aangenome ouer, grootouer, kind, aangenome kind, kleinkind of broer of suster.
- 3.5.2 'n Werkgewer kan redelike bewyse vereis.

## **4. BESONDERHEDE VAN DIENS EN BESOLDIGING: HOOFSTUK VIER**

### **4.1 Toepassing**

Hierdie hoofstuk is nie van toepassing op 'n werknemer wat minder as 24 uur per maand vir 'n werkgewer werk nie.

### **4.2 Skriftelike besonderhede van diens: Artikel 29**

- 4.2.1 'n Werkgewer moet 'n werknemer by aanvang van sy diens van die volgende skriftelike besonderhede voorsien:
- (a) volle naam en adres van die werkgewer;
  - (b) naam en beroep van die werknemer, of 'n bondige beskrywing van die werk;
  - (c) verskillende werksplekke;
  - (d) datum van indienstreding;
  - (e) gewone werkure en werkdae;
  - (f) loon of skaal en hoe dit bereken word;

- (g) skaal vir oortyd;
- (h) enige ander kontantbetalings;
- (i) enige betaling in goedere en die waarde daarvan;
- (j) hoe dikwels besoldiging betaal sal word;
- (k) enige aftrekkings;
- (l) verlof geregtigheid;
- (m) tydperk van kennisgewing of tydperk van kontrak;
- (n) beskrywing van enige raad of sektorale vasstelling wat die werkgewer se besigheid dek;
- (o) tydperk van diens by 'n vorige werkgewer wat tot dienstyd bydra;
- (p) 'n lys van enige ander dokumente wat deel van die diens kontrak uitmaak en waarop aangedui word waar 'n afskrif verkry kan word.

4.2.2 Besonderhede moet gewysig word wanneer die diensooreenkoms verander.

#### 4.3 Verwittiging van werknemers van hulle regte: Artikel 30

'n Staat van die werknemer se regte moet in die amptelike tale wat in die werkplek gepraat word, by die werkplek vertoon word.

#### 4.4 Hou van rekords: Artikel 31

Elke werkgewer moet 'n rekord aanhou wat die volgende inligting bevat:

- (a) werknemer se naam en beroep;
- (b) tyd gewerk;
- (c) besoldiging betaal;
- (d) geboortedatum indien jonger as 18 jaar; en
- (e) enige ander voorgeskrewe inligting.

#### 4.5 Inligting oor besoldiging: Artikel 33

Die volgende inligting moet skriftelik verstrek word wanneer die werknemer betaal word:

- (a) werkgewer se naam en adres;
- (b) werknemer se naam en beroep;
- (c) tydperk van betaling;
- (d) besoldiging in geld;
- (e) enige aftrekkings van die besoldiging;
- (f) die werklike bedrag wat betaal is; en
- (g) indien tersaaklik vir die berekening van die werknemer se besoldiging:
  - (i) die werknemer se besoldigingskoers en oortydskaal;
  - (ii) die getal gewone en oortydure gewerk gedurende die tydperk van betaling;
  - (iii) die getal ure op 'n Sondag of openbare vakansiedag gewerk gedurende die tydperk; en

- (iv) indien 'n ooreenkoms om gemiddelde werktyd te bereken aangegaan is, die totale getal gewone en oortydure gewerk gedurende die tydperk.

#### **4.6 Aftrekkings en ander handelingse betreffende besoldiging: Artikel 34**

Geen onwettige aftrekkings mag gemaak word sonder skriftelike ooreenkoms nie.

#### **4.7 Berekening van besoldiging en lone: Artikel 35**

4.7.1 Lone word bereken deur die aantal ure gewoonlik gewerk.

4.7.2 Maandelikse besoldiging of loon is vier en 'n derde maal die weeklikse loon.

4.7.3 Indien besoldiging op 'n ander grondslag as tyd bereken word of indien 'n werknemer se besoldiging of loon van tydperk tot tydperk beduidend skommel, moet enige betaling bereken word met verwysing na die werknemer se besoldiging of loon gedurende:

- (a) die voorafgaande 13 weke; of
- (b) indien vir korter tydperk werksaam, daardie tydperk.

### **5. DIENSBEËINDIGING: HOOFSTUK VYF**

#### **5.1 Toepassing**

Hierdie hoofstuk is nie van toepassing op enige werknemer wat minder as 24 uur per maand vir 'n werkgever werk nie.

#### **5.2 Kennisgewing van diensbeëindiging: Artikel 37**

5.2.1 'n Dienskontrak mag slegs beëindig word na kennisgewing van minstens:

- (a) een week, indien vier weke of korter in diens;
- (b) twee weke, indien langer as vier weke maar nie langer as 'n jaar in diens;
- (c) vier weke, indien langer as 'n jaar in diens, of 'n plaaswerker of 'n huiswerker wat langer as vier weke indiens was.

5.2.2 Kennis van beëindiging van diens moet skriftelik gegee word behalwe wanneer dit deur 'n ongeletterde werknemer gegee word.

5.2.3 Kennis van beëindiging van diens deur 'n werkgever kragtens die Wet, weerhou nie die werknemer om die geldigheid of billikheid daarvan te betwis kragtens die Wet op Arbeidsverhoudinge van 1995, of enige ander wet nie.

#### **5.3 Skeidingsloon: Artikel 41**

'n Werknemer wie se diens beëindig word as gevolg van bedryfsvereistes, is geregtig op 'n skeidingsloon van een week se besoldiging vir elke voltooide jaar van diens.

**5.4 Dienssertifikaat: Artikel 42**

By diensbeëindiging is 'n werknemer geregtig op 'n dienssertifikaat.

**6. VERBOD OP INDIENSNEMING VAN KINDERS EN DWANGARBEID: ARTIKEL 43 - 48**

6.1 Dit is 'n kriminele oortreding om 'n kind onder die ouderdom van 15 jaar in diens te neem.

6.2 Kinders onder 18 mag nie in diens geneem word om werk te verrig wat ongeskik is vir daardie ouderdom of wat hulle in gevaar stel nie.

6.3 Dwangarbeid is 'n kriminele oortreding.

**7. WYSIGING VAN BASIESE DIENSVOORWAARDES: ARTIKEL 49 - 50**

7.1 'n Kollektiewe ooreenkoms wat in 'n bedingingsraad aangegaan is, kan enige basiese diensvoorwaarde verander, vervang of uitsluit behalwe:

- (a) die plig om werkure te reël met betrekking tot die werknemer se gesondheid, veiligheid en gesinsverantwoordelikhede (Artikel 7, 9 & 13);
- (b) om die beskerming verleen aan werknemers wat nagwerk verrig te verminder (Artikel 17(3) & (4));
- (c) om jaarlikse verlof na minder as twee weke te verminder (Artikel 20);
- (d) om die geregtigheid op kraamverlof te verminder (Artikel 25);
- (e) om die geregtigheid op siekteverlof te verminder (Artikel 22 - 24); en
- (f) voorkoming van kinder- en dwangarbeid (Artikel 48).

7.2 Kollektiewe ooreenkomste en individuele oorkomste kan slegs basiese diensvoorwaades vervang of uitsluit in soverre dit by hierdie Wet of 'n sektorale vasstelling toegelaat word (Artikel 49).

7.3 Die Minister van Arbeid kan 'n vasstelling doen ter verandering of uitsluiting van 'n basiese diensvoorwaarde. Dit kan ook gedoen word ten opsigte van 'n aansoek deur 'n werkgewer of werkgewersorganisasie (Artikel 50).

7.4 'n Vasstelling kan nie uitgereik word nie sonder die vakbond wat die werknemers verteenwoordig se toestemming of hulle die geleentheid gehad het om verhoër te word deur die Minister te rig nie (Artikel 50).

**8. SEKTORALE VASSTELLINGS: ARTIKEL 51**

Sektorale vasstellings kan gedoen word om basiese diensvoorwaades vir werknemers in 'n sektor of gebied te bepaal.

## 9. MONITERING, AFDWINGING EN GEREGETELIKE VERRIGTINGE: ARTIKEL 63 - 81

9.1 Arbeidsinspekteurs moet werknemers en werkgewers omtrent hul regte en verpligtinge ingevolge 'n indiensnemingswet adviseer. Hulle voer inspeksies uit, ondersoek klagtes en mag persone ondervra en ander toepastlike rekords ondersoek en verwyder (Artikels 64 - 66).

9.2 'n Inspekteur kan 'n nakomingsbevel aan 'n werkgewer wat nie aan die vereistes van die Wet voldoen nie, uitreik. Die werkgewer kan teen die bevel beswaar aanteken by die Direkteur-Generaal van Arbeid, wat, nadat hy verhoër ontvang het, die bevel kan bekragtig, wysig of intrek. Hierdie besluit is onderhewig aan appél by die Arbeidshof (Artikels 68 - 73).

9.3 Daar mag nie teen werknemers gediskrimineer word wat hulle regte kragtens die Wet uitoefen nie (Artikel 78 - 81).

## 10. ALGEMEEN

Dit is 'n misdryf om:

- (a) 'n persoon wat 'n werksaamheid ingevolge hierdie Wet te verrig, te dwarsboom of te poog om hom of haar onbehoelik te beïnvloed;
- (b) enige voorgeskrewe dokument deur middel van bedrog of valse voorwendsels of deur aanbieding of voorlegging van 'n vals of nagemaakte dokument te verkry of te poog om dit te verkry;
- (c) voor te gee om 'n arbeidsinspekteur of enige ander persoon wat 'n funksie kragtens die Wet uitoefen, te wees ;
- (d) te weier of te versuim om enige wettige vraag gestel deur 'n arbeidsinspekteur of 'n ander persoon wat 'n werksaamheid ingevolge hierdie Wet verrig, volledig te beantwoord;
- (e) te weier of te versuim om aan enige wettige versoek van, of wettige bevel deur 'n arbeidsinspekteur of 'n ander persoon wat 'n werksaamheid ingevolge hierdie Wet verrig;
- (f) 'n arbeidsinspekteur of 'n ander persoon wat 'n werksaamheid ingevolge hierdie Wet verrig, te belemmer of te dwarsboom (Artikel 92).

(Molawana 3)

THEO YA MAEMO A MOLAO WA KHIRO WA 1997

KAKARETŠO E BOLOKWANG KE MOTHWADI GO YA KA KAROLO 30

Mo ga latela kakaretšo ya thušo ya dikarolo tše bohlokwa kudu tša Theo ya Maemo a Molao wa Khiro wa 1997.

**1. TIRIŠO YA MOLAO : KAROLO 3**

Molao o šomela bašomedi le bathwadi ntle le maloko a Sesole sa Tšhireletšo sa Setšhaba, Kemedi ya Setšhaba ya tša Bohlale, Tirelo ya tša Sephiri ya Afrika-Borwa le badiredi ba baithaupi ba go se lefše, bao ba šomelago mokgahlo ka go thuša fela.

Molao e ba sa mathomo godimo ga tumellano ye nngwe le ye nngwe.

**2. MOLAWANA WA NAKO YA GO ŠOMA : KGAOLO YA BOBEDI**

**2.1 Molao wo o lebišitšwe go bo mang**

Kgaolo ye ga e šomele bašomedi ba ka godimo ba taolo, bašomedi bao ba sepelago mafelo ka mafelo ba rekiša mme ba šoma diiri tše di ka tlase go **24** ka kgwedi.

**2.2 Diiri tša ka tlwaelo tša mošomo : Karolo 9**

Ga go mothwadi yo a ka kgopela goba go dumelela mošomedi go šoma go feta:

- (a) diiri tše **45** ka beke le ge ele efe;
- (b) diiri tše **9** ka letšatši le ge ele lefe ge mošomedi a šoma matšatši a mahlano go ba ka tlase mo bekeng; goba
- (c) diiri tše **8** ka letšatši le ge ele lefe ge mošomedi a šoma mo go feta matšatši a mahlano mo bekeng.

**2.3 Go šoma ka morago ga nako: Karolo 10**

**2.3.1 Mothwadi a ka se kgopele goba go dumelela mošomedi:**

- (a) go šoma ka morago ga nako ntle le ge ele ka tumelelano;
- (b) go šoma go feta:
  - (i) iri tše tharo ka morago ga nako ka letšatši, goba
  - (ii) iri tše lesome ka morago ga nako ka beke.

2.3.2 Go šoma ka morago ga nako go swanetše go lefše makga a 1.5 ka ga tefo ya tlwaelo ya mošomedi a ka dumela go amogela nako ye e lefšago ya go se šome.

#### 2.4 Beke ya mošomo ye e gateletšwego : Karolo 11

2.4.1 Mošomedi a ka dumela ka go ngwala go šoma go fihlela diiri tše 12 ka letšatši ntle le go amogela tefo ya ka morago ga nako.

2.4.2 Kwano ye e no se hloke goba go dumelela mošomedi go šoma:

- (a) go feta diiri tše 45 tša tlwaelo mo bekeng le ge e le efe;
- (b) go feta diiri tše lesome ka morago ga nako bekeng le ge ele efe; goba
- (c) go feta matšatši a mahlano bekeng le ge ele efe.

#### 2.5 Tekanyetšo ya diiri tša mošomo : Karolo 12

2.5.1 Kwano ya kopanelo e ka dumelela diiri tša mošomo go lekanyetšwa go feta nako ya go fihla go kgwedi tše nne.

2.5.2 Mošomedi yo a tlangwago ke tumelelano ya kopanelo a ka se šome go feta:

- (a) tekanyetšo ya diiri tše 45 tša tlwaelo mo bekeng go feta nako ye e dumelwetšwego.
- (b) tekanyetšo ya diiri tše hlano go feta nako mo bekeng ka godimo nako ye go kwanwego ka yona.

#### 2.6 Sebaka sa dijo : Karolo 14

2.6.1 Mošomedi o swanetše go ba le sebaka sa dijo sa metsotso ye 60 ka morago ga diiri tše hlano tša mošomo.

2.6.2 Kwano ye e ngwadilwego e ka:

- (a) fokotša sebaka sa dijo go ya go metsotso ye 30.
- (b) go lesa sebaka sa dijo ge a šomile diiri tše ka tlase go tše tsheletšego ka letšatši.

#### 2.7 Sebaka sa go ikhutša ka letšatši le ka beke : Karolo 15

Mošomedi o swanetše go ba le nako ya go ikhutša ka letšatši a nako ya diiri tše 12 ka go latelelana le maikhutšo a beke a nako ya diiri tše 36 ka go latelelana, tše, ntle le ge mohlomongwe go dumelelwane, di swanetše go akaretša Sontaga.

#### 2.8 Tefo ya mošomo ka diSontaga : Karolo 16

- 2.8.1 Mošomedi yo a šomago ka sewelo ka Sontaga o swanetše go amogela tefo gabedi.
- 2.8.2 Mošomedi yo a šomago ka tlwaelo ka Sontaga o swanetše go lefša makga a 1.5 go ya ka tefo ya tlwaelo.
- 2.8.3 Tefo ya matšatši a go ikhutša go lefela go šoma ka Sontaga e ka dumelelwa.

**2.9 Mošomo wa bošego: Karolo 17**

- 2.9.1 Bašomedi bao ba šomago bošego magareng ga 18:00 le 06:00 ba swanetše go bušetšwa ka tefo ya go okeletšwa moputso goba ya go fokoletšwa diiri tša mošomo gomme ba fiwe senamelwa.
- 2.9.2 Bašomedi bao ba šomago ka mehla ka morago ga 23:00 le pele ga 06:00 ka tšatši le le latelago ba swanetše go tsebišwa:
- (a) ka ga bothata bjo bo lego gona ka tša bophelo le tšhireletšo; le
- (b) ka tokelo ya go bona hlahlobo ya tša bongaka.

**2.10 Maikhutšo a setšhaba : Karolo 18**

- 2.10.1 Bašomedi ba swanetše go lefša godimo ga maikhutšo a mangwe le a mangwe a setšhaba ao a welago letšatšing la go šoma.
- 2.10.2 Go šoma ka letšatši la maikhutšo a setšhaba go ya ka tumellano gomme go lefša ka go lekana gabedi.
- 2.10.3 Go šoma ka letšatši la maikhutšo a setšhaba go ka lefša ka go fetolela matšatši go ya ka kwano.

**3. LIFI: KGAOLO YA BORARO**

3.1 Molao wo o lebišitšwe go bo mang  
Kgaolo ka ga lifi ga e šomele mošomedi yo a šomelago mothwadi ka tlase ga diiri tše 24 ka kgwedi, mme ge kwano e oketša matšatši a lifi go feta lifi yeo e swanetšego tlase ga kgaolo ye.

**3.2 Lifi ya ngwaga : Karolo 20 & 21**

- 3.2.1 Bašomedi ba swanetše ke lifi ya ngwaga ya matšatši a 21 ka go latelana, goba ka tumelano, letšatši le tee matšatšing a 17 ao a šomilwego, goba iri e tee godimo ga diiri tše 17 tše di šomilwego.
- 3.2.2 Lifi e swanetše e se fiwe morago ga dikgwedi tše di tšheletšego morago ga nako ya lifi.



3.2.3 Mothwadi a se ke a lefa mošomedi bakeng la go mofa lifi ntle le ge a mo rodiša modiro.

### 3.3 Lifi ya bolwetši : Karolo 22 - 24

3.3.1 Mošomedi o swanetše ke beke tše tšheletšego tša go lefša ga lifi ya bolwetši ka nako ya dikgwedi tše 36 tše di šomilwego.

3.3.2 Mo nakong ya dikgwedi tše tšheletšego tša pele mošomedi o swanetše ke go ba le letšatši la lifi ya bolwetši ye e lefšago godimo ga matšatši a mangwe le a mangwe a 26 ao a šomilwego.

3.3.3 Mothwadi a ka kgopela lengwalo la ngaka pele a ka lefa mošomedi yo a ka bago a lofile matšaši a go feta bobedi ka tatelelano goba yo a atišago go se be gona modirong.

### 3.4 Lifi ya setswetši : Karolo 25 & 26

3.4.1 Mošomedi yo a imilego o swanetšwe ke dikgwedi tše nne tše latelanago tša setswetsi.

3.4.2 Mošomedi yo a imilego goba mošomedi yo a hlokometšego ngwana wa gagwe ga a dumelelwa go dira mošomo wo o ka bago kotsi go yena goba ngwana wa gagwe.

### 3.5 Lifi ya boikarabelo bja lapa : Karolo 27

3.5.1 Bašomedi ba go šoma ka nako tšohle ba swanetšwe ke matšatši a mararo a go lefša ga lifi ya boikarabelo bja lapa ka ngwaga, ka kgopelo, ge mošomedi a filwe ngwana, goba a lwala, goba ka lebaka la go hlokafalelwa ke mogatšagwe goba molekane, goba motswadi wa mošomedi, motswadi yo a mo godišitšego, koko goba rakgolo wa gagwe, ngwana, ngwana yo a mo hlokometšego, setlogolo goba ngwanabo.

3.5.2 Mothwadi a ka kgopela sešupo seo se kgotsofatšago.

## 4. DITLHALOŠIŠO TŠA BOTHWADI LE DITEFO : KGAOLO YA BONE

4.1 Molao wo o lebišitšwe go bo mang  
Kgaolo ye ga e šomele mošomedi yo a šomelago mothwadi ka tlase ga diiri tše 24 ka kgwedi.

4.2 Ditlhalošišo tše di ngwadilwego tša Bothwadi: Karolo 29

- 4.2.1 Mothwadi o swanetše go fa mošomedi ditlhalošišo tše di latelago ge a thoma modiro:
- (a) maina a a tletšego le aterese ya mothwadi;
  - (b) leina le mošomo wa mothwadi, goba kakaretšo ya tlhalošo ya mošomo;
  - (c) mafelo a a fapanego a mošomo;
  - (d) letšatši la khiro;
  - (e) diiri tše di tlwaelegilego tša mošomo le matsatši a mošomo;
  - (f) tefo goba tekanyo le mokgwa wa go bala;
  - (g) tekanyo ya mošomo wa ka morago ga nako;
  - (h) tefo tše dingwe tša go lefa kontane;
  - (i) tefo ye nngwe ka mokgwa le mohola fao;
  - (j) poeletšo ya tefo;
  - (k) diphokoletšo tše dingwe;
  - (l) ditshwanelo tša lifi;
  - (m) nako ya tsebišo goba nako ya kwano;
  - (n) tlhalošo ye ya lekgotla goba sephetho sa karolwana seo se akaretšago kgwebo ya mothwadi;
  - (o) nako ya khiro le mothwadi wa pejana yeo e balelwago go ya nakong ya khiro;
  - (p) lenaneo la mangwalo a mangwe ao a ka go ba karolo ya kwano, ao a bontšhago felo fa lengwalo le lengwe le le lengwe le ka hwetšwago.

4.2.2 Ditlhalošišo di swanetše go boeletšwa ge mekgwa ya khiro e fetoga.

**4.3 Go tsebiša bašomedi ka ditokelo tša bona : Karolo 30**

Taodišo ya ditokelo tša mošomedi e swanetše e bonagatšwe mo lefelong la modiro ka leleme la semmušo leo le šomišwago lefelong la modiro.

**4.4 Poloko ya direkoto : Karolo 31**

Mothwadi yo mongwe le yo mongwe o swanetše go boloka rekoto yeo e nago le tsebišo ye e latelago:

- (a) leina la mošomedi le mošomo wa gagwe;
- (b) nako yeo a šomilego ka yona;
- (c) tefo yeo a e lefilwego;
- (d) letšatši la tswalo ge eba ale ka tlase ga mengwaga ye **18**; le
- (e) tsebišo ye ngwe fela yeo e ka hlokegago.

**4.5 Tsebišo ka ga tefo : Karolo 33**

Tsebišo ye e latelago e swanetše e fiwe ka go ngwala ge mošomedi a lefša:

- (a) leina le aterese ya mothwadi;
- (b) leina la mošomedi le mošomo wa gagwe;
- (c) nako ya tefo;
- (d) tefo ya tšhelete;

- (e) phokoletšo ye e dirilwego go tšwa tefong;
- (f) palo ye e lefilwego; le
- (g) ge e sepelelana le dipadišišo tša tefo ya mošomedi yoo-
  - (i) tekanyo ya mošomedi ya tefo le tekanyo ya ka morago ga nako;
  - (ii) palo ya diiri tša tlwaelo le tša ka morago ga nako tšeo di šomilwego ka nako ya tefelo;
  - (iii) palo ya diiri tšeo di šomilwego ka Sontaga goba ka letsatši la setšhaba la go ikhutša ka nako yeo; le
  - (iv) ge kwano godimo ga palomoka ya nako ya mošomo e feditšwe, palo ka moka ya diiri tša tlwaelo le tša ka morago ga nako di šomilwego ka nako ya palomoka.

#### 4.6 Diphokotšo le melao ye mengwe ye e amago tefelo : Karolo 34

Ga go diphokotšo tšeo e sego tša semolao tšeo di tlo go dirwa ntle le ge go ngwadilwe.

#### 4.7 Palo ya tefo le moputso : Karolo 35

4.7.1 Meputso e balwa go ya ka palo ya diiri tšeo di šomilwego ka tlwaelo.

4.7.2 Tefo ya kgwedi goba moputso ke nne le tee-tharong ( $4\frac{1}{3}$ ) ya moputso wa beke.

4.7.3 Ge o badilwe go ya ka theo ye nngwe go e na le nako, goba ge tefo ya mošomedi goba moputso o sa lekalekane gabotse go tloga nako le nako, tefelo ye nngwe e swanetše go ya ka tefo goba moputšo ka nako:

- (a) pele go beke tše 13; goba
- (b) ge a thapilwe ka nako ye kopano, nakong yeo.

### 5. GO FEDIŠWA GA MOŠOMO : KGAOLO YA BOHLANO

5.1 Molao wo o lebišitšwe go bo mang

Kgaolo ye ga e ame mošomedi yo a šomelago mothwadi diiri tše di ka tlase go 24 ka kgwedi.

#### 5.2 Tsebišo ya phedišo ya mošomo : Karolo 37

5.2.1 Kwano ya mošomo e ka fedišwa fela ka tsebišo yeo e sego ka tlase ga;

- (a) beke e tee, ge a hirilwe ka beke tše nne goba ka tlase;
- (b) beke tše pedi, ge a hirilwe go feta beke tše nne, fela e sego go feta ngwaga o tee;
- (c) beke tše nne, ge a hirilwe ngwaga o tee goba go feta, goba e le mošomedi wa polase goba mošomedi wa lapa yo a bego a hirilwe go feta beke tše nne.

5.2.2 Tsebišo e swanetše e fiwe ka go ngwala ntle le ge e fiwa ke mošomedi yo a sa rutegago.

5.2.3 Tsebišo ka ga phetšišo ya mošomo ke mothwadi go ya ka molao ga e thibele mošomedi go hlohla go loka goba semolao ga go tlošwa go ya ka Molao wa Leloko wa Mošomo wa 1997 goba molao wo mongwe.

**5.3 Tefo ya tholomodiro : Karolo 41**

Mošomedi, yo a tlogedišitšwego bakeng la ditlhoko tša tshepedišo ya modiro o swanetšwe ke tefo ya tholomodiro ya beke godimo ga ngwaga wo mongwe le wo mongwe wo a o šomilego.

**5.4 Lengwalo la modiri : Karolo 42**

Ge a rola modiro, mošomedi o swanetše ke goba le lengwalo la modiro.

**6. KGANETŠO YA GO HIRWA GA BANA LE KGAPLETŠO YA MODIRO : KAROLO 42 - 48**

6.1 Ke tlolomolao go hira ngwana yo ka tlase ga mengwaga ye **15**.

6.2 Bana ba ka tlase ga mengwaga ye **18** ba se hirwe go šoma go feta ka mengwaga ya bona, goba seo se ka ba beago kotsing.

6.3 Go šomiša mongwe ka kgapeletšo ke tlolomolao.

**7. PHETAPHETANO YA MABAKA A THEO A KHIRO : KAROLO 49 - 50**

7.1 Kwano ya mohlakanelwa yeo e feditšwego ke lekgotla la dipoledišano e ka bewa bakeng sa, goba ya tlogela lebaka la theo la khiro ntle le tše di latelago:

- (a) tiro ya go lokiša nako ya mošomo go ya ka tša bophelo le tšhireletšo le maikarabelo a lapa la bašomedi, (Dikarolo 7, 9 & 13);
- (b) go fokotša tšhireletšo ye e kgonagalago go bašomedi bao ba dirago mošomo wa bošego [Karolo 17 (3) le (4)];
- (c) go fokotša lifi ya ngwaga go ya go ka tlase ga beke tše pedi (Karolo 20);
- (d) go fokotša tshwanelo ya lifi ya setswetši (Karolo 25);
- (e) go fokotša tshwanelo ya lifi ya bolwetši go ya ka tumelelo (Dikarolo 22 - 24); le
- (f) thibelo ya khiro ya bana le go šomisa bangwe ka kgapeletšo (Karolo 48).

- 7.2 Kwano ya mohlakanelwa le kwano ya motho ka bonoši e ka ba lebakeng la goba ya tlogela mabaka a theo a khiro go ya go tumelelo ya Molao goba sephetho sa karolwana (Karolo 49).
- 7.3 Tona ya tša Modiro e ka tšea sephetho go fapana goba go tlogela lebaka la theo la khiro. Se se ka dirwa le ka kgopelo ya mothwadi goba mokgahlo wa bathwadi (Karolo 50).
- 7.4 Sephetho sa karolwana se ka se fiwe ntle le ge mokgahlo wa tša kgwebo wo o emetšego bašomedi o dumeletše phapano goba obile le gona go ka dira dikemelo go Tona. Lengwalo la sephetho le swanetše go bonagatšwa ke mothwadi mafelong a mošomo gomme le hwetšwe ke bašomedi (Karolo 50).

## 8. SEPHETHO SA KAROLWANA: KAROLO 51

Sephetho sa karolwana se ka dirwa go bopa mabaka a theo ya bašomedi mo karolong le sekgoba.

## 9. TEBELO, KGAPELETŠO LE DITSHEPETŠO TŠA SEMOLAO: KAROLO 63 - 81

- 9.1 Bahlahlobi ba tša tiro ba swanetše go eletša bašomedi le bathwadi ka ga ditokelo le dikgapeletšo go ya ka melao ya khiro. Ba sepetša ditlahlobo, ba nyakišiša dipelaelo gomme ba ka botšiša batho le go hlahloba, go ngwala le go tloša direkoto le mangwalo a mangwe a a ka hlokegago (Karolo 64 - 66).
- 9.2 Mohlahlobi a ka fa mothwadi yo a sa dirego go ya ka dinyakwa tša Molao, taelo ya boineelo. Mothwadi a ka ganetšana le taelo go Molaodi-Kakaretšo wa Mešomo, yo a tlo rego morago ga go amogela dikemedi, a ka go tsebagatša, lokiša goba a beela taelo ka thoko. Phetho ye e ka ipelaetšwa go Kantoru ya tša Mešomo (Karolo 68 -73).
- 9.3 Bašomedi ba se kgethollwe ge ba diragatša ditokelo tša bona go ya ka Molao wo (Karolo 78 - 81).

## 10. KAKARETŠO

Ke tlolomolao go:

- (a) thibela goba go leka go huetša motho yo a dirago modiro, e se ka tshwanelo go ya ka Molao wo;
- (b) hwetša goba go leka go hwetša lengwalo lefe goba ka boradia, ka bofora, goba ka go hlagiša goba go tšweletša lengwalo la bofora goba le lengwalo la bofori;
- (c) dira tše nkego ke mohlahlobi wa tša modiro, goba motho yo mongwe yo a dirago mošomo go ya ka Molao wo;

- (d) gana goba go palelwa go araba ka botlalo potšišo ye nngwe fela ya semolao yeo e botšišwago ke mohlalobi wa tša modiro goba motho ofe goba ofe yo a dirago mošomo go ya ka Molao wo;
- (e) gana goba go palelwa go dira go ya ka kgopelo ya semolao, goba taelo ya semolao ya mohlalobi wa tša modiro goba motho ofe goba ofe yo a dirago mošomo go ya ka Molao wo;
- (f) thibela goba go palediša mohlalobi wa tša modiro goba motho ofe goba ofe yo a dirago modiro go ya ka Molao wo (Karolo 92).

**BCEA 1D**

(Molao wa 3)

**METHEO E BOHLOKWA YA MOLAO WA KHIRO, 1997**

**KGUTSUFATSO E LOKELANG HO BOLOKWA KE MOHIRI HO YA KA KAROLO 30**

Se latelang ke kgutsufatso ya dikarolwana tsa bohlokwa tsa Metheo e Bohlokwa ya Molao wa Khiri wa 1997.

**1. TSHEBETSO YA MOLAO: KAROLO YA 3**

Molao ona o ama basebeletsi le bahiri kaofela ka ntle le maloko a Sesole sa Tshireletso ya Naha, Basebetsi ba tsa Mahlale, Tshebeletso ya Sephiring ya Afrika Borwa le baithaopi ba sebeletsang mokgahlo o sa leshweng.

Molao ona o bohlokwa ho feta ditumellano tse ding tse entsweng.

**2. TAOLO YA NAKO TSA TSHEBETSO: KGAOLO YA BOBEDI**

**2.1 Molao wona o lebisitswe ho bo mang**

Kgaolo ena ha e ame basebeletsi ba hodimo ba taolo, basebeletsi ba tsamayang ba rekisa, mme ba dulang ba le maetong, ebile ba sebetsa hora tse ka tlase ho tse 24 ka kgwedi.

**2.2 Dihora tse tlwaelehileng tsa mosebetsi: Karolo ya 9**

Ho se be le mohiri ya tla batla kapa a dumella mosebetsi ho sebetsa ho feta:

- (a) dihora tse 45 bekeng efe kapa efe;
- (b) dihora tse 9 letsatsi ka leng haeba mosebetsi a sebetsa matsatsi a mahlano kapa a tlase ho a mahlano bekeng; kapa
- (c) dihora tse 8 letsatsi ka leng haeba mosebetsi a sebetsa matsatsi a fetang a mahlano bekeng.

**2.3 Nako e ekeditsweng: Karolo ya 10**

**2.3.1 Ho se be le mohiri ya tla batla kapa a dumella mosebetsi ho:**

- (a) sebetsa nako e ekeditsweng ka ntle le ha ho dumellanwe;
- (b) sebetsa ho feta:
  - (i) hora tse tharo tsa nako e ekeditsweng ka letsatsi; kapa
  - (ii) hora tse leshome tsa nako e ekeditsweng ka beke.

2.3.2 Tshebetso ya nako e ekeditsweng e lokela ho leshwa ha **1.5** ho feta moputso wa mosebeletsi o tlwaelehileng, kapa mosebeletsi a ka dumela ho fiwa nako ya kgefutso e lefellowang.

## **2.4 Beke e ngotlilweng: Karolo ya 11**

2.4.1 Mosebeletsi a ka dumela ka ho ngola fatshe ho sebetsa ho fihlella dihora tse **12** ka letsatsi a sa fumane moputso wa nako e ekeditsweng.

2.4.2 Tumellano ena e ke ke ya batla kapa ya dumella mosebeletsi ho sebetsa ho feta:

- (a) hora tse **45** tse tlwaelehileng bekeng efe kapa efe;
- (b) hora tse **10** tsa nako e ekeditsweng bekeng efe kapa efe; kapa
- (c) matsatsi a mahlano bekeng efe kapa efe.

## **2.5 Ho fumana palohare ya dihora tsa mosebetsi: Karolo ya 12**

2.5.1 Tumellano ya bongata e ka dumella dihora tsa mosebetsi hore di be palohare ya nako e fihlellang ho kgwedi tse nne.

2.5.2 Mosebeletsi ya tlangwang ke tumellano ya bongata a ke ke a sebetsa ho feta:

- (a) palohare ya dihora tse **45** tse tlwaelehileng ho feta nako eo ho dumellanweng ka yona ka beke;
- (b) palohare ya dihora tse hlano tse ekeditsweng ho feta nako eo ho dumellanweng ka yona ka beke.

## **2.6 Kgefutso ya dijo: Karolo ya 14**

2.6.1 Mosebeletsi o lokela ho fumana kgefutso ya metsotso e **60** ho ya ja, kamora hoba a sebetse hora tse hlano.

2.6.2 Tumellano e ngotsweng e ka:

- (a) fokotsa nako ya kgefutso ya ho ja ho fihla ho metsotso e **30**;
- (b) qhelela thoko nako ya kgefutso ya dijo haeba motho a sebeditse hora tse ka tlase ho tse tshelletseng ka letsatsi.

## **2.7 Boikgutso ba letsatsi le letsatsi le ba beke le beke: Karolo ya 15**

Mosebeletsi o tshwanela ho fumana phomolo ya dihora tse **12** tse latellanang ka letsatsi le letsatsi le ya dihora tse **36** tse latellanang beke le beke, tseo, ka ntle le ha ho dumellanwe, di tshwanelang ho kenyelletsa letsatsi la Sontaha.

## **2.8 Tefo ya ho sebetsa ka di Sontaha: Karolo ya 16**



2.8.1 Mosebeletsi ya itshebeletsang ka Sontaha tse itseng, o tshwanela ho leshwa moputso o phetilweng habedi ho o tiwaelehileng.

2.8.2 Mosebeletsi ya hlohang a sebetsa ka Sontaha o tshwanela ho leshwa moputso o phetilweng ha 1.5 ho o tiwaelehileng.

2.8.3 Ho ka dumellanwa hore mosebeletsi ya sebeditseng ka Sontaha a leshwe ka ho fuwa nako ya kgefutso e lefellowang.

## 2.9 Ho sebetsa bosiu: Karolo ya 17

2.9.1 Basebeletsi ba sebetsang bosiu mahareng a hora ya 18:00 bosiu, ho isa ho hora ya 06:00 hoseng, ba lokela ho lebohwa ka moputso wa tjelete kapa ho theolelwa dihora tsa ho sebetsa, mme ba fumanelwe le dipalangwa.

2.9.2 Basebeletsi ba sebetsang kamora hora ya 23:00 le pele ha hora ya 06:00 letsatsing le latelang, ba lokela ho tsebiswa ka:  
 (a) dikotsi ka tsa maphelo le tsa tshireletso; le  
 (b) tokelo ya ho ya hlahlojwa ke ngaka.

## 2.10 Matsatsi a phomolo a bosetjhaba: Karolo ya 18

2.10.1 Basebeletsi ba tshwanela ho lefellowa ha letsatsi la phomolo la bosetjhaba le ketekwa tsatsing la mosebetsi.

2.10.2 Ho sebetsa ka letsatsi la phomolo la bosetjhaba ho ka etsuwa ha feela ho dumellanwe, mme tefo yona e phetwe habedi moputsong o tiwaelehileng.

2.10.3 Ka tumellano, letsatsi la bosetjhaba la phomolo le ka leshwa ka ho hong.

## 3. MATSATSI A PHOMOLO: KGAOLO YA BORARO

3.1 Molao wona o lebisitswe ho bo mang Kgaolo ena e buwang ka matsatsi a phomolo ha e ame mosebeletsi ya sebelletsang mohiri dihora tse ka tlase ho tse 24 ka kgwedi, mme ha e kenyelletse mosebeletsi ya fumanang tokelo ya matsatsi a phomolo a fetang ao ho dumellanweng ka ona tlasa kgaolo ena.

### 3.2 Phomolo ya selemo: Dikarolo tsa 20 & 21

3.2.1 Basebeletsi ba na le tokelo ya ho nka matsatsi a 21 a latellanang a phomolo ya selemo, kapa, ka tumellano, letsatsi le le leng ho a 17 a sebeditsweng kapa hora e le nngwe ho tse 17 tse sebeditsweng.

3.2.2 Matsatsi a phomolo a lokela ho fuwa pele kgwedi tse tshelletseng di fela kamora sedikadikwe sa matsatsi a phomolo.

**3.2.3** Mohiri ha a tshwanela ho putsa mosebeletsi bakeng sa ho mo neha matsatsi a phomolo, ka ntle le ha a kgaotsa mosebetsing.

**3.3 Matsatsi a phomolo ha motho a kula: Karolo ya 22 - 24**

3.3.1 Mosebeletsi o na le tokelo ya ho fuwa dibeke tse tsheletseng tsa phomolo e lefellowang ha a kula nakong ya dikgwedi tse 36 tse sebeditsweng.

3.3.2 Kgweding tse tsheletseng tsa pele, mosebeletsi o na le tokelo ya ho fuwa letsatsi le le leng la phomolo e lefellowang haeba a kula, matsatsing a 26 a sebeditsweng.

3.3.3 Mohiri a ka kopa lengolo la ngaka pele a ka lefa mosebeletsi ya neng a sa tla mosebetsing matsatsi a mabedi a latellanang, kapa ya tswaetseng ho se tle mosebetsing.

**3.4 Matsatsi a phomolo a ba mmeleng: Dikarolo tsa 25 - 26**

3.4.1 Mosebeletsi ya mmeleng o na le tokelo ya ho fuwa phomolo ya kgwedi tse nne tse latellanang.

3.4.2 Mosebeletsi ya mmeleng kapa mosebeletsi eo e leng motswetse, ha a tshwanela ho etsa mosebetsi o ka hlolang kotsi ho yena kapa ho lesea la hae.

**3.5 Phomolo ya maikarabelo a lelapa: Karolo ya 27**

3.5.1 Mosebeletsi ya hirilweng ka botlalo, o na le tokelo ya ho kopa matsatsi a phomolo e lefellowang a mararo selemong ho lebana le maikarabelo lelapeng la hae, mme hona ho ka etsuwa ha ho hlahile lesea kapa ha le kula, kapa ha ho hlokaletse mohatsae kapa molekane wa hae wa bophelo, kapa a hlokaletse ke motswadi kapa mohlokomedi, nkgono kapa ntatemoholo, ngwana wa hae, ngwana eo a mo hlokomelang, setloholo kapa ngwanabo.

3.5.1 Mohiri a ka batla bopaki bo kgolehang.

**4. DINTLHA TSE AMANG KHIRO LE MOPUTSO: KGAOLO YA BONE**

**4.1** Molao wona o lebisitswe ho bo mang  
Kgaolo ena ha e ame mosebeletsi ya sebeletsang mohiri hora tse ka tlase ho tse 24 ka kgwedi.

**4.2** Dintlha tse ngotsweng tseo o tshwanelang ho di tseba ka khiro: Karolo ya 29

4.2.1 Mohiri o tshwanela ho neha mosebeletsi tse latelang mohlang a qala ho sebetsa mme a di ngole fatshe:

- (a) lebitso le felletseng la mohiri le aterese ya hae;
- (b) lebitso le mofuta wa mosebetsi o etsuwang ke mosebeletsi, kapa kgutsufatso ya tlhaloso ya mosebetsi;
- (c) dibaka tse fapaneng tsa mosebetsi;
- (d) letsatsi la ho kenngwa mosebetsing;
- (e) dihora tse tlwaelehileng le matsatsi a mosebetsi;
- (f) moputso kapa tekanyo le mokgwa wa ho o bala;
- (g) tekanyo ya dihora tse ekeditsweng;
- (h) ditefello tse ding tsa tjhelete;
- (i) tefello eo e seng ya tjhelete le boleng ba yona;
- (j) nako ya tefello;
- (k) diphokotso;
- (l) ditokelo tsa matsatsi a phomolo;
- (m) nako ya tsebiso kapa nako ya setlamo;
- (n) tlhaloso ya lekgotla ka leng kapa setlamo sa karolwana e kenyelletsang kgwebo ya mohiri;
- (o) nako eo mosebeletsi a e sebeditseng mohiring wa pele, ha e kopangwa le nako ya jwale mosebetsing;
- (p) lenane la ditokomane tse ding tseo di leng karolo ya setlamo, tse bontshang tulo moo setshwantsho sa e nngwe le e nngwe se ka fumanwang teng.

4.2.2 Dintho tseo o tshwanelang ho di tseba ka mosebetsi di lokela ho lekolwa haeba tumellano ya khiri e fetoha.

#### 4.3 Ho tsebisa basebeletsi ka ditokelo tsa bona: Karolo ya 30

Tumellano e ngotsweng ya ditokelo tsa basebeletsi, e tshwanela ho bewa pontsheng dibakeng tsa mosebetsi, mme e ngolwe ka maleme a semmuso a sebediswang tulong ya mosebetsi.

#### 4.4 Ho boloka direkoto: Karolo ya 31

Mohiri e mong le e mong o tshwanela ho boloka direkoto tse hlahisang lesedi ka ho latelang:

- (a) lebitso la mosebeletsi le mofuta wa mosebetsi oo a o etsang;
- (b) nako eo a e sebeditseng;
- (c) moputso o lefilweng;
- (d) letsatsi la matswalo haeba a le ka tlase ha dilemo tse 18; le
- (e) lesedi le leng le ka hlokahalang.

#### 4.5 Lesedi mabapi le meputso: Karolo ya 33

Lesedi le latelang le tshwanela ho ngollwa mosebeletsi ha a leshwa:

- (a) lebitso la mohiri le aterese ya hae;
- (b) lebitso la mosebeletsi le mofuta wa mosebetsi oo a o etsang;
- (c) nako ya tefo;
- (d) moputso wa tjhelete;
- (e) phokotso e entsweng moputsong;
- (f) moputso oo a o fumaneng letsohong;
- (g) haeba ho le bohlokwa ha ho balwa moputso wa mosebeletsi, ho tla batleha:
  - (i) tekanyo ya moputso wa mosebeletsi le tekanyo ya moputso wa nako e ekeditsweng;
  - (ii) palo ya dihora tse tlwaelehileng le tse ekeditsweng tse sebeditsweng ka nako ya tefo;
  - (iii) palo ya dihora tse sebeditsweng ka Sontaha kapa ka letsatsi la phomolo ka nako eo; le
  - (iv) palo kaofela ya dihora tse tlwaelehileng le tse ekeditsweng, haeba tumellano ya tshebetso ya nako ya palohare e ne e finyelleltswe.

#### 4.6 Diphokotso le ho hong ho mabapi le meputso: Karolo ya 34

Ha ho phokotso e seng molaong e ka etsuwang ntle le ha ho dumellanwe ka ho ngola fatshe.

#### 4.7 Ho bala meputso le tefo: Karolo ya 35

4.7.1 Moputso o balwa ka dihora tse tlwaelehileng tseo motho a di sebeditseng.

4.7.2 Moputso wa kgwedi kapa tefo di phetwa hane le nngwe ho tharo ( $4\frac{1}{3}$ ) ho moputso o fumantswang ka beke.

4.7.3 Haeba moputso o balwa ka tsela e nngwe ntle le nako e sebeditsweng, kapa haeba tefo ya mosebeletsi e fetofetoha haholo nako le nako, tefo e nngwe le e nngwe e tshwanela ho balwa ka ho lebisana ho moputso kapa tefo ka nako e:

- (a) ka pele ha beke tse 13; kapa
- (b) haeba mosebeletsi a hirilwe mosebetsing nakwana, ka nako eo ya khiri.

#### 5. HO KGAOTSA MOSEBETSING: KGAOLO YA BOHLANO

5.1 Molao wona o lebisitswe ho bo mang  
Kgaolo ena ha e ame mosebeletsi ya sebeletsang mohiri dihora tse ka tlase ho tse 24 ka kgwedi.

#### 5.2 Tsebisano ya ho kgaotsa mosebetsing: Karolo ya 37

- 5.2.1 Setlamo sa mosebetsi se ka kgaotswa ha feela ho ka fanwa ka tsebiso ya nako e seng ka tlase ho:
- (a) beke e le nngwe, haeba mosebeletsi a hirilwe mosebetsing beke tse nne kapa tse ka tlase ho tseo;
  - (b) beke tse pedi, haeba mosebeletsi a hirilwe mosebetsing nako e fetang beke tse nne, empa tse ka tlase ha selemo;
  - (c) beke tse nne, haeba mosebeletsi a hirilwe mosebetsing selemo se le seng le ho feta, kapa a sebetsa polaseng kapa a sebetsa dikhitjhining a bile a e na le nako e fetang beke tse nne a sebetsa mono.
- 5.2.2 Tsebiso e tshwanela ho ngolwa fatshe, ka ntle le ha e etswa ho mosebeletsi ya sa tsebeng ho bala le ho ngola.
- 5.2.3 Tsebiso ya ho kgaotsa mosebetsing e hlomphang Molao mme e tswa ho mohiri, ha e thibelle mosebeletsi ho lwantsha toka, kapa ho ba molaong ka ho kgaotswa ha hae mosebetsing, ho ya ka tumellano ya Molao wa Basebetsi wa 1995, kapa molao o mong le o mong.

### **5.3 Moputso wa tokollo tshebetsong: Karolo ya 41**

Mosebeletsi ya lelekilweng mosebetsing ka baka la ho hloka bokgoni ba mosebetsi, o na le tokelo ya ho amohela moputso wa tokollo tshebetsong, wa beke selemong se seng le se seng seo a se sebeditseng.

### **5.4 Lengolo la mosebetsi: Karolo ya 42**

Ha mosebeletsi a kgaotsa mosebetsing, o tshwanela ho fumana lengolo la mosebetsi le bontshang dilemo tseo a di sebeditseng.

## **6. KGANYETSO YA HO HIRA BANA LE HO SEBEDISA BA BANG KA QOBELLO: DIKAROLO TSA 43 - 48**

6.1 Ke tlolo ya molao ho hira bana ba tlase ha dilemo tse 15.

6.2 Bana ba dilemo tse ka tlase ho tse 18 ha ba a tshwanela ho etsa mesebetsi e sa tshwaneleng dilemo tsa bona kapa ho etsa seo se ka ba ntshang kotsi.

6.3 Ho sebedisa batho ba bang ka qobello ke tlolo ya molao.

## **7. HO FETOLWA HA METHEO E BOHLOKWA YA MOLAO WA KHIRO: DIKAROLO TSA 29 - 50**

7.1 Tumellano ya seboka e fihlelletsweng ke lekgotla la ditherisano, e ka kengwa sebakeng sa kapa ha qhelelwa thoko motheo o mong wa molao wa khiro, ka ntle le tse latelang:

- (a) tshwanelo ya ho lokisa nako ya mosebetsi ho ya ka tsa bophelo bo botle le tshireletso le maikarabelo a lelapa a basebeletsi (Dikarolo tsa 7, 9 & 13);
- (b) phokotso ya tshireletso e fuwang basebeletsi ba sebetsang bosiu [Dikarolo tsa 17(3) le (4)];
- (c) phokotso ya matsatsi a phomolo a selemo ho fihlella a e ba ka tlase ha beke tse pedi (Karolo ya 20);
- (d) phokotso ya tokelo ya matsatsi a ho ya beleha (Karolo ya 25);
- (e) phokotso ya tokelo ya matsatsi a phomolo a dumelletsweng ha motho a kula (Dikarolo tsa 22 & 24); le
- (f) kganyetso ya ho hira bana le ho sebedisa ba bang ka qobello (Karolo ya 49).

7.2 Ditumellano tsa seboka le tsa motho a le mong di ka kena sebakeng sa, kapa tsa qhelela thoko motheo o mong wa molao wa khiri ho ya ka Molao kapa ka setlamo sa karolwana (Karolo ya 49).

7.3 Letona la tsa Mesebetsi le ka nka setlamo sa karolwana ho fetola kapa ho qhelela thoko motheo o mong wa molao wa khiri. Sena se ka etsuwa hape ka kopo ya mohiri kapa mokgahlo wa bahiri (Karolo ya 50).

7.4 Setlamo sena se ke ke sa fumantshwa ka ntle le ha yunione ya kgwebo e emelang basebeletsi e dumellana le phetoho ena kapa e fumane monyetla wa ho tshwara dipuisano le Letona. Setshwantsho sa setlamo sa karolwana se lokela ho bewa pontsheng ke mohiri tulong ya mosebetsi, mme se tshwanela ho fumaneha ha bonolo ha basebeletsi ba se hloka (Karolo ya 50).

## **8. SETLAMO SA KAROLWANA: KAROLO YA 51**

Setlamo sa karolwana se ka nkuwa ha ho hlongwa metheo ya molao wa khiri karolwaneng le sebakeng se itseng.

## **9. HO DISA, HO KENGWA TSHEBETSONG LE TSAMAIISO YA MOLAO: DIKAROLO TSA 63 - 81**

9.1 Bahlahlobi ba tsa mesebetsi ba tshwanela ho eletsa basebeletsi le bahiri ka ditokelo le ditshwanelo tsa bona ho ya ka ditumellano tsa melao ya khiri. Ba a hlahloba, ba batlisise ditlitlebo, mme ba ka hlafa batho ka dipotso le ho hlahloba, ho etsa ditshwantsho mme ba nke direkoto le ditokomane tse ding tse hlokalalang (Dikarolo tsa 64 - 66).

9.2 Mohlahlobi a ka nehela mohiri ya sa hlompheeng Molao lengolo la qoso. Mohiri a ka hanyetsana le qoso ena ho Mookamedi-Kakaretso wa tsa Mesebetsi, mme yena, kamora hoba a fumane boemedi, a ka tiisa, a fetola kapa a qhelela qoso eo thoko. Qeto ena ka qoso e ka nna ya fetisetwa ho Lekgotla la tsa Mesebetsi (Dikarolo tsa 68 - 73).

9.3 Basebeletsi ha ba a tshwanela ho kgetholiwa ha ba sebedisa ditokelo tsa bona ho ya ka Molao ona (Dikarolo tsa 78 - 81).

#### 10. KAKARETSO:

Ke tlolo ya molao ho:

- (a) thibela kapa ho leka ho tshwaetsa ka mokgwa o sa nepahalang motho ya etsang mosebetsi wa hae ho ya ka Molao ona;
- (b) fumana kapa ho leka ho fumana tokomane efe kapa efe ka bomenemene, boqitolo, kapa ho bontsha kapa ho fana ka tokomane e hlahlisitsweng ka bonokwane kapa tsela e fosahetseng;
- (c) iketsa eka o mohlahlobi wa tsa mesebetsi kapa motho ofe kapa ofe ya etsang mosebetsi ho ya ka Molao ona;
- (d) hana kapa ho hloleha ho araba ka botlalo potso efe kapa efe e dumelletswe ke molao, e botswang ke mohlahlobi wa tsa mesebetsi kapa motho ofe kapa ofe ya etsang mosebetsi ho ya ka Molao ona;
- (e) hana kapa ho hloleha ho phethahatsa kopo kapa taelo efe kapa efe e dumelletswe ke molao, ya mohlahlobi kapa motho ofe kapa ofe ya etsang mosebetsi ho ya ka Molao ona;
- (f) thibela kapa ho sitisa mohlahlobi wa tsa mesebetsi, kapa motho ofe kapa ofe ya phethang mosebetsi ho ya ka Molao ona (Karolo ya 92).

(Molao taolo wa 3)

**METHEO E E BOTLHOKWA YA MOLAO WA BOTHAPI JWA 1997**

**TSHOSOBANYO E TSHWANETSE GO BEWA KE MOTHAPI GO YA KA TUMALANO YA KAROLO 30 YA MOLAO.**

Ntlha tse di latelang ke tshosobanyo ya melawana e e bothokwa mo karolong ya molao wa bothapi wa 1997.

**1. GO TSENGWA TIRISONG GA MOLAO: KAROLO 3**

Molao o, o ama badiri le bathapi botlhe kwantle ga maloko a Makala a Tshireletso a Setshaba, Makala a tsa Matlhale, Lekala la tsa Botlhodi la Aferika Borwa, le badiri bao e leng baithaopi ba makala a a sa duelweng.

Molao o, o tlotlwe go gaisa tumalano tsohle.

**2. TAOLO YA NAKO TSA GO DIRA: KGAOLO YA BOBEDI**

**2.1 Molao o o ama bo mang**

Kgaolo e ga e ame balaodi bao ba leng ka fa setlhoeng, badiredi ba ba rekisang gomme ba tsamaya mafelo ka mafelo, mme bao nako tsa bona tsa tiro di le ka fa tlase ga ura tse di **24** ka kgwedi.

**2.2 Nako tsa go dira tsa tlwaelo: Karolo 9**

Ga go mothapi o o tla kopang kgotsa a dumelele modiri go dira go tlola:

- (a) di ura di le **45** ka beke;
- (b) di ura di le **9** ka letsatsi fa modiri a dira malatsi a matlhano kgotsa ka fa tlase ga botlhano;
- (c) di ura di le **8** ka letsatsi lepe fa modiri a dira malatsi a a fetang a matlhano ka beke.

**2.3 Nako e e okeditsweng: Karolo 10**

**2.3.1 Mothapi ga a dumelelwa go kopa kgotsa go letlelela modiri go:**

- (a) dira nako e e tlotseng kwantle ga fa go dumelanwe;
- (b) dira go feta:
  - (i) ura tse tharo tsa nako e e okeditsweng ka letsatsi;
  - (ii) ura tse lesome tsa nako e e okeditsweng ka beke.



2.3.2 Nako e e okeditsweng e tshwanetse go duelwa ga **1.5** go boeletsa madi a a duelwang ka tlwaelo kgotsa modiri a ka dumela go newa malatsi a khunologo a a duelwang.

#### **2.4 Beke e e sosobantsweng: Karolo 11**

2.4.1 Modiri a ka dira ura tse di **12** ka letsatsi a sa duelwe madi a nako e e okeditsweng fela fa go le tumalano e e kwetsweng gareng ga gagwe le mothapi.

2.4.2 Tumalano e, e ka se batle kgotsa dumelele modiri go dira go:

- (a) feta di ura di le **45** ka beke;
- (b) feta ura di le lesome tsa nako e e okeditsweng ka beke epe; kgotsa
- (c) feta malatsi a le matlhano ka beke.

#### **2.5 Tekatekanyo ya ura tsa tiro: Karolo 12**

2.5.1 Tumalano e e tlhakanetsweng e ka dumelela diura tsa tiro go lekalekangwa go fitlha go kgwedi tse nne.

2.5.2 Modiri yo o golegwang ke tumalano e e utlwanetsweng ya nako ya go dira, ga a dumelelwa go dira go feta:

- (a) selekanyo sa ura di le **45** ka beke tsa nako e e tlwaelegileng go nako yotlhe ya tumalano;
- (b) selekanyo sa ura di le tlhano tsa nako e e okeditsweng ka beke go nako yotlhe ya tumalano.

#### **2.6 Dinako tsa go ja: Karolo 14**

2.6.1 Modiri o tshwanetse go bona nako ya go ja ya metsotso e le **60** morago ga go dira ura di le tlhano.

2.6.2 Tumalano e e kwetsweng e ka:

- (a) fokotsa nako ya dijo go ya go metsotso e le **30**;
- (b) tlogela nako ya dijo fa modiri a dira nako e khutshwane go feta ura di le tshela ka letsatsi.

#### **2.7 Nako tsa go ikhutsa tsa letsatsi lengwe le lengwe le tsa beke: Karolo 15**

Modiri o tshwanetse go nna le nako ya go ikhutsa ya ura tse di **12** ka tatelano tsatsi lengwe le lengwe le ya ura tse **36** ka tatelano ka beke go tsenyeletswa tsatsi la tshipi. Tsatsi le, le ka dirisetwa tiro fela fa go dumelanwe.

#### **2.8 Tuelo ya go dira ka tsatsi la tshipi: Karolo 16**

2.8.1 Modiri yo o dirang ka malatsi mangwe a tshipi, o tshwanetse go duelwa madi a gagwe a tlwaelo gabedi.

2.8.2 Modiri yo o dirang tsatsi la tshipi ka tlwaelo, o tshwanetswe go duelwa ga 1.5 go feta madi a gagwe a tlwaelo.

2.8.3 Modiri yo o dirileng ka letsatsi la tshipi a ka duelwa ka go fiwa letlha la khunologo fa go dumelanwe.

## 2.9 Go dira bosigo: **Karolo 17**

2.9.1 Badiri ba ba dirang bosigo gare ga ura ya **18:00** bosigo le ya **06:00** mo mesong, ba tshwanetswe go lebogwa ka go okelediwa madi kgotsa go fokoleliwa nako ya go dira le go tlamelwa ka dipalamo.

2.9.2 Badiri ba ba dirang ka metlha morago ga ura di le **23:00** go fitlha ka ura di le **06:00** tsatsi le le latelang, ba tshwanetswe ke go itsesiwe ka:  
 (a) malwetse le dikotsi tseo di ka ba diragalelang; le  
 (b) tetelelo ya go lekolwa ke ngaka.

## 2.10 Malatsi a boikhutso: **Karolo 18**

2.10.1 Badiri ba tshwanetse go duelwa letlha la boikhutso le le welang mo malatsing a tiro.

2.10.2 Go dira ka tsatsi la boikhutso go ka dirwa fela ka tumalano mme go duelwa madi a a tlwaelegileng a letsatsi gabedi.

2.10.3 Fa go dumelanwe, letlha la boikhutso le ka duelwa ka sengwe.

## 3. KHUNOLOGO: **KGAOLO YA BORARO**

3.1 Molao o o ama bo mang  
 Kgaolo ya khunologo ga e ame badiri ba ba dirang diura tse di ka fa tlase go tse di **24** ka kgwedi mme fa go na le tumalano ya khunologo e e fetang e e dumeletsweng mo kgaolong e.

### 3.2 Khunologo ya ngwaga: **Karolo 20 & 21**

3.2.1 Badiri ba dumeletsweng malatsi a a **21** ka tatelano e le malatsi a khunologo ka ngwaga kgotsa, fa go dumelanwa, letlha mo go a a **17** a a dirilweng kgotsa ura e le nngwe go diura di le **17** tse di dirilweng.

3.2.2 Khunologo e tshwanetse go letlelelwa pele ga kgwedi di le tshela morago ga sedikadikwe sa nako ya khunologo se fela.

3.2.3 Mothapi ga a tshwanela go duela modiri go na le go mo letlelela go tsaya nako ya gagwe ya khunologo kwa ntle ga fa a mo koba mo tirong.

### **3.3 Khunologo ya bolwetse: Karolo 22 - 24**

3.3.1 Modiri o dumeletswe beke di le tshela tse di duelwang morago ga nako ya kgwedi tse di 36 tsa go dira.

3.3.2 Modiri o dumeletswe letlha le le lengwe la khunologo ya bolwetse e e dueletsweng morago ga go dira malatsi a a 26.

3.3.3 Mothapi a ka kopa lokwalo la ngaka jaaka sesupo go modiri yo o ntseng a sa tle tirong lobaka la malatsi a mabedi a a latelanang kgotsa go modiri yo o itlwaeditseng go sa tle tirong, pele a ka mo duela.

### **3.4 Khunologo ya pelegi: Karolo 25 & 26**

3.4.1 Modiri yo o mo mmeleng o dumeletswe kgwedi tse nne tse di latelanang tsa khunologo ya pelegi.

3.4.2 Modiri o o mo mmeleng kgotsa yo e leng motsetse ga a dumelelwa go dira tiro e e kotsi mo go ena kgotsa mo ngwaneng wa gagwe.

### **3.5 Khunologo ya tiro tsa legae: Karolo 27**

3.5.1 Badiri bao e seng ba nakwana ba dumelelwa malatsi a mararo a merero ya se legae a a duelelwang ka ngwaga fa modiri a a kopa. Modiri a ka kopa malatsi a a ntseng jaalo fa go belegilwe ngwana wa gagwe kgotsa a lwala, kgotsa fa a tlhokafaletswe ke monna kgotsa mosadi, kgotsa molekane yo a nnang nae, motsadi wa modiri, motsadi yo e leng molebeledi, ngwana wa gagwe, ngwana yo a mo godisang mme e se wa gagwe, ditlogolo kgotsa bana baabo.

3.5.2 Mothapi a ka kopa bopaki jo bo utlwalang.

## **4. NTLHA TSA THAPO LE TUELO: KGAOLO YA BONE**

4.1 Molao o o ama bo mang

Kgaolo e ga e ame modiri yo o dirang ura tse di ka fa tlase ga tse 24 ka kgwedi.

### **4.2 Ntlha tsa bothapi tse di kwetsweng: Karolo 29**

4.2.1 Mothapi o tshwanetse go naya modiri fa a simolola tiro tshedimosetso e e kwetsweng ka ntlha tse:

(a) maina le aterese e e tletseng ya mothapi;

(b) leina le maemo a modiri kgotsa tlhaloso ka bokhutshwane ya tiro eo modiri a thapetsweng yona;

- (c) mafelo ao modiri a tsileng go dira go one;
- (d) letlha la thapo;
- (e) diura tsa tiro le malatsi ao modiri a tlang go dira ka ona;
- (f) tuelo le mokgwa o o dirisitsweng go e fitlhelela;
- (g) tuelo ya nako e e okeditsweng;
- (h) tuelo tsa madi tse dingwe tse di fa thoko;
- (i) tuelo tse dingwe tseo e seng tsa madi le boleng jwa tsona;
- (j) tuelo di tla duelwa morago ga nako e kae;
- (k) madi a a gogwang;
- (l) khunologo tsotlhe tseo e leng tshwanelo ya modiri;
- (m) nako ya tsiboso le ntlha tsa tumalano ka ga tiro;
- (n) tlhaloso ya khuduthamaga kgotsa setlamo sa karolwana se se tebang le kgwebo ya mothapi;
- (o) nako eo modiri a dirileng ka yona mo tirelong e nngwe eo e ka tsewang jaaka e e ka tseletsang pele ngwaga tsa thapo tsa modiri;
- (p) maina a ditokomane tse dingwe tsa modiri tseo di ka tsewang go nna bontlhanngwe jwa tumalano mme di ntse di fana ka felo leo khopi nngwe le nngwe e ka bonwang teng.

4.2.2 Ntlha tsa botlhokwa di tshwanetse go boeletswa sešwa fa bothapi bo fetoga.

#### **4.3 Mokgwa wa go itsese badiri ditshiamelo tsa bona: Karolo 30**

Bopaki ka go itsese badiri ditshiamelo tsa bona bo tshwanetse go bewa mo pontsheng mo felong jwa tirelo ka puo tsotlhe tse di diriswang mo tirelong.

#### **4.4 Peo ya makwalo-tsamaiso: Karolo 31**

Mothapi mongwe le mongwe o tshwanetse go nna le letatamana le le tshotseng tshedimosetso e e latelang:

- (a) leina la modiri le tiro ya gagwe;
- (b) nako eo a e dirileng;
- (c) madi ao a a duetsweng;
- (d) letlha leo a tsetsweng ka lona fa a le ka fa tlase ga dingwaga di le 18; le
- (e) tshedimosetso nngwe le nngwe e e tlhokegang.

#### **4.5 Tshedimosetso ka ga tuelo: Karolo 33**

Tshedimosetso e e latelang e tshwanetse go fiwa modiri e kwetswe fa a duelwa:

- (a) leina la mothapi le aterese;
- (b) leina la modiri le tiro eo a e dirang;
- (c) nako ya tuelo;
- (d) tuelo ka madi;
- (e) tlhagiso ya madi a a gogilweng mo tuelong;

- (f) madi tota ao modiri a a duetsweng;
- (g) dipalo tseo di amanang le tuelo ya modiri di ka bontshwa fa go tlhokega:
  - (i) mokgwa o o dirisitsweng go bala tuelo le go bala madi a a tsentsweng go duela nako ya tiro e e okeditsweng;
  - (ii) lenaane la diura tseo e leng tsa tlwaelo le tsa nako e e okeditsweng;
  - (iii) lenaane la diura tseo di dirilweng ka tsatsi la tshipi kgotsa ka malatsi a boikhutso a nako eo; le
  - (iv) fa go dumelanwe ka mokgwa wa tekatekanyo ya nako tsa go dira, diura tsotlhe tseo di dirilweng di tshwanetse tsa tlhagelela.

#### **4.6 Phokotso le melao e e tebang le dituelo: Karolo 34**

Ga go a tshwanela gonna le diphokoletso tsa tuelo kwa ntle ga therisano le tumalano e e kwetsweng.

#### **4.7 Mokgwa wa go bala tuelo le mogolo: Karolo 35**

4.7.1 Tuelo e balwa go ya ka diura tseo modiri a di dirileng.

4.7.2 Tuelo ya mogolo e balwa ka go boeletsa tuelo ya beke ka bone le siripa tharong (4<sup>1/3</sup>).

4.7.3 Fa tuelo e balwa ka mokgwa mongwe o e seng nako, kgotsa fa tuelo ya modiri e sa tsepama gonna e fetoga nako nngwe le nngwe, tuelo e tshwanetse go balwa ka go sala morago mokgwa o modiri a duetsweng ka ona jaana:

- (a) beke tse 13 tse di fitileng; kgotsa
- (b) fa e le gore modiri o thapilwe nako e khutshwane, go tla balwa nako eo fela.

#### **5. KGAOLO MO TIRONG: KGAOLO YA BOTLHANO**

5.1 Molao o o ama bo mang.

Kgaolo e ga e akaretse modiri yo o dirileng ura tse di ka fa tlase ga tse di 24 ka kgwedi a direla mothapi.

#### **5.2 Tsiboso ya kgaolo mo tirong: Karolo 37**

5.2.1 Tiro e e dumelanweng e ka kgaolwa fela fa modiri a neilwe tsiboso ya nako e e seng ka fa tlase ga:

- (a) beke, fa a thapilwe nako e kana ka beke tse nne kgotsa ka fa tlase;
- (b) beke tse pedi, fa a thapilwe go feta beke tse nne mme e seng go feta ngwaga;

- (c) beke tse nne, fa a thapilwe ngwaga le go feta kgotsa e le modiri mo polaseng kgotsa mo legaeng la mothapi mme e bile a dirile go feta beke tse nne.

5.2.2 Tsiboso e tshwanetse go nna e e kwetsweng kwa ntle ga fa modiri a sa itse go kwala gonne a sena thuto e e mo kgontshang jaalo.

5.2.3 Tsiboso ya go kgaolwa ga tiro ke mothapi ga e ganele modiri go tsaya kgato tsa semolao kgatlhanong le mothapi ka tlogediso eo, se se dumelelwa ke Molao wa Tsamaiso ya Bothapi wa 1995, kgotsa mo molaong mongwe le mongwe.

### 5.3 Tuelo ya fa o tlogela tiro: Karolo 41

Modiri yo o tlogedisitsweng tiro gonne a sena bokgoni bo bo tlhokegang mo tirong, o tshwanetswe ke go fiwa tuelo ya beke go ngwaga mongwe le mongwe o a o dirileng.

### 5.4 Lokwalo la bosupi jwa tiro: Karolo 42

Fa modiri a tlogela tiro o tshwanetse go fiwa lokwalo la bosupi jwa tiro.

## 6. KGANELO YA BOTHAPI JWA BANA LE TIRISO KA PATELETSO: KAROLO 43 - 46

6.1 Ke tlolomolao go thapa bana ba ba ka fa tlase ga mengwaga e 15.

6.2 Bana ba mengwaga e e ka fa tlase ga 18 ga ba a tshwanela go thapiwa go dira tiro e e fetang mengwaga ya bone kgotsa e e bayang matshelo a bone mo kotsing.

6.3 Tiriso ya mongwe ka pateletso ke tlolomolao.

## 7. GO FETOFETOLWA GA METHEO E E BOTLHOKWA YA MOLAO WA BOTHAPI: KAROLO 49 & 50

7.1 Tumalano ya botlhe eo e dumelanweng ke khuduthamaga ya baemedi e ka tsenya kgotsa ya tlosa motheo o o botlhokwa wa molao wa bothapi kwa ntle ga:

- (a) thulaganyo ya nako ya go dira ya badiri ka ntlha tsa kalafi, tshireletso le mabaka a a tebang le magae a badiri (Karolo 5, 7, 9 & 13);
- (b) go fokotsa tshireletso e e neilweng badiri bao ba dirang bosigo [Karolo 17(3) & (4)];
- (c) go fokotsa nako ya khunologo ya ngwaga gonna tlase ga beke tse pedi (Karolo 20);
- (d) go fokotsa tshwanelo ya go tsaya khunologo ya pelegi (Karolo 25);

- (e) go fokotsa tshwanelo ya go tsaya khunologo ya bolwetse ka moo go dumelelwang ka teng (Karolo 22 - 24); le
- (f) kganelo ya thapo ya bana le tirelo ka pateletso (Karolo 48).

7.2 Tumulano tse di tlhakanetsweng le tsa motho ka nosi di ka tloswa kgotsa tsa dirisiwa boemong jwa metheo e e botlhokwa ya bothapi gontse go tlhokometswe tsepamo go molao kgotsa setlamong sa karolwana (Karolo 49).

7.3 Letona la Ditirelo le ka tsaya tshwetso go fetola kgotsa go tlogela motheo o o botlhokwa wa bothapi. Se se ka dirwa fa mothapi a ka tsenya kopo kgotsa e tsengwa ke lekgotla la bathapi (Karolo 50).

7.4 Setlamo sa karolwana se kanna sa se sekegelwe tsebe fa lekgotla la badiri leo le okametseng badiri le sa dumalane kgotsa le sa newa tshono ya go nna le tshwaelo go Letona. Khopi ya setlamo sa karolwana e tshwanetse go bewa pontsheng mo felong la tiro ke mothapi mme le fitlhelelwe ke badiri (Karolo 50).

## **8. SETLAMO SA KAROLWANA:KAROLO 51**

Setlamo sa karolwana se ka dirwa go tsibosa badiri ka metheo e e botlhokwa ya molao wa bothapi tirelong le mo tikologong.

## **9. MOKGWA WA TLHOKOMELO TSENYO-TIRISONG LE TSAMAISSONG YA MOLAO: KAROLO 63 - 81**

9.1 Batlhatlhabi ba ditirelo ba tshwanetse go tsibosa badiri le bathapi ka ditokelo le ditlamo tsa bone go ya ka molao o o laolang bothapi. Ba tshwanetse go dira ditlhatlhabo, go batlisisa dilelo, ba ka tlhoma batho ba ba rileng dipotso, go tlhatlhaba dikwalo le go di tlosa fa go tlhokega (Karolo 64 - 66).

9.2 Motlhatlhabi a ka neelana ka lokwalo-kgapeletso go mothapi yo o sa diring ka go latela molawana o rileng wa molao ona. Mothapi a ka ganetsana le lokwalo-kgapeletso leo ka go ikuela go Molaodi-Kakaretso wa Bodiri, mme ene, fa a sena go amogela boipelaetso bo, a ka netefatsa, siamisa kgotsa a bo kgapela kwa thoko. Se se ka dirwa fela fa ba ka ikuela go lekgotla la bodiri (Karolo 68 - 73).

9.3 Badiri ga ba tshwanela go kgethololwa gonne ba dirisa tshwanelo ya bone go ya ka Molao o (Karolo 78 - 81).

## **10. KAKARETISO:**

Ke tlolomolao go:

- (a) kgoreletsa kgotsa go ema motho pele le go mo tsenya mowa o o sa siamang fa a dira tiro go ya ka Molao o;

- (b) bona kgotsa go leka gonna le dikwalo tse di tshotseng tshedimosetso ka mokgwa wa bokhukhuntswane kgotsa ka go neelana ka bopaki kgotsa dikwalo tseo e seng tsa bonnete;
- (c) itira motlhatlhabi wa ditirelo kgotsa motho mongwe yo a nang le maemo a go dira tiro e e rileng go ya ka Molao o;
- (d) gana kgotsa go palelwa go araba ka botlalo potso tsa molao tseo a di bodiwang ke motlhatlhabi wa ditirelo kgotsa motho mongwe yo o neilweng thata ya go dira tiro go ya ka Molao o;
- (e) gana kgotsa go palelwa go dira go ya ka kopo ya semolao ya motlhatlhabi wa ditirelo kgotsa motho mongwe yo o neilweng thata ya go dira tiro go ya ka Molao o;
- (f) tlhokisa kgotsa go kgoreletsa motlhatlhabi wa ditirelo kgotsa motho mongwe yo o neilweng thata ya go dira tiro go ya ka Molao o (Karolo 92).



**BCEA 1F**

(Ngekwenmtsetfo 3)

**TIMO LETITSEKELO TEMTSETFO WEKUCHASHA WANGA 1997**

**LEMITSETFO LEFINYETIWE KUFANELE KWEKUTSI BONKHE BACHASHI  
BABENAYO NGEKWESIGABA -30**

Lokulandzelako yimitsetfo lefinyeteiwe futsi lemcola letsatfwe kuletimo  
Lentingitona letitesekelo teMtsetfo wekuChasha wanga - 1997

**1. KUSETJENTISWA KWEMTSETFO: SAHLUKO -3**

Lemitsetfo icondzene nato tonkhe tisebenti kanye nebachashi ngaphandle  
kwemalunga emabuffo emphi yesive kanye nebasebenti bebuchwepheshe  
belive, labasebenta kwetomshosha phansi eSouth Africa, kanye netinhlango.  
letisebentela kusita ngaphandle kwekutfola lutfo.

**2. UMTSETFO WETIKHATSI TEKUSEBENTA: SIGABA SESIBILI**

**2.1 Lomtsetfo wentelwe bobani**

Lesigaba asikentelwa tisebenti tetiphatsimandla letisetulu kanye netisebenti  
letihamba titsengisa timphahla lokutfolakala kwekutsi tisebenta ema awa  
langaphansi kwa-24 ngenyanga.

**2.2 Ema awa ekusebenta lasemtsetfweni: Sahluko-9**

Akekho umchashi lotawuphocenelela nobe avumele sisebenti kwekutsi sisebente  
ema awa lengca lawa lalandzelako:

- (a) ema awa lengca ema-45 ngeliviki;
- (b) ema awa layimfica nobe nguliphi lilanga nangabe sisebenti sisebenta  
emalanga lasihlanu noba lamancane kunaloko ngeviki; nobe ke
- (c) ema awa lasiphohlono nobe ngaliphi lilanga nangabe sisebenti  
sisebenta emalanga lengca kulasihlanu ngeliviki.

**2.3 Kusebenta sikhatsi lesengetiwe: Sahluko -10**

**2.3.1 Umchashi kufanele angaphocelile futsi angavumeli sisebenti sente loku  
lokulandzelako:**

- (a) sisebenti sisebente sikhatsi lesengetiwe ngaphandle nangabe  
sisebenti sivumelane nemchashi;
- (b) kusebenta kwengce loku lokulandzelako:
  - (i) ema awa lematsafu esikhatsi lesengetiwe ngelilanga; nobe ke
  - (ii) ema awa lalishumi esikhatsi lesengetiwe ngeliviki.

2.3.2 Sisebenti lesisebenta sikhatsi lesengetiwe kufanele siholelwe ngalokuphindwe ka 1.5 kubala kususelwa emuholweni wakhe nobe ke sikhetsa kuphumula singeti emsebentini.

**2.4 Liviki lekusebenta lelifinyetiwe: Sahluko -11**

2.4.1 Sisebenti singavumelana nemchashi ngalokubhalwe phasi kwekutsi utawusebenta ema awa lali-12 ngelilanga kodwa angaholelwa sikhatsi lesengetiwe.

2.4.2 Lesivumelwano lesi asiphoceli futsi asivumeli kwekutsi sisebenti sisebente ngetindlela letilandzelako:

- (a) ngetulu kwema awa langu-45 evikini;
- (b) ngetulu kwema awa lalishumi esikhatsi lesengetiwe nobe ngaliphi liviki;
- (c) ngetulu kwemalanga lasihlanu nobe ngaliphi liviki.

**2.5 Kubalwa kwema awa emsebenti: Sahluko -12**

2.5.1 Sivumelwano sebantfu labanyenti singavumela kwekutsi ema awa abalwe ngemuva kwesikhatsi lesingange tinyanga letine.

2.5.2 Sisebenti lesiphocelwa sivumelwano sebantfu labanyenti ngeke sikhone kusebenta ngendlela lelandzelako:

- (a) ema awa langu-45 ngeliviki, ngesikhatsi lekuvunyelwane ngaso;
- (b) ema awa lengca kulasihlanu esikhatsini lesengetiwe ngeliviki; kute kuphele sikhatsi lekuvunyelwane ngaso.

**2.6 Tikhatsi tekudla: Sahluko -14**

2.6.1 Sisebenti kufanele sibe nesikhatsi sekudla lesingange li awa ngemva kokusebenta ema awa lasihlanu.

2.6.2 Sivumelwano lesibhalwe phasi singenta lolokulandzelako:

- (a) sehlise sikhatsi sokudla sibe ngu hhafu weli awa;
- (b) singanaki sikhatsi sekudla nangabe sisebenti sisebente ema awa lamancane kunalasisiftupha ngelilanga.

**2.7 Sikhatsi sokuphumula ngelilanga nobe ngeliviki: Sahluko-15**

Sisebenti kufanele siftole sikhatsi lesingangema awa lali-12 alandzelanayo ngelilanga nobe ema awa langu-36 lalandzelanayo ngeliviki, nasekubalwa neliSontfo, ngaphandle nangabe sisebenti sente sivumelwano lesitsite nemchashi.

**2.8 Umholo wekusebenta ngemaSontfo: Sahluko -16**

2.8.1 Sisebenti lokuke kwenteke kutsi sisebente ngeliSontfo kumele siholelwe imali lephindvwe kabili.

2.8.2 Sisebenti lesisebenta njalo ngemaSontfo kumele siholelwe imali lephindvwe ka1.5 etukwemali lesiyiholako.

2.8.3 Umchashi nesisebenti bangavumelana kwekutsi sikhatsi lasisebente ngeliSontfo angasiholeli kodwa akhetse kungayi emsebentini aphumule.

### 2.9 Kusebenta ebusuku: Sahluko -17

2.9.1 Tisebenti letisebenta ebusuku kusukela nga **18:00** kute kube ngu **06:00** kufanele tiniketwe umfobanhlitiyo nobe ke kwehliswe ema awa lekufanele tiwasebente, tiphindze futsi tiniketwe kwekuhamba.

2.9.2 Tisebenti letisebenta njalo kusukela ngo **23:00** ebusuku kute kube ngu **06:00** ekuseni ngakusasa kufanele kwekutsi tatiswe kahle ngalokulandelako:

- (a) tingoti temphilo kanye nokuphepha kwato; nobe
- (b) ngelilungelo lato lekucilongwa kwemphilo yato.

### 2.10 Emaholidi Esive: Sahluko -18

2.10.1 Nangabe liholidi lesive livela ngelilanga lekusebenta, tisebenti kufanele tiholelwe lelolanga.

2.10.2 Kusebenta ngeholidi lesive kungentiwa ngemuva kwekuvumelana nemchashi futsi lihlo libe nguleliphindvwe kabili.

2.10.3 Liholidi lelisemtsetfweni lingatsenga lelinye lilanga lelingatange lasentjentwa ngokwesivumelwano.

## 3. ILIFU: SIGABA SESITSATFU

3.1 Lomtsetfo wentelwe bobani

Lesigaba lesi sentsetfo we lifu, asikaphatselani nesisebenti lesisebenta ema awa langaphansi kwa-24 nalamancane ngenyanga nobe, nangabe kukhona sivumelwano selifu lengetulu kwaleyo lanelilungelo layo ngaphansi kwalomtsetfo.

### 3.2 Ilifu letsatfwa kanye emnyakeni: Sahluko -20 & 22

3.2.1 Tisebenti kufanele tibe nelifu emalanga langama-21 lalandzelanako ngonyaka, nobe ngesivumelwano, lilanga linye ngemuva kwemalanga langu-17 lasetjentiwe nobe ke li awa linye ngemuva kwema awa langu-17 lasetjentiwe.

3.2.2 Ilifu kufanele itfolwe nganeno kwetinyanga letisiftupha kusukela elifini yekugcina.

3.2.3 Umchashi akavumeleki kwekutsi aholele sisebenti entele kwekutsi sisebenti singangatsatsi ilifu, ngaphandle nangabe sisebenti sesiyayekeliswa kusebenta.

### **3.3 Ilifu yekugula: Sahluko 22 - 24**

3.3.1 Sisebenti sinemalungelo elifu yekugula lengemaviki lasitfupha lakhokhelwako etinyangeni letingu-36.

3.3.2 Etinyangeni tekucala letisiftupha, sisebenti sivumelekile kwekutsi sitsatse lilanga linye lelifu yekugula lekhokhelwako ngemuva kwemalanga langu-26 lasetjentiwe.

3.3.3 Umchashi unelilungelo lekutsi acele incwadzi yadokotela lebufakazi bekugula ngaphambi kwekuholela sisebenti nangabe silove emalanga lamabili lalandzelanako nobe ke sisebenti sihlala silova njalo nje.

### **3.4 Ilifu yekuyawubeleka: Sahluko -25 & 26**

3.4.1 Sisebenti lesitetfwele sinelilungelo lekutfola emalanga ekuphumula langaba tinyanga letine letilandzelanako.

3.4.2 Sisebenti lesitetfwele nobe ke lesesikhulisa umntfwana asikavumeleki kusebenta umsebenti longabangela kwekutsi sona nobe umntfwana abesengotini.

### **3.5 Ilifu yekunakekela tinkinga temindeni: Sahluko -27**

3.5.1 Sisebenti lesichashwe ngalokugcwele tinelilungelo lekutfola emalanga lamatsafu ngonyaka ekutsi tinakekele tinkinga temindeni wato. Sisebenti singaniketwa lamalanga nangabe kutelwe umntfwana nobe agula, nobe sifelwe ngu babe nobe make webantfwana waso, nobe kungumuntu lesihlalisana naye, umtali waso wengati, umtali lomkhulisile, gogo nobe mkhulu, umntfwana waso, umntfwana losimkhulisile, umntfwanemntfwanakhe, bhuti nobe sisi wakhe.

3.5.2 Umchashi angadzinga kwekutsi kube nebufakazi lobuvakalako.

## **4. IMININGWANE YEKUCHASHA KANYE NEKUHOLELA TISEBENTI: SIGABA SESINE**

4.1 Lomtsetfo wentelwe bobani

Lesigaba lesi sentsetfo we lifu asikaphatselani nesisebenti lesisebenza ema awa langaphansi kwa-24 ngenyanga.

## 4.2 Imininingwane lebhalwe phasi yekuchasha tisebenti: Sahluko -29

4.2.1 Umchashi kufanele anikete sisebenti lemtsetfo lelandzelako ngalokubhalwe phasi ngaphambi kwekuba sicale kusebenta:

- (a) ligama leliphatele kanye nelikheli lemchashi;
- (b) ligama lesisebenti kanye nemsebenti lesiwusebentako nobe ke kulandza kafishane ngomsebenti;
- (c) tindzawo letahlukene lapho sisebentela khona;
- (d) lilanga lochashwe ngalo;
- (e) ema awa ekusebenta kanye nemalanga ekusebenta lavumelekile;
- (f) imali letawuholwa kanye nendlela yekuyibala;
- (g) indlela yekubala imali yesikhatsi lesengetiwe;
- (h) lokunye lesingabhadalelwa kona sisebenti;
- (i) kuholela sisebenti ngekusibonga ngalokutsite kanye nendlela nelinani lesitawuholelwa yona;
- (j) sikhatsi lesibekiwe sekuholela sisebenti;
- (k) kwephulelwa;
- (l) kwatisa sisebenti ngekutsatsa ilifu;
- (m) sikhatsi sekwatisa ngekuyekela umsebenti nobe sivumelwano;
- (n) imniningwane ngelibandla nobe ngesincumo sencenye letsite lengiyona inakekela tidzingeko tomchashi;
- (o) sikhatsi lesisetjentiwe sisebenti kulenye indzawo lesingabalelwa esikhatsini sekusebenta kwakhe kwamanje;
- (p) luhla lwetimphepha letiyincenye yesivumelwano, futsi luphindze lutjengise kwekutsi letimphepha tingatfolakala kuphi.

4.2.2 Imininingwane kufanele ishintje nangabe simo sesivumelwano siyashintja.

## 4.3 Kwatisa tisebenti ngemalungelo abo: Sahluko -30

Timphepha letichaza kabanti ngemalungelo etisebenti kufanele tibekwe lapho tisebenti titawutibona khona futsi tibhalwe ngato tonkhe tilwimi letisetjentiswa basebenti.

## 4.4 Kugcinwa kwemininingwane emabhukwini: Sahluko -31

Umchashi kufanele agcine emabhukwini lemininingwane lelandzelako:

- (a) ligama lesisebenti kanye nemisebenti lesiwentako;
- (b) sikhatsi lasisebentile;
- (c) imali laholelwa yona;
- (d) lusuku lwekutsalwa nangabe sisebenti singaphasi kweminyaka lengu-18; kanye
- (e) nalokunye lokungabonakala kusidzingo kwekutsi kubhalwe phasi.

## 4.5 Inchazelo ngemholo wetisebenti: Sahluko -33

Lemininingwane lelandzelako kufanele ibhalwe phasi, iniketwe tisebenti natiholelwa:

- (a) libito kanye nelikheli lemchashi;
- (b) libito kanye neluhlobo lwemsebenti lowentiwa sisebenti;
- (c) sisebenti sihola ngemuva kwesikhatsi lesingakanani;
- (d) sisebenti siholelwa imali lengakanani seyiyonke;
- (e) imali lephuliwe;
- (f) imali lengiyona ingumholo;
- (g) kufanele kubonakale kutsi ibalwa kanjani imali:
  - (i) yemholo wemsebenti kanye nesikhatsi lesengetiwe;
  - (ii) linani lema awa esikhatsi somsebenti nalesengetiwe;
  - (iii) linani lema awa lasetjentiwe ngeliSontfo nobe ngeliholidi lelisemtsetfweni;
  - (iv) yonkhe nangabe kunesivumelwano ngekubalwa kwesikhatsi lesisetjentiwe kanye nesikhatsi lesengetiwe.

#### **4.6 Kwepfulwa kwemali kanye naleminywe imitsetfo lephatselene nako: Sahluko -34**

Kwepfulwa kwemali lokungekho emtsetfweni akuvumeleki ngaphandle nangabe sikhona sivumelwano lesentiwa ngekubhalwa phasi.

#### **4.7 Kubalwa kwemali kanye nemholo: Sahluko -35**

4.7.1 Umholo ubalwa ngekusebentisa ema awa lasetjentiwe;

4.7.2 Umholo wenyanga yinye kufanele ubengulophindwe kane nencenye yinye kuletintsafu ( $4\frac{1}{3}$ ) emholweni wakhe lojwayelekile weliviki.

4.7.3 Nangabe umholo ubalwa kususelwa kulokunye ngaphandle kwesikhatsi, nobe kumbe uhle ushintjashintja ngalokubonakalako kusukela esikhatsini lesinye kuya kulesinye, liholo kufanele libalwe lisuselwa kulolokulandzelako:

- (a) emavikini langu-13 lawasebentile; nobe
- (b) nangabe achashelwe sikhatsi lesifishane, kusukela kuleso sikhatsi.

#### **5. KUYEKELISWA KWESISEBENTI: SIGABA SESIHLANU**

5.1 Lomtsetfo wentelwe bobani

Lesigaba lesi asikaphatselani nesisebenti lesisebenta ema awa langaphansi kwalangu -24 ngenyanga.

5.2 Satiso ngekuphelelwa ngumsebenti: Sahluko -37

5.2.1 Sivumelwano semsebenti singacedwa nangabe satiso siniketwe ngesikhatsi lesingange:

- (a) liviki linye, nangabe sisebenti sichashelwe emaviki lamane nobe ngaphasi;
- (b) emaviki lamabili, nangabe sisebenti sichashelwe ngetulu kwemaviki lamane kodwa ngaphasi konyaka;
- (c) emaviki lamane, nangabe sisebenti sichashelwe unyaka nobe ngetulu, nobe sisebenta lipulazi nobe sisebenti sasemakhishini lesisebente ngetulu kwemaviki lamane.

5.2.2 Satiso kufanele siniketwe sisebenti ngalokubhalwe phasi ngaphandle nangabe sisebenti asifundzanga.

5.2.3 Satiso sekuyekeliswa kwesisebenti ngumchashi ngalokuseMtsetfweni, akuvimbeli sisebenti kutsi angete akuhlaba lokuyekeliswa umsebenti kuphela njena nagabe alandzela umMtsetfo weBachashi ka 1995 nobe ke lomunye umtsetfo longamvikela.

### **5.3 Umholo wekucoshwa emsebentini: Sahluko -41**

Sisebenti lesicoshiwe ngokutsi asinalwati lolulitsite sinelilungelo lokuniketwa imali yeliviki linye, loku kubala yonke iminyaka layisebentile.

### **5.4 Sitifiketi somsebenti: Sahluko-42**

Nangabe sisebenti siyayekeliswa kusebenta kufanele siniketwe sitifiketi somsebenti lesisho kutsi usebente sikhatsi lesingakanani.

## **6. UMTSETFO WEKUNGAVUMELEKI KWEKUCHASHWA KWEBANTFWANA KANYE NEKUSEBENTISA UMUNTFU NGENKHANI (SAHLUKO 43 - 48).**

6.1 Kulicala lelimatima kusebentisa umntfwana longaphasi kweminyaka lengu-15.

6.2 Bantfwana labaneminyaka lengu-18 akukavumeleki kutsi bachashelwe umsebenti longetulu kweminyaka yabo nobe longabafaka engotini.

6.3 Kulicala lelimatima kusebentisa umuntfu ngenkhani.

## **7. KWEHLUKA KWETIMO LETITSEKELO SEKUCHASHA: SAHLUKO-49 & 50**

7.1 Sivumelwano lesentiwe linyenti lebantfu ngekusekelwa yinhlango letsite, ingabasesikhundleni nobe ikhweshise umtsetfosisekelo lomisiwe wekuchasha ngaphandle kwalena lelandzelako:

- (a) kwemsimeto wekulungisa sikhatsi sekusebenta ngekucabangela imphilo nekuphepha kwetisebenti kanye netikhatsi tekubhekana netinkinga temndeni (Sahluko -7, 9 & 13).
- (b) kwehlisa lizinga lekuvikeleka kwetisebenti letisebenta ebusuku [Sahluko -17(3) & (4)];
- (c) kwehlisa sikhatsi sekuphumula sonyaka usente sibe sifishane kunemaviki lamabili (Sahluko -20);
- (d) kwehlisa lilungelo lelifuyekuyawubeleka (Sahluko -25);
- (e) kwehlisa lilungelo lelifuyekugula levumelekile (Sahluko -22- 24); kanye
- (f) nokungavumeleki kwekusebenta kwemtfwana lokufaka phakatsi kusebentisa ngenkhani (Sahluko -48).

7.2 Tivumelwano letentiwe linyenti lebantfu nobe ngumuntfu atimele yedwa, tingabasesikhundleni nobe tikhokhe tisekelo temtsetfo yekuchasha letimisiwe ngekweMtsetfo nobe sincumo sencenye yesahluko -49).

7.3 Indvuna yeliTiko lemiSebenti ingenta sincumo lesingehluka nobe singafaki sisekelo semtsetfo yekuchasha. Loku kungentiwa ngumchashi nobe inhlango yebachashi ngokucela imvume (Sahluko -50).

7.4 Sincumo kungenteka singavumeleki ngaphandle kwekutsi inhlango yetisebenti, lemele tisebenti iyivumele ingucuko nobe itfole litfuba lekubonana, phindze yatise indvuna yelitiko letemsebenti. Imininingwane ngetincumo letentiwe kufanele iboniswe tisebenti, kantsi futsi tikhone kuyitfola natiyifuna (Sahluko 50).

## **8. SINCUMO LESENTIWE YINCENYE LETSITE: SAHLUKO-51**

Tincumo letentiwe yincenye tingasentjetiswa kutsi tibengumtsetfo sisekelo waleyoncenye nobe wenzawo.

## **9. Kulandzelela, kuphocenelela kanye netinyatselo letisemtsetfweni: Sahluko 63-81**

9.1 Bahloli betemsebenti kungumsebenti wabo kutsi baluleke bachashi kanye netisebenti ngemalungelo kanye netibopho tabo ngekweMtsetfo wetekuchasha. Benta luhlolo, baphenye ngetikhalo tebantfu phindze bababute imibuto, bayahlola, babhale phindze batsatse emarekhodi kanye naleminyane imibhalo lephatselene nemtsetfo (Sahluko 64-66).

9.2 Umhloli wemisebenti anganika umchashi longasalandzeli iMtsetfo lebekiwe incwadzi letamenta kutsi awulandzele ngendluzula. Umchashi angasifaka sikhalo sakhe ngenwadzi kulophetse lihhovisi letisebenti, longuyena atawutsi natiffole tikhalo, bese wenta siciniseko, ngalokubhaliwe wenta lushintjo ngekulungisa tikhalo futsi akhokhe ligama lelingete laphikiswa



ngumuntfu. Umchashi unelilungelo lokudlulisela lekutsatsa tinyatselo licala liye eNkantolo yetekuChasha (Sahluko 68 - 81).

9.3 Tisebenti kufanele tingabandlululwa natenta lokuvunyelwa ngemalungelo ato lasemtsetfweni.

#### 10. LOKUNYE FUTSI:-

Kulicala kwenta lolokulandzelako:

- (a) kuvimbela nobe kutama kuyenga umuntfu lotsatsa tinyatselo nobe lowenta umsebenti lotsite ngokulandzela lomtsetfo (Sahluko 78 - 81)
- (b) kutfolana nobe kutama kutfolana incwadzi yemtsetfo ngokweba, ngekucamba emanga nobe ngokuveta tincwadzi letingemanga nobe latentele tona;
- (c) ngekwetama kuba ngumhloli wetemisebenti nobe atame kutenta umuntfu losebentelana nalomtsetfo;
- (d) kwala nobe kwehluleka kuphendvula umbuto losemtsetfweni lobutwa ngumhloli wetekuchasha nobe ke lomunye umuntfu lowenta umsebenti lowengamelene nalomtsetfo;
- (e) kwala nobe kwehluleka kulandzela sicelo lesisemtsetfweni, nobe incwadzi lesemntsetfweni, lebekwe ngumhloli wetemisebenti nobe lomunye umuntfu losebentelana nalomtsetfo;
- (f) kuphatamisa nobe kuvimbela umhloli wetemitebenti nobe losebentelana nalomtsetfo kwenta umsebenti lowo (Sahluko -92).

(Matshimbidzele a mulayo: 3)

## MULAYO WA NDZUDZANYELE YA MATHOLELE WA 1997

### MANWELEDZO ANE A FANELA U TEVHELWA NGA MUTHOLI ZWI TSHI ELANA NA TSHIPIDA TSHA 30

Zwi tevhelaho ndi manweledzo a mutevhe wa zwinwe zwipida zwa vhuthogwa zwa Mulayo wa Ndzudzanyele ya Matholele wa 1997.

#### 1. MASHUMELE A MULAYO UYU: TSHIPIDA TSHA 3

Mulayo u kwama vhashumi vhothe na vhatholi nga nnda ha Mirado ya Vhupileli (South African National Defence Force), vhashumeli vha zwa Vhusevhi (National Intelligence Agency), Mirado ya tshi Dzumbe (South African Secret Service) na vhashumi vho di nekedzaho vha sa badelwiho vha no shuma kha madzangano a vhuthusedzi.

Mulayo uyu u ntha ha thendelano in' we na in'we.

#### 2. MATSHIMBIDZELE A TSHIFHINGA TSHA U SHUMA: NDIMA YA VHUVHILI

##### 2.1 Mulayo uyu wo livhiswa kha vho nnyi

Ndima iyi a i elani na vhalangi vha hulwane vha vhashumi na vhashumi vha elanaho na zwa u rengisa vha tshimbila, vha shumaho fhasi ha dzi iri dza 24 nga nwedzi.

##### 2.2 Iri dza u shuma dzo dowlwaho: Tshipida tsha 9

A huna mutholi ane a do toda kana a tendela mushumi uri a shume u fhira:

- (a) iri dza 45 kha vhege in\*we na in\*we;
- (b) iri dza 9 kha duvha arali mushumi a tshi shuma maduvha matanu kana fhasi a matanu kha vhege; kana;
- (c) iri dza malo kha duvha arali mushumi a tshi shuma u fhirisa maduvha matanu kha vhege.

##### 2.3 Tshifhinga tsho engedzwaho kha tsho teaho (overtime): Tshipida tsha 10

2.3.1 A huna mutholi ane a do toda, kombetshedza kana u tendela mushumi:

(a) u shuma u fhira tshifhinga tsho engedzwaho kha tsho teaho nga nndani ha musu vho tendelana;

(b) u shuma u fhira:

(i) iri tharu dza tshifhinga tsho engedzwaho kha tsho teaho nga duvha kana,

(ii) iri dza fumi dza tshifhinga tsho engedzwaho nga vhege.

2.3.2 U shuma tshifhinga tsho engedzwaho kha tsho teaho zwi fanelwa u badelwa nga u andisa muholo nga 1.5 kha muholo wa mushumi kana mushumi a nga tenda u nekedza tshifhinga tsha u sa shuma tshine tsha do badelwa.

## 2.4 Vhege ya u shuma ine ya vha na tshifhinga tsho kwakwanyiswaho: Tshipida tsha 11

2.4.1 Mushumi a nga tenda nga u tou nwala u shuma u swikela iri dza 12 nga duvha a sa khou wana mbadelo ya tshifhinga tsho engedzwaho kha tsho teaho.

2.4.2 Thendelano iyi a i kombetshedzi kana u tendela mushumi uri a shume:

(a) u fhirisa iri dza 45 dza ndowelo kha vhege;

(b) u fhirisa iri dza 10 dza tshifhinga tsho engedzwaho kha tsho teaho kha vhege nangwe hu ifhio, kana

(c) u fhirisa maduvha matanu kha vhege nangwe hu ifhio.

## 2.5 Iri dza u shuma dzo lavhelelwaho: Tshipida tsha 12

2.5.1 Thendelano ya gute i nga tendela iri dza u shuma dzo lavhelelwaho ntha ha tshifhinga tsha u swika kha minwedzi mina.

2.5.2 Mushumi a re fhasi ha thengelano gute a nga si shume u fhirisa:

(a) iri dza 45 dza ndowelo dzo lavhelelwaho nga vhege kha mulanga wa tshifhinga tsho vhwaho;

(b) iri dza 5 dza tshifhinga tsho engedzwaho kha tsho teaho i uri ndi iri dzo lavhelelwaho nga vhege kha mulanga wa tshifhinga tsho vhwaho.

## 2.6 Zwifhinga zwa ula: Tshipida tsha 14

2.6.1 Mushumi u fanela u vha na tshifhinga tsha ula tsha mithethe ya 60 nga murahu ha iri thanu dza u shuma.

2.6.2 Thendelano yo nwalwaho i nga:

(a) fhungudza tshifhinga tsha u la tsha ya kha mithethe ya 30;

(b) thutha tshifhinga tsha u la arali ho shumiswa tshifhinga tshi re nga fhasi ha iri dza 6 kha duvha.

## 2.7 Tshifhinga tsha u awela tsha maduvha na tsha vhege: Tshipida tsha 15

Mushumi u fanela u wana iri dza **12** dzi tevhelanaho dza u awela nga duvha na iri dza **36** dzi tevhelanaho dza u awela nga vhege. Iri idzi dzi fanela u katela na Swondaha, nga nndani ha musu hu na thendelano inwe vho.

## 2.8 Mbadelo ya u shuma nga dzi Swondaha: Tshipida tsha 16

2.8.1 Mushumi a ne a shuma tshinwe tshifhinga nga Swondaha u fanela u badelwa kavhili.

2.8.2 Mushumi a ne a shuma nga misi ya Swondaha u fanela u badelwa muholo wo lavhelelwaho wo andiswa nga **1.5**.

2.8.3 Hu fanela u vha na thendelano musu mushumi a tshi do newa tshifhinga tsha u sa shuma tshi no badelwa vhudzuloni ha u shuma hawe nga Swondaha.

## 2.9 U shuma vhusiku: Tshipida tsha 17

2.9.1 Vhashumi vhane vha shuma vhusiku vhukati ha **18:00** na **06:00** vha fanela u lifhiwa nga mbadelo yo vhwaho sa gemo kana nga u fhungudza dzi iri dza u shuma na u badelwa tshiendedzi.

2.9.2 Vhashumi vhane vha shuma tshifhinga tshothe murahu ha **23:00** na phanda ha **06:00** nga duvha li tevhelaho, vha fanela u divhadziwa:

- (a) nga zwine zwa nga vha khombo kha mutakalo na kha tsireledzo;
- (b) na nga dzi pfanelo dza u thathuvhiwa mutakalo.

## 2.10 Maduvha a dzi holodeni dza vhathu vhothe: Tshipida tsha 18

2.10.1 Vhashumi vha fanela u badeliwa maduvha a dzi holodeni dza vhathu vhothe arali hu uri maduvha ayo a wela kha maduvha a u shuma.

2.10.2 U shuma nga maduvha a dzi holodeni dza vhathu vhothe zwi bva kha thendelano na hone zwi fanela u badelwa kavhili.

2.10.3 Duvha la holodeni la vhathu vhothe li a kona u shumelwa arali ho vha na thendelano.

## 3. LIVI: NDIMA YA 3

3.1 Mulayo uyu wo livhiswa kha vho nnyi

Ndima ya livi a i kwamani na mushumi ane a shumela mutholi iri dzi re fhasi ha dza **24** nga nwedzi na ane a shuma nga thendelano i no munekedza livi yo tendelwaho kha ndima iyi.

## 3.2 Livi ya nwaha: Zwipida zwa 20 na 21

3.2.1 Vhashumi vho tea u wana livi ya n'waha ya maduvha a 21 a no tevhekana, kana arali hu na thendelano i vhe duvha lithihi kha maduvha manwe na manwe a 17 o shumiwaho, kana i vhe iri nthihi kha iri dza 17 dzo shumiwaho.

3.2.2 Livi i fanela u newa hu sa athu u fhela minwedi ya rathi nga murahu ha tshifhinga tsha maduvha a livi a nwaha.

3.2.3 Mutholi ha ngo fanela u badela mushumi vhudzuloni ha u mu nea livi. Izwi zwi nga itea fhedzi arali mushumi a tshi khou litshiswa mushumo.

### 3.3 Duvha la vhuawelo musu wa u lwala: Zwipida zwa 22 - 24

3.3.1 Mushumi o tea u newa vhege dza rathi dzi badelwaho dza u awela musu wa u vhaaisala kha tshifhinga tsha minwedzi ya 36.

3.3.2 Nga minwedzi ya u thoma ya rathi, mushumi o tea u newa duvha lithihi la u awela musu wa u vhaaisala nga mbadelo ya maduvha a 26 o shumiwaho.

3.3.3 Mutholi a nga toda thanziela ya mutakalo a sa athu u badela mushumi we a lova maduvha a no fhira mavhili kana mushumi o no dzula nga u lova misi yothe.

### 3.4 Vhuawelo ha u beba: Zwipida zwa 25 na 26

3.4.1 Mushumi o di hwalaho u tea u fhiwa minwedzi mina itevhekanaho ya vhuawelo ha u beba.

3.4.2 Mushumi o di hwalaho kana mushumi a ne a khou thogomela nwana wawe

(a ne a vha mudzadze) ha ngo fanela u shuma mishumo ine ya nga vhangha khombo khae kana kha nwana wawe.

### 3.5 Vhuawelo ha u thogomela muta: Tshipida tsha 27

3.5.1 Vhashumi vho tholiwaho lwa tshothe vha tea u newa maduvha mararu a badelwaho nga nwaha a u thogomela mita yavho. Maduvha ayo vha newa nga khumbelo. Khumbelo i nga vha ya musu hu tshi khou begwa nwana wa mushumi, kana musu mufunwa wa tshothe, kana nga mubebi kana mubebi - mufareli, makhulu, nwana, nwana a si wa mbebo, muduhulu kana vhana vha mudi muthihi na mushumi.

3.5.2 Mutholi a nga di toda thanziela yo khwathado.

## 4. VHUTANZI HA U THOLIWA NA MBADELO: NDIMA YA VHUNA

4.1 Mulayo uyu wo livhiswa kha vho nnyi

Ndima iyi a i kwamani na mutholiwa a no shumela mutholi iri dza fha si ha 24 nga nwedzi.

#### 4.2 Vhutanzi ha u tholiwa ho nwalwaho: **Tshipida tsha 29**

4.2.1 Mutholi u fanela u nekedza mushumi nga vhutazi ho nwalwaho sa zwi tevhelaho musi a tshi thoma mushumo:

- (a) madzina o fhelelaho na diresi ya thutholi;
- (b) madzina na mushumo wa mushumi kana thalutshedzo phufhi ya mushumo;
- (c) fhethu ho fhambanaho ha mishumo;
- (d) duvha la u tholwa;
- (e) iri na maduvha o dowelwaho a u shuma;
- (f) muholo kana tshikalo na ndila dza mbadelo;
- (g) tshikalo tsha mbadelo ya tshifhinga tsho engedzwaho kha tsho teaho;
- (h) dzhinwe ndila dza mbadelo;
- (i) dzinwe ndila dza mbadelo dzine dza sivhe masheleni kana tshelede dzine dza dzhia tshimo tsha tshelede na uri dzi ita vhugai;
- (j) misi ya mbadelo;
- (k) u fhungudzwa hunwe na hunwe;
- (l) jivi yo teaho;
- (m) tshifhinga tsha u divhadzwa kana u newa nothisi kana tshifhinga tsha thendelano;
- (n) thalutshedzo ya khoro kana tshipida tsha liga tshine tsha katela vhubindudzi ha mutholi;
- (o) tshifhinga tshine tsha engedzwa kha tshifhinga tsho no shumiwaho musi hu tshi tanganywa na tshifhinga tsho shumiwaho kha mutholi wa phanda ha hoyu wa zwino;
- (p) manwe manwalo a ne a tshimbilelana na thendelano heyi a ne a bula fhethu hune khophi yawo nga nthihi ya nga wanala hone.

4.2.2 Vhutanzi vhu tea u dovhololwa arali zwitterwa zwa u tholiwa zwi tshi shanduka.

#### 4.3 U divhadza vhashumi nga ha zzipfanelo dza vho: **Tshipida tsha 30**

Ndivhadzo ya zzipfanelo dza vhashumi i tea u taniwa mishumoni nga dzinyambo dzo fhambananaho dzi no shumiswa henefho mishumoni.

#### 4.4 U londa dzirekhodo: **Tshipida tsha 31**

Mutholi munwe na munwe u tea uri a londe dzirekhodo dzo faraho mafhungo a tevhelaho:

- (a) madzina a mushumi na mushumo wawe;
- (b) tshifhinga tsho shumiwaho;
- (c) muholo wo badelwaho;
- (d) duvha la mabebo arali mushumi e nga fhasi ha minwaha ya 18;

(e) vhunwe vhutanzi vhune ha todea.

#### 4.5 Mafhungo a muholo: Tshipida tsha 33

Vhutanzi vhu tevhelaho vhu tea u tou nwaliwa musi mushumi a tshi holelwa:

- (a) dzina la mutholi na diresi yawe;
- (b) dzina la mushumi na mushumo wawe;
- (c) tshifhinga tsha u badela;
- (d) mbadelo nga masheleni;
- (e) tshelede inwe na inwe yo fhungudzwaho muholoni;
- (f) tshelede yone yone yo badelwaho;
- (g) arali izwi zwi tevhelaho zwi tshi kwamana na mbalo ya muholo wa mushumi, kha zwi sumbedzwe:
- (i) tshikalo tsha muholo (mbuyelo) ya mushumi na tshifhinga tsha mbadelo;
- (ii) tshivhalo tsha iri dzo dowealeho na dza tshifhinga tsho engedzwaho kha tsho teaho tsho shumiwaho nga tshifhinga tsha mbadelo;
- (iii) tshivhalo tsha iri dzo shumiwaho nga Swondaha kana nga holodeni ya vhathu vhothe ine ya badelwa nga tshifhinga tshenetsho;
- (iv) thendelano kha tshifhinga tsho anganyiwaho tsha u shuma yo fhela, thanganyelo ya nomboro ya iri dza u shuma dzo tewaho na dzo engedzwaho kha dzo teaho dzo shumiwaho kha tshifhinga tsho anganyiwaho.

#### 4.6 Zwi kokodzwaho muholoni na minwe milayo i elano na muholo:

##### Tshipida tsha 34

A huna u bvisa kana u kokodza tshelede muholoni zwi si mulayoni nga nndani ha thendelano yo nwalwaho.

#### 4.7 Thanganyelo ya mbadelo na muholo: Tshipida tsha 35

4.7.1 Muholo u tanganyelwa zwi tshiya kha awara dzo teaho dzo shumiwaho.

4.7.2 Mbadelo kana muholo wa nwedzi ndi nna na tshararu ( $4 \frac{1}{3}$ ) tsha mbadelo kana muholo wa vhege.

4.7.3 Arali zwo tanganyelwa zwi tshiya kha tshinwe tshifhinga, kana musi mbadelo kana muholo wa mushumi u tshi tsa u tshi gonya, mbadelo inwe na inwe i tea u tanganyelwa zwi tshi bva kha mbadelo kana kha muholo musi:

- (a) ho thoma ha fhira vhege dza 13, kana;
- (b) mushumi o tholwa lwa tshifhinganyana, tshenetsho.

### 5. U LITSHISWA MUSHUMONI: NDIMA YA VHUTANU

5.1 Mulayo uyu wo livhiswa kha vho nnyi

Ndima iyi a i kwami mushumi a no shuma iri dza fhasi ha 24 nga nwedzi.

## 5.2 Ndivhadzo ya u litshiswa mushumo: Tshipida tsha 37

5.2.1 Thendelano ya mushumo i imiswa musi ho itwa ndivhadzo/nothisi kha maduvha a sa phiriho:

- (a) vhege nthihi, arali mushumi o tholwa lwa vhege nna kana nga fhasi;
- (b) vhege mbili, arali mushumi o tholwa lu fhiraho vhege nna fhedzi lu sa swikisi nwaha muthihi;
- (c) vhege nna, arali mushumi o tholwa lwa nwaha kana u fhira afho, kana e mushumi wa bulasini kana e mushumi wa nduni we a tholwa lu fhirisaho vhege nna.

5.2.2 Ndivhadzo i fanela u itiwa nga lunwalo, ngannda ha musi mushumi a sa koni u nwala na u vhala.

5.2.3 Ndivhadzo nga u litshiswa mushumo nga mutholi nga ha matshimbidzele a mulayo a i thivheli mushumi u ita khaedu kha mutholi arali hu songo tshimbidzwa zwithu nga ndila yo teaho kana i ne ya si vhe ya mulayo kha thathedzo yawe u ya nga Mulayo wa zwa Vhashumi wa 1995 kana mulayo munwevho.

## 5.3 Mbadelo ya u litsha mushumo nga mune: Tshipida tsha 41

Mushumi o litshiswaho mushumo nga u sa fusha thodea dza kushumele o tea u badelwa magavhelo lwa vhege nthihi kha nwaha munwe na munwe wa tshumelo yawe.

## 5.4 Thanziela ya tshumelo: Tshipida tsha 42

Musi mushumi a tshi imiswa u shuma, u na pfanelo dza u newa thanziela dza tshumelo.

## 6. U THIVHELWA HA U THOLWA HA VHANA NA U THOLA NGA KHOMBEKHOMBE: ZWIPIDA ZWA 43 - 48

6.1 Ndi vhugevhenga u thola nwana wa minwaha ya fhasi ha 15;

6.2 Vhana vha fhasi ha min waha ya fhasi ha 18 a vho ngo tea u ri vho tholiwa, vha shumiswe mishumo i so ngo vha teaho zwi tshiya nga minwaha yavho.

6.3 U thola mushumi nga khombekhombe ndi vhugevhenga.

## 7. TSHANDUKO DZA NYIMELO DZA MUSHUMO: ZWIPIDA ZWA 49-50



7.1 Thendelano yo katelwaho yo tendelaniwaho na khoro yo taiwaho i nga imela kana i nga bvisela nyimelo ya mushumo inwe na inwe ya u tholwa nga nnda ha zwi tevhelaho:

- (a) mushumo wa u dzudzanya tshifhinga tsha mushumo ho sedziwa mutakalo na tsireledzo na vhifhinduleli ha muta wa vhashumi (Zwipida zwa 7, 9 na 13);
- (b) u fhungudza tsireledzo ine vhashumi vha vhusiku vha wana (Zwipida zwa 17 (3) na (4));
- (c) u fhungudza maduvha a livi ya nwaha uri a vhe fhasi ha vhege mbili (Tshipida tsha 20);
- (d) u fhungudza livi ya maduvha a vhuawelo ha u yo beba (Tshipida tsha 25);
- (e) u fhungudza livi ya maduvha a u awela lwa u lwala u swika kha maduvha o tendelwaho (Zwipida zwa 22 - 24)
- (f) na u thivhela u tholwa ha vhana na u thola lwa khombekhombe (Tshipida tsha 48)

7.2 Thendelo yo tanganelaho na thendelo ya muthu e ethe i nga imela kana i nga bvisela nyimelo ya vhuthogwa ya kushumele kwo tendelwaho nga mulayo kana nga tshipida tsha dzangano linwe-vho (Tshipida tsha 49).

7.3 Minista wa zwa Mishumo a nga di ita zwa u shandukisa kana a dzhia budo li fhambanaho na nzulele ya vhuthogwa ya kushumele. Hezwi zwi nga kha di itwa nga u tou nwala khumbelo nga mutholi kana nga dzangano la vhatholi (Tshipida tsha 50).

7.4 Liga li nga si tendelwe nga nndani ha musu dzangano lo imelaho vhashumi li tshi nga tenda kha tshanduko kana u vha na vhuimeleli kha Minista. Khophi ya liga i fanela u sumbedzwa nga mutholi fhethu ha mishumo (mushumoni) na hone i fanela u wanala kha vhashumi vhothe (Tshipida tsha 50).

## 8. ZWIPIDA ZWA U DZHIA LIGA: TSHIPIDA TSHA 51

Zwipida zwa u dzhia liga zwi nga itwa uri hu bvedze nyimelo dza vhuthogwa dza vhashumi kha dzangano ha hunwe fhethu.

## 9. U SEDZULUSA, U KOMBETSHEDZA NA MATSHIMBIDZELE A MULAYO: ZWIPIDA ZWA 63 - 81

9.1 Vhasedzulusi vha zwa mishumo vha ganela u eletshedza vhashumi na vhatholi malugana na pfanelo dzine vha vha nadzo khathihi na zwo teaho zwi elanaho na milayo ya mishumo. Tshavho ndi u sedzulusa, u todulusa zwililo na u vhudzisa mafhungo nga vhudalo kha vhathu vha tshi khou todisesa, vha tshi ita dzi khophi na u dzhia dzirekhodo na zwinwe zwo nwalwaho zwine zwa vha zwa vhuthogwa (Zwipida zwa 64 - 66).

9.2 Musedzulusi a nga dzhiela vhatholi vhukando musu vha sa dzhieli mulayo nzhele. Mutholi a nga hanedza mulayo nga u isa tshililo tshawe kha Mulanguli wa

zwa Mishumo ane nga murahu o wana muimeleli a nga tenda, a khwinisa kana a vha o u vhetshela thungo mulayo uyo. Liga ili li nga iswa kha thoho ya zwa mishumo (Zwipida zwa 68 - 73).

9.3 Vhashumi a vho ngo fanela u khethululwa kha u shumisa dzi pfanelo dzavho zwi tshi elana na Mulayo uyu (Zwipida zwa 78 - 81).

## 10. ZWINWEVHO:

Ndi vhukhakhi u:

- (a) thithisa kana u lingedza u tutuwedza muthu o khakhaho a ne a khou shuma mushumo zwi tshi elana na Mulayo uyu;
- (b) wana kana u lingedza u wana lunwalo lwo lambedzwaho nga ndila ya vhufhura, ya mazwifhi, kana u disa kana u isa zwidodombedzwa zwa mazwifhi kana zwa vhufhura;
- (c) di ita musengulusi wa vhashumi kana munwe muthu ane a shuma mushumo uno tshimbilelana na Mulayo uyu;
- (d) hana kana u balelwa u fhindula nga vhudalo mbudziso inwe na inwe ire mulayoni i vhudziswa nga musengulusi wa vhashumi kana muthu munwe na munwe ane a khou shuma mishumo zwi tshi elana na Mulayo uyu;
- (e) hana kana u balelwa u di tsisa kha mulayo munwe na munwe nga musengulusi wa mishumo kana muthu munwe na munwe a ne a khou shuma mushumo zwi tshi elana na mulayo uyu;
- (f) thivhela kana u thithisa musengulusi wa zwa mishumo kana munwe muthu a ne a khou shuma mushumo zwi tshi elana na Mulayo uyu (Tshipida tsha 92).

**BCEA 1H**

(Xinawana 3)

**NAWU WA MASUNGULO YA XIYIMO XO THOLA, 1997**

**HI KU LANDZELA XIPHEMU XA 30, NKOMISO WU FANELE KU HLAYISIWA HI MUTHORI**

Laha hansi hi ni nkomiso wa swiphemu swa nkoka swa Nawu wa Masungulo ya Xiyimo xo Thola, 1997.

**1. NTIRHISO WA NAWU : XIPHEMU 3**

Nawu lowu wu khumba vatirhi hinkwavo xikan'we ni vathori, handleka swirho swa Vasirheleli va Va-aka Tiko, Muyimeri wa Vutlhari wa tiko, Mutirhi wa Xihundla wa Afrika Dzonga na mutinyiketi loyi a tirhelaka mahala eka mpfumba ro karhi leri nga ni xikongomelo xo pfuna.

Nawu lowu i wa nkoka ku tlula mintwanano yin'wana.

**2. XINAWANA XA NKARHI WO TIRHA : KAVANYISA KA MBIRHI**

**2.1 Yi kongomisiwa eka mani**

Xiyenge lexi a xi kongomisi eka vafambisi va le henhla va vatirhi, vatirhi vo fana ni vaxavisi lava fambaka ni lava tirhaka tiawara ta le hansi ka **24** hi n'hweti.

**2.2 Tiawara ta siku na siku to tirha : Xiphemu xa 9**

Ku hava muthori loyi a nga ta kombela kumbe ku pfumelela mutirhi ku tirha ku tlula:

- (a) **45** wa tiawara hi vhiki;
- (b) tiawara ta nkaye hi siku, loko mutirhi yaloye a tirha masiku ya ntlhanu hi vhiki kumbe ehansi ka vhiki, kumbe
- (c) tiawara ta nhungu hi siku, loko mutirhi yaloye a tirha masiku yo tlula ntlhanu hi vhiki.

**2.3 Ku tirha ku tlurisa nkarhi wa ntwanano: Xiphemu xa 10**

**2.3.1 Muthori a nge swi koti ku kombela kumbe ku pfumelela mutirhi ku:**

- (a) tirha ku tlurisa nkarhi lowu faneleke hanleka ntwanano;
- (b) tirha ku tlula;
  - (i) tiawara tinharhu ehenhla ka ntirho wa yena wa siku hi siku rin'we; kumbe

(ii) tiawara ta khume hi vhiki ehenhla ka ntirho wa yena wa siku na siku.

2.3.2 Ku tirha ku tlurisa nkarhi wa ntwanano, swi fanele ku hakela mutirhi mali yo tlula muholo wa yena ka **1.5**, kumbe mutirhi a nga ha endla ntwanano wa leswaku a va ni nkarhi wo wisa lowu hakeleeriwaka.

## 2.4 Nkomiso wa ntirho wa vhiki : Xiphemu xa 11

2.4.1 Mutirhi a nga endla ntwanano hi ku tsala ehansi leswaku u pfumela ku tirha tiawara ta **12** hi siku handleko hakeriwa mali yo tirha ku tlula nkarhi wa ntwanano.

2.4.2 Ntwanano lowu wu nge kombeli kumbe ku pfumelela mutirhi ku tirha;

- (a) ku tlurisa tiawara ta **45** hi vhiki;
- (b) ku tlurisa tiawara ta **10** ehenhla ka ntirho wa yena lowu pfumeleriweke wa vhiki; kumbe
- (c) ku tlurisa masiku ya ntlhanu evhikini.

## 2.5 Mpimo wa tiawara ta ntirho : Xiphemu xa 12

2.5.1 Ntlawa wa ntwanano wu nga pfumelela leswaku tiawara ta ntirho ti pimiwa hi nkarhi lowu nga fikaka eka tin'hweti ta mune.

2.5.2 Mutirhi loyi a bohiwaka hi ntlawa wa ntwanano, a nga ka a nga tirhi ku tlula;

- (a) Mpimo wo ringana **45** wa tiawara hi vhiki eka nkarhi lowu ku twananiweke hi wona.
- (b) Mpimo wo ringana tiawara ta ntlhanu ehenhla ka ntirho wa yena wa vhiki, eka nkarhi lowu ku twananiweke hi wona.

## 2.6 Nkarhi wo khomisa nyoka : Xiphemu xa 14

2.6.1 Mutirhi u fanele ku va ni nkarhi wo ringana **60** wa timinete endzaku ka ntlhanu wa tiawara tin'wana ni tin'wana wo khomisa nyoka.

2.6.2 Ntwanano lowu tsariweke wu nga:

- (a) hunguta nkarhi wo khomisa nyoka ku fikela eka **30** wa timinete;
- (b) susa nkarhi wo dya. Loko mi tirha tiawara leti nga ehansi ka ntsevu hi siku.

## 2.7 Nkarhi wo wisa wa siku ni wa vhiki : Xiphemu xa 15

Mutirhi u fanele a va ni tiawara to ringana khumbe mbirhi hi siku to wisa ni **36** wa tiawara hi vhiki hi ku landzelelana, leswi swi katsa siku ra Sonto, handleka loko ku endliwile

## **2.8 Muholo wa ntirho wa Sonto : Xiphemu xa 16**

2.8.1 Mutirhi loyi minkarhi yin'wana a tirhaka hi Sonto, u fanele ku holeriwa muholo lowu andzisiweke kambirhi.

2.8.2 Mutirhi loyi a talaka ku tirha hi Sonto, u fanele ku hakeriwa 1.5 ya muholo wa yena lowu toloveriweke.

2.8.3 Ku fanele ku twananiwa hi nkarhi wo chayisa hi Sonto lowu hakeleriwaka.

## **2.9 Ntirho wa vusiku : Xiphemu xa 17**

2.9.1 Vatirhi lava tirhaka vusiku bya le xikarhi ka nkarhi wa **18:00** wa tiawara na **06:00** wa tiawara, va fanele ku hlanguriwa mihloti hi ku engeteleriwa miholo kumbe ku tsemeriwa tiawara ta ntirho no kumeriwa swo famba.

2.9.2 Vatirhi lava talaka ku tirha endzhaku ka awara ya **23:00** ni loko ku nga se ba nkarhi wa **06:00** siku leri landzelaka va fanele ku tivisiwa:

- (a) tinghozi ta rihanyo ni nsirhelelo;
- (b) timfanelo to ya hlahluviwa hi vadokodela.

## **2.10 Tiholodeyi ta tiko : Xiphemu xa 18**

2.10.1 Vatirhi va fanele ku holeriwa tiholodeyi leti va ka kona hi masiku yo tirha.

2.10.2 Ku tirha hi siku ya holodeyi swi fanele swi landzela ntwanano wo karhi naswona mutirhi u fanele ku holeriwa muholo lowu andzisiweke kambirhi.

2.10.3 Hi ku landzelela ntwanano, siku ra holodeyi ya tiko ri nga siviwa hi swin'wana.

## **3. NKARHI WO WISA : KAVANYISA KA NRHARHU**

3.1 Yi kongomisiwa eka mani

Xiphemu xa nkarhi wa ku wisa a xi khumbi mutirhi loyi a tirhaka tiawara leti nga ehansi ta **24** hi n'hweti, ni loko ntwanano wu pfumelela nkarhi wo wisa lowu tlulaka lowu pfumeleriweke eka xiyenge lexi.

### **3.2 Nkarhi wo wisa elembeni : Swiphemu swa 20 & 21**

3.2.1 Vatirhi va fanele ku va ni masiku ya **21** yo wisa hi ku landzelelana hi lembe kumbe hi ntwanano, siku rin'we ra masiku ya **17** lawa ya tirhiweke kumbe awara ya **17** wa tiawara.

**3.2.2** Nkarhi wo wisa wu fanele ku nyikiwa ku nga se hela tin'hweti ta ntsevu endzhaku ka ku hela ka ndzhendzheleko wo wisa.

**3.2.3** Muthori a nga fanelanga ku xava mutirhi hi ku n'wi nyika muholo leswaku a nga teki nkarhi wo wisa ematshan'weni yo n'wi nyika mfanelo leyi, handleka loko munhu a tshika ntirho.

### **3.3 Ku wisa hikokwalaho ka vuvabyi : Swiphemu swa 22 - 24**

**3.3.1** Mutirhi u ni timfanelo ta mavhiki ya ntsevu lawa ya hakeriwaka, yo wisa hikokwalaho ka vuvabyi eka tin'hweti ta **36**.

**3.3.2** Eka tin'hweti ta ntsevu to sungula, mutirhi u na siku rin'we leri holeriwaka loko a vabya eka masiku man'wana ni man'wana ya **26** lama a ma tirheke.

**3.3.3** Muthori a nga kombela vumbhoni bya nhlaluvo eka mutirhi loyi a nga xwa entirhweni masiku yo tlula mambirhi hi ku landzelelana, a nga se n'wi holela kumbe eka munhu loyi a nga tolovela ku xwa entirhweni.

### **3.4 Ku wisa ko ya tintshuxa : Swiphemu swa 25 - 26**

**3.4.1** Mutirhi loyi a biheke emirini u ni mfanelo ya tin'hweti ta mune hi ku landzelelana ta ku wisa a kurisa n'wana.

**3.4.2** Mutirhi loyi a biheke emirini kumbe loyi a nga ku hlayiseni ka ricece a nga fanelanga ku tirha ntirho lowu nga ni nghozi eka yena kumbe n'wana wa yena.

### **3.5 Ku wisa mayelana ni timfanelo ta ndyangu : Xiphemu xa 27**

**3.5.1** Munhu loyi a nga ta tirha vutomi bya yena hinkwabyo entirhweni, u pfumeleriwile ku teka masiku manharhu yo wisa hi lembe, loko a lava ku lulamisa swa ndyangu. Masiku lawa ya nga komberiwa ku fana hi loko ku humelerile leswi landzelaka; loko n'wana wa mutirhi a velekiwa kumbe loko a vabya, loko va humeleriwile hi rifu ra nsati kumbe nuna hambi ku ri xihungatisi lexi mi tshamaka swin'we, mutswari, mutswari loyi u n'wi hlayiseke, kokwana, n'wana, kumbe n'wana loyi u n'wi hlayiseke, ntukulu kumbe makwenu.

**3.5.2** Muthori u ni mfanelo yo kombela vumbhoni bya nkoka.

## **4. VUXOKO-XOKO BYA NTIRHO NI MIHOLO : KAVANYISA KA MUNE**

**4.1** Yi kongomisiwa eka mani

Xiyenge lexi a xi kongomisi eka vatirhi lava tirhelaka muthori tiawara leti nga hansi ka 24 hi n'hweti.

#### 4.2 Vuxoko-xoko lebyi tsariweke bya ntirho : Xiphemu xa 29

4.2.1 Muthori u fanele ku nyika mutirhi leswi landzelaka swi tsariwile ehansi, loko mutirhi a sungula ku tirha:

- (a) vito ro helela ra muthori ni adirese ya yena;
- (b) vito ni ntirho wa mutirhi, kumbe nkomiso wa ntirho lowu munhu a nga wu tirha;
- (c) tindzhawu to hambana ta mintirho;
- (d) siku ro thoriwa;
- (e) tiawara ta ntirho ni masiku yo tirha;
- (f) muholo kumbe mpimo ni endlelo ro hlayela muholo;
- (g) mpimo wo tirha endzhaku ka tiawara ta ntwanano wa ntirho;
- (h) tindlela tin'wana to holela hi khexe/mali;
- (i) maholele man'wana ni nkoka wa wona;
- (j) nkarhi wa maholelo;
- (k) leswi susiwaka;
- (l) timfanelo ta nkarhi wo wisa;
- (m) nkarhi wa switiviso kumbe nkarhi wa ntwanano;
- (n) nhlamuselo ya huvo yin'wana ni yin'wana kumbe xibocho xo tsema mhaka xa swiyenge lexi sirhelelaka bindzu ra muthori;
- (o) nkarhi wa wena wa ntirho ni muthori loyi u humaka eka yena lowu hlayiwaka eka nkarhi lowu u wu tirheke;
- (p) nongonoko wa mapapila man'wana lawa ya vumbaka xiphemu xa ntwanano wa n'wana, lowu kombisaka laha xiphemu xa papila rin'wana ni rin'wana ri nga kumekaka kona.

4.2.2 Vuxoko-xoko byi fanele ku pfuxetiwa loko milawu ya mintirho yi cinca.

#### 4.3 Ku tivisa vatirhi hi timfanelo ta vona : Xiphemu xa 30

Nhlamuselo ya timfanelo ta vatirhi yi fanele ku kombisiwa entirhweni yi tsariwile hi tindzimi leti tirhisiwaka endzhawini yaleyo.

#### 4.4 Ku hlayisa nxaxameto wa ntirho : Xiphemu xa 31

Muthori un'wana ni un'wana u fanele ku hlayisa nxaxameto wa ntirho lowu wu nga ni mahungu lama landzelaka:

- (a) vito ra mutirhi ni ntirho;
- (b) nkarhi lowu tirhiweke;
- (c) muholo lowu hakeriweke;
- (d) siku ra ku velekiwa loko mutirhi a ri ehansi ka malembe ya 18; ni
- (e) mahungu man'wana lama faneleke.

#### 4.5 Timhaka ta miholo : Xiphemu xa 33

Timhaka leti landzelaka ti fanele ti nyikiwa hi ndlela you tsala ehansi, loko mutirhi a holeriwa:

- (a) vito ra muthori ni adirese;
- (b) vito ra mutirhi ni ntirho;
- (c) nkarhi wo hakeriwa;
- (d) maholele hi mali;
- (e) leswi susiweke eka muholo;
- (f) muholo loko wu nga susiwanga nchumu; ni
- (g) loko swi fanerile eka hlayelo ra muholo wa mutirhi:
  - (i) mpimo wa muholo wa mutirhi ni mpimo wa ntirho lowu endliweke endzhaku ka tiawara leti ku twananiweke ha tona;
  - (ii) nhlayo ya tiawara leti mutirhi a tirhaka ni nhlayo ya tiawara ta le ndzhaku ka nkarhi lowu ku twananiweke hi wona leti tirhiweke hi nkarhi wa muholo;
  - (iii) nhlayo ya tiawara leti tirhiweke hi Sonto kumbe hi nkarhi wa holodeyi ya tiko; ni
  - (iv) loko ntwanano wu fikeleriwile wa mpimo wa nkarhi wo tirha, nhlayo ya tiawara ta ntirho, leti tirhiweke hi mpimo wa nkarhi wo karhi.

#### 4.6 Leswi susiwaka ni milawu yin'wana mayelana ni miholo : Xiphemu xa 34

A swi fanelanga leswaku ku susiwa xan'wanchumu eka muholo lexi nga riki enawini, handleka loko ku endliwile ntwanano hi ndlela yo tsala ehansi.

#### 4.7 Mahlayelelo ya muholo : Xiphemu xa 35

- 4.7.1 Miholo yi hlayeriwa mayelana ni tiawara ta ntirho leti ku twananiweke ha tona.
- 4.7.2 Muholo wa n'hwetl wu hlayeriwa ka mune ni n'we ka kanharhu ( $4\frac{1}{3}$ ) ka muholo wa vhiki.
- 4.7.3 Loko muholo wu hlayeriwa hi ku tirhisa masungulo man'wana ku nga ri nkarhi ni nkarhi, muholo wu fanele wu hlayeriwa ku landzela;
  - (a) mavhiki lamo rhanganga ya 13; kumbe
  - (b) loko u thoriwile nkarhinyana kutani u hakeriwa nkarhi wolowo.

### 5. KU TSHIKA NTIRHO : KAVANYISA KA NTLHANU

5.1 Yi kongomisiwa eka mani

Xiyenge lexi a xi kongomisi eka mutirhi loyi a tirhelaka muthori tiawara ta le hansi ka 24 hi n'hwetl.



## **5.2 Xiviko xo tshika ntirho : Xiphemu xa 37**

**5.2.1** Xiboho xa ntirho xi nga tsemiwa loko mutirhi a endla xiviko lexi nga riki ehansi ka:

- (a) vhiki rin'we, loko munhu a thoriwile mavhiki ya mune kumbe ehansi ka mune;
- (b) mavhiki mambirhi, loko munhu a thoriwile mavhiki yo tlula mune kambe swi nga tluli lembe;
- (c) mavhiki ya mune, loko munhu a thoriwile nkarhi wo ringana lembe kumbe ku tlula, kumbe muhlayisi wa ndyangu loyi a thoriweke nkarhi wo tlula mune wa mavhiki.

**5.2.2** Xiviko xo tshika ntirho xi fanele ku endliwa hi ku tsala ehansi, handleka loko mutirhi a nga dyondzangi.

**5.2.3** Xiviko xo tshikisiwa ntirho hi muthori, ku ya hi nawu a xi siveli mutirhi ku ntlontlha xihlawu-hlawu kumbe ku landzela nawu wo hlongola mutirhi ku ya hi Nawu wa Vuxaka wa Ntirho, 1995 kumbe nawu wun'wana.

## **5.3 Mali leyi mutirhi a nyikiwaka loko a tshika ntirho : Xiphemu xa 41**

Loko mutirhi a hlongoriwa entirhweni hikokwalaho ka swilaveko swo karhi swa matirhele, u ni mfanelo yo kuma muholo wa vhiki wa lembe rin'wana ni rin'wana ra ku tirha ka yena endzhawini yaleyo.

## **5.4 Vumbhoni bya ntirho: Xiphemu xa 42**

Loko mutirhi a tshika ntirho u ni mfanelo yo kuma papila ra vumboni bya ntirho.

## **6. KU SIVELA KU TIRHISIWA KA VANA NI KU TIRHA HI NSINDZISO : SWIPHEMU SWA 43 - 48**

6.1 I xidyoho ku thola vana lava nga hansi ka **15** wa malembe.

6.2 Vana lava nga ehansi ka **18** wa malembe a va fanelanga ku tirhisiwa mintirho leyi nga lulamelangiki malembe ya vona kumbe leyi nga vekaka vutomi bya vona ekhombyeni.

6.3 Nsindziso wa ntirho i xidyoho.

## **7. KU HAMBANA KA MASUNGULO YA SWIYIMO SWA MINTIRHO : SWIPHEMU SWA 49-50**

7.1 Ntlawa wa mintwanano leyi ku twananiweke hi yona ni huvo yo bindzurisa yi nga siva kumbe ku siya masungulo ya swiyimo swin'wana ni swin'wana swa ntirho handleka leswi landzelaka:

- (a) Ntirho wo lulamisa nkarhi wo tirha hi ku landzela rihanyo ni nsirhelelo ni timfanelo ta ndyangu wa mutirhi (Swiphemu swa 5, 7, 9, & 13);
- (b) Ku hunguta nsirhelelo lowu nyikiwaka vatirhi va ni vusiku [Swiphemu swa 5, 17 (3), ni 4)];
- (c) Ku hunguta nkarhi wo wisa elembeni wu va ehansi ka mavhiki mambirhi (Xiphemu xa 25);
- (d) Ku hunguta timfanelo ta nkarhi wo tintshunxa (Xiphemu xa 25);
- (e) Ku hunguta timfanelo to wisa hikokwalaho ka vuvabyi ku fika eka nkarhi lowu pfumeleriweke (Swiphemu swa 22 - 24); ni
- (f) Ku sivela ku tirhisiwa ka vana ni nsindziso wa ntirho (Xiphemu xa 48).

7.2 Ntlawa wa mintwanano ni mintwanano ya munhu yi nga siviwa kumbe ku susiwa ka masungulo ya swiyimo swa ntirho ku fikela laha Nawu wu pfumelaka ku fika kona kumbe ku tsema mhaka (Xiphemu xa 49).

7.3 Holobye wa Ntirho a nga endla xiboho xo tsema mhaka ku hambanisa kumbe ku susa masungulo ya xiyimo xa ntirho. Leswi swi nga endliwa hi ku landzela xikombelo xa muthori kumbe mpfumba ra muthori (Xiphemu xa 50).

7.4 Xiboho a xi fanelanga ku nyikiwa handleka loko nhlango lowu yimelaka vatirhi wu pfumerile eka ku hambana kumbe wu vile ni nkateko wo endla vuyimeri eka holobye. Ntsariso wa xiboho wu fanele ku kombisiwa hi muthori entirhweni naswona wu fanele ku nyikiwa mutirhi un'wana ni un'wana (Xiphemu xa 50).

## **8. XIBOHO XO TSEMA MHAKA XA SWIYENGE: XIPHEMU XA 51**

Xiboho xo tsema mhaka xa swiyenge xi nga endliwa ku dzima masungulo ya swiyimo swa vatirhi eka xiyenge ni ndzhawu.

## **9. KU LANGUTISA, NSIDZISO WO LANDZELA NAWU NI KU YISA NAWU EMAHLWENI : SWIPHEMU SWA 63 - 81**

9.1 Vakamberi va ntirho va fanele ku tsundzuxa vatirhi ni vathori hi timfanelo ta vona ku ya hi milawu ya ntirho. Va kambela, va endla ndzavisiso wa swiphiso naswona va nga vutisa vanhu van'wana swivutiso no va kambela, va endla ntsariso no susa nxaxameto wa ntirho ni mapapila man'wana ya nkoka (Swiphemu swa 64 - 66).

9.2 Mukamberi a nga pfuna ku endla papila leri bohaka leswaku muthori loyi a nga landzeleriki nawu a wu landzela. Muthori a nga sola nawu wa

Mulawurivuyimeri, a nga tiyisisa, a antswisa kumbe ku hundzela emahlweni eka Huvo ya Mintirho (Swiphemu swa 68 - 73).

9.3 Vtirhi a va fanelanga ku hlawuriwa loko va kombisa timfanelo ta vona hi ku landzela Nawu ( Swiphemu swa 78 - 81).

#### 10. SWIN'WANA LESWI NGA NGHENISIWAKA

I xidyoho ku:

- (a) sivela kumbe ku ringeta ku kucetela munhu hi ndlela leyi nga fanelangiki ku endla ntirho ku ya hi Nawu;
- (b) kuma kumbe ku ringeta ku kuma papila ro karhi hi vuxisi, ku endla munhu a ku tshemba, kumbe hi ku nyika kumbe ku yisa mapapila ya vunwa;
- (c) xisetela leswaku u mukamberi wa ntirho wo karhi ku ya hi Nawu;
- (d) ala kumbe ku tsandzeka ku hlamula swivutiso swa nawu hi ku hetiseka, leswi vutisiwaka hi mukamberi wa ntirho kumbe munhu un'wana loyi a endlaka ntirho wa yena ku landzela Nawu;
- (e) ala kumbe ku tsandzeka ku landzela xikombelo xa nawu lexi komberiwaka hi mukamberi wa ntirho, kumbe munhu un'wana loyi a nga ku tirheni ka ntirho hi ku landzela Nawu;
- (f) pfala kumbe ku sivela mukamberi wa ntirho kumbe munhu un'wana loyi a nga ku tirheni ka ntirho hi ku landzela Nawu (Xiphemu xa 92).

(Umthethwana 3)

AMAJAMO AQAKATHEKILEKO WOMTHETHO WOKUSEBENZA KA 1997.

ISIRHUNYEZO EKUFUZE SIBE KUMQATJHI NGOKWESIGATJANA 30.

Lokhu okulandelako kusirhunyezo solokho okutjiwo ziingatjana eziqakathekileko zamaJamo adingekayo womThetho wokuSebenza ka 1997.

## 1. UKUSEBENZA KOMTHETHO: ISIGABA 3

UmThetho usebenza kibo boke abasebenzi nabaqatjhi ngaphandle kwamalunga womButho wezokuVikela, bezokuHlakanipha, bezeFihlo nabazinikela ekuhlelbeni simahla iinhlango ezirhelebha abatlhagako.

UmThetho uza ngaphambi kwananyana ngisiphi isivumelwano.

## 2. UKULAWULWA KWESIKHATHI SOKUSEBENZA : ISAHLUKO SESIBILI

### 2.1 Lomthetho unqotjhiswe kibobani

Lesisahluko asisebenzi eensebenzini eziphetheko, iinsebenzi ezikhamba zithengisa begodu nezisebenza ama-iri angaphasi kwama-24 ngenyanga.

### 2.2 Ama-iri avunyelwe ukusetjenzwa: Isigaba 9

Akunamqatjhi ozakubawa nanyana avumele isisebenzi sisebenze ukweqa:

- (a) ama-iri ma-45 evekeni nanyana ngiyiphi;
- (b) ama-iri abunane elangeni elinye nelinye nangabe isisebenzi sisebenza amalanga amahlanu ukuya ngaphasi evekeni; nanyana
- (c) ama-iri alithoba ngelanga elinye nelinye nangabe isisebenzi sisebenza amalanga angaphezulu kwamahlanu evekeni.

### 2.3 Isikhathi eseqileko: Isigaba 10

2.3.1 Umqatjhi akukafuzi abawe nanyana avumele isisebenzi bonyana:

- (a) sisebenze isikhathi eseqileko ngaphandle kwesivumelwano;
- (b) sisebenze ukweqa:
  - (i) ama-iri amathathu ngelanga; nanyana
  - (ii) ama-iri alitjumi ukweqa ngeveke.

2.3.2 Isikhathi eseqileko kufuze sirholelwe i-1.5 ebuyelelweko emrholweni ojayekekileko wesisebenzi nanyana isisebenzi singavunyelwa ukurholelwa isikhathi sokuphumula.

2.4 Ukubuthelelwa kweveke yokusebenza: Isigaba 11

2.4.1 Isisebenzi singavuma ngokutlola phasi ukusebenza ema-irini ali-12 ngelanga ngaphandle kokurholelwa imali yesikhathi eseqileko.

2.4.2 Isivumelwano lesi ngekhe sidinge nanyana sivumele isisebenzi sisebenze:

- (a) ama-iri angaphezulu kwama-45 ajayekileko evekeni enye nenze;
- (b) ngaphezulu kwama-iri alitjumi evekeni enye nenze; nanyana
- (c) ukwedlula amalanga amahlanu evekeni enye nenze.

2.5 Ukulinganiswa kwama-iri womsebenzi: Isigaba 12

2.5.1 Isivumelwano ngokuhlanganela singavumela ama-iri wokusebenza bona alinganiswe isikhathi esingangeenyanga ezine.

2.5.2 Isisebenzi esibotjhwe kuzwana komuntu wonke asikwazi ukusebenza ukudlula:

- (a) isilinganiso sama-iri ama-45 ajayekileko ngeveke ngesikhathi ekuvunyenwe ngaso;
- (b) isilinganiso sama-iri amahlanu eqileko wesikhathi okuvunyenwe ngaso ngeveke.

2.6 Isikhathi sokudla: Isigaba 14

2.6.1 Isisebenzi kufuze sibe nesikhathi sokudla esingaba mizuzu ema-60 ngemva kokusebenza ama-iri amahlanu.

2.6.2 Isivumelwano esitlolweko singa:

- (a) phungula isikhathi sokudla ngemizuzu ema-30;
- (b) sukela isikhathi sokudla nangabe isisebenzi sisebenza ama-iri angaphasi kwasithandathu ngelanga.

2.7 Isikhathi sokuphumula ngamalanga nangeveke: Isigaba 15

Isisebenzi sifanele ukuba nesikhathi sokuphumula esima-iri ali-12 alandelanako ngelanga nesikhathi esima-iri a -36 alandelanako wokuphumula ngeveke, ngaphandle kokobana kuvunyenwe ngenye indlela, kufanele kufakwe uSondo.

2.8 Ukubhadelwa kokusebenza ilanga langoSondo: Isigaba 16

2.8.1 Isisebenzi esisebenza ngabanye aboSondo kufuze sirholelwe ngokubuyelelwe kabili emrholweni ojayekekileko.

2.8.2 Isisebenzi esisebenza ngokujayelekileko ngaboSondo kufanele sirholelwe ngokubuyelelweko nge **1.5** emrholweni ojayelekileko.

2.8.3 Ngokwesivumelwano, ukusebenza ngoSondo kungarholelwa ngokunikelwa isikhathi sokuphumula.

2.9 Ukusebenza ebusuku: Isigaba 17

2.9.1 Iinsebenzi ezisebenza hlangana nama-iri we **18:00** ne **6:00** kufuze zibhadalwe umrholo ongaphezulu nanyana ngokuphungulwa kwama-iri wokusebenza begodu nezinto zokukhwela kufanele zibe khona.

2.9.2 Iinsebenzi ezisebenza njalo ngemva kwe **23:00** nanyana ngaphambi kwe **6:00** ngelanga elilandelako kufanele zitjelwe:

- (a) ngengozi yepilo kanye neeyeleliso sokuphepha;
- (b) nelungelo lokupopolwa ziinyanga zesikhuwa.

2.10 Amaholideyi: Isigaba 18

2.10.1 Iinsebenzi kufuze zirholelwe ngokusebenza ngeholideyi enye nanye ewela ngaphasi kwelanga lomsebenzi;

2.10.2 Ukusebenza ngeholideyi kuya ngesivumelwano begodu kufanele kurholelwe ngokubuyelelwe kabili emrholweni ojayelekileko;

2.10.3 Iholideyi ingaroyilwa ngokwesivumelwano.

### 3. ISIKHATHI SOKUPHUMULA: ISAHLUKO SESITHATHU

3.1 Lomthetho unqotjhiswe kibobani

Isikhathi sokuphumula asisebenzi kubasebenzi abasebenza ama-iri angaphasi kwama-**24** ngenyanga kumqatjhi nanyana banesivumelwano esivumela isikhathi sokuphumula eseqe kwesibekwe ngaphasi kwesahluko lesi.

3.2 khathi sokuphumula sonyaka: Isigaba 20 nesa 21

3.2.1 Iinsebenzi zivunyelwe amalanga wokuphumula ama-**21** alandelanako ngonyaka, nanyana ngesivumelwano selanga linye emalangeneni ali-**17** asetjenziweko nanyana i-iri elilodwa ema-irini ali-**17** asetjenziweko.

3.2.2 Isikhathi sokuphumula kufanele sinikelwe kungakapheli iinyanga ezisithandathu emva kokuphela kwesikhathi sokuphumula.

3.2.3 Umqatjhi akakafuzi ukurholela isisebenzi esikhundleni sokusinikela isikhathi sokuphumula ngaphandle kobanyana asukele umsebenzi.

3.3 Isikhathi sokuphumula ngokugula: Isigaba 22 nesa 24

3.3.1 Isisebenzi sivunyelwe iimveke ezisithandathu ezirholelwako ngesikhathi sokuphumula agula, eenyangeni ezima-36 azisebenzileko.

3.3.2 Eenyangeni ezisithandathu zokuthoma isisebenzi sivunyelwe ilanga linye elirholelwako lokuphumula agula emalangeneni amatjumi amabili nesithandathu awasebenzileko.

3.3.3 Umqatjhi angafuna incwadi ebuya enyangeni yesikhuwa, ngaphambi kobanyana arholele isisebenzi esingakasebenzi amalanga amabili alandelanako, nanyana njalo emsebenzini.

3.4 Isikhathi sokuphumula sokuyokubeletha: Isigaba 25 nesa 26

3.4.1 Isisebenzi esisebantwini sivunyelwe iinyanga ezine ezilandelanako zesikhathi sokuphumula.

3.4.2 Isisebenzi esisebantwini nanyana isisebenzi esithogomela umntwanaso asikavunyelwa ukusebenza umsebenzi oyingozi nanyana emntwaneni wakhe.

3.5 Isikhathi sokuphumula sokuyokuthogomela umndeni: Isigaba 27

3.5.1 Iisebenzi eziqatjhelwe kwasafuthi zivunyelwe amalanga amathathu arholelwako wesikhathi sokuthogomela umndeni ngonyaka, ngesibawo nangabe umntwana wesisebenzi uyokubelethwa nanyana uyagula, nanyana isisebenzi sibhujelwe mlingani waso nanyana umzali, nanyana umzali wokuphiwa, ubabamkhulu nogogo, umntwana wokunikelwa, isizukulwani namkha umntwana wakwabo.

3.5.2 Umqatjhi angafuna isiqiniseko esizwakalako.

#### **4. OKUMAYELANA NOMSEBENZI KANYE NOMRHOLO: ISIGABA 4**

4.1 Lomthetho unqotjhiswe kibobani  
Lesisahluko asisebenzi esisebenzini esisebenza ngaphasi kwama-iri ama-24 ngenyanga emqatjhini.

4.2 Imininingwana etlolweko yomsebenzi: Isigaba 29

4.2.1 Umqatjhi kufuze anikele isisebenzi lokhu okulandelako lokha sithoma ukusebenza:

- (a) igama elipheleleko nendawo yokuhlala yomqatjhi;
- (b) igama nomsebenzi wesisebenzi, nanyana ihlathululo efitjhani yomsebenzi;
- (c) iindawo ezehlukeneko zomsebenzi;
- (d) ilanga lokuqatjhwa;
- (e) ama-iri ajayelekileko namalanga wokusebenza;
- (f) umrholo nendlela okubalwa ngayo umrholo;
- (g) indlela okubalwa ngayo isikhathi eseqileko somsebenzi;
- (h) ezinye iimali ezibhadalwa esandleni;
- (i) enye nanye imali ebhadalwako nobungakho bayo;
- (j) isikhathi sokurholelwa;
- (k) ukuphungulwa kwemali okhunye nokhunye;
- (l) ilungelo lokuphumula;
- (m) isikhathi sokwaziswa nanyana isikhathi sekontraga;
- (n) ihlathululo yebandla nanyana isiqu nto ngengcenyethileko yebubulo lomqatjhi;
- (o) isikhathi somsebenzi nomqatjhi waphambili esibalelwa esikhathini sokuqatjha;
- (p) ihlelo lezinye iincwadi eziyingcenyethileko yekonstraga ezitjengisa lapho zingafunyanwa khona.

4.2.2 Nangabe kukhona ukuthuguluka okuthileko okutlolwe ngokuqatjhwa kufuze kubuyekwezwe.

4.3 Ukwazisa iinsebenzi ngamalungelo wazo: Isigaba 30

Istatimende samalungelo weensebenzi kufuze sibekwe lapho abasebenzi bangasibona khona begodu sitlolwe ngamalimi asetjenziwa emsebenzini.

4.4 Ukutlhogonyelwa kwamarekhodi: Isigaba 31

Boke abaqatjhi kumele babe namarekhodi aphelele okulandelako:

- (a) igama nomsebenzi wesisebenzi;
- (b) isikhathi esisetjenziweko;
- (c) umrholo;
- (d) ilanga lokubelethwa nangabe isisebenzi sineminyaka engaphasi kwe-18; nanyana
- (e) ngisiphi isaziso esibekelweko.

4.5 Isaziso ngomrholo: Isigaba 33

Okulandelako kufuze kunikelwe ngokutlolweko nangaba isisebenzi siyarholelwa:

- (a) igama nendawo yomqatjhi;
- (b) igama nomsebenzi wesisebenzi;



- (c) isikhathi arholelwa ngaso;
- (d) umrholo awurholelwako;
- (e) okhunye nokhunye okuphunguliweko emrholweni;
- (f) umrholo njengobana ungako ungakaphungulwa; begodu
- (g) umrholo awukhambelane nokubaliweko, kufanele kucalwe okulandelako:

- (i) indlela isisebenzi sirholelwa ngakho nokurholelwa kwesikhathi eseqileko;
- (ii) inani lama-iri ajayelekileko nama-iri eqileko asetjenzwe ngesikhathi sokurholelwa;
- (iii) inani lama-iri asetjenzweko ngoSondo nanyana ngeholidi yesikhathi lesa;
- (iv) nangabe kunesivumelwano sokulinganisa isikhathi, ama-iri woke wesikhathi esijayelekileko neseqileko esisebenzweko ngesikhathi lesa.

#### 4.6 Ukuphungulwa nokhunye okumayelana nomrholo: Isigaba 34

Akukho mrholo ozokuphungulwa ngaphandle komthetho otloliweko ekuvunyelanwe ngawo.

#### 4.7 Ukubalwa komrholo: Isigaba 35

##### 4.7.1 Umrholo ubalwa ngama-iri asetjenzweko ajayelekileko.

4.7.2 Umrholo wenyanga ubuyelelwe kane nengcenyane yesithathu ( $4 \frac{1}{3}$ ) kiloyo weveke.

4.7.3 Umrholo mawusetjenzwe mayelana nesikhathi nanyana nangabe umrholo wesisebenzi uphenduphenduka okubonakalako ukuya ngesikhathi, umrholo omunye nomunye kumele ubalwe ukuya ngomrholo ngesikhathi:

- (a) esingaphambili kweemveke ezilitjhumi nesithathu; noma
- (b) akaqatjhwe isikhathi esifitjhani, ngesikhathi lesa.

## 5. UKUSUKELA UMSEBENZI: ISAHLUKO SESIHLANU

### 5.1 Lomthetho unqotjhiswe kibobani

Lesisahluke asikhambelani nesisebenzi esisebenze ngaphasi kwama-iri ama-24 enyangeni emqatjhini.

### 5.2 Isaziso sokuyekela umsebenzi: Isigaba 37

5.2.1 Ikontraga yomsebenzi ingayekelwa kwaphela nangabe isaziso singaphasi:

- (a) kweveke yinye nawuqatjhwe iimveke ezine nonyana ngaphasi;
- (b) kweemveke ezimbili nawuqatjhwe ngaphezu kweemveke ezine kodwa hayi ukudlula unyaka;
- (c) kweemveke ezine nawuqatshwe unyaka noma ukudlula, nanyana usisebenzi seplasini nanyana ungunomakhwitjhi oqatjhwe ukudlula iimveke ezine.

5.2.2 Isaziso kumele sinikelwe ngokutlolwa ngaphambi kobanyana sinikelwe isisebenzi esingakafundi.

5.2.3 Isaziso sokuyekeliswa umsebenzi mqatjhi ukuya ngomthetho sisekelo asivimbeli isisebenzi ukuqalisisa iqiniso nanyana umthetho osetjenzisiwe mayelana nokuqatjhwa kwesisebenzi ukuya ngomthetho sisekelo weensebenzi ka 1995 nanyana imithetho eminye neminye.

5.3 Umrholo wokulisiswa emsebenzini: Isigaba 41

Isisebenzi esiqatjhwe ngokutlhoga iindingo zomsebenzi sivunyelwe ukurholelwa umrholo wokulisiswa emsebenzini weveke unyaka omunye nomunye esiwusebenzileko.

5.4 Isitifikedi sesikhathi esisetjenzweko: Isigaba 42

Isisebenzi nangabe siyekela umsebenzi sinelungelo lokuthola isitifikedi sesikhathi esisebenzileko.

## **6. UKUVIMBELA UKUSETJENZISWA KWABANTWANA NOKUSETJENZISWA NGOKUKATELELWA: ISIGABA 43 - 48**

6.1 Kuliqala ukuqatjha umntwana oneminyaka engaphasi kweminyaka eli-15;

6.2 Abantwana abangaphasi kwe-18 abakavunyelwa ukwenza umsebenzi ongakafaneli iminyaka yabo nanyana ongabafaka engozini.

6.3 Ukusebenzisa ngokukatelelwa kuliqala.

## **7. UKUHLUKAHLUKANA KWAMAJAMO AQAKATHEKILEKO WOMTHETHO WOKUSEBENZA: ISIGABA 49 - 50**

7.1 Isivumelwano esibandakanya woke umuntu esenziwe mkhandlu wokubonisana singajamela nanyana singatjhiya isisekelo esinye nesinye sobujamo ngaphandle kokulandelako:

- (a) umsebenzi wokulungisa isikhathi sokusebenza mayelana nezepilo nokuphepha nokutjheja umndeneni weensebenzi (Isahluko 5, 7, 9 no 13);
- (b) ukuphungulwa kokuphepha okunikelwe iinsebenzi ezisebenza ebusuku [Isahluko 17 (3) no(4)];

- (c) ukuncitjhiswa kwesikhathi sokuphumula sonyaka sibe ngaphasi kweemveke ezimbili (Isahluko 20);
- (d) ukuncitjhiswa kwamalungelo wesikhathi sokubeletha (Isahluko 25);
- (e) ukuncitjhiswa kwelungelo lesikhathi sokugula kufikela ezingeni elibekiweko (Isahluko 22 - 24);
- (f) nokuvimbela ukusebenzisa abantwana nokusebenzisa ngokukatelelwa (Isahluko 49).

7.2 Iimvumelwano ezibandakanya woke umuntu neemvumelwano ezenziwe muntu munye zingajamela nanyana zingatjhiya isisekelo sobujamo sokusebenza ngokuya ngomthetho nanyana isiqu nto sengcenywe.

7.3 UNgqongqotjhe wezemisebenzi angenza isiqu nto ukuphendula nanyana ukusukela isisekelo somthetho wobujamo bomsebenzi. Lokhu kungenziwa ngokubawa umqatjhi nanyana inhlango yomqatjhi. (Isahluko 50).

7.4 Isiqu nto angeze sinikelwe ngaphandle kobanyana inyonyana ephethe abasebenzi ivunyelwe ukuphendula nanyana ibe nethuba lokuzijamela ngaphambi koNgqongqotjhe. Isifanekiso sesiqu nto sifanele sibekwe etjhatjhalazini endaweni yokusebenza futhi kufanele sinikelwe abasebenzi (Isahluko 50).

## **8. ISIQUNTO SENGGENYE ETHILEKO YEBUBULO: ISIGABA 51**

Isiqu nto sengcenywe ethileko yebubulo singenziwa ukuthama isisekelo sobujamo babasebenzi kileyongcenywe nanyana kileyondawo.

## **9. UKUTLHOGOMELA, UKUSEBENZISA BEGODU NENDLELA YOMTHETHO: ISIGABA 63 - 81**

9.1 Abahloli bemisebenzi kufanele bazise iinsebenzi nabaqatjhi ngamalungelo wabo ukuya ngomthetho wokusebenza. Bayahlola, bahlolisise iinlilo zabasebenzi, bangabuza abantu nanyana bahlole, bangenza umfanekiso nanyana basuse amarekhodi nezinye iincwadi eziqakathekileko (Isahluko 64 - 66).

9.2 Umhloli angasebenza ukuthumela umqatjhi ongavumelani nomthetho wesisekelo incwadi ekatelela ukuvuma komqatjhi ongazweleli umthetho. Umqatjhi angaphikisana nalencwadi kumQophisi wezemisebenzi, emva kobanyana alalele iinlilo, angavumelana nanyana aphenyule nanyana abekele eqadi incwadi leyo. Isililo lesi singasiwa ekhotho yeensebenzi (Isahluko 68 - 73).

9.3 Abasebenzi abakafaneli ukubandlululwa ekwenzeni amalungelo wabo amayelana nalomthetho (Isahluko 78 - 81).

## **10. OKUVAMILE:**

Kuliqala uku:

- (a) linga ukuvimbela nanyana ukulinga ukwenzisa ngokungakafaneli umuntu owenza isenzo esimayelana nalomthetho;
- (b) ukuthola nanyana ukulinga ukuthola incwadi yomthetho ngendlela yokukhohlisa, ukuzenzisa okungasikho nanyana ukunikela incwadi yokukhohlisa nanyana okungasiyo yeqiniso;
- (c) ukuzenza umhloli weensebenzi noma omunye umuntu owenza umsebenzi mayelana nalomthetho;
- (d) ukwala nanyana ukungaphumeleli ukuphendula ngokupheleleko umbuzo obuzwa mhloli weensebenzi nanyana ngabe ngubani owenza umsebenzi mayelana nalomthetho;
- (e) ukwala nanyana ukungaphumeleli ukuvumelana nesibawo somthetho nanyana umthetho obekwe mhloli weensebenzi nanyana ngabe ngubani owenza umsebenzi mayelana nalomthetho;
- (f) ukuvimbela umhloli weensebenzi nanyana ngubani owenza umsebenzi mayelana nalomthetho (Isahluko 92).

**BCEA 1J**

(Ummiselo wesi-3)

UMONGO OSISISEKO KWIMEKO ZOMTHETHO WOMSEBENZI KA 1997

ISISHWANKATHELO ESIGCINWA NGUMQESHI NGOKWEZIGQIBO  
ZECANDELO LAMA-30.

Esi silandelayo sisishwankathelo samagatya ecandelo loMongo osiSiseko  
kwiMeko zoMsebenzi woMthetho ka 1997.

**1. UKUSETYENZISWA KWALO MTHETHO : ICANDELO LESI-3**

Lo Mthetho usetyenziselwa bonke, abaqeshwa nabaqeshi ngaphandle  
kwamalungu eSebe lezoKhuseleko, iSebe lezeNtlawulo, nelikaRhulumente  
elinxulumene nobuNtlole kunye nabo basebenza ngokuthanda, nangesisa  
kumbutho othile.

Lo Mthetho ubaluleke ukugqitha nasiphi na isivumelwano esikhoyo.

**2. UMMISELO WEXESHA LOKUSEBENZA : ISAHLUKO SESIBINI**

2.1 Lomthetho ubhekiswe kobani

Esi sahluko asibamanyi abo baqeshwa bakwinqanaba lokuphatha, nabahamba  
bethengisa kunye nabasebenza iiyure ezingaphantsi kwama-24 ngenyanga.

**2.2 Iiyure eziqhelekileyo zokusebenza : Icandelo le-9.**

Akunamqeshi oyakuthi afune okanye avumele umqeshwa ukuba asebenze  
ngaphezulu:

- (a) kweyure ezingama-45 kwiveki enye;
- (b) kweyure ezilithoba nakuliphi na usuku ukuba umqeshwa usebenza  
iintsuku ezintlanu okanye ngaphezulu evekini
- (c) kweyure ezisibhozo nakuliphina usuku, ukuba umqeshwa usebenza  
iintsuku ezingaphezulu kwezintlanu evekini.

**2.3 Ixesha elongezelelweyo lokusebenza : Icandelo le-10**

2.3.1 Umqeshi angangamvumeli umqeshwa ukuba:

- (a) asebenze ixesha elongezelelweyo ngaphandle kwesivumelwano;
- (b) asebenze ngaphezulu:
  - (i) kweyure ezintathu kwixesha elongezelelweyo ngosuku, okanye
  - (ii) kweyure ezilishumi zexesha elongezelelweyo ngeveki.

2.3.2 Intlawulo yexesha elongezelelweyo mayibe si-1.5 sentlawulo yomvuzo oqhelekileyo, okanye umqeshwa afumane ikhefu.

**2.4 Ixesha elixinzalweyo lokusebenza evekini : Icandelo le-11**

2.4.1 Umqeshwa angavuma ngokubhala phantsi ukuba angesebenza kufike kwiiyure ezi-12 ngosuku ngaphandle kwentlawulo yexesha elongezelelweyo.

2.4.2 Esi sivumelwano sinokungafuni okanye sivume ukuba umqeshwa asebenze:

- (a) ngaphezulu kweyure ezingama-45 eziqhelekileyo nakuyiphina iveki;
- (b) ngaphezulu kweyure ezili-10 zexesha elongezelelweyo evekini;
- (c) ngaphezulu kwentsuku ezintlanu evekini.

**2.5 Ukuzama ukulinganiswa kweyure zomsebenzi : Icandelo le-12**

2.5.1 Isivumelwano sabo bonke, singabavumela ukuba iiyure zomsebenzi zisetyenzwe ngokuzama ukulinganisa ngokwesithuba esingangenyanga ezine.

2.5.2 Umqeshwa obopheleleke kwesi sivumelwano usenokungasebenzi ngaphezulu:

- (a) kweyure ezingama-45 eziqhelekileyo evekini kwixesha ekuvunyelwene ngalo;
- (b) kweyure ezintlanu zexesha elongezelelweyo.

**2.6 Ixesha lokudla : Icandelo le-14**

2.6.1 Umqeshwa makafumane ixesha lokudla lemizuzu engama-60 emva kokusebenza iiyure ezintlanu.

2.6.2 Isivumelwano esibhaliweyo:

- (a) singanciphisa ixesha lokudla libe yimizuzu engama-30;
- (b) singanika imvume yokuba kwahlulwa-hlulwe ixesha lokudla xa kuthe kwasetyenzwa iiyure ezingaphantsi kwezintandathu ngosuku.

**2.7 Ithuba lokuphumula usuku okanye iveki : Icandelo le-15**

Umqeshwa makafumane ixesha lokuphumula emva kweyure ezili-12 ezilandelelanayo kunye neveki yokuphumula emva kweyure ezingama-36. Xa kuvunyelwene eli khefu malidibanise nosuku lwangeCawe.

**2.8 Intlawulo yokusebenza ngeCawe : Icandelo le -16**

2.8.1 Umqeshwa othi ngamanye amaxesha asebenze ngeCawe makafumane intlawulo ephindwe kabini.

2.8.2 Umqeshwa oqhele ukusebenza ngeCawe makafumane intlawulo ephindwe ka-1.5 yentlawulo yakhe yesiqhelo.

2.8.3 Makube kho isivumelwano sokubuyisela ixesha elisetyenzelwe ngeCawe.

### **2.9 Ukuphangela ebusuku : Icandelo le -17.**

2.9.1 Abaqeshwa abaphangela ebusuku phakathi ko **18:00** no **06:00** mababuyekezwe ngentlawulo okanye kube nesaphulelo samalanga. Kananjalo babonelelwe ngezithuthi.

2.9.2 Abaqeshwa abasebenza njalo emva kweyure yama **23:00** nangaphambi kweyure yesi **06:00** ngosuku olulandelayo mabaziswe:  
 (a) ngengozi ezikhoyo zezempilo nezokhuseleko, kunye  
 (b) nelungelo lokuba bangaxilongwa.

### **2.10 Iiholide zoluntu lonke : Icandelo le-18**

2.10.1 Abaqeshwa kufuneka bahlawulwe xa iholide yoluntu lonke lingosuku lokusebenza.

2.10.2 Ukuphangela ngosuku lweholide makube ngokwesivumelwano, ukuze nentlawulo ibe yephindwe kabini.

2.10.3 Iholide kusenokutshintshelwana ngayo ngokwesivumelwano.

### **3. UKUTHABATHA IKHEFU : ISAHLUKO SESI-3**

3.1 Lomthetho ubhekiswe kobani

Esi sahluko esingokuthabatha ikhefu asibandakanyi abo baphangela ngaphantsi kweyure ezingama-**24** ngenyanga, kunye nabo bathabatha ikhefu lesithuba esingaphezulu kwesibekiweyo ngokwemiqathangu yemvume ephantsi kwesi sahluko.

### **3.2 Ikhefu lonyaka : Amacandelo ama-20 & 21**

3.2.1 Abaqeshwa banelungelo leentsuku ezingama-**21** lemvume yekhefu yonyaka. Bazuza usuku ngazo zonke iintsuku ezili-**17** abazisebenzileyo okanye iyure ngeeyure ezili-**17** abazisebenzileyo.

3.2.2 Umqeshwa makanikwe ikhefu zingaphelanga iinyanga ezintandathu kususela kwisithuba sexesha lekhefu.

3.2.3 Umqeshi makangamhlawuli umqeshwa endaweni yekhefu ngaphandle kokuba kuphela umsebenzi.

### **3.3 Ikhefu lokugula: Amacandelo ama-22 & 24**

3.3.1 Umqeshwa unelungelo leeveki ezintandathu zekhefu lokugula kwisithuba senyanga ezingama-36 azisebenzileyo.

3.3.2 Kwinyanga ezintandathu zokuqala umqeshwa unelungelo losuku olunye lekhefu lokugula elinentlawulo kwintsuku ezingama-26 azisebenzileyo.

3.3.3 Umqeshi angafuna isiqinisekiso sikaqhirha phambi kokuba ambhatale umqeshwa obengekho emsebenzini iintsuku ezimbini ezilandelelanayo okanye lowo ongayi kakuhle emsebenzini.

### 3.4 Ikhefu lokubeleka : Amacandelo ama-25 & 26

3.4.1 Umqeshwa okhulelweyo unelungelo lokuba aye kubeleka iinyanga ezine ezilandelelanayo.

3.4.2 Umqeshwa okhulelweyo okanye okhulisa usana akavumelekanga ukuba asebenze umsebenzi onganobungozi kuye okanye kusana lwakhe.

### 3.5 Imvume yeemfanelo zosapho : Icandelo 27

3.5.1 Abaqeshwa abasisigxina emsebenzini banemvume yeentsuku ezintathu zokulungisa iimfanelo zentsapho zabo behlawulwa, xa kuzalwa umntwana womqeshwa, okanye xa egula, okanye xa kubhubhe umyeni okanye inkosikazi okanye usofa-silahlane wakhe, umondli wakhe, umakhulu, utatomkhulu, umntwana, umntwana amondlayo, umzukulwane okanye isalamane sakhe.

3.5.2 Umqeshi unelungelo lokufuna ubungqina obufanelekileyo.

## 4. INKCUKACHA ZENGQESHO NOMVUZO : ISAHLUKO 4

4.1 Lomthetho ubhekiswe kobani  
Esi sahluko asibhekisi kumqeshwa osebenzela umqeshi ngaphantsi kweeyure ezingama-24 ngenyanga.

### 4.2 Ukubhalwa kwenkcukacha zengqesho : Icandelo lama-29

4.2.1 Umqeshwa makambhalele ezi nkukacha zilandelayo phambi kokuba aqale impangelo:

- (a) igama elipheleleyo lomqeshi kunye nedilesi;
- (b) igama lomqeshwa nomsebenzi awufundeleyo okanye inkcazelo yomsebenzi wakhe;
- (c) iindawo ezahlukeneyo aza kusebenza kuzo;
- (d) usuku lokuqala ingqesho;
- (e) iiyure zokusebenza neentsuku zokuphangela;



- (f) intlawulo okanye indlela ekubalwa ngayo intlawulo;
- (g) indlela esetyenziswayo yokubala ixesha elongezelelweyo lokuphangela;
- (h) nayiphina indlela yentlawulo esetyenziswayo;
- (i) naluphina uhlobo lwentlawulo olusetyenziswayo, ingasisisa okanye ngokwexabiso lwaloo nto;
- (j) usuku lokufunyanwa kwentlawulo;
- (k) ukutsalwa kwemali ethile;
- (l) imvume yekhefu;
- (m) ithuba lesaziso okanye lesivumelwano;
- (n) inkcazelo ngalo naliphina icandelo okanye isigqibo esithi simisele izinto ezimayela noshishino lomqeshi;
- (o) isithuba sengqesho asisebenzayo kumqeshi ongaphambili ukuze sibe luncedo kwisithuba sakhe sengqesho yangokhu;
- (p) uluhlu lwamaxwebhu ayinxalenye yesivumelwano abonisa apho ikopi ingafunyanwa khona.

4.2.2 linkcukacha mazimane ukuphengululwa xa kukho utshintsho ngezengqesho.

#### 4.3 Ukwazisa abaqeshwa ngamalungelo abo : **Icandelo lama-30**

Inkcazelo yamalungelo abaqeshwa mayibekwe elubala ukuze ibonwe ngabaqeshwa okanye mayibe ngelwimi ezisetyenziswayo ngabaqeshwa.

#### 4.4 Ukugcinwa kwengxelo ebhaliweyo : **Icandelo lama-31**

Abaqeshi mabagcine ingxelo ebhaliweyo ngezi zinto zilandelayo:

- (a) igama lomqeshwa nomsebenzi wakhe;
- (b) isithuba asisebenzileyo;
- (c) intlawulo ayifumanayo;
- (d) unyaka wokuzalwa xa eneminyaka engaphantsi kweli-18; kunye
- (e) nayiphi na into engathi ibe luncedo ukuze sibe nolwazi oluphangaleleyo ngomqeshwa.

#### 4.5 Ukwaziswa ngentlawulo : **Icandelo lama-33**

Umqeshwa makabhalelwe ukwaziswa xa efumana umvuzo wakhe ngezi zinto zilandelayo:

- (a) igama nedilesi yomqeshi;
- (b) igama lomqeshwa kunye nomsebenzi wakhe;
- (c) ithuba ekufunyanwa ngalo intlawulo;
- (d) uhlawulwa malini;
- (e) nayiphina imali ethe yancitshiswa kumvuzo wakhe;
- (f) owona mvuzo awufumanayo;
- (g) nokuphathelele nendlela ekubalwa ngayo intlawulo;

- (i) indlela umqeshwa ahlawulwa ngayo nangexesha elongezelelweyo;
- (ii) amatyeli eeyure ezisetyenziweyo nezexesha elongezelelweyo ngethuba lokufumana intlawulo;
- (iii) amatyeli eeyure ezisetyenziweyo ngeCawe okanye ngeholidi;
- (iv) nesivumelwano ukuba ngaba sikhona ngexesha lokusebenza, nalo lonke ixesha elisetyenziweyo nexesha elongezelelweyo kwisithuba sokubala.

#### **4.6 Unciphiso lwemali nemithetho engentlawulo : Icandelo lama-34**

Ukuncitshiswa komvuzo akunakuba semthethweni ukuba isivumelwano asibhalwanga phantsi.

#### **4.7 Ukubalwa kwentlawulo nomvuzo : Icandelo lama-35**

4.7.1 Umvuzo ubalwa ngokwenani leeyure ezisetyenziweyo.

4.7.2 Intlawulo okanye umvuzo uphindwe kane kunye nesinye esithathwini (4<sup>1/3</sup>) kumvuzo weveki.

4.7.3 Xa ungabalwa ngokusebenzisa ixesha umvuzo womqeshi uya kumana utshintsha minyaka le, ukanti umvuzo kufuneka ubalwe kujoliswe kwintlawulo ngokwendlela etyunjiweyo:

- (a) weeveki ezili-13 ezingaphambili; okanye
- (b) ukuba ebesebenza kwisithuba esifutshane, makubhekiswe kweso sithuba.

#### **5. UKUPHELA KOMSEBENZI : ISAHLUKO SESI-5**

5.1 Lomthetho ubhekiswe kobani

Esi sahluko asibhekisi kumqeshwa osebenza ngaphantsi kweeyure ezingama-24 ngenyanga.

#### **5.2 Isaziso sokuphela komsebenzi : Icandelo lama-37**

5.2.1 Isivumelwano somsebenzi singapheliswa wakwaziswa ngesithuba esingaphezu:

- (a) kweveki, ukuba umqeshwa usebenze iiveki ezine nangaphantsi,
- (b) kweeveki ezimbini, ukuba umqeshwa usebenze isithuba esingaphezu kweeveki ezine nangaphantsi konyaka;
- (c) kweeveki ezine, ukuba umqeshwa usebenze unyaka nangaphezulu, okanye ungumsebenzi wasefama okanye umsebenzi wasemakhitshini osebenze.

5.2.2 Isaziso sokuphela komsebenzi masibhalwe phantsi ngaphandle kokuba unikwa umqeshwa ongafundanga.

5.2.3 Isaziso sokuphela komsebenzi esenziwa ngumqeshi ngokoMthetho, asimthinteli umqeshwa ukuba afune ubungqina ukuzanelisa ngokufaneleka nangokomthetho, ukuba ukuyekiswa kwakhe kuhambelana neZimiselo zoMthetho waBasebenzi ka-1995 kwaneminye imithetho ngokunjalo.

### **5.3 Intlawulo ngokunqunyanyiswa emsebenzini : Icandelo lama-41**

Umqeshwa othe wagxothwa ngesizathu sokuhlenga-hlengisa, uyakuba nelungelo lentlawulo yokunqunyanyiswa. Uyakuhlululwa iveki enye ngonyaka ngamnye awusebenzileyo.

### **5.4 Isatifiketi somsebenzi : Icandelo lama-42**

Xa eyeka umsebenzi umqeshwa unelungelo lesatifiketi somsebenzi.

## **6. ISITHINTELO SOKUSEBENZA KWABANTWANA NOKUSETYENZISWA NGESINYANZELISO : AMACANDELO AMA-43 - 48**

6.1 Kulityala ukuqesha umntwana ominyaka ingaphantsi kwe-15.

6.2 Abantwana abaminyaka engaphantsi kwe-18 mabangaqeshelwa imisebenzi enganobungozi kubo.

6.3 Ukusetyenziswa ngesinyanzeliso kukwaphula umthetho.

## **7. IINDLELA EZAHLUKILEYO EZINGUMONGO WENGQESHO : AMACANDELO AMA-49 - 50**

7.1 Isivumelwano ekuvunyelwene ngaso kwibhunga elenza izigqibo lisenokuthabatha indawo ethi ingqesho ixhomeke kuyo, okanye lisenokusithintela (esosivumelwano) ngaphandle kwezi zilandelayo:

- (a) umsebenzi wokumiswa kwexesha lomsebenzi malunga nempilo nokhuseleko kunye nemfanelo zosapho labaqeshwa (Amacandelo esi-5,7,8,9 & 13);
- (b) ukuthotywa kwesisekelo esilungiselelwe abaqeshwa abenza umsebenzi wasebusuku [Amacandelo esi-5,17(3), & (4)];
- (c) ukuncitshiswa kwekhefu leminyaka ukuba libe ngaphantsi kweeveki ezimbini (Icandelo lama-20);
- (d) ukuncitshiswa kwelungelo lekhefu lokubeleka (Icandelo lama-25).
- (e) ukuncitshiswa kwelungelo lekhefu lokugula elivumelekileyo emthethweni (Amacandelo ama-22 - 24);

(f) isithintelo sokusebenza kwabantwana nokusetyenziswa ngesinyanzeliso (Icandelo lama-48).

7.2 Isivumelwano sabo bonke nesivumelwano soyedwa sinokuthabatha indawo okanye sithintele umongo osisiseko kwimeko zomthetho womsebenzi ngokwendlela evumelekileyo emthethweni okanye kwicandelo lokuthabatha isigqibo (Icandelo lama-50).

7.3 UMphathiswa wezeMisebenzi angathabatha isigqibo sokutshintsha okanye sokuthintela owona mingo osisiseko sengqesho. Oku kungenziwa futhi ngencwadi yesicelo ngumqeshi okanye umbutho wabaqeshi (Icandelo lama-50).

7.4 Esi sigqibo sinokungamkeleki ngaphandle kokuba amalungu omnyango wabasebenzi anike imvume okanye abenesithuba sokwenza inkcazelo kuMphathiswa. Ikopi yesigqibo esenziweyo mayibekwe elubala ukuze ibonwe ngabaqeshwa nanini na (Icandelo lama-50).

## 8 UKUTHABATHA IZIGQIBO : ICANDELO LAMA-51

Ukuthatyathwa kwezigqibo kuxhomekeke kumongo wesimo sabaqeshwa belo candelo okanye loo ndawo.

## 9. UKUCEBISA, ISINYANZELISO KUNYE NENKQUBO ZOMTHETHO : AMACANDELO ANGAMA-63 - 81

9.1 Abahloli bezomsebenzi mabacebise abaqeshwa nabaqeshi ngamalungelo kunye neemfanelo zabo zemithetho yengqesho. Ekuhloleni kwabo bathi baphengulule izikhalazo ngokubuza, baphenye nencwadi baze babhale ingxelo. Bayakuthabatha okuthi kube luncedo kuphando lwabo (Amacandelo angama-64 - 66).

9.2 Umhloli angathumela umyalelo wesivumelwano kumqeshi ongathobelanga igatya elithile lomthetho wabasebenzi. Umqeshi usengawuchasa lo myalelo ngokwazisa uMongameli-Jikelele weZemisebenzi. Akuba efumene inkcazelo, angavuma, ukutshintsha okuthile okanye abeke umyalelo othile. Esi sigqibo sinokuya enkundleni yamatyala emisebenzi (Amacandelo angama-68 - 73)

9.3 Abaqeshwa mabangacalu-calulwa ngokusebenzisa amalungelo abo ngokwaloMthetho (Amacandelo angama-78-81).

## 10. IZINTO-JIKELELE

Kulityala:

(a) Ukuthintela okanye ukuzama ukuphemelela umntu ngendlela engalunganga xa esenza umsebenzi ngokwaloMthetho;

- (b) Ukufumana okanye ukuzama ukufumana umbhalo olu xwebu otyunjiweyo ngendlela zobuqhetseba, nezobuxoki okanye ukunikela ngombiko ongubuxoki;
- (c) Ukuzenza ngathi ungumhloli wezemisebenzi okanye nokuba ngubani na owenza umsebenzi onxulumene naloMthetho;
- (d) Ukungavumi okanye ukwahluleka ukunika impendulo ngokupheleleyo ezimayelana nemithetho yezemisebenzi wakubuzwa ngumhloli wezemisebenzi okanye nokuba ngubani na osebenza ngokwaloMthetho;
- (e) Ukwala kuphele okanye ukwahluleka ukuthobela isicelo esimalunga nomthetho owunikwayo ngumhloli wezemisebenzi okanye nabani na osebenza ngokwaloMthetho;
- (f) Ukuthintela okanye uphazamise umhloli wezemisebenzi nokuba ngubani na owenza umsebenzi onxulumene nalo Mthetho (Icandelo lama-92).

BCEA 1K

(Umthetho olawulayo wesi - 3)

IZIMISO EZIYISISEKELO ZOMTHETHO WOKUQASHA KA 1997

IQOQO ELIGCINWA NGUMQASHI NJENGOBA KUBEKWE ESIGABENI  
SAMA-30

Okulandelayo lapha yiqoqo lemibandela yezigaba ezibalulekile zeZimiso eziyiSisekelo zoMthetho wokuQasha ka 1997.

**1. UKUSEBENZA KWALO MTHETHO : ISIGABA SESI-3**

LoMthetho usebenza kubo bonke abasebenzi nabaqashi ngaphandle kwalabo abangamalungu oMkhandlu kaZwelonke WeZokuvikela, aboMkhandlu kaZwelonke WezobuChwepheshe, abazemisebenzi yobuNhloli yaseNingizimu Afrika kanye nabantu abasebenza bangakhokhelwa, futhi besebenzela inhlango enhloso yayo kungukunikela ngesihle.

LoMthetho ubaluleke ukwedlula noma yisiphi isivumelwano esikhona.

**2. UKULAWULWA KWESIKHATHI SOKUSEBENZA: ISAHLUKO SESIBILI****2.1 Lomthetho uqondiswe kobani**

Lesi sahluko singesetshenziselwe abasebenzi abasezikhundleni eziphezulu zokuphatha, nakulabo abahamba izindawo ngezindawo bethengisa futhi nabasebenza amahora angaphansi kwangama-24 ngenyanga.

**2.2 Amahora okusebenza ajwayelekile: Isigaba sesi-9**

Akukho mqashi onokuyalela noma onokuvumela umsebenzi ukuba asebenze isikhathi eseqile:

- (a) kumahora angama-45 ngesonto;
- (b) kumahora ayisishiyagalolunye kunanoma yingaluphi usuku uma umsebenzi usebenza izinsuku ezinhlanu ngeviki noma ngaphansi; noma
- (c) kumahora ayisishiyagalombili kunanoma yingaluphi usuku uma umsebenzi usebenza izinsuku ezeqile kwezinhlanu ngesonto.

**2.3 Isikhathi eseqile: Isigaba se-10**

2.3.1 Umqashi akafanele ukuyalela noma ukuvumela umsebenzi ukuba:

- (a) asebenze isikhathi eseqile ngaphandle uma kungesivumelwano;
- (b) asebenze isikhathi eseqile:
- (i) emahoreni amathathu esikhathi eseqile ngosuku; noma

(ii) emahoreni ayishumi esikhathi eseqile ngesonto.

2.3.2 Isikhathi eseqile kufanele sikhokhelwe ngokuphidaphindwe ka-1.5 eholweni elijwayelekile lomsebenzi noma umsebenzi anikezwe isikhathi sokuhlaba ikhefu ekhokhelwa.

#### **2.4 Isonto lamahora aminyanisiwe: Isigaba se-11**

2.4.1 Umsebenzi angavuma ngokubhala phansi ukuthi uzosebenza amahora afinyelela kwayi-12 ngosuku ngaphandle kokukhokhelwa iholo lesikhathi eseqile.

2.4.2 Lesi sivumelwano singedinge noma sivumele umsebenzi ukuba asebenze:

- (a) amahora eqile kwangama-45 ajwayelekile kunanoma yiliphi isonto;
- (b) amahora eqile kwayishumi esikhathi eseqile kunanoma yiliphi isonto; noma
- (c) izinsuku ezeqile kwezinhlanu kunanoma yiliphi isonto.

#### **2.5 Ukulingalinganiswa kwamahora okusebenza: Isigaba se-12**

2.5.1 Isivumelwano esinguzibuthe singavumela ukuba amahora omsebenzi alingalinganiswe kuze kufinyelele ezinyangeni ezine.

2.5.2 Umsebenzi ophoqelelwa yilesi sivumelwano esinguzibuthe angesebenze ukweqa:

- (a) amahora ajwayekile angama-45 evikini esikhathini okuvunyelwane ngaso;
- (b) amahora amahlanu esikhathi eseqile ngeviki esikhathini okuvunyelwane ngaso.

#### **2.6 Amakhefu okudla: Isigaba se-14**

2.6.1 Umsebenzi kufanele afumane ikhefu lokuyodla eliyimizuzu engama-60 emva kokusebenza amahora amahlanu.

2.6.2 Isivumelwano esibhalwe phansi:

- (a) singanciphisa isikhathi sekhefu lokudla libe yimizuzu engama-30;
- (b) singavumela ukungabikhona kwekhefu uma umsebenzi esebenza amahora angafiki kwayisithupha ngosuku.

#### **2.7 Isikhathi sokuphumula sosuku noma seviki: Isigaba se-15**

Umsebenzi kufanele abe nesikhathi sokuphumula esingamahora ayi-12 alandelanayo ngosuku kanye nesingamahora angama-36 alandelanayo

ngesonto. Lamahora kufanele afakele nosuku lwangeSonto ngaphandle uma kuvunyelwene ngenye indlela.

## **2.8 Ukukhokhelwa kokusebenza ngamaSonto: Isigaba se-16**

2.8.1 Umsebenzi ongavamile ukusebenza ngeSonto kufanele akhokhelwe iholo eliphindaphindwe kabili.

2.8.2 Umsebenzi ovame ukusebenza ngeSonto kufanele akhokhelwe iholo elijwayelekile eliphindaphindwe ka-1.5.

2.8.3 Kungavunyelwana ngokuthi ukusebenza ngeSonto kungakhokhelwa ngokunikezwa isikhathi sokuphumula.

## **2.9 Ukusebenza ebusuku: Isigaba se-17**

2.9.1 Abasebenzi abasebenza ebusuku phakathi kuka **18:00** no **06:00** kufanele bakhokhelwe ngokunikezwa imali eyisibonelelo noma ngokunciphisa amahora okusebenza kanti kufanele babonelelwe ngezinto zokuhamba.

2.9.2 Abasebenzi abavame ukusebenza emva kuka **23:00** nangaphambi kuka **06:00** ngosuku olulandelayo, kufanele baziswe:

- (a) ngananoma yiziphi izimo eziyingozi ngokwezempilo nangokwezokuphepha; futhi
- (b) ngelungelo labo lokuxilongwa ngudokotela.

## **2.10 Amaholide omphakathi: Isigaba se-18**

2.10.1 Abasebenzi kufanele bakhokhelwe uma iholide ligujwa ngosuku lomsebenzi.

2.10.2 Ukusebenza ngeholide kuba ngokwesivumelwano kanti kukhokhelwa ngokuphindaphindwe kabili.

2.10.3 Iholide lomphakathi kungashintshiswa ngalo ngokwesivumelwano.

## **3. UKUHLABA IKHEFU: ISAHLUKO SESITHATHU**

3.1 Lomthetho uqondiswe kobani  
Lesi sahluko esiphathelene nokuhlaba ikhefu singesetshenziselwe umsebenzi osebenza ngaphansi kwamahora angama-**24** ngenyanga kanti singesetshenziswe uma isivumelwano sokuhlaba ikhefu esikhona sinikezela ngezinsuku ezeqile kwezilindelekile ngaphansi kwalesi sahluko.

## **3.2 Ikhefu lonyaka: Izigaba zama-20 & 21**



3.2.1 Abasebenzi bagunyazekile ukuhlaba ikhefu lezinsuku ezingama-21 ezilandelanayo ngonyaka noma, ngokwesivumelwano, usuku olulodwa kulezo nalezo zinsuku eziyi-17 ezisetshenziwe noma bathole ihora elilodwa kulawo nalawo mahora ayi-17 asetshenziwe.

3.2.2 Ikhefu kufanele linikezwe kungakapheli isikhathi esiyizinyanga eziyisithupha emva kokuphela kwesikhathi esibekiwe sekhefu.

3.2.3 Umqashi akafanele ukukhokhela umsebenzi esikhundleni sokuba amnikeze ikhefu ngaphandle-ke uma esephothula emsebenzini.

### **3.3 Ikhefu uma ugula: Izigaba zama-22 - 24**

3.3.1 Umsebenzi unegunya lokuthatha ikhefu elikhokhelwayo eliyisikhathi esingamaviki ayisithupha ezinyangeni ezingama-36 asezisebenzile uma egula.

3.3.2 Ezinyangeni eziyisithupha zokuqala, umsebenzi unegunya lokuthatha ikhefu elikhokhelwayo losuku olulodwa ezinsukwini ezingama-26 asezisebenzile.

3.3.3 Umqashi angafuna incwadi kadokotela ngaphambi kokukhokhela umsebenzi oselove izinsuku ezedlula ezimbili ngokulandelana noma ojwayele ukulova.

### **3.4 Ikhefu lokuyobeletha: Izigaba zama-25 & 26**

3.4.1 Umsebenzi okhulelwe unegunya lokuthatha ikhefu lokuyobeletha lezinyanga ezine ezilandelanayo.

3.4.2 Umsebenzi okhulelwe noma osengumdlezane akavunyelwe ukwenza umsebenzi ongafaka impilo yakhe noma eyengane yakhe engozini.

### **3.5 Ikhefu lokufeza izibopho zezomndeni: Isigaba sama-27**

3.5.1 Abasebenzi abaqashwe ngokuphelele banegunya lokuthatha ikhefu elikhokhelwayo lezinsuku ezintathu ngonyaka ukufeza izibopho zezomndeni ezinjengokuzalwa noma ukugula kwengane yomsebenzi, noma uma kushona umlingani noma lowo ongu sofa-silahlane womsebenzi, noma umzali, umondli, ugogo noma umkhulu, ingane, ingane ayondlayo, umzukulu noma iselamani sakhe.

3.5.2 Umqashi angafuna ubufakazi obufanelekile ukuqinisekisa lokhu.

## **4. IMININGWANE YOKUQASHWA NOKUHOLELWA: ISAHLUKO SESINE**

**4.1 Lomthetho uqondiswe kobani**

Lesi sahluko asiphathelene nomsebenzi osebenzela umqashi amahora angaphansi kwangama-24 ngenyanga.

**4.2 Imininingwane ebhalwe phansi yomsebenzi: Isigaba sama-29**

4.2.1 Umqashi kufanele anikeze umsebenzi oqala ukusebenza lemininingwane engezansi ngokuyibhala phansi:

- (a) amagama ngokugcwele kanye nekheli lomqashi;
- (b) igama kanye nomsebenzi ozokwenziwa ngumsebenzi, noma incazelo ngamafuphi yomsebenzi azowenza lowo oqashiwe;
- (c) izindawo ezahlukene lapho kuzosetshenzelwa khona;
- (d) usuku lokuqashwa;
- (e) amahora okusebenza ajwayelekile kanye nezinsuku zokusebenza;
- (f) iholo noma ukubalwa kweholo nendlela yokukhokhelwa;
- (g) ukukhokhelwa kokusebenza isikhathi eseqile;
- (h) ezinye izimali ezikhokhelwayo;
- (i) okunye ukukhokhelwa okungeyona imali kanye nokulinganiswa kwakho;
- (j) isikhathi sokukhokhelwa;
- (k) imali engadonswa;
- (l) ikhefu elivumelekile;
- (m) isikhathi senothi noma isikhathi sesivumelwano;
- (n) incazelo yomkhandlu noma izinqumo zengxenywe ethile;
- (o) isikhathi esisetshenziwe kumqashi wangaphambilini nesibalelwa njengesikhathi sokuqashwa;
- (p) uhlu lwezinye izincwadi eziyingxenywe yesivumelwano nolukhomba indawo lapho kungatholakala khona ikhophi.

4.2.2 Leminingwane kufanele ibuyekwezwe uma izimo zokuqashwa ziguquka.

**4.3 Ukwazisa abasebenzi ngamalungelo abo: Isigaba sama-30**

Incazelo ngamalungelo abasebenzi kufanele ibekwe obala endaweni yokusebenzela futhi ibhalwe ngezilimi zonke ezisetshenziswayo emsebenzini.

**4.4 Ukugcinwa kwamabhuku: Isigaba sama-31**

Umqashi ngamunye kufanele agcine amabhuku analemininingwane:

- (a) igama lomsebenzi kanye nomsebenzi awenzayo;
- (b) isikhathi esisetshenziwe;
- (c) iholo elikhokhelweyo;
- (d) usuku lokuzalwa uma umsebenzi eneminyaka engaphansi kweyi-18; kanye
- (e) neminye imininingwane efanelekile.

**4.5 Ulwazi ngezamaholo: Isigaba sama-33**

Lolu lwazi olundelayo kufanele lubhalwe phansi futhi lunikezelwe umsebenzi lapho ekhokhelwa:

- (a) igama lomqashi kanye nekheli;
- (b) igama lomsebenzi kanye nomsebenzi awenzayo;
- (c) isikhathi sokuholelwa;
- (d) imali ayikhokhelwayo;
- (e) imali edonsiwe eholweni uma ikhona;
- (f) inani lemali ekhokhiwe;
- (g) uma kukhona okuthintene nokubalwa kweholo lomsebenzi kufanele kukhonjiswe kahle:
  - (i) indlela yokubala imbuyiselo noma isikhathi eseqile;
  - (ii) inani lamahora ajwayelekile kanye neqile asetshenziwe kuleso sikhathi esikhokhelwayo;
  - (iii) inani lamahora asetshenziwe ngeSonto noma ngeholide lomphakathi kuleso sikhathi esikhokhelwayo; futhi
  - (iv) uma kukhona isivumelwano sokulingalinganisa isikhathi esisetshenziwe, inani lesikhathi sonke esejwayelekile kanye neseqile esisetshenziwe kuleso sikhathi sokulingalinganisa.

**4.6 Imali edonswayo kanye neminye imithetho ephathelene nokukhokhelwa: Isigaba sama- 34**

Akukho kudonswa kwemali okungekho emthethweni okungenziwa ngaphandle kwemvume ebhalwe phansi.

**4.7 Ukubalwa kwembuyiselo kanye neholo: Isigaba sama-35**

4.7.1 Iholo libalwa ngamahora ajwayelekile asetshenziwe.

4.7.2 Imbuyiselo noma iholo lenyanga liyaye liphindwe kane kanye nokukodwa kwisithathu ( $4\frac{1}{3}$ ) kulelo lesonto.

4.7.3 Uma ukubalwa kweholo kwenziwa ngenye indlela okungeyona ehlanganisa isikhathi esisetshenziwe, noma uma iholo liguquguquka kakhulu njalo isikhathi ngesikhathi, noma yiliphi iholo kufanele libalwe ngokubhekisa imbuyiselo noma iholo esikhathini:

- (a) amasonto ayi-13 angaphambili; noma
- (b) uma eqashwe isikhathi esifushane kunalesi, kube ngokwaleso sikhathi.

**5. UKUNQUNYANISWA EMSEBENZINI:****ISAHLUKO SESIHLANU**

5.1 Lomthetho uqondiswe kobani

Lési sahluko asiphathelene nomsebenzi osebenzela umqashi amahora angaphansi kwangama-24 ngenyanga.

## **5.2 Isaziso sokunqunyaniswa emsebenzini: Isigaba sama-37**

5.2.1 Isivumelwano somsebenzi singanqunyaniswa kuphela ngesaziso esingekho ngaphansi:

- (a) kwesonto elilodwa, uma umsebenzi eqashwe isikhathi esingaphezu kwamasonto amane noma ngaphansi;
- (b) kwamasonto amabili, uma umsebenzi eqashwe isikhathi esingamasonto amane kodwa ngaphansi konyaka owodwa;
- (c) kwamasonto amane, uma umsebenzi eqashwe unyaka owodwa nangaphezulu, noma engumsebenzi wasepulazini noma wasemakhishini osesebenze isikhathi esedlulile emasontweni amane.

5.2.2 Isaziso kufanele sibhalwe phansi ngaphandle uma sifakwa ngumsebenzi ongafundile.

5.2.3 Isaziso sokuphelelwa ngumsebenzi esivela kumqashi, ngokwezimiso zaloMthetho, asimvimbeli umsebenzi ukuba abuzisise ngobuqotho noma ngokuba semthethweni kokuxoshwa kwakhe emsebenzini ngokoMthetho Wenkambiso yeZomsebenzi ka 1995 noma ngokomunye umthetho.

## **5.3 Inhlawulo yokunqunyaniswa emsebenzini: Isigaba sama-41**

Umsebenzi oxoshiwe emsebenzini ngezizathu zezidingo zenqubo yomsebenzi, unegunya lokukhokhelwa inhlawulo yokunqunyaniswa engeyeviki elilodwa kulowo nalowo nyaka asewusebenzile.

## **5.4 Isitifiketi somsebenzi: Isigaba sama-42**

Umsebenzi onqunyanisiwe emsebenzini unelungelo lokuthola isitifiketi somsebenzi.

## **6. UKWENQATSHELWA KOKUQASHWA KWEZINGANE KANYE NOKUSETSHENZISWA NGEMPOQO: IZIGABA ZAMA-43 - 48**

6.1 Kungukwephula umthetho ukuqasha ingane engaphansi kweminyaka eyi-15 ubudala.

6.2 Izingane ezineminyaka engaphansi kweyi-18 akufanele ziqashelwe ukwenza umsebenzi ongalingani neminyaka yazo noma lowo ozibeka esimeni esibucayi.

6.3 Ukusebenzisa omunye ngempoqo kungukwephula umthetho.

## **7. UKUGUQULWA KWEZIMISO EZIYISEKELO ZOMTHETHO WOKUQASHA: IZIGABA ZAMA-49 - 50**

7.1 Isivumelwano esinguzibuthe okufinyelelwe kuso ngumkhandlu wokuvumelana ngempatho kwezemisebenzi singasetshenziswa esikhundleni noma sichithe izimiso eziyisekelo zomthetho wokuqasha, ngaphandle kwalezi ezilandelayo:

- (a) umsebenzi wokuhlela isikhathi sokusebenza mayelana nezempilo nezokuphepha kanye nezibopho ezibhekene nomndeni wabasebenzi (Izigaba zesi-7, 9 & 13).
- (b) ukuncishiswa kokuvikeleka okunikezwa abasebenzi abasebenza ebusuku (Izigaba ze-17(3) & 4).
- (c) ukuncishiswa kwekhefu lonyaka libe ngaphansi kwamasono amabili (Izigaba sama-20)
- (d) ukuncishiswa kwegunya lekhefu lokubeletha (Izigaba sama-25).
- (e) ukuncishiswa kwegunya lekhefu lokugula lize lifinyelele esikhathini esivunyelwe (Izigaba zama-22 - 24).
- (f) ukunqatshelwa kokuqashwa kwezingane kanye nokusetshenziswa ngempopo (Izigaba sama-48)

7.2 Izivumelwano ezinguzibuthe kanye nezivumelwano zomuntu ngamunye zingasetshenziswa esikhundleni noma zichithe lezo izimiso eziyisekelo zomthetho wokuqasha ukufinyelela lapho kugunyazwe khona nguMthetho noma ngokwezinqumo zengxenywe ethile (Izigaba sama-49).

7.3 UNgqongqoshe WeZemisebenzi angathatha isinqumo sokuguqula noma ukuchitha isimiso esiyisekelo somthetho wezokuqasha. Lokhu kuchithwa kungenziwa ngumqashi noma inhlango yabaqashi uma nje kungafakwa isicelo sokwenza lokhu (Izigaba sama-50).

7.4 Isinqumo singemukeleke ngaphandle kokuthi inyunyana emele abasebenzi ivumelane nezinguquko ezenziwayo noma ibe nethuba lokufakana imilomo noNgqongqoshe. Ikhophi yanoma yiziphi izinqumo ezithathiwe kufanele umqashi ayibeke obala endaweni yomsebenzi, kanti futhi nabasebenzi kufanele bakwazi ukuzitholela yona kalula (Izigaba sama-50).

## **8. IZINQUMO ZEZINGXENYE: ISIGABA SAMA-51**

Izinqumo ngezixenywe zingathathwa ukuze kuphakanyiswe izimiso eziyisekelo zabasebenzi engxenyeni kanye nasendaweni ethize.

## **9. UKULANDELISISA, UKUPHOQELELWA KANYE NENQUBO YOMTHETHO: IZIGABA ZAMA-63 - 81**

9.1 Abahloli bezemisebenzi kufanele bacebise abasebenzi nabaqashi ngamalungelo kanye nezibopho zabo ngokwemithetho yokuqasha.

Umsebenzi wabahloli ngukuhlola, ukuphenya izikhalo kanti futhi bangafaka abantu imibuzo, bahlole izincwadi, bathathe amakhophi ezincwadi kanye nezinye izincwadi ezithintene nophenyo nokuhlola abakwenzayo (Izigaba zama-64 - 66).

9.2 Umhloli anganika umqashi incwadi yempoqo uma etholwa engahloniphi izimiso zaloMthetho. Umqashi angaphikisa lencwadi kuMqondisi-Jikelele WeZemisebenzi, yena ongathi, emuva kokulalela isikhalo somqashi, aqinisekise, aguquguqule noma achithe okushiwo yilencwadi. Isikhalazo ngalesi sinqumo singadluliselwa eNkantolo YezeMisebenzi (Izigaba zama-68 - 73).

9.3 Abasebenzi bangebandlelulwe ngenxa yokusebenzisa kwabo amalungelo abanawo ngokwaloMthetho.

## 10. IZIMISO JIKELELE

Kuyicala ukwenza lokhu:

- (a) ukuvimbela noma ukuzama ukuwunga ngokungeyikho omunye umuntu owenza umsebenzi ngokulandela loMthetho;
- (b) ukuthola noma ukuzama ukuthola noma yimaphi amabhuku agciniwe ngendlela yokukhwabanisa, yobuphixiphixi, noma ngokuveza noma ukunikela ngencwadi engeyona noma leyo yokuzilumbuzisa;
- (c) ukuzenza umhloli wezemisebenzi noma ukuzenza omunye nje umuntu owenza lomsebenzi ngokwalo Mthetho;
- (d) ukwenqaba noma ukwehluleka ukuphendula ngokugcwele nanoma namiphi imibuzo evumelekile ngokomthetho ebuzwa ngumhloli wezemisebenzi noma omunye nje umuntu owenza lomsebenzi ngokwalo Mthetho;
- (e) ukwenqaba noma ukwehluleka ukuhlonipha nanoma yisiphi isicelo esivumelekile ngokomthetho, noma inqubo esemthethweni enikezwa ngumhloli noma omunye nje umuntu owenza lomsebenzi ngokwalo Mthetho;
- (f) ukuvimbela noma ukuthikameza umhloli noma omunye nje umuntu owenza lomsebenzi ngokwalo Mthetho (Isigaba sama-92).

BCEA 2

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 31

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This forms is a record of the calculation of remuneration.

**WHO FILLS IN THIS FORM?**

The employer.

**WHERE DOES THIS FORM GO?**

Must be kept in employer's possession.

**INSTRUCTIONS**

- Records must be kept by the employer for a period of three years from the date of the last entry [section 31(2)].
- No person may make a false entry in a record maintained in terms of subsection (1) [section 31(3)].
- An employer who keeps a record in terms of this section is not required to keep any other record of time worked and remuneration paid as required by any other law [section 31(4)].
- Every employee has the right to inspect and to request for a trade union representative or a labour inspector to inspect any record kept in terms of this Act that relates to the employment of that employee [section 78(1)(g)].

*This is only a model and not a prescribed form. Completing a document in another format containing the same information is sufficient compliance with the regulation.*

**WAGES REGISTER**

NAME OF EMPLOYEE: .....

IDENTITY NO: ..... EMPLOYEE NUMBER: .....

PAY PERIOD: ..... BASIC WAGE: ..... OCCUPATION .....

MANNER OF PAYMENT:  PER HOUR  PER DAY  PER WEEK  
 PER FORTNIGHT  PER MONTH

CALCULATION OF WAGES		
Ordinary hours worked .....	Amount due	R
Overtime worked .....	Amount due	R
Hours worked on Sundays	Amount due	R
Hours worked on Public holidays	Amount due	R
Allowances: Shift .....		
Housing .....		
Transport .....		
Medical .....		
Other: (specify) .....		
.....		
<b>Total</b>		<b>R</b>
<b>Total</b>		<b>R</b>
Authorised deductions: P.A.Y.E .....		
UIF .....		
Union .....		
Medical .....		
Retirement .....		
Other (Full details) .....		
.....		
<b>Total</b>		<b>R</b>
<b>TOTAL AMOUNT DUE</b>		<b>R</b>

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
DATE









BCEA 5

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 42

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This form is proof of employment with an employer.

**WHO FILLS IN THIS FORM?**

The employer.

**WHERE DOES THIS FORM GO?**

To the employee.

**INSTRUCTIONS**

This form may be issued upon termination of employment.

**NOTE**

In terms of section 42(g) the reason for termination of employment must only be given if requested by the employee.

*This is only a model and not a prescribed form. Completing a document in another format containing the same information is sufficient compliance with the regulation.*

**CERTIFICATE OF SERVICE**

I .....  
(name and designation of person)

of

.....  
(full name of employer)

address: .....

.....

in the ..... (trade)

declare that

.....  
(full name of employee)

.....  
(I.D. no.)

was in employment

from ..... until .....

as

.....  
(type of work/occupation)

.....

any other information.....

On termination of service this employee was earning: R.....

..... (amount in words)

per hour  per day  per week  per fortnight  per month  per year

.....  
Employer's signature

.....  
Date

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**  
Section 50(1)(b)

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This form is an application for a Ministerial determination to replace or exclude certain provisions of the Act or a Sectoral Determination.

**WHO FILLS IN THIS FORM?**

The employer.

**WHERE DOES THIS FORM GO?**

The relevant Provincial Director of the Department of Labour. Refer to page 4 of this form for the applicable address.

**INSTRUCTIONS**

- The sections of the Act or Sectoral Determination for which variation is sought must be mentioned.
- Proof of any consent to the application by the registered trade union(s) in terms of section 50(7)(a) must be attached to this form.
- If no consent is obtained, proof of service on registered trade union(s) and proof of reasonable steps to bring the application to the notice of employees must be attached.
- Shift roster must be included if applicable.

**NOTE**

A Department of Labour official may conduct an inspection to verify the information or seek more information in relation to your application.

If there is insufficient space on the form use separate piece of paper.

**DEPARTMENT OF LABOUR**

**APPLICATION FOR MINISTERIAL DETERMINATION**

**A. EMPLOYER PARTICULARS**

**1. NAME OF EMPLOYER**

.....

**2. CORRESPONDENCE ADDRESS**

.....  
.....  
.....

POSTAL CODE ..... PROVINCE .....

TEL. NO. (.....) ..... FAX. NO. (.....) .....

E-MAIL: .....

**3. NATURE OF BUSINESS CONDUCTED**

.....

**4. CONTACT PERSON(S)**

.....

**B. DETAILS OF APPLICATION**

**1. VARIATION IS APPLIED FOR IN RESPECT OF THE FOLLOWING SECTION(S) OF THE ACT OR CLAUSE(S) OF THE FOLLOWING SECTORAL DETERMINATION:**

.....  
.....  
.....  
.....

**2. AREA FOR WHICH VARIATION IS SOUGHT: .....**

.....

**3. PERIOD FOR WHICH VARIATION IS SOUGHT: .....**

.....  
.....





## ADDRESSES OF PROVINCIAL DIRECTORS

<p>In the province of Eastern Cape: The Provincial Director Department of Labour Private Bag X9005 <b>EAST LONDON</b> 5200</p> <p>Telephone number: (0431) 701 3000 Fax number: (0431) 439 719</p>	<p>In the province of the Free State The Provincial Director Department of Labour P O Box 522 <b>BLOEMFONTEIN</b> 9300</p> <p>Telephone number: (015) 430 3001 Fax number: (015) 447 9353</p>
<p>In the province of Gauteng: Gauteng North: - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom,</p> <p>The Provincial Director Department of Labour P O Box 393 <b>PRETORIA</b> 0001</p> <p>Telephone number: (012) 309 5000 Fax number: (012) 323 5449</p>	<p>In the province of Gauteng: Gauteng-South: - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria,</p> <p>The Provincial Director Department of Labour P O Box 4560 <b>JOHANNESBURG</b> 2000</p> <p>Telephone number: (011) 497 3000 Fax number: (011) 838 3154</p>
<p>In the province of KwaZulu/Natal, The Provincial Director Department of Labour P O Box 940 <b>DURBAN</b> 4000</p> <p>Telephone number: (031) 336 1500 Fax number: (031) 307 6882</p>	<p>In the province of Mpumalanga, The Provincial Director Department of Labour Private Bag X7263 <b>WITBANK</b> 1035</p> <p>Telephone number: (0135) 656 1633 Fax number: (0135) 903 616</p>
<p>In the province of Northern Cape The Provincial Director Department of Labour Private Bag X5012 <b>KIMBERLEY</b> 8300</p> <p>Telephone number: (0531) 881 500 Fax number: (0531) 824 798</p>	<p>In the Northern Province The Provincial Director Department of Labour Private Bag X9368 <b>PIETERSBURG</b> 0700</p> <p>Telephone number: (015) 297 3586 Fax number: (015) 297 1583</p>
<p>In the province of North-West, The Provincial Director Department of Labour Private Bag X2040 <b>MMABATHO</b> 8681</p> <p>Telephone number: (0140) 842 033 Fax number: (0140) 842 745</p>	<p>In the Province of the Western Cape The Provincial Director Department of Labour P O Box 872 <b>CAPE TOWN</b> 8000</p> <p>Telephone number: (021) 460 Fax number: (021) 453 278</p>

BCEA 7

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 50(8)(c)

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

To record a determination to replace or exclude any basic condition of employment.

**WHO FILLS IN THIS FORM?**

The Minister.

**WHERE DOES THIS FORM GO?**

To the affected parties and if required, publication in the Government Gazette.

**DEPARTMENT OF LABOUR**

**DETERMINATION IN TERMS OF SECTION 50**

I, The Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

1. The following sections of the Act or clauses of the sectoral determination are replaced or excluded:

.....  
.....  
.....  
.....

2. Extent of the variation.....

.....

3. Employers or employees in respect of whom the determination applies.

.....  
.....

4. Conditions on which determination is granted.....

.....

5. Period for which the determination is granted.....

.....

SIGNED at                      on this the                      day of

Minister of Labour:



BCEA 8

DEPARTMENT OF LABOUR

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 66(1)

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

To subpoena information or a person who has such information to make it available to the Director-General or a duly authorised representative.

**WHO FILLS IN THIS FORM?**

The Department of Labour.

**WHERE DOES THIS FORM GO?**

To the person who has the information.

**NOTE**

Failure to comply with the subpoena may result in the committal of an offence.

Ref/Case no: .....

Enquiries: .....

**SUBPOENA**

Subpoena in terms of Regulation 8

Official Stamp

TO: .....

.....

.....  
(name and address of person subpoenaed)

You are required to appear in person before the labour inspector at:

.....  
(address)

on ..... at ..... and  
(date) (time)

on any subsequent day to which the investigations may be postponed.

You are subpoenaed in terms of regulation 8 of the Act:

- For questioning
- To produce any book, document or object
- To give evidence

You must bring and produce the books, documents or objects listed below:-

.....  
.....  
.....  
.....  
.....

SIGNED at ..... on this the ..... day of .....

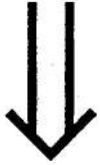
Director-General: Labour .....

BCEA 9

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

**Section 68**

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

To record an undertaking by the employer to comply with a provision of the Act.

**WHO FILLS IN THIS FORM?**

The inspector.

**WHERE DOES THIS FORM GO?**

The employer.

**INSTRUCTIONS**

May be issued when:

- An agreement is concluded on amounts owed to employee.
- An employer undertakes to perform or cease acts agreed to.
- Failure to comply with the undertaking will result in a compliance order being issued.

**DEPARTMENT OF LABOUR**

**UNDERTAKING**

Ref/Case no: .....

Enquiries: .....

(Delete that which is not applicable)

1. I / We ..... (state name of employer) ..... undertake to comply with the following—

2. Section(s) of the Act .....

2.1 Sectoral Determination no: ..... Clause(s) .....

2.2 Other (specify) .....

AND / OR

3. To perform / cease the following acts:

.....  
.....  
.....  
.....

4. Payment undertaking (specify)

.....  
.....  
.....

DATED THIS ..... DAY OF ..... 19.....

AT ..... (PLACE)

.....  
SIGNED ON BEHALF OF EMPLOYER

.....  
SIGNED: DIRECTOR-GENERAL: LABOUR

WITNESSES 1. ....

2. ....

BCEA 10

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 68(2)(d)

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

Proof of monies received.

**WHO FILLS IN THIS FORM?**

The inspector.

**WHERE DOES THIS FORM GO?**

The employer.

**INSTRUCTIONS**

Must be issued upon receipt of any monies paid to an inspector.

**DEPARTMENT OF LABOUR**

**RECEIPT**

Ref/Case no: .....

Enquiries: .....

(Delete that which is not applicable)



I, ..... an inspector in the Department of Labour, appointed in terms of the Act, acknowledge receipt of the amount

R..... (sum also in words) .....

from ..... (employer's name(s))

..... being an amount owed to

..... in terms of section

..... of the Act, AND / OR in terms of

clause ..... of an undertaking

dated .....

Cheque

Cash

Other (specify e.g. postal order)

Received by: .....

Designation: .....

Date: .....

BCEA 11

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 66(3)(b)

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This form is proof of records received from employer.

**WHO FILLS IN THIS FORM?**

The inspector.

**WHERE DOES THIS FORM GO?**

The employer.

**INSTRUCTIONS**

- Must be issued to employer on receipt of any record document, article, substance or machinery removed from employer's possession.
- Anything removed must be returned within a reasonable time.

**DEPARTMENT OF LABOUR**

**RECEIPT**

Ref/Case no: .....

Enquiries: .....

Official Stamp

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, ..... an inspector in the Department of Labour appointed in terms of the Act acknowledge receipt of the following documents/article/substance/machinery:

- Attendance register
- Wage register
- Clock cards
- Log books
- UIF - Blue cards
- Other - specify

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by: \_\_\_\_\_

Signature of Employer /  
Authorised Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

Section 69

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

This form is to enforce compliance with a provision of the Act

**WHO FILLS IN THIS FORM?**

The inspector.

**WHERE DOES THIS FORM GO?**

Order must be delivered to employer named in it, an to employee affected by it or, if this is impractical, to a representative of the employees including a registered trade union.

**INSTRUCTIONS**

- The employer must display a copy of this order prominently at a place accessible to the affected employees at each workplace named in it.
- An employer must comply within time period stated unless the employer objects in terms of section 71.
- Failure to comply could result in a fine.

BCEA 12

**DEPARTMENT OF LABOUR**

**COMPLIANCE ORDER**

Ref/Case no: .....

Enquiries: .....

Office/Labour Centre: .....  
(Delete that which is not applicable)

1. Name of employer: .....

2. Workplace/s: .....

3. You have not complied with the following sections of the Act or clauses of a Sectoral Determination:

Sections: .....

Sectoral Determination no: ..... Clauses: .....

AND / OR

4. You have not complied with a written undertaking to the following extent:

.....  
.....  
.....

AND / OR

5. You are hereby ordered to pay to

(Name)..... (address).....

the sum of R..... (amount in writing) .....

within ..... days from the receipt hereof.

AND / OR

6. You are required to perform/cease the following within seven days of receipt hereof:

6.1 .....

6.2 .....

AND/OR

7. Fines

7.1 The Director-General may recommend to the Labour Court to impose a fine in accordance with Schedule 2 of the Act.

7.2 Despite compliance with any compliance order the Director-General may, request the Labour Court to impose a fine of R.....

8. Objections

You may object to this compliance order by making representations to the Director-General within 21 days of receipt of this order.

TABLE ONE : MAXIMUM PERMISSIBLE FINE NOT INVOLVING AN UNDERPAYMENT

No previous failure to comply	R100 per employee in respect of whom the failure to comply occurs
A previous failure to comply in respect of the same provision	R200 per employee in respect of whom the failure to comply occurs
A previous failure to comply within the previous 12 months or two previous failures to comply in respect of the same provision within three years	R300 per employee in respect of whom the failure to comply occurs
Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs
Four previous failures to comply in respect of the same provision within three years	R500 per employee in respect of whom the failure to comply occurs

TABLE TWO : MAXIMUM PERMISSIBLE FINE INVOLVING AN UNDERPAYMENT

No previous failure to comply	25% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order
Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order

GIVEN UNDER MY HAND ON THIS ..... DAY OF ..... 19... AT ..... (PLACE)

.....  
DIRECTOR-GENERAL: LABOUR



5. Any documentary evidence (or copies thereof) that you wish to submit in support of your contention(s) as stated in paragraph 4 should be attached and listed below:

Number	Title or description of document
.....	.....
.....	.....
.....	.....

6. Appeal

You may appeal to the Labour Court against any order made by the Director-General within 21 days of receipt of the order.

Place .....

Date .....

.....  
Signature of objector/employer



No. R. 1439

13 November 1998

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997****DETERMINATION: EARNINGS THRESHOLD**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 6(3) read with section 59(2)(c) of the Basic Conditions of Employment Act, 1997, determine that as from 1 December 1998, all employees earning in excess of R89 455,00 per annum be excluded from Sections 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18(3) of the Act.

For the purpose of this notice:

"Earnings" means gross pay before deductions, i.e. income tax, pension, medical and similar payments but excluding similar payments (contributions) made by the employer in respect of the employee.

**MINISTER OF LABOUR**

No. R. 1440

13 November 1998

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997****CODE OF GOOD PRACTICE ON THE ARRANGEMENT OF  
WORKING TIME**

Notice is hereby given in terms of section 87(2) of the Basic Conditions of Employment Act, 1997, that the Minister of Labour, after consulting NEDLAC, has issued under section 87(1)(a) of that Act, a Code of Good Practice on the Arrangement of Working Time as set out in the Schedule.

**SCHEDULE****CODE OF GOOD PRACTICE ON THE ARRANGEMENT OF  
WORKING TIME****1 OBJECTIVES**

The objective of this code is to provide information and guidelines to employers and employees concerning the arrangement of working time and the impact of working time on the health, safety and family responsibilities of employees.

**2 APPLICATION**

2.1 This code is issued in terms of section 87(1)(a) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), (BCEA) and must be read in conjunction with the BCEA, particularly Chapter Two which governs the regulation of working time.

2.2 Section 7 of the BCEA requires employers to regulate the working time of each employee –

2.2.1 in accordance with the provisions of any Act governing occupational health and safety;

2.2.2 with due regard to the health and safety of employees;

2.2.3 with due regard to this Code of Good Practice;

2.2.4 with due regard to the family responsibilities of employees.

2.3 This code applies to all employers and employees covered by the BCEA. This Code of Good Practice is of particular significance for employees who perform shift work or regular night work and to their employers.

- 2.4 The norms established by this Code are general and may not be appropriate for all workplaces. A departure from the Code may be justified in proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

### 3 RELATIONSHIP TO HEALTH AND SAFETY LAWS

- 3.1 The regulation of working time is closely connected to the protection and promotion of the health and safety of employees and, in some cases, members of the public.

- 3.2 Employers may be required to take working-time schedules into account in complying with their general duties to provide and maintain a working environment that is safe and without risk to the health of employees in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), (OHSA) 85 of 1993 and the Mine Health and Safety Act, 1996 (Act No. 19 of 1996), (MHSA).

- 3.3 Key aspects of these Acts are the following:

- 3.3.1 Employers must conduct a risk assessment. This requires that they identify hazards and assess the risk that they pose to the health and safety of employees. The results of the risk assessment must be recorded.

- 3.3.2 Employers must implement appropriate measures to eliminate or control hazards identified in the risk assessment.

- 3.3.3 Employers must train and supply information to employees about the risks to their health and safety and the measures taken to control such risks.

- 3.3.4 Elected worker health and safety representatives and committees are entitled to participate in the risk assessment and control of hazards.

- 3.3.5 Employees have a duty to take reasonable steps to protect their own health and safety and that of other employees.

- 3.4 Employers who engage employees to perform regular night work<sup>1</sup> must ensure that these employees are informed of the health and safety hazards associated with the work that they would perform. This provision of the BCEA reiterates the obligation on employers in terms of OHSA and MHSA.

### 4 DESIGN AND EVALUATION OF SHIFT SYSTEMS

---

<sup>1</sup> An employee is regularly working at night if he or she works more than one shift per week (or 50 shifts per year) of which more than one hour falls after 23:00 or before 06:00.

- 4.1 The design of shift rosters must be sensitive to the impact of these rosters on employees and their families. This information can be obtained during consultations, negotiations or by circulating individual questionnaires to employees.
- 4.2 The information that an employer may require on the effect of shift rosters includes –
  - 4.2.1 the ranked preferences of employees for different shift systems (this should include factors such as rate of rotation, length of shift, extension of operating time, starting and finishing times of shifts, weekends off, off-duty periods);
  - 4.2.2 the employee's views of the advantages and disadvantages of the existing or proposed shift system;
  - 4.2.3 aspects of the employee's work that could affect the determination of a suitable shift length;
  - 4.2.4 how an existing or proposed shift schedule affects or might affect the health and safety of employees;
  - 4.2.5 means, costs and availability of transport to and from the place of residence and the personal security of the employee while commuting;
  - 4.2.6 the childcare needs of the employees.
- 4.3 The information that will be required will depend on whether an employer is introducing a shift system for the first time or is re-evaluating or redesigning a shift system.

## 5 ARRANGEMENT OF SHIFTS

The following recommendations apply to the arrangement of shift work:

- 5.1 Overtime should be avoided, especially in occupations involving special hazards or heavy physical or mental strain.
- 5.2 The changeover from one shift to another during the working day should, where appropriate, include a brief period of overlap of the two crews in order to pass on any information that is needed by the subsequent crew.
- 5.3 If appropriate and if it is possible within legal requirements, workers whose skills are interchangeable should be allowed to exchange a shift with another worker.
- 5.4 The shift schedule should be displayed or distributed for easy access by all workers, and should be presented in a readily understandable form.

5.5 Workers should receive reasonable notice in advance of scheduled hours of work and of any foreseeable changes to the schedule.

5.6 Arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers, workers with family responsibilities, older workers, disabled workers or workers with health problems, and also workers' personal preferences for the scheduling of their own free time.

## **6 DESIGN OF SHIFT ROSTERS**

The following factors should be taken into account in the design of rosters for semi-continuous and continuous shift work:

6.1 The frequency of night work, weekend work and work on public holidays should be limited as much as possible for each worker.

6.2 The frequency of shift rotation should take account of the difficulties workers may have in adapting to night work.

6.3 It is preferable that shifts be rotated in a forward direction (morning to afternoon to night), bearing in mind workers' preferences, local conditions and difficulties in scheduling a long period of rest after spells of night shifts.

6.4 Night shifts should be no longer than morning and afternoon shifts. Where long night shifts are used they should be carefully reviewed to find ways to avoid excessive fatigue. Successive long night shifts should be avoided to the extent practicable.

6.5 Rest periods for shift workers should be scheduled to fall on weekends-a certain minimum number of times during a given period.

## **7 PERFORMANCE OF SAFETY-CRITICAL TASKS**

7.1 Employers should take particular care in the timing of safety-critical tasks in shift cycles and during individual shifts.

7.2 These should, to the greatest extent possible, not be undertaken at a time when the employees involved may be fatigued or have low levels of alertness.

7.3 This is of particular importance to employers, such as operators of major hazard installations whose activities have a direct impact upon the public, and operators of services such as mass transportation or goods transportation.

## **8 HEALTH ASSESSMENT AND COUNSELLING**

- 8.1 In terms of section 17(3)(b) of BCEA an employer, if requested by an employee who is performing regular night work, must make arrangements for the employee to undergo a medical examination. An employee is entitled to have such an examination at the time of commencing regular night work and thereafter at regular intervals while he or she continues to work regularly at night.
- 8.2 The examination should be performed by a medical practitioner or by a health professional who could refer employees to a medical practitioner in appropriate cases. This could include qualified staff employed in a workplace clinic. The cost of the examination is for the account of the employer although arrangements could be made for the cost to be covered through medical aid.
- 8.3 The timing of these examinations should be determined by individual or collective agreement in the light of the employee's health status, the nature of the work the employee performs and the employee's working hours.
- 8.4 The examination should cover -
- 8.4.1 any difficulties the employee may be having in adapting to night-work routines;
  - 8.4.2 any health problems that the employee is manifesting;<sup>2</sup>
  - 8.4.3 any psychological, emotional and social stresses experienced by the employee, strategies that may help the employee cope with night work and educational input on the risks of shift work;
  - 8.4.4 insomnia and symptoms of sleep deprivation such as irritability and chronic fatigue;
  - 8.4.5 use of medication, the effectiveness of which depends upon circadian (daily body) rhythms;
  - 8.4.6 diet and use of caffeinated drinks, alcohol, sleeping pills, and cigarettes.
- 8.5 In certain circumstances, it may be appropriate to advise certain individuals against shift work. These circumstances include where the effectiveness of medication is fundamentally affected by circadian (daily body) rhythms, workers with gastro-intestinal or cardiovascular disorders, and epileptics.
- 8.6 The examination should also include educational input on the health risks that may be associated with the employee's work schedule and as coping strategies that may assist the employee.

2

Among the health conditions that should be investigated are mild asthma; non-insulin-dependent diabetes mellitus; cardiac risk factors like hypertension, elevated cholesterol; depression; seizures; frequent indigestion; mild irritable bowel syndrome; Crohn's disease; peptic ulcer; weight loss and general nutritional status.

## 9. WORKING ENVIRONMENT

Employers should regularly assess whether the work environment, in particular the lighting and heating, are adequate for the health, safety and physical comfort of employees, particularly night workers.

## 10. MANAGEMENT SERVICES

10.1 Employers should provide appropriate management services to employees working outside of ordinary hours. Depending on the nature of the business, some aspects of management services should be available at all times to night-shift employees.

10.2 Services that should be available at night include -

10.2.1 first aid services;

10.2.2 qualified safety supervision;

10.2.3 occupational health services, in particular counselling on nutrition and fatigue related-problems;

10.2.4 emergency services in case of accidents, including transportation to hospitals.

10.3 Employers who engage employees on night work should ensure that -

10.3.1 there is adequate security for employees at the workplace;

10.3.2 employees are able to obtain safe, affordable transportation between their places of residence and their workplace;

10.3.3 there are adequate eating facilities;

10.3.4 there are adequate rest rooms and change-rooms.

10.4 Administrative services should be sufficient, so that employees working nights do not have to use their off-duty time to have contact with services such as the wages or personnel department. This could be achieved by making these services available at the start or end of shifts by introducing rosters that permit employees working at night to have contact during this time.

10.5 The need for and extent of administrative services will depend on the type of shift patterns. The need will be greatest if employees are working at night for long periods or permanently; there will be less of a need if employees change rapidly from day shift to night shift.

- 10.6 Employees working at night should not be disadvantaged in having access to education and training.
- 10.7 Collective bargaining, trade union activities and the activities of participative bodies such as workplace forums or health and safety committees should be arranged so as to allow employees who work at night to participate.
- 10.8 An agreement to reduce employees' meal intervals to 30 minutes in terms of section 14(5)(a) of the BCEA should not be concluded if it may have the effect of endangering the health and safety of employees.
- 10.9 Employers must ensure that employees receive adequate rest periods.
- 10.10 The number and duration of rest pauses during the shift and rotation should be adapted to the workload. Particular attention must be given to the scheduling of rest periods for employees who are engaged in-
  - 10.10.1 physically and mentally strenuous work;
  - 10.10.2 work involving manual lifting;
  - 10.10.3 work involving repetitive movement;
  - 10.10.4 monotonous work;
  - 10.10.5 shifts of longer than eight hours.

## 11 COPING STRATEGIES

Employers should provide appropriate and up-to-date information to employees about coping strategies, both in the workplace and at home. Strategies that will assist employees to cope with shift work and night work include –

- 11.1 maintaining a regular sleeping routine;
- 11.2 taking steps to block out noise and light for employees who have to sleep in the day;
- 11.3 maintaining a healthy diet;
- 11.4 exercise and relaxation.



## GLOSSARY

*Continuous shift work* - the employer operates 24 hours a day, seven days a week, all year round.

*Semi-continuous shift work* - the employer operates 24 hours a day without a daily break, but with a break at the weekend.

*Discontinuous shift work* - the employer operates less than 24 hours a day with at least one daily break. A "two-shift" system is the most common discontinuous shift system.

*Short or part-time shifts* - daily scheduled working hours that are substantially shorter than eight hours.

*Long shifts* - daily scheduled working hours that are substantially longer than eight hours.

*Rotating (or alternating) shifts* - workers alternate between different shifts. There are three key elements to rotation:

- (i) *The direction of rotation* - rotation can either be forward (clockwise, for instance, morning to afternoon to night) or backward (or counter-clockwise). In forward or advancing shifts, the starting time of one shift in a shift worker's schedule is always later on the 24-hour clock than the previous shift. In a continuous shift system workers will work a morning shift. In backward or delaying rosters, one shift always begins at an earlier time than the previous shift;
- (ii) *The frequency* - employees may change shifts every week or at shorter or longer intervals;
- (iii) *The length of the cycle* - the period required for a complete schedule of rotation, after which the cycle is repeated.

*Fixed (or permanent) shifts* - employees work permanently on a single shift.

No. R. 1441

13 November 1998

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997****CODE OF GOOD PRACTICE ON THE PROTECTION OF EMPLOYEES DURING PREGNANCY AND AFTER THE BIRTH OF A CHILD**

Notice is hereby given in terms of section 87(2) of the Basic Conditions of Employment Act, 1997, that the Minister of Labour, after consulting NEDLAC, has issued under section 87(1)(b) of that Act, a Code of Good Practice on the Protection of Employees during Pregnancy and after the Birth of a Child as set out in the Schedule.

**SCHEDULE****CODE OF GOOD PRACTICE ON THE PROTECTION OF EMPLOYEES DURING PREGNANCY AND AFTER THE BIRTH OF A CHILD****1 INTRODUCTION**

- 1.1 Many women work during pregnancy and many return to work while they are still breast-feeding.
- 1.2 The objective of this code is to provide guidelines for employers and employees concerning the protection of the health of women against potential hazards in their work environment during pregnancy, after the birth of a child and while breast-feeding.

**2 APPLICATION OF THE CODE**

- 2.1 This code is issued in terms of section 87(1)(b) of the Basic Conditions of Employment Act (BCEA) 75 of 1997.
- 2.2 It is intended to guide all employers and employees concerning the application of section 26(1) of the BCEA which prohibits employers from requiring or permitting pregnant or breast-feeding employees to perform work that is hazardous to the health of the employee or that of her child.
- 2.3 Workplaces may be affected differently depending upon the type of business and sector they are engaged in and the physical, chemical and biological hazards to which employees may be exposed in the workplace.
- 2.4 The norms established by this code are general and may not be appropriate for all workplaces. A departure from the code may be justified in the proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

### 3 CONTENTS

This code –

- 3.1 sets out the legal requirements relevant to the protection of the health and safety of pregnant and breast-feeding employees;
- 3.2 sets out a method for assessing and controlling the risks to the health and safety of pregnant and breast-feeding employees;
- 3.3 lists the principal physical, ergonomic, chemical and biological hazards to the health and safety of pregnant and breast-feeding employees and recommends steps to prevent or control these risks. These are listed in Schedules One to Four, which are included for guidance and are not exhaustive.

### 4 LEGAL REQUIREMENTS

- 4.1 The Constitution protects the right to bodily and psychological integrity, which includes the right to make decisions concerning reproduction [section 12(2)] and gives every person the right to health services, including reproductive health care [section 27(1)(a)].
- 4.2 No person may be discriminated against or dismissed on account of pregnancy.<sup>1</sup>
- 4.3 Employers are required to provide and maintain a work environment that is safe and without risk to the health of employees. This includes risks to the reproductive health of employees. These duties are established in terms of both the Occupational Health and Safety Act (OHSA) 85 of 1993 and the Mine Health and Safety Act (MHSA) 27 of 1996. Key aspects of these Acts are –
  - 4.3.1 employers must conduct a risk assessment, which involves identifying hazards, assessing the risk that they pose to the health and safety of employees, and recording the results of the risk assessment.
  - 4.3.2 employers must implement appropriate measures to eliminate or control hazards identified in the risk assessment;
  - 4.3.3 employers must supply employees with information about and train them in the risks to their health and safety and the measures taken to eliminate or minimise them;
  - 4.3.4 elected worker health and safety representatives and committees are entitled to participate in the risk assessment and control of hazards;

---

<sup>1</sup> The relevant provisions establishing this right are section 9(3) and (4) of the Constitution; section 187(1) of the Labour Relations Act 66 of 1995 and section 6 of the Employment Equity Act of 1998.

4.3.5 employees have a duty to take reasonable steps to protect their own health and safety and that of other employees.

## 5 PROTECTING THE HEALTH OF PREGNANT AND BREAST-FEEDING EMPLOYEES

5.1 Section 26(1) of the BCEA prohibits employers from requiring or permitting a pregnant employee or an employee who is breast-feeding to perform work that is hazardous to the health of the employee or the health of her child. This requires employers who employ women of childbearing age to assess and control risks to the health of pregnant or breast-feeding employees and that of the foetus or child.

5.2 Employers should identify, record and regularly review -

5.2.1 potential risks to pregnant or breast-feeding employees within the workplace;

5.2.2 protective measures and adjustments to working arrangements for pregnant or breast-feeding employees.

5.3 Where appropriate, employers should also maintain a list of employment positions not involving risk to which pregnant or breast-feeding employees could be transferred.<sup>2</sup>

5.4 Employers should inform employees about hazards to pregnant and breast-feeding employees and of the importance of immediate notification of pregnancy.

5.5 Workplace policies should encourage women employees to inform employers of their pregnancy as early as possible to ensure that the employer is able to identify and assess risks and take appropriate preventive measures.

5.6 The employer should keep a record of every notification of pregnancy.

5.7 When an employee notifies an employer that she is pregnant her situation in the workplace should be evaluated. The evaluation should include -

5.7.1 an examination of the employee's physical condition by a qualified medical professional;

5.7.2 the employee's job;

---

2

In terms of section 26(2) of the BCEA an employer must offer suitable alternative employment to an employee during pregnancy if her work poses a danger to her health or safety or that of her child or if the employee is engaged in night work (between 18:00 and 06:00, unless it is not practicable to do so. Alternative employment must be on terms that are no less favourable than the employee's ordinary terms and conditions of employment.

- 5.7.3 workplace practices and potential workplace exposures that may affect the employee.
- 5.8 If the evaluation reveals that there is a risk to the health or safety of the pregnant employee or the foetus, the employer must -
- 5.8.1 inform the employee of the risk;
- 5.8.2 after consulting the employee and her representative, if any, determine what steps should be taken to prevent the exposure of the employee to the risk by adjusting the employee's working conditions.
- 5.9 The employee should be given appropriate training in the hazards and the preventive measures taken.
- 5.10 If there is any uncertainty or concern about whether an employee's workstation or working conditions should be adjusted, it may be appropriate in certain circumstances to consult an occupational health practitioner. If appropriate adjustments cannot be made, the employee should be transferred to an alternative position in accordance with section 26(2) of the BCEA.
- 5.11 Employers must keep the risk assessment for expectant or new mothers under regular review. The possibility of damage to the health of the foetus may vary during the different stages of pregnancy. There are also different risks to consider for workers who are breast-feeding.
- 5.12 Arrangements should be made for pregnant and breast-feeding employees to be able to attend antenatal and postnatal clinics as required during pregnancy and after birth.
- 5.13 Arrangements should be made for employees who are breast-feeding to have breaks of 30 minutes twice per day for breast-feeding or expressing milk each working day for the first six months of the child's life.
- 5.14 Where there is an occupational health service at a workplace, appropriate records should be kept of pregnancies and the outcome of pregnancies, including any complications in the condition of the employee or child.

## 6 THE IDENTIFICATION AND ASSESSMENT OF HAZARDS

### 6.1 Physical hazards

The control of physical hazards in the workplace includes the recognition, evaluation and control of -

6.1.1 exposure to noise, vibration, radiation, electric and electromagnetic fields and radioactive substances;

6.1.2 work in extreme environments;

### 6.1.3 control of the thermal environment (heating and air conditioning).

Schedule One describes the extent to which certain of these physical agents may constitute a hazard to the health and safety of pregnant and breast-feeding employees and suggests methods to prevent or control these hazards.

## 6.2 **Ergonomic hazards**

The application of ergonomics involves ensuring that work systems are designed to meet the employee's needs for health, safety and comfort. A range of ergonomic risk factors may pose hazards to the health and safety of pregnant and breast-feeding employees and should be identified and assessed as part of the risk assessment programme. These include –

- 6.2.1 heavy physical work;
- 6.2.2 static work posture;
- 6.2.3 frequent bending and twisting;
- 6.2.4 lifting heavy objects and movements requiring force;
- 6.2.5 repetitive work;
- 6.2.6 awkward postures;
- 6.2.7 no rest;
- 6.2.8 standing for long periods;
- 6.2.9 sitting for long periods.

Schedule Two describes the extent to which some of these factors may constitute a hazard to the health and safety of pregnant and breast-feeding employees and suggests methods to prevent or control these hazards.

## 6.3 **Chemical hazards**

Contact with harmful chemical substances may cause infertility and foetal abnormalities. Some chemicals can be passed to the baby during breast-feeding and could possibly impair the health and the development of the child.

The Hazardous Chemical Substances Regulations, 1995, issued under OHS Act apply to all employers who carry out activities, which may expose people to hazardous chemical substances. These employers must assess the potential exposure of employees to any hazardous chemical substance and take appropriate preventive steps. The Regulations set maximum exposure levels for some 700 hazardous chemical substances.

The Hazardous Chemical Substances Regulations require employers to inform and train employees about, and in any substance to which they are or may be exposed. This must include information on any potential detrimental effect on the reproductive ability of male or female employees.

Regulation 7(1) of the General Administrative Regulations, 1996, under OHS Act requires manufacturers, importers, sellers and suppliers of hazardous chemical substances used at work to supply a Material Safety Data Sheet (MSDS) which must include information on any reproductive hazards. Every

employer who uses a hazardous chemical substance must be in possession of the relevant MSDS and must make it available on request to affected persons.

With the exception of the Lead Regulations, there are no regulations, which set maximum exposure levels of specific applications for women of childbearing age or pregnant women.<sup>3</sup> In view of the absence of occupational health standards for the exposure of pregnant or breast-feeding women to chemical substances, care should be taken to minimise exposure to chemicals, which can be inhaled, swallowed or absorbed through the skin. Where this cannot be achieved, employees should be transferred to other work in accordance with section 26(2) of the BCEA.

Chemical substances that are known or suspected to constitute a hazard to pregnant or breast-feeding women and to the foetus or child are listed in Schedule Three below.

#### 6.4 **Biological hazards**

Many biological agents, such as bacteria and viruses, can affect the unborn child if the mother is infected during pregnancy. Biological agents may also be transferred through breast-feeding or by direct physical contact between mother and baby. Health workers, including service workers in health-care facilities and workers looking after animals or dealing with animal products are more likely to be exposed to infection than other workers. Employees who have close contact with young children, such as teachers and edu-care workers, are at increased risk of exposure to rubella (German measles) and varicella (chicken pox).

Universal hygiene precautions are required to prevent disease. These include high standards of personal hygiene, surveillance of staff in high-risk areas, appropriate sterilisation and disinfecting procedures, designation of person to be responsible for health and safety, the use of protective clothing and gloves and the avoidance of eating or smoking in laboratories or other risk areas.

Some of the biological agents that are known to constitute a hazard to the health of breast-feeding or pregnant women are listed in Schedule Four.

### 7 **ASPECTS OF PREGNANCY THAT MAY AFFECT WORK**

Employers and employees should be aware of the following common aspects of pregnancy that may affect work:

<sup>3</sup> European Council Directive 92/32/EEC classifies some 200 substances and preparations as falling into one of the following categories:

- possible risks of irreversible effects (R40)
- may cause cancer (R45)
- may cause heritable genetic damage (R46)
- may cause harm to the unborn child (R61)
- possible risk of harm to the unborn child (R63)
- may cause harm to breastfed babies (R64)

The actual risk to health of these substances can only be determined following a risk assessment of a substance at a place of work, i.e. although the substances listed may have the potential to endanger health or safety, there may be no risk in practice. For example, if exposure is below the level that might cause harm.

- 7.1 As a result of morning sickness employees may be unable to perform early shift work. Exposure to nauseating smells may also aggravate morning sickness.
- 7.2 Backache and varicose veins may result from work involving prolonged standing or sitting. Backache may also result from work involving manual handling.
- 7.3 More frequent visits to the toilet will require reasonable access to toilet facilities and consideration of the employee's position if leaving the work she performs unattended poses difficulties.
- 7.4 The employee's increasing size and discomfort may require changes of protective clothing, changes to work in confined spaces and changes to her work where manual handling is involved. Her increasing size may also impair dexterity, agility, co-ordination, speed of movement and reach.
- 7.5 The employee's balance may be affected making work on slippery or wet surfaces difficult.
- 7.6 Tiredness associated with pregnancy may affect the employee's ability to work overtime and to perform evening work. The employer may have to consider granting rest periods.



**SCHEDULE ONE**  
**PHYSICAL HAZARDS**

<b>HAZARD</b>	<b>WHAT IS THE RISK</b>	<b>HOW TO AVOID THE RISK</b>
<b>Vibration and mechanical shocks</b>	Long-term exposure to vibrations may increase the risk of miscarriage and stillbirth. Exposure to shocks or wholebody vibrations in the later stages of pregnancy can result in premature labour.	<i>It is advised that pregnant workers and those that have recently given birth avoid work that is likely to involve uncomfortable, wholebody vibrations, especially at low frequencies, or where the abdomen is exposed to shocks or jolts.</i>
<b>Extreme heat</b>	The exposure of pregnant and breast-feeding employees to extreme heat may lead to dizziness and faintness, particularly in the case of women performing standing work. Lactation may be impaired by heat dehydration.	<i>Employers should limit the exposure of pregnant and breast-feeding workers to extreme heat. Arrangements for access to rest facilities and refreshments should be made in conditions of extreme heat.</i>
<b>Extreme cold</b>	Work in extremely cold conditions such as cold storage rooms has been associated with problems in pregnancy.	<i>Employees must be supplied with thermal protective clothing and their exposure to cold limited in terms of regulation 2 of the Environmental Regulations for Workplaces, made under the Occupational Health and Safety Act (OHSA).</i>
<b>Noise</b>	Prolonged exposure to noise can elevate the blood pressure of pregnant women and lead to tiredness.	<i>Employers should ensure compliance with regulation 7 of the Environmental Regulations for Workplaces, OHSA.</i>
<b>Ionising radiation</b>	Significant exposure to ionising radiation is known to be harmful to the foetus. Working with radioactive liquids or dusts can result in exposure of the foetus (through ingestion or via contamination of the mother's skin) or a breast-fed baby to ionising radiation.	<p><i>Work procedures should be designed to keep exposure of pregnant women as low as reasonably practicable and below the statutory dose limit for a pregnant woman.</i></p> <p><i>Pregnant women or breast-feeding mothers should not work where there is a risk of radioactive contamination.</i></p> <p><i>Employers of registered radiation workers, including radiographers, must comply with the regulations controlling the use of electronic products issued under the Nuclear Energy Act 131 of 1993.</i></p>

HAZARD	WHAT IS THE RISK	HOW TO AVOID THE RISK
<p><b>Non-ionising (electromagnetic) radiation</b></p>	<p>It has not been established that the levels of non-ionising electromagnetic radiation likely to be generated by video display units (VDU's) or other office equipment constitutes a risk to human reproductive health.</p>	<p><i>Women who are pregnant or who are planning children and are worried about working with VDU's should discuss their concerns with an occupational health practitioner.</i></p> <p><i>The following practical measures can be adopted to limit exposure to electromagnetic fields in offices (emfs):</i></p> <ul style="list-style-type: none"> <li>• <i>Workers should sit at arm's length from the computer (70cm) and about 120cm from the backs and sides of co-workers' monitors.</i></li> <li>• <i>Workers should have regular breaks from VDU work, as this reduces exposure time.</i></li> <li>• <i>Radiation-reducing glare screens (or shields) can reduce the electrical component of the emfs. However, shields that distort the image on the monitor should not be used.</i></li> </ul>
<p><b>Work in compressed air and diving</b></p>	<p>People who work in compressed air are at risk of developing the bends. It is not clear whether pregnant women are more at risk of getting the bends but potentially the foetus could be seriously harmed by gas bubbles.</p>	<p><i>Pregnant workers should not work in compressed air because of potential harm to the foetus from gas bubbles. For those who have recently given birth there is a small increase in the risk of the bends. The Diving Regulations, 1991, under OHSA, must be complied with.</i></p>

**SCHEDULE TWO**  
**ERGONOMIC HAZARDS**

<b>HAZARD</b>	<b>WHAT IS THE RISK</b>	<b>HOW TO AVOID THE RISK</b>
<b>Physical and mental strain</b>	Excessive physical or mental pressure may cause stress and give rise to anxiety and raised blood pressure during pregnancy.	<i>Employers should ensure that hours of work and the volume and pacing of work are not excessive and that, where practical, employees have some measure of control over how their work is organised. Seating should be available where appropriate. Longer or more frequent rest breaks will help to avoid or reduce fatigue.</i>
<b>Physically strenuous work</b>	Employees whose work is physically strenuous should be considered to be at increased risk of injury when pregnant or after the birth of a child.	<i>Heavy physical exertion, including the lifting or handling of heavy loads, should be avoided from early pregnancy onwards.</i>
<b>Prolonged sitting or standing</b>	Sitting or standing for long periods during pregnancy can have serious health consequences. Standing for long unbroken periods can result in complications during pregnancy such as deep vein thrombosis, varicose veins, premature labour and even miscarriage.	<p><i>Workstations should be adjustable to allow for necessary changes in posture.</i></p> <p><i>Pregnant employees who sit for long periods should be provided with a proper chair with lumbar support rest to prevent lower back pain. A footrest could alleviate pain and discomfort in the case of both sitting and standing workers.</i></p> <p><i>Pregnant employees who work in a stationary position should be given frequent rest breaks. Mobility during breaks should be encouraged to help prevent swelling of the ankles and improve blood circulation.</i></p> <p><i>Where work organisation permits task rotation, this should be done to allow the worker to do tasks that involve standing, sitting and moving.</i></p>

**SCHEDULE THREE**  
**CHEMICAL HAZARDS**

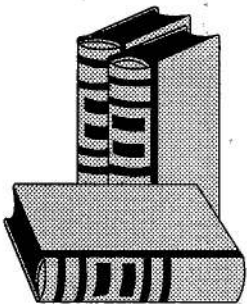
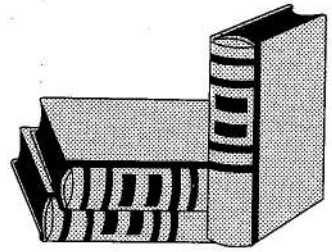
<b>HAZARD</b>	<b>WHAT IS THE RISK</b>	<b>HOW TO AVOID THE RISK</b>
<b>Anaesthetic gases</b>	Exposure to anaesthetic gases during pregnancy can lead to miscarriage.	<i>Exposure to high concentrations of anaesthetic gases should be avoided during pregnancy.</i>
<b>Carbon monoxide</b>	Risks arise when engines or appliances using petrol, diesel and liquefied petroleum gas are operated in enclosed areas. Carbon monoxide can result in the foetus being starved of oxygen.	<i>Occupational exposure to carbon monoxide should be avoided during pregnancy and breast-feeding.</i>
<b>Antimitotic (Cytotoxic) drugs</b>	Exposure to antimitotic drugs, which are used for treating cancer, damages genetic information in human sperm and egg cells. Some of these drugs can cause cancer. Absorption is by inhalation or through the skin.	<i>Workers involved in the preparation and administration of antimitotic drugs should be afforded maximum protection. Direct skin contact can be avoided by wearing suitable gloves and gowns. Pregnant employees potentially exposed to cancer drugs should be offered the option of transfer to other duties.</i>
<b>Ethylene oxide</b>	Ethylene oxide is used mainly in sterilising procedures in hospital. Exposure may occur when sterilised goods are transferred to the aerator after the cycle is complete and when changing the gas tanks.	<i>Health risks can be minimised by reducing worker exposure during transfer when the steriliser door is opened. Pregnant employees exposed to ethylene oxide above the acceptable level should be transferred to other duties.</i>
<b>Lead</b>	Exposure of pregnant and breast-feeding employees to lead affects the nervous system of young children and is detrimental to child development.	<i>Contact with lead should be avoided during pregnancy and breast-feeding. The Lead Regulations issued under OHSA must be complied with. These Regulations specify levels at which employees must be withdrawn from exposure to lead.</i>
<b>Mercury and mercury derivatives</b>	Organic and inorganic mercury compounds can have adverse effects on the mother and foetus.	<i>Women of childbearing age should not be exposed to mercury compounds.</i>
<b>Polychlorinated Biphenyls (PCBs)</b>	PCBs can cause deformities in the child. Maternal exposure before conception can also affect foetal development as PCBs	<i>No pregnant women should be exposed to PCBs at work.</i>

HAZARD	WHAT IS THE RISK	HOW TO AVOID THE RISK
	can be passed on to the foetus through the mother's blood.	
<b>Organic solvents</b>	Exposure to organic solvents including aliphatic hydrocarbons, toluene and tetrachloroethylene can lead to miscarriage and have a detrimental effect on the foetus.	<i>Pregnant women should be protected to exposure against these organic solvents.</i>
<b>Pesticides and herbicides</b>	Exposure to certain pesticides and herbicides is associated with an increased risk of miscarriage and can adversely affect the development of the child.	<i>Exposure to pesticides and herbicides should be avoided or minimised.</i>
<b>Alcohol</b>	Foetal alcohol syndrome can lead to physical and mental abnormalities in children. Workers in the beverage, catering and associated industries, including wine farming, are particularly at risk.	<i>Where appropriate, employees should be informed of and counselled in the hazards associated with foetal alcohol syndrome.</i>
<b>Tobacco smoke</b>	Tobacco smoke contains carbon monoxide and carcinogenic and other harmful substances. Smoking and the inhalation of environmental smoke affects foetal blood supply and can lead to retarded growth and development and more early childhood diseases. Smoking carries an increased risk of cancer and cardiovascular disease.	<i>Care should be taken to ensure that women employees are able to work without being exposed to tobacco smoke.</i>

**SCHEDULE FOUR**  
**BIOLOGICAL HAZARDS**

<b>HAZARD</b>	<b>HOW TO AVOID THE RISK</b>
<b>Cytomegalovirus</b>	Employees should be required to maintain high standards of personal hygiene, wash their hands after each patient contact and use gloves when handling potentially contaminated wastes in order to minimise the risk of infection.
<b>Hepatitis</b>	General precautions must be taken for all forms of hepatitis. Vaccination is the most effective means available of preventing hepatitis B. Workers must take particular care to avoid mucous membranes and skin coming into contact with potentially contaminated blood or other secretions.
<b>HIV</b>	Universal precaution is important for workers potentially exposed to HIV. Health care workers should take precautions to prevent needle-stick injuries and exercise care when handling the blood, tissues or mucosal areas of all patients.
<b>Rubella (German measles)</b>	Rubella vaccine is the most effective means of preventing the disease, and susceptible employees should be immunised. Pregnancy should be avoided for 3 months after vaccination.
<b>Varicella (chicken pox)</b>	It is advisable to identify employees who have not previously had chicken pox. Pregnant employees who are known not to be immune to chicken pox and who are exposed to an active case should report to a physician.
<b>Toxoplasmosis gondii</b>	Control measures against toxoplasmosis gondii for women of reproductive age include high standards of personal and environmental hygiene; the sanitary disposal of cat faeces and avoiding contamination by cat faeces of soil to be tilled for agriculture.

*Where is the largest amount of meteorological information in the whole of South Africa available?*



*Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?*

Department of Environmental Affairs and Tourism  
Departement van Omgewingsake en Toerisme

**CONTENTS****INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
<b>PROCLAMATION</b>				<b>PROKLAMASIE</b>			
R. 112	Basic Conditions of Employment Act (75/1997): Commencement .....	1	19453	R. 112	Wet op Basiese Diensvoorwaardes (75/1997): Inwerkingtreding .....	2	19453
<b>GOVERNMENT NOTICES</b>				<b>GOEWERMENTSKENNISGEWINGS</b>			
<b>Labour, Department of</b>				<b>Arbeid, Departement van</b>			
<i>Government Notices</i>				<i>Goewermentskennisgewings</i>			
R. 1438	Basic Conditions of Employment Act (75/1997): Regulations .....	3	19453	R. 1438	Basic Conditions of Employment Act (75/1997): Regulations .....	3	19453
R. 1439	do.: Determination: Earnings threshold...	121	19453	R. 1439	do.: Determination: Earnings threshold...	121	19453
R. 1440	do.: Code of good practice on the arrangement of working time .....	122	19453	R. 1440	do.: Code of good practice on the arrangement of working time .....	122	19453
R. 1441	do.: Code of good practice on the pro- tection of employees during pregnancy and after the birth of a child .....	130	19453	R. 1441	do.: Code of good practice on the pro- tection of employees during pregnancy and after the birth of a child .....	130	19453