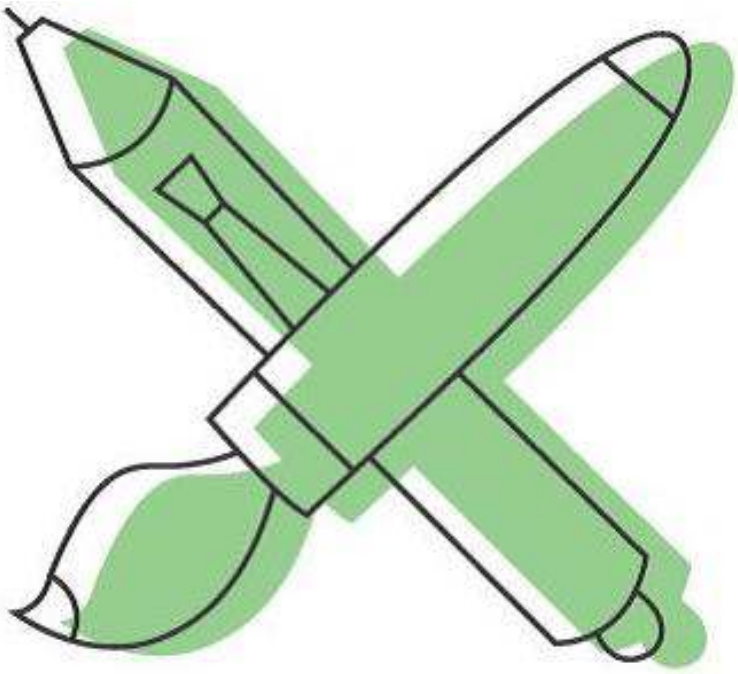
ISIKHOKELO ESISEBENZISEKA NGCONO KUBUGCISA OBUBONWAYO EMZANTSI AFRIKA



SIGUNYAZISWE LISEBE LEZOBUGCISA NENKCUBEKO

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ISikhokelo esiSebenziseka Ngcono soMzantsi Afrika, 2016

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I. INTSHAYELELO YOMHLELI

ISikhokelo sokuSebenza Ngcono kubuGcisa obuBonwayo eMzantsi Afrika siphuhliwe ngenxa yemfuneko yokwabelana kunye nokuphuhlisa imisebenzi yeshishini eya kuxhasa ubudlelwane obusempilweni kunye nobuneenqobo ezisesikweni kunye norhwebelwano phakathi kwabasebenzi kwishishini. Izikhokelo ezipapashwe apha zenza ukuba abasebenzi baqonde phakathi kwezithethe zokusebenza zangoku eMzantsi Afrika kunye nemigangatho efanelekileyo leyo bonke abadlali kufuneka balangazelele ekusebenzeni kunye nokuba bahlanganyelane. Kule meko isikhokelo sibonelela ngemithetho-siseko leyo bonke abasebenzi baya kuyifumanisa iluncedo ekusekeni ubudlelwane obufanelekileyo kunye nezigqibo, ingakumbi ekuphononongeni iimeko okunokukhokelela ekungangqinelanini kwamandla phakathi kwamaqela.

Imithetho-siseko enikwe kwesi sikhokelo ilandela uphononongo loko kunokwenzeka lokuba uThungelwano lobuGcisa obuBonwayo boMzantsi Afrika olwenziwe ngo-2014 olubone imfuno kunye nokuba kunokwenzeka ukuba kuveliswe ikhowudi yokusebenza kakuhle. Esihloko 'UMsebenzi eKwabelwana ngawo', uphononongo luxhase iingxelo zangaphambili zoko kufunyanisiweyo kuphando lwaze lwafaka izithuba kumbutho ngonxulumano kwihlabathi lobugcisa obubonwayo boMzantsi Afrika. 'UMsebenzi eKwabelwana ngawo' ukhombise ukuba nangona icandelo eli lilincinane kwaye linengozi, bonke abo basebenza kulo bafuna ukuphila kwaye bakhule, kwaye ke ukuphila komntu ekugqibeleni kuxhomekeke ekukhuleni kunye nasekumeni kwecandelo lobugcisa obubonwayo xa bubonke. Uphononongo luveze uninzi lwamava okungabikho kokhuselo kwicandelo, kunye ngokungangqinelani okukhulu okuphakathi kwabasebenzi ngokunxulumene nokufikelela kwicebo elililo ekubeni ulibanga njani ilungelo elithile elinokuthintela ukuba sesichengeni ngokungaphaya kwizimali kunye nakubugcisa. Isincomo esingundo esiye savela kuphononongo ibe kukuphuhliswa koxwebhu olucazulula izithethe kunye nemigangatho ngokuphathelene nohlobo lomsebenzi kunye nobudlelwane, olunokwenza ulwazi lweshishini eli, izikhokelo kunye neenkqubo-zikhokelo ekunokufikelelwa kuzo luluhlu olubanzi lwabasebenzi kulo nakweliphi na ibakala kwikhondo labo lemisebenzi.

Kwesi sikhokelo, imizekelo yehlabathi ephuhliswe yi-NAVA (Australia) kunye ne-CARFAC (Canada) iphandiwe kwaye kwacetyiswana ngayo. Imisebenzi engcono yehlabathi iye yalinganiswa, kodwa ngokuthathela ingqalelo okungamandla kokuthile kunye nakuluhlu lokusebenza kumxholo woMzantsi Afrika. Kuba kwezi khowudi zehlabathi, imithetho-siseko kunye nemisebenzi echazwe kwiSikhokelo sokuSebenza Ngcono kubuGcisa obuBonwayo eMzantsi Afrika yeyokuzithandela kwaye imiselwe ku 'ukuba', endaweni ka 'kufuneka', ngaphandle kwakuloo mimandla esele ilawulwa ngokomthetho (efana nerhafu, ilungelo lomenzi, impilo nokhuseleko, ubulungisa kubasebenzi kunye namalungelo ezemisebenzi). Ngexa izikhokelo eziphuhlisiweyo ngokomthetho-siseko zingabopheleli ngokomthetho, isikhokelo sokusebenza ngcono siluncedo ekusekeni isiseko sophuhliso lomgaqo-nkqubo kunye nomthetho oxhasa uzinzo lwexesha elide lomsebenzi kwicandelo. Oko kukuthi, icandelo liya kuba kwindawo eyomeleleyo yokuphembelela urhulumente kunye nokuba nefuthe kumgaqo-nkqubo kunye nokuphuhliswa komthetho oxhasayo, oko kuthathwa kwisiseko sesikhokelo esenza kube sesikweni imisebenzi yenqobo ezisesikweni phakathi kwamaqela kwicandelo.

Olunye loloyiko esiye sahlangabezana nalo ngexa siphuhlisa isikhokelo ibe ngumbuzo wokulawula umsebenzi wezobugcisa. Esi sikhokelo asixeleli amagcisa kunye nabasebenzi ukuba yintoni emisela umxholo owamkelekileyo kumsebenzi wabo, okanye uyalele ukuba abasebenzi kufuneka bawuvelise ngobugcisa kunye nangengqiqo kanjani na umsebenzi. Ngexa esi sikhokelo sixhasa imida ethile kwinkululeko yobugcisa (njengokusasazwa kwentetho yentiyo kunye nocalulo njengoko kuxeliwe kuMgaqo-siseko woMzantsi Afrika), injongo yolu xwebhu kukunika izincomo ezimisela iimeko eziqhelekileyo ezo abasebenzi kufuneka bangene kwizivumelwano nabanye. Xa kunjalo ke, esi sikhokelo senza umahluko phakathi kokusebenza okunobugcisa, kunye nezithethe nemigangatho yeshishini eqhelekileyo ekumiseleni urhwebelwano kunye nobudlelwane obububo phakathi kwabasebenzi. Lo ibe ngumahluko onzima ukuba wenziwe, kodwa abahleli bolu xwebhu bafune ukunika ngokungaguqukiyo

isikhokelo sokusebenza esingcono esindululaumgangatho weshishini kwaye sicebise iikhowudi kunye namanqanaba okufumana lawo abasebenzi banokulinagnisa ngawo iimeko kunye namava abo njengoko bengena kubudlelwane, unxulumano kunye nolungelelwaniso kummandla. Asijoliswanga ekubeni sibe sisixhobo sokusebenza esinobugcisa esiyilelwe ukucacisa ngokweenkcukacha ukuba 'wenza njani'.

Imithetho-siseko exelwe kwesi sikhokelo ithathela ingqalelo imeko bume ngqo yobugcosa obubonwayo boMzantsi Afrika, kuquka imeko yophuhliso lwesakhiwo kunye nokusasazwa kwezibonelelo. Ummandla ongundoqo oxhalabisayo unxulumene namacebo ingakumbi awemivuzo yamagcisa. Ngexa ungamiseliyo - kwaye uphepha iisedyuli kunye nezixa ngqo - isibali semali ehlawulwayo sijolise ekuncedeni abasebenzi ukuba bachaze ixabiso ngokwezimali lomsebenzi wabo. Kuyathenjwa ukuba ngokungabikho kwemali ehlawulwayo emiselwe ngokomthetho kwishishini lobugcisa obubonwayo, kunye nangaphandle kokhusela lwenkxaso, bonke abasebenzi, nokuba ngamagcisa, abagcini, izehlo, imibutho egunyazisayo okanye abaququzeleli, banokuncedeka kwiseti yamacebo asimahla afumaneka njengesingqinisiso kuwo onke amaqela. Kungokuxhotyiswa kwabasebenzi bobugcisayo obubonwayo okokwenza uthethathethwano ngemali ehlawulwayo apho sinethemba lokukhuthaza isehlo kunye nabaphathi kunye nabaququzeleli bendawo ukuba babeke phambili imali ehlawulwa abasebenzi xa behlola ezabo izenzo zokumisela uhlahlo lwabiwo-mali lwabo.

Izikhokelo kule ncwadana zindululaimizekelo yokwazisa unxulumano phakathi kwabasebenzi kunye nezehlo nemibutho egunyazisayo ezenzeka kwishishini lobugcisa obubonwayo boMzantsi Afrika. Siyathemba ukuba esi sikhokelo siya kukukhuthaza kwaye sikhuthaze onke amaqela ukuba asebenze ebhekisele kwishishini elifanelekileyo, elifikelelekayo nelixhotyosiweyo.

II. ULUHLU LWEENKCAZELO ZAMAGAMA

UkuSebenza Ngcono
UkuSebenza Ngcono yiseti yezikhokelo, imithetho-siseko okanye iindlela zokusebenza ezo, ngamava kunye nophando, zinika eyona migangatho ilungileyo kunye neyeenqobo ezisesikweni ukuze ishishini lisebenzi ngazo.

IKontraki/Isivumelwano esibhaliweyo
Nasiphi na isivumelwano esibhaliweyo ekujoliswe ukuba sinyanzeliswe ngumthetho. Phantsi komthetho woMzantsi Afrika nasiphi na isivumelwano esibhaliweyo okanye somlomo (kuquka i-imeyile kunye nezinye izivumelwano zokulinga) zinokunyanzeliswa ngumthetho. Izikhokelo zibhekisele kakhulu kwiikontraki kunye nezivumelwano ezibhaliweyo ngexa yokuba kulula ukucebisana, ukungqinisisa kunye nokuxoxa ngazo.

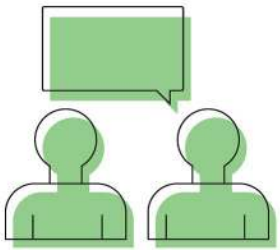
Isehlo
Nawuphi na umsitho woluntu okanye umanyano lwasekuhlaleni olucetyiweo olubandakanya uyilo kunye/okanye ukubona umsebenzi wobugcisa kunye/okanye ukusebenza, ukunika ikontraki okanye ukugunyazisa abasebenzi (njengoko bechaziwe phantsi ko 'Msebenzi'). Oku kuquka ukhuphiswano, imiboniso (ukuvula kunye nokuqhuba), imiboniso yeendawo ezibonisa imisebenzi yobugcisa, iminyhadala , kunye neentsuku zokuvulela abantu. Izehlo zithathwa ngokuba zezexesha elisisigxina (njengokuba ziqala ngomhla othile kwaye ziphele ngomhla othile) nokuba ziyenzeka kwakhona (njengeminyhadala yonyaka). Kwiimeko ezithile, izehlo zinokuqhutywa zizithuba (umzekelo, umbutho oqhuba umnyhadala), kodwa kwezinye iimeko izehlo zinokwenzeka kanye kwaye ziququzelelwe ngumntu omnye iqela lexeshana labantu.

Iimali ezihlawulwayo
Imali ehlawulwa umsebenzi okanye kwisehlo okanye umbutho ogunyazisayo ukuba kutshintshiselwana ngecebo okanye iinkonzo. Imali ehlawulwayo kaninzi imiselwa ngokwamava omsebenzi kunye/okanye umsebenzi obandakanyekayo ekunikeni inkonzo enikiweyo.

Umvuzo onikwa incutshe
Intlawulo encinane eya kumsebenzi ocelwe ukuba asebenze ngokwesikhundla sobugcisa obunjalo. Umvuzo onikwa incutshe awuthathwa ngokuba yimali ehlawulwayo, kodwa uhlawulwa njengokubulela ixabiso lomsebenzi wobungqondi womsebenzi, ukusebenza kunye nexesha (umzekelo, igcisa linokuhlawulwa umvuzo onikwa incutshe ngokuba lundwendwe olulungelelanisa iphaneli kawonke-wonke, ngokuchaseneyo nemali ehlawulwayo enokuba ihlawulwe kutshintshiselwana ngomsebenzi wobugcisa ogunyazisiweyo.

Umsebenzi
Abantu abazifaka kwicandelo okanye ihlabathi lomsebenzi wobugcisa. Aba baquka amagcisa obugcisa obubonwayo, abaphathi beeprojekthi, abalawuli kunye nabaququzeleli, ababhali kunye nabagwebi bobugcisa obubonwayo, ii-arhente zobugcisa, abathetheli-fandesi, abanini kunye nabaphathi beendawo zemiboniso.

Umbutho ogunyazisayo
Nawuphi na umbutho, inkampani, ishishini, isitudiyo, iziko noluntu, nokuba libhaliswe ngokusemthethweni okanye akunjalo, ovuma ukugunyazisa okanye ukuvelisa nayiphi na iprojekthi yobugcisa ebandakanya abasebenzi (njengoko bechaziwe phantsi ko 'Msebenzi'). Igama elithi umbutho ogunyazisayo alibhekisanga ngqo kwisithuba esibonakalayo endaweni yoko kukwakhiwa kweziko elithile lexesha elide elivelisa iiprojekthi, imiboniso, iintlanganiso zeengxoxo okanye eminye imisebenzi (ngokuchaseneyo nohlobo lwexesha elisisigxina lomnyhadala).



1. INTSHAYELELO

Ubugcisa obubonwayo licandelo eliqhutywa bubudlelwane. Amagcisa, abagcini, abanini beendawo ezibonisa ngemisebenzi yobugcisa, abafaki, abalawuli kunye nabanye abasebenzi abaninzi bonke banezakhono ezahlukeneyo ezifaka isandla ekwenzeni ukuba icandelo lezobugcisa obubonwayo ibe yindawo ezele udlamko. Kuzo zonke iimeko, ezi zakhono zifuna izakhono zabanye ukuze zisebenze – sinobudlelwane obunxulumeneyo. Abanini beendawo ezibonisa ngemisebenzi yobugcisa bafuna izithuba ezizimeleyo zobugcisa ezifuna iimyuziyam ezifuna abalawuli abafuna abafaki abafuna amagcisa kunye nangokuphendululekileyo. Bonke aba bantu bohlukeneyo ngokuhlangeneyo benze utyalo-mali ekukhuleni, ekomeleleni kunye nasekuphuhleni kobugcisa obubonwayo kuba sonke sifuna ukuba buqhube kwaye buchume.

Injongo yesi sikhokelo kukuququzelela ubudlelwane obuluqilima, obunempilo nobufanelekileyo kubugcisa obubonwayo, ukuxhasa ukukhula nokuphuhla kwabo. Esi sikhokelo sibhalelwe ukukhuthaza kunye nokuququzelela ubudlelwane obufanelekileyo kunye noxanduva olufana macala bokuba sisebenza njani na kunye. Injongo ibikukubhala ngemimandla emininzi kangangoko kunokwenzeka kubugcisa obubonwayo ngeendlela ezisebenza ngokubanzi kangangoko.

Into oza kuyifumana kwesi sikhokelo ziindlela ezigqwesileyo zokusebenza ezo bonke abasebenzi kubugcisa obubonakalayo babe nako ukucebisa, ukuxoxa kunye nokwenza isigqibo sokuba sisetyenziswa njani ikwiimeko ezithile. Kwimeko ezithile – ezifana nelungelo lomenzi kunye nenkululeko yentetho – umthetho umisela ukuba yintoni emayenziwe. Kwimimandla emininzi nakuba kunjalo, umxholo uyakhombisa ukuba yintoni emayenziwe, kunye nokuba yintoni ecetyiswa ngamandla. Kwiimeko kunye nakubudlelwane obungamiselwa ngumthetho, bonke abasebenzi banelungelo lokwenza isigqibo sokuba bakukhetha njani na ukusebenzisa iziqulatho zesi sikhokelo. Esi sikhokelo sijoliswe ekubeni senze abasebenzi bakwazi ukuqonda ezona zimo zingcono zinokuba khona (ukulinganisa), kunye nokumisela iziqu zabo ukuba loluphi na ukhetho abanalo, balwenza njani uthethathethwano kolu, kunye nemiqathango enokusebenza. Esi sikhokelo kufuneka sixhobise bonke abasebenzi abakubugcisa obubonwayo ukuba benze izigqibo ezisekelwe kulwazi. Kwezinye iimeko, isikhokelo siquka ulwazi kwiziphumo ezilindelweyo (njengalapho ukusebenza okugqwesileyo ingesiso isithethe, kwaye abasebenzi kufuneka benze izigqibo ezisekelwe kulwazi malunga nokuba banqwenela ukulandela isithethe na, ukusebenza okungcono, okanye uhlobo lokukhawulelana).

Esi sikhokelo sohlulwe ngokwamacandelo asixhenxe aqala ngentshayelelo kunye nengxelo yomxholo kunye nenyani leyo sisebenza kuyo isikhokelo. La macandelo mabini alandelayo afaka eyona misebenzi mininzi yobugcisa obubonwayo. Icandelo lesi-3 liphathelene nokusebenza kungekuko okorhwebo - engumsebenzi ongaqhutywa yinzuzo yezorhwbo kunoko eqhutywa ziinjongo zobungqondi, ukuyila kunye nengqiqo. Le iquka imibutho efana neendawo ezibonisa ngemisebenzi yoibugcisa eziqhutywa ngurhulumente kunye neemyuziyam, imibutho engekho phantsi kukarhulumente, iingqokelela zemisebenzi ethile, kunye neeprojekthi ezingathengisiyo kunye nezingenzi nzuzo kunye nemibutho egunyazisayo yeendawo zemiboniso. Siquka izehlo ezifana neminyhadala engenzi nzuzo, iiprojekthi ezincinane, iintlanganiso zeengxoxo kunye nemiboniso. Icandelo lesi-3 linika izikhokelo zokuba abenzi, izehlo kunye nemibutho egunyazisayo kufuneka basebenze njani kwingqubo-sikhokelo yeenjongo abajolise kuzo - ingakumbi ukuba ezi zehlo kunye nemibutho egunyazisayo bajolise kuphuhliso lobugcisa (kunakwinzuzo), kunye nokuba izehlo ezinjalo ezininzi kunye nemibutho egunyazisayo babanjwe luhlahlo lwabiwo-mali olunyiniweyo kunye namandla awandisiweyo. Kule nkqubo-sikhokelo, izikhokelo zisebenza

ngemiba efana ne-inshurensi, ubudlelwane babasebenzi, uthutho, njalo njalo, kwaye icebisa ukuba leliphi iziko (isehlo, umbutho ogunyazisayo okanye umenzi) ekufuneka athathe uxanduva lweyiphi na inxenye yobudlelwane. Icandelo lesi-4 limisela imiqathango engqalene nentengiso yemisebenzi, kwaye lisbenza kakhulu kwiindawo ezibonisa imisebenzi yobugcisa, imiboniso emikhulu yehlabathi, kunye namatheko orhwebo kunye nemibutho egunyazisayo apho abenzi bazithengisela ngokwabo imisebenzi yabo. Izigaba ezininzi zobudlelwane ekuthethwe ngazo kwiCandelo lesi-4 – njengothutho kunye ne-inshurensi – zingqinelana nezo zikwiCandelo lesi-3. Yiloo nto, kwiCandelo lesi-4, sithetha ngokusebenza okugqwesileyo ngokunxulumene nohlobo lorhwebo lobudlelwane, kwaye ingakumbi ngemiqathango yommelo oluphele leyo lwendawo ebonisa ngemisebenzi yobugcisa, esebenza ngokwahlukileyo kakhulu kunxulumano oludlulayo nolwexeshana kwezobugcisa.

Icandelo lesi-5 limalunga nomsebenzi wamagcisa kunye nabenzi kwimo engqonge ubugcisa kuquka izehlo kunye neminye imibutho egunyazisayo emiselwe ubugcisa obubonwayo, umsebenzi kunye nomboniso. Isibali semali ehlawulwayo esicazululiweyo sinikiwe ukuze sikhokele amaziko orhwebo afana neendawo ezibonisa ngomsebezi wobugcisa kunye nemibutho engenzi nzuzo kunye neenkampani kwimisebenzi egqwesileyo yezimali esebenzayo kwimiba yentlawulo yemali ehlawulwayo, iimbuyiselo mali, ukuthobela irhafu, phakathi kwezinye.

Icandelo lesi-6 linika izikhokelo zokuthengisa, ukwazisa kunye nobudlelwane noluntu, kunye nocholacholo ndaba olubalasele kubugcisa obubonwayo. Eli candelo limalunga nonxibelwano oluthatha uxanduva kuluntu lobugcisa kunye nemisebenzi yobugcisa, kunye nokuba unxibelelwano olunjalo lunokohluka njani na ngokuxhomekeke kwisehlo okanye umbutho ogunyazisayo. Icandelo lesi-7 licazulula imiba engundoqo yamalungelo amagcisa, kuquka ukusebenza ngokugqwesileyo kumaLungelo okuDlulisa amaLungelo kunye neNkululeko yokuziVakalisa. Eli candelo lilawulwa kakhulu ngokusemthethweni - kwaye kulindeleke ukuba litshintshe kwinkqubo-sikhokelo yomthetho njengoko imithetho emitsha yamalungelo abenzi ingeniswe ePalamente ngexa lokubhala esi sikhokelo. Okubalulekileyo, okuninzi kweli candelo kuyatshayelela kwaye kwiimeko ezithile kunokufuna icebo elongezelelekileyo lomthetho ngokuphathelene nenkcukacha ezibanzi zamalungelo amagcisa.

Imimandla esebenza ngomthetho ikhangelwe kwaye yavunywa ziingcali zomthetho ezenze oko ngeendleko zazo. Amaxwebhu adlule ekucetyisweni okubanzi, kwicandelo lobugcisa obubonwayo xa lilonke, kunye nangesimemo kubantu abathile abanolwazi lobungcali nolubanzi kwimimandla ethile. Isiqulatho sesi sikhokelo sibanzi kwaye ukuza kuthi ga ngoku okuphunyeziweyo ukuya kuma kushicilelo lwaso – Agasti 2016. Kungatshiwo nakuba kunjalo ukuba, izigaba zolu xwebhu ekugqibeleni ziya kuphelelwa lixesha, okanye zifune uhlaziyo, kwaye kubalulekile ukuba abantu bakhangele ukungqala kwesiqulatho, utshintsho lomthetho kunye neminye imiba enokuxhomekeka kutshintsho ngokuhamba kwexesha.

Amacandelo amaninzi esi sikhokelo ayangenana kwaye abhekisele kweminye imibhalo. Ukugcina esi sikhokelo sisifutshane kwaye sifikeleleka, sikhethe ungangaphindi umxholo kuzo zonke iimeko. Isalathiso ngasemva kwesikhokelo sisebenza ukubonelela ngoqhelaniso olucazululiweyo kwimiba eyahlukeneyo ekhankanyiweyo.

Esi sikhokelo siyafumaneka ukuba kucetyiswane ngaso xa kuvela iiprojekthi, iinkqubo kunye nobudlelwane. Sikwafumaneka nakubenzi ababandakanya kwizehlo kunye nemibutho egunyazisayo eele ikwinkqubo abanokufuna ukuhlela, ukubumba kunye nokutshintsha imisebenzi yazo ibe ngcono. Ithemba lethu kukuba esi sikhokelo siya kusebenza njengethuba lengxoxo kunye nokubandakanyeka ekubeni sinjani, njengemibutho eyahlukeneyo, iinkampani, amaqela kunye nabantu abangabodwa, ukukhetha ukusebenza, kunye nakwiindima esizicingela zona kwicandelo elibanzi lobugcisa obubonwayo.

2. INYANI LEYO IMITHETHO-SISEKO YOKUSEBENZA NGOKUGQWESILEYO ISEBENZA NGAYO: UNCEDO OLUFANA MACALA, IINZUZO NEENDLEKO

Indawo yokwahluka kolu xwebhu luluvo loNcedo oluFana maCala. Injongo yesi sikhokelo kukunika ingcaciso ngemigangatho yobugcisa kubugcisa obubonwayo ukuxhobisa wonke umntgu ngolwazi kunye nezixhobo zokusebenza okungcono okufana macala kwicandelo.

2.1. INjongo yeeNzuzo eziFana maCala

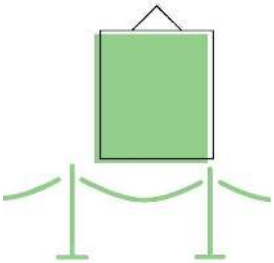
Umahluko omkhulu wezehlo kunye nemibutho egunyazisayo, kunye nokuba zikhutshwa njani na, zingeniswe, kwaye zithiwe thaca, uchaphazela indlela abenzi kunye nezehlo kunye nemibutho enjalo egunyazisayo abadibana ngayo ngokobugcisa kunye nezimali. Injongo yazo zombini iseshlo kunye/okanye umbutho ogunyazisayo, kunye nomenzi, kufuneka uxhamlise ngokufanayo macala. Akukho noyedwa onokusebenza ngaphandle komnye, kwaye bonke banokuzuza kubudlelwane.

2.2 INyani yeNdleko eziFana maCala

Zonke izigaba zecandelo (imibutho egunyazisayo, izehlo, abenzi kunye nabanye) batyala ixesha, amandla nemali ukuzisa isehlo, umboniso okanye umsebenzi wobugcisa kuluntu. Umntu ngamnye ekusetyenziswana naye udlala indima eyahlukileyo, ukusuka ekuvelisweni komsebenzi, ukuya kulawulo lwezehlo kunye nezithuba, ukuya kwinkqubo-sikhokelo yengqikelelo kunye neyobugcini apho imisebenzi yokuyila ixoxwa kwaye ibandakanywe khona. Lo msebenzi awukhutshelwa ngaphandle ngokufana macala, kwaye ixesham, amandla kunye nezibonelelo zineempembelelo ezifana macala kuwo onke amaqela.

2.3. Ukujolisa kwikamva elizinzileyo

Ngexa kuqondwa iinyani zezimali zangoku ezinyinayo kwicandelo lobugcisa loMzantsi Afrika, olu xwebu luchaza ukuba yintgo ekufuneka lilangazelele ukuyenza ishishini. Izikhokelo zijolise ekuseni phambili okona kusebenza kugqwesileyo kuze iinzuzo eziphezulu ezifana macala zibe nokuzuzwa kwaye libe nokuzinza icandelo. Uxwebhu lokusebenza ngokugqwesileyo olufana nolu kufuneka limisele imigangatho yesizwe. Nako okubalulekileyo, lunokuba sisixhobo sokuxhasa kunye nokuphakamisa. Apho izehlo, imibutho egunyazisayo kunye nabenzi banokungakwazi ukuhlangabezana nemigangatho yokusebenza okugqwesileyo, kuthenjwa ukuba olu xwebhu luya kusetyenziswa njengesiqalelo esibumbayo seengxoxo kunye nokukhula kwaye, ngobuncinane, singenza izigqibo ezisekelwe elwazini malunga nokuba sifuna ukusebenza njani kumsebenzi esiwenza sonke.



3. IMIBUTHO EGUNYAZISAYO ENGEYIYO EYORHWEBO KUNYE NEZEHLO

Imibutho egunyazisayo engeyiyo eyorhwebo kunye nezehlo yimiboniso, iminyhadala, imibutho kunye namaziko angenayo inzuzo yezorhwebo njengenjongo yayo engundoqo. Ezinye zezi zinokuba nokubaluleka kokwenza imali njengenxenye yenkqubo yabo, kwaye banokuba namaqabane ezorhwebo kunye nobudlelwane, kuba uhlobo lobugcisa obubonwayo ikukuba oku kunokuba mfiliba. Nakuba kunjalo, injongo yeli candelo kukunika izikhokelo kubenzi kunye nabadlali kumsebenzi wobugcisa oqhutywa phantsi kweemeko ezingaqhutywa yinzuzo.

Eli candelo lithathela ingqalelo inzuzo yoluntu evela kwimibuto enjalo egunyazisayo kunye nezehlo, lithathela ingqalelo unyino lohlahlo wabiwo-mali olunokuba khona, kwaye ngoku engqondweni, liyila ukusebenza okugqwesileyo kubo bonke ubudlelwane bokusebenza bamagcisa anokuba khona ekunokuhlangatyezwana nabo. Okubalulekileyo kweli candelo, imimandla engundoqo iqaqanjisiwe apho ukusebenza okugqwesileyo, kweli bakala, ingesiso isithethe okanye umgangatho, kodwa kuqukelwe ukukhuthaza kunye nokuxhobisa bonke ekusetyeniziswana nabo ukuba basebenze ngokubhekisele kwimisebenzi egqwesileyo eyamkelwe kwihlabathi.

3.1. IINTLOBO ZEMIBUTHO EGUNYAZISAYO ENGEYIYO EYORHWEBO KUNYE NEZEHLO

Imibutho egunyazisayo engeyiyo eyorhwebo kunye nezehlo azinayo injongo yokwenza inzuzo. Ngexa le mibutho igunyazisayo kunye nezehlo zinokuzibandakanya kwimisebenzi yorhwebo ixesha nexesha, ibona izizathu zayo zobukho ngeenjongo ezibanzi ezingaphandle kwenzuzo yezorhwebo. Le mibutho igunyazisayo ngesiqhelo ibhaliswe njengeenkampani okanye imibutho engenzi nzuzo (i-NPC okanye i-NPO), kodwa inokuquka izehlo ezifana nemiboniso egciniweyo, iminyhadala, ukudlala kunye nemiboniso exhaswa ngurhulumente kwaye eqhutywa ziinjongo ezingaphandle kwezo zorhwebo.

3.2. AMACEBO OKUSEBENZA OKUGQWESILEYO KWIMIBONISO EGCINIWEYO KUNYE NEZEHLO/IMINYHADALA

3.2.1. UMGAQO-NKQUBO

Ukukhokela abasebenzi, isitafu, kunye neebhodi zabalawuli, imibutho exhaswa ngokungafihlisiyo okanye izehlo kufuneka babe namaxwebhu afumaneka kuwonke-wonke anika ulwazi oluchanekileyo nolungafihliyo malunga nemigaqo-nkqubo yabo ngokunxulumene nemiboniso kunye nezehlo ezinxulumene nayo, intlawulo yemali ehlawulwayo kunye naluphi na ulungiselelo ekwabelwana ngalo ngeendleko. Le migaqo-nkqubo kufuneka ifumaneke ukuba kucetyiswane ngayo ngabasebenzisi/abasebenzi barhoqo kwaye kufuneka ihlaziywe rhoqo.

3.2.2. IIKONTRAKI OKANYE IZIVUMELWANO EZIBHALIWEYO

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

Iikontraki ayiyonto yenziwa ngesiqhelo kubugcisa obubonwayo eMzantsi Afrika, ingakumbi kwiindawo ezibonisa ngomsebenzi wobugcisa Nangona ingumsebenzi ongcono oqhelekileyo kumashishini amaninzi, kwaye ucetyiswa kakhulu kwesi sikhokelo, abenzi kufuneka baqonde ukuba lo msebenzi ungcono kusafuneka ukuba uphunyezwe ngokubanzi.

Ikontraki okanye isivumelwano esibhaliweyo esiphakathi kombutho ogunyazisayo okanye isehlo kunye nomenzi kufuneka sisetyenziswe.

Apho ingekhoyo ikontraki, naliphi kumaqela linokurekhoda imiqathango ekuvunyelwene ngawo ngokubhaliweyo lize linike elinye iqela ikopi esayiniweyo. Ngokwamkela imiqathango ebhaliweyo yesivumelwano, omabini amaqela anokuthathwa ngokuba avumile ukuba imiqathango kwenziwe uthethathethwano kwaye kwavunyelwana ngayo ngawo omabini amaqela.

Utshintsho kuyo nayiphi na ikontraki okanye isivumelwano kufuneka lwenziwe ngokubhaliweyo kuphela ngesivumelwano sawo omabini amaqela.

Zonke iikontraki kunye nezivumelwano:

- Kufuneka zenze okulindelwe macala kucace, kuquka iindima kunye namaxanduva eqela ngalinye.
- Kufuneka zichonge imihla, indawo kunye nesihloko sesehlo, ngokunjalo nomhla wokuphelelwa kwesivumelwano.
- Kufuneka siquke uluhlu olupheleleyo nolucazululiweyo lwemisebenzi yobugcisa, kuquka nawaphi na amagama akhethwayo elungelo lomenzi kunye nophawu, ngokunjalo neenkqubo zokusayina kuwo nawuphi na umbhalo ophuhliswe njengenxenye yomboniso.
- Kufuneka sixele isixa kunye nomhla intlawulo yemali ehlawulwayo enokulindelwa ngawo.
- Kufuneka siquke amaxesha amiselweyo okuziswa komsebenzi wobugcisa kunye nayo yonke imathiriyeli exhasayo (imifanekiso, iziteyitimenti, i-CV okanye imbali yobomi bomenzi).
- Kufuneka senze ungqinisiso olucacileyo kwizibhengezo zocholacholo lweendaba, amaxanduva eqela ngalinye ngokunxulumene nocholacholo lweendaba (jonga uCholacholo ndaba lwezobuGcisa, iCandelo lesi-6).
- Kufuneka sichonge iimfanelo kwiindleko kunye nenkcitho.
- Kufuneka zijongane noNikezelo ngamaLungelo (Intellectual Property Rights) (IPR).
- Kufuneka siquke imiqathango kunye neenkqubo zeSiqendu sokuSombulula iMbambano (Dispute Resolution Clause) (DRC) esingqinelana nothethathethwano, ulamlo, okanye uxolelwaniso esinikwe ngokwemithetho yoMzantsi Afrika.

Kwimeko yeqela, izivumelwano kufuneka kungenwe kuzo neqela xa lilonke kwaye kufuneka sicazulule kuza kusebenza njani na ukubandakanyeka neqela (umzekelo, amaxanduva onxibelelwano, ukwenziwa kwezigqibo, ukwazisa, izimali, njalo njalo).

Izehlo/imibutho egunyazisayo kufuneka ziziqonde iikontraki zeqela lesithathu kunye neyona misebenzi igqwesileyo kuzo ezi. Kwimeko yombutho ogunyazisayo osingethe isehlo esiququzelelwe liqela lesithathu, izibophelelo kunye namaxanduva awohlukeneyo ombutho ngamnye ogunyazisayo okanye isehlo kufuneka zichongwe kokontraki okanye isivumelwano esiphakathi kwala maqela. Amaxanduva okwazisa, ikhathalogu, izimemo, imali ehlawulwayo, i-inshurensi, ukuhanjiswa kwemithwalo, umsebenzi wokukhathalela, njalo njalo, kufuneka kunxityelelwano ngazo ngokubhaliweyo nabo bonke abo kusetyenziswana nabo kunye namaqela achaphazelekayo.

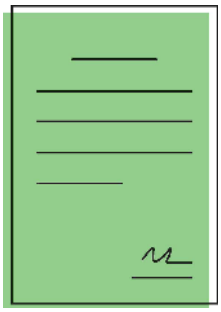
Izehlo/imibutho egunyazisayo kufuneka bahlawule zonke iindleko zomboniso, kuquka iindleko zokwazisa, ukuvula kunye nokunye ukwamkela, uthutho lomsebenzi kunye nokufaka kweendawo zokubonisa. Indlela ekufikwa kuyo kwezi ndleko kufuneka kwenziwe uthethwathethwano ngayo.

Naziphi na iindleko eziya kumenzi kufuneka kwenziwe uthethathethwano ngazo kunye nesehlo/umbutho ogunyazisayo kwangaphambili, kwaye zirekhodwe njengenxenye yekontraki okanye isivumelwano esibhaliweyo. Ukuba kuvela imbambano ngenxa yokophulwa kwayo nayiphi na imiqathango yekontraki, isithethe kukuba amaqela ayavuma ukusomblul umba ngokuthethathethana.

Ukuba aluphumeleli uthethathethwano, isithethe kukuba amaqela aya kuzama ulamlo. Ukuba aluphumeleli ulamlo, imbambano kuya kugqitywa ngayo ngoxolelwaniso. Iinkqubo zenkundla zithatha ixesha, ziyacotha kwaye zibiza imali eninzi. Kungcono ukusombulula imiba ngothethwathethwano,

ulamlo noxolelwaniso.

Nceda ujonge i-artright.co.za ngolwazi oluthe vetshe ngokuphathelene nothethathethwano, ulamlo, noxolelwaniso.



3.2.3 UKUHLAWULWA KWEMALI EHLAWULWAYO KUNYE NEMIVUZO ENIKWA IINCUTSHE

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

Imali ehlawulwayo kunye nemivuzo enikwa iicutshe ngemisebenzi eboniswa kwimiboniso engathengiswayo, xa umsebenzi ungeyiyo inxenye yengqokelela yombutho ogunyazisayo, zizenzo eziqhelekileyo zehlabathi. Nakuba kunjalo eMzantsi Afrika, esi senzo asikamkelwa ngokubanzi. Oku kungenxa yohlahlo lwabiwo-mali olunyiniweyo lweendawo ezigunyazisayo ezifana neemyuziyam zikarhulumente kunye neendawo ezibonisa ngemisebenzi yobugcisa, nakuba kunjalo imibutho egunyazisayo emininzi engenzi nzuzo enohlahlo lwabiwo-mali oluncinane yenza iinzame zokwenza ulungiselelo lwale mali ihlawulwayo okanye le mivuzo ihlawulwa iincutshe.

Abenzi kufuneka bahlawulwe imali ngokusetyenziswa kwimisebenzi yobugcisa egciniweyo, imiboniso yoluntu engathengisiyo kwaye imali ehlawulwayo kufuneka ibekwe phambili kunuso lwengxowa kunye nohlahlo lwabiwo-mali. Izixa ezihlawulweyo zimiselwa ngokunxulumene nohlahlo lwabiwo-mali xa lulonke kwaye kwimeko yohlahlo lwabiwo-mali oluncinane, imivuzo ehlawulwa iincutshe emincinane kufuneka ihlawulwe.

Kwimeko yamaqela, apho uhlahlo lwabiwo-mali luvumayo, imali ehlawulwayo xa iyonke kufuneka ibe phezulu kwiqela kunakubenzi abangabodwa.

Kwinkqubo ezongezelelekileyo, isehlo okanye umbutho ogunyazisayo unokuhlawula imali ehlawulwayo okanye imivuzo ehlawulwa iincutshe ngeenkonzo ezinxulumeneyo ezifana neentlanganiso zeengxoxo, ukubonisa, kunye neendleko zokuhamba umgama omde.

Ngezinye iintlobo zemiboniso (ezinxulumene nokhuphiswano okanye umsebenzi wobugcisa wabafundi kunye nokufaka), imibutho egunyazisayo exhaswa ngurhulumente kufuneka iphuhlise imigaqo-nkqubo exela ngokucacileyo iimeko ezo imali ehlawulwayo eya kuhlawulwa okanye ingahlawulwa ngazo, liya kumiselwa njani inqanaba lentlawulo, kwaye ngubani onoxanduva lokwenza intlawula xa amaqwela esithathu ebandakanyeka kwisehlo. Kwizehlo ezifana nemiboniso yabafundi kwimo engqonge ezemfundo okanye amaziko obugcisa oluntu, imali ehlawulwayo kaninzi ayikho.

Abenzi banelungelo lokumisela imiqathango yokuveliswa kwakhona kwemifanekiso yemisebenzi yabo yobugcisa, kuquka intlawulo yemali ehlawulelwa imvume, ngaphandle ‘kweyokusebenza ngokufanelekileyo’ kunye nolunye unyenyiso oluphantsi komThetho weLungelo loMenzi. Nakuba kunjalo, abenzi kufuneka baxoxe kwaye bavumelane ngokubhaliweyo ngokuyekwa kwemali ehlawulwayo xa abasebenzisi abathile bemisebenzi yabo kunokufunwa ukuba bapapashe isehlo.

Xa umbutho ogunyazisayo (indawo ebonisa ngemisebenzi yobugcisa okanye enye indawo)igunyazisa umenzi ukuba ayile umsebenzi wobugcisa okanye imisebenzi yokubonisa, umenzi unokuba nelungelo lokuhlawulwa ngomsebenzi wakhe, iindleko zemathiriyeli kunye nezinye iindleko (kunokubhekiselwa kuzo njengeMali eHlawulwa iGcisa, iMali eHlawulwa uMbhali, iMali eHlawulwa uMenzi, iMali eHlawulelwa uMboniso okanye iMali eHlawulelwa ukuGunyazisa njengeyohlukileyo kwiMali eHlawulelwa iMali-mboleko, jonga iSibali seMali eHlawulwayo, iCandelo le-5.2.1). Kule meko, ixesha kunye nokwenziwa kwentlawulo kufuneka ziqukwe kwikontraki okanye kwisivumelwano. Kwimeko yezinto ezifakwayo, imali ehlawulelwa uyilo eyahlukileyo inokuhlawulwa kumenzi ukuba into leyo ifakiweyo ixhomekeke kwimodeli kunye namayilo acazululiweyo.

Abenzi kufuneka bahlawulwe imali ehlawulelwa abagcini ngengqikelelo, ulawulo kunye nolungelelwaniso lomboniso, ngaphandle kokuba barhola ikomishini ngentengiso. Iindleko ezongezelelweyo ezenziwe ngumgcini, ezifana nokuthutha, unxibelelwano, i-inshurensi kufuneka zibuyiselwe imali sisehlo okanye

ngumbutho ogunyazisayo. Le miqathango kufuneka kuvunyelwane ngayo ngokubhaliweyo.

Isivumelwano kufuneka sixele ukuba ingaba imali yokugcina iquka imisebenzi yekhathalagu na kumgcini. Imisebenzi yekhathalogu inokuphathelana nemali ehlawulwayo eyongezelelekileyo kwimali ehlawulwayo yokugcina ekuvunyelwene ngayo.

Abenzi kufuneka bahlawulwe imali ehlawulelwa umbhali ngayo nayiphi na imibhalo ephuhliselwe iincwadi (ngaphezu kweziteyitimenti zegcisa okanye zokugcina). Abenzi ngesiqhelo bahlawulwa ngegama. Zombini isehlo kunye nombutho ogunyazisayo kufuneka bamisele amazinga ngegama ekugcineni ezona zenzo zokusebenza zigqwesileyo kuCholacholo ndaba, iCandelo lesi-6. Isixa sangegama kunye nobude bombhalo kufuneka kuvunyelwane ngazo ngokubhaliweyo. Izinga leyure kufuneka kuvunyelwane ngalo ngalo naluphi na uphando olongezelelweyo okanye ixesha elichithwe kusenziwa udliwano-ndlebe nabalingwa.

Izehlo kunye nemibutho egunyazisayo banokutsala izixa ezisemthethweni ezifana ne-PAYE kwimali ehlawulwa abenzi. Naluphi na utsalo kufuneka kunxityelelwane ngalo ngokubhaliweyo kwaye isehlo okanye umbutho ogunyazisayo kufuneka unike isiliphu somvuzo kunye ne-IRP5.

Ngolwazi oluthe vetshe ekubeni uyibala njani imali ehlawulwa umenzi, nceda ujonge iSibali semali eHlawulwayo, kwiCandelo le-5.2.1.

3.2.4. IINDLEKO ZOKUVELISA

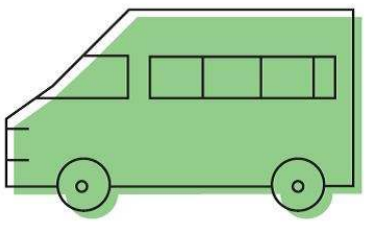
Kufuneka kwenziwe isivumelwano phambi komboniso sokuba ingaba isehlo okanuye umbutho ogunyazisayo uya kuzihlawulela na iindleko zokuvelisa.

Ukuba isehlo okanye umbutho ogunyazisayo zinomboniso oqhelekileyo (umzekelo, isimbo esithile okanye indlela yokufaka ifreyim), isehlo okanye umbutho ogunyazisayo kufuneka uhlawule iindleko. Kwimeko yomsebenzi ogunyaziswe sisehlo okanye ngumbutho ogunyazisayo, isehlo okanye umbutho ogunyazisayo kufuneka unike uhlalo lwabiwo-mali lokuvelisa ngaphaya kwemali ehlawulwayo. Kwimeko ezinjalo, iindleko ezongezelelekileyo ezingaphaya kwezo zomsebenzi ogunyazisweyo kufuneka zenziwe zicace ngokubhaliweyo. Kuzo zonke ezinye iimeko, abenzi kunye nezehlo kunye nemibutho egunyazisayo kufuneka zivumelane ngokubhaliweyo ngokwabelana ngeendleko.

3.2.5. UTHUTHO

Umququzeleli wombutho ogunyazisayo okanye isehlo kufuneka ahlawulele umthwalo kunye ne-inshurensi yokuba sendleleni yomsebenzi wobugcisa ukuya kunye nokubuya kwisehlo okanye kumbutho ogunyazisayo kwiimeko zokuhamba imigama emide, kunye nemisebenzi emikhulu okanye enzima. Kwimisebenzi emincinane okanye imigama emifutshane, imiqathango kufuneka kuthethathethwane ngayo phakathi kwamaqela kwaye kuvunyelwane ngayo ngokubhaliweyo.

Imibutho egunyazisayo, izehlo, kunye nabenzi kufuneka basebenzise iinkampani ezithembekileyo ezigqwesileyo ukuhambsia imisebenzi yobugcisa.



Umenzi kufuneka anike imiyalelo ecazululiweyo yokupakisha apho le iya kunceda ekuphathweni ngokukhuselekileyo komsebenzi wobugcisa.

Umenzi kufuneka awupakishe ngononophelo umsebenzi wobugcisa oza kuhanjiswa ngothutho ngaphandle kokuba ubolekelwe ukhenketho olubanzi, apho kulo meko keumququzeleli wokhenketho kufuneka alungiselele ukuwuthatha umsebenzi.

Ukuba abenzi kufunwa ukuba bahambe imigama emide, uhambo olunjalo kufuneka luhlawulelwe sisehlo okanye umbutho ogunyazisayo apho luvumela khona uhlahlo lwabiwo-mali. Imibutho egunyazisayo okanye izehlo kufuneka zibe nemigaqo-nkqubo ukumisela umgangatho wokuhamba (umzekelo, uhambo lwenqwelomoya olongayo okanye lwezoshishino, udidi lwendawo yokuhlala njalo njalo).

Isivumelwano sangaphambili kufuneka senziwe ngemihla yokuhanjiswa kunuye nokubuyiswa.

3.2.6. UKUFAKA

Isehlo okanye umbutho ogunyazisayo kufuneka uhlangabezane nendleko zokufaka umsebenzi wobugcisa ngaphandle kokuba oku kunzima okanye akuqhelekanga ngakumbi. Kulo meko, iindleko kunye neemfuneko kufuneka kwenziwe uthethathethwano kwaye kuvunyelwane ngazo ngokubhaliweyo nomenzi (kuquka nomonakalo onokuba khona kwisehlo okanye kumbutho ogunyazisayo ngexa lokufakwa okanye ukubonisa ngomsebenzi wobugcisa). Ingxelo yemeko kwisehlo okanye kumbutho ogunyazisayo phambi kunye nasemva kokufakwa inokufunwa.

Iindleko zokutshintshwa kwendawo emva kokususwa koko bekufakiwe kufuneka zithwalwe sisehlo okanye ngumbutho ogunyazisayo. Ukuba kukho umonakalo obungabonwanga kwangaphambili, oku kufuneka kuhlawulwe sisehlo okanye ngumbutho ogunyazisayo, okanye nge-inshurensi ngaphandle kokuba oko kukophulwa kwekontraki.

Umenzi kufuneka aqinisekise ukuba isehlo okanye umbutho ogunyazisayo unalo lonke ulwazi oluyimfuneko lokuwufaka ngokuchanekileyo umsebenzi.

Imisebenzi yobugcisa kunye nabenzi abathile banokufuna ukuba isehlo okanye umbutho ogunyazisayo ubonelele ngamaqela okufaka aziingcali kunye nezixhobo. Kwiimeko ezinjalo, iindleko kunye nokufanele ukwenziwa kufuneka kuvunyelwane ngako ngokubhaliweyo.

Isivumelwano sangaphambili kufuneka senziwe malunga nokuba umenzi kufuneka abe khona na xa kufakwa umsebenzi wobugcisa.

3.2.7. UMSEBENZI WOKUKHATHALELA

Isehlo, umbutho ogunyazisayo kunye nomququzeleli kufuneka basebenzise inkuthalo kunye nokhathalelo olufanelekileyo xa bephatha, bebeka, bebonisa, bepakisha kwaye bethutha umsebenzi wobugcisa, kwaye bavume ukunika iindlela ezifanelekileyo zokubonisa, ukhuselo, ukukhanya, uthintelo lomlilo kunye nolawulo lokusingqongileyo.

Isehlo okanye umbutho ogunyazisayo unoxanduva lomsebenzi womenzi kunye nomboniso wobugcisa ngexa ukukhathalelo lwesehlo okanye umbutho ogunyazisayo.

Isehlo okanye umbutho ogunyazisayo unoxanduva lokhuselo, uthintelo lomlilo, kunye neemeko zokusingqongileyo ezifanelekileyo ezifana neqondo lobushushu lomoya kunye nokulawulwa komfumo. Izinto ezixeliweyo kunye nolawulo kufuneka kuvunyelwane ngazo phambi kokuziswa komsebenzi.

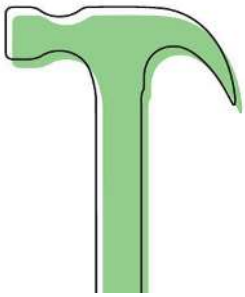
Apho umsebenzi unokuhlala imini enye(umzekelo, ungowohlobo lwexeshana okanye unokuzitshabalalela), uxanduva lokugcina okanye ukulahla imiba ethile yomsebenzi kufuneka kuvunyelwane ngalo ngumenzi kunye nesehlo okanye umbutho ogunyazisayo phambi komboniso wobugcisa.

Isivumelwano sokuwufumana kunye nokuwugcina kufuneka sisetyenziswe xa umsebenzi wobugcisa

ushiywe kwisehlo okanye kumbutho ogunyazisayo okanye kwnkampani egcinayo ngeenjongo zokuwugcina kuphela. Umsebenzi ngeke kubonsiwe ngawo, ufotwe okanye usetyenziswe sisehlo okanye ngumbutho oguynyazisayo ngazo naziphi na iinjongo zorhwebo ngexa ukugcina lwawo.

Ukuqinisekisa ufikelelo lukawonke-wonke kumsebenzi wobugcisa, isehlo okanye umbutho ogunyazisayo kufuneka uthathe uxanduva lokuqinisekisa ukuba ulawulo lwezixhobo zobuchwepheshe, ukukhanya kunye neqondo lobushushu ziyasebenza ngexa leeyure ekuvunyelwene ngazo.

Kwimisebenzi emitsha yocholacholo ndaba/dijithali isehlo okanye umbutho ogunyazisayo uya kujongana ngokukhawuleza nokwaphuka kwaye azise umenzi ngokungasebenzi ukuba ingxaki ifuna ukulungiswa ngoncedo lomenzi.



Isehlo okanye umbutho ogunyazisayo obonisa ngobugcisa kufuneka uhlole umsebenzi wobugcisa kwaye ubhale imeko yawo xa ufika, uqaphela ixabiso lawo le-inshurensi kunye nazo naziphi na iimfuneko zokuwugcina ngokukhethekileyo.

Imvume evela kumenzi iyafuneka ukuba ngaba isehlo okanye umbutho ogunyazisayo, okanye umququzeleli womboniso wobugcisa, unqwenela ukuwufaka kwifreyim kwakhona okanye awuxhome kwakhona umsebenzi wobugcisa. Isehlo okanye umbutho ogunyazisayo kufuneka ubuyisele umsebenzi wobugcisa kumenzi ungohlobo lwefreyim nokuxhonywa kokuqala ngaphandle kokuba kuvunyelwene ngenye indlela.

Kwimeko leyo ukubola kunye nokwehla kuyimfuneko kwaye kuluphawu oluxeliweyo lomsebenzi wobugcisa, nakuphi na ukwehla kufuneka kungaxhomekeki ekulungisweni okanye kwimbuyekezo.

3.2.8. I-INSHURENSI

Isehlo okanye umbutho ogunyazisayo unoxanduva lokugcina i-inshurensi eyoneleyo. Iinkcukacha ezipheleleyo zayo yonke ikhava ye-inshurensi kufuneka zinikwe kwaye zichazwe ngokubhaliweyo kumenzi okanye umnini womsebenzi, ngenkqubo emayilandelwe ukuba umsebenzi uyonakala ngexa ukukhathalelo lwesehlo okanye lombutho ogunyazisayo.

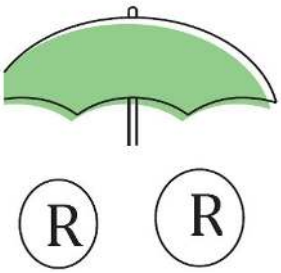
Imisebenzi kufuneka ihlolwe xa ifika okanye ihanjiswa kwisehlo okanye kumbutho ogunyazisayo, kwaye iinkcukacha zemeko zirekhodwe kwiNgxelo yeMeko.

Isehlo okanye umbutho ogunyazisayo unelungelo lokubuza ixabiso elixeliqweyo lomsebenzi wobugcisa, kwaye unokufuna intelekelelo yexabiso ezimeleyo kubuncinane babathelekeleli maxabiso abaqinisekisiweyo amabini ukuba ixabiso elixeliweyo leenjongo ze-inshurensi libonakala liphezulu ngokungafanelekanga. Ukuba isehlo okanye umbutho ogunyazisayo uyasilela ukunika i-inshurensi, umenzi okanye umnini womsebenzi kufuneka aziswe ngokubhaliweyo.

Ukuba wonakele umsebenzi wobugcisa, isehlo okanye umbutho ogunyazisayo kufuneka udibane nomfaki kwi-inshurensi wawo kunye/okanye umenzi okanye umnini womsebenzi wobugcisa. Isigqibo sokuba ingaba ulungisiwa njani na umsebenzi wobugcisa kufuneka kwenziwe uthethathethwano ngaso. Isehlo okanye umbutho ogunyazisayo kufuneka uhlawule iindleko zokulungisa ngaphandle kokuba umsebenzi

wobugcisa, njengoko kuvunyelwene ngaphambili ngokubhaliweyo, ubekwe ngendlela ethintela isehlo okanye umbutho ogunyazisiweyo ekubeni ukhathalele umsebenzi wobugcisa (umzekelo, ngumnqweno womenzi owokuba umsebenzi uboniswe kumbutho kawonke-wonke).

Ukuba umonakalo awunako ukulungiseka, umenzi kufuneka ahlawulwe ixabiso elipheleleyo lomsebenzi wobugcisa kwaye, ukuba umfaki kwi-inshurensi uyavuma, umsebenzi wobugcisa owonakeleyo kufuneka ubuyiselwe kumenzi (umbhali).



Umsebenzi ogcinwe elugcinweni kwisehlo okanye kumbutho ogunyazisayo ngaphambi okanye ngasemva kwesehlo kufuneka kuqhutywe ufakwe kwi-inshurensi de ibe lelo xesha ususwa ngalo kukhathalelo lwesehlo okanye umbutho ogunyazisiweyo.

Isehlo okanye umbutho ogunyazisayo kufuneka uqinisekise kukho i-inshurensi yemfanelo kawonke-wonke, kwaye ibambelele kwindibano kawonke-woke kunye neenkqubo zengxakeko.

3.2.9 INTENGISO KWIMIBUTHO EGUNYAZISAYO ENGEYIYO EYORHWEBO

Imibuzo ngentengiso evela kumboniso wobugcisa ongathengisiyo kufuneka ithunyelwe sisehlo/umbutho ogunyazisayo/umgcini/umququzeleli womboniso wobugcisa okanye umthengisi omele umenzi, i-arhente okanye indawo ebonisa ngemisebenzi yobugcisa.

Ukuba injongo yeziko ayiyiyo eyorhwebo, imali ehlawulelwa ikomishini isezantsi kuneqhelekileyo kwizehlo okanye kwimibutho egunyazisayo yorhwebo.

Amaziko karhulumente ngokuqhelekileyo awaytithengisi imisebenzi. Kwiimeko ezikhethekileyo, ezifana nemiboniso yemisebenzi yobugcisa yokunyusa ingxowa, ikomishini iya kuba sezantsi kunentelekelelo ehlawulwa kwimiboniso yemisebenzi yobugcisa engeyiyo eyorhwebo.

Yonke imiqathango yentengiso, kuquka amaxabiso kunye namahlelo apho kwenzekayo, kufuneka kuvunyelwane ngayo ngokubhaliweyo phambi kwesehlo.

Kwimeko yentengiso yomsebenzi wobugcisa, ukwenziwa kwee-invoyisi, ukuhanjiswa kunye nentlawulo eya kumenzi ngokuqhelekileyo luxanduva lwesehlo okanye umbutho ogunyazisayo. Intlawulo kufuneka yenziwe kwiintsuku ezingama-30 zentengiso, okanye ukuba into eziswayo okanye efunyenweyo sisehlo okanye ngumbutho ogunyazisayo, nokuba yeyiphi eyenzeka ngokukhawuleza.

3.3. IZEHLO ZEHLABATHI

Uninzi lezithethe kunye nemigangatho echaziweyo kwaye kwaxoxwa ngayo ngasentla kwizenzo ezingezizo ezorhwebo zisebenza kwizehlo zehlabathi.

3.3.1. UTHUTHO

Iindleko zokuthutha kunye ne-inshurensi kufuneka zihlawulwe sisehlo okanye umbutho ogunyazisayo owakelayo. Kwimeko yemiboniso yobugcisa ehambayo, oku kunokuthethathethwana ngako ukuba umboniso wobugcisa ohambayo unohlahlo lwabiwo-mali olufumanekayo bokuhambisa kunye ne-inshurensi.

Ukuba ngaba ayikho imali yokuhambisa umsebenzi ubuyele kumenzi, imisebenzi (iifoto zomboniso wobugcisa) kufuneka itshatyalaliswe emva komboniso wobugcisa, kwaye ubungqina bokutshatyalaliswa buthunyelwe kumenzi.

Konke ukuhanjiswa, ulungiselelo lothutho kunye ne-inshurensi kufuneka kunxityelelwane ngalo kwangethuba nangokubhaliweyo.

Kulindeleke ukuba umsebenzi oya ngaphaya kwemida yehlabathi uya kuxhomekeka kulawulo lweerhafu, kunye nokuba imathiriyeli ethile inokungamkelwa ingene kwilizwe okanye inokufuna izitifiketi. I-inshurensi yomthwalo kufuneka ihlawulele iindleko zokufunyanwa kwimeko leyo ukungena okanye ukuphuma kuthintelwa zezerhafu. Isehlo okanye umbutho ogunyazisayo olungiselela isithuthi kufuneka ube noxanduva lolawulo lwale nkqubo.

3.3.2 ULAWULO LOTSHINTSHO

Iimisebenzi ethengiswa ngaphaya kwemida ixhomekeke kuthathelo ngqalelo lolawulo lotshintsho kunye neendleko zokuthumela impahla ngaphandle elizweni. Abathengisi abagunyazisiweyo baqeshiwe kwiibhanki ezininzi zorhwebo kwaye kunokudityanwa nabo ukuze bancede ngazo naziphi na izibophelelo zolawulo lotshintsho.

Abathengisi abagunyazisiweyo kufuneka baqinisekise ukuba nawuphi na umsebenzi wobugcisa othunyelwe ngaphandle elizweni uthobela imimiselo yolawulo lotshintsho esebenzayo.

3.4 IINDAWO ZOKUHLALA AMAGCISA IXESHANA ETHABATHA INXAXHEBA KWIMISEBENZI YOBUGCISA

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

Kukho iintlobo ezahlukeneyo zeendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa kwaye akukho mgangatho wehlabathi ulindelekileyo wokuba ngubani ohlawulelewa eziphi iinxenye zeendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa. Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zohlukile enye kwenye kwaye abenzi kufuneka baqinisekise ukuba bacacelwe ngemiqathango yayo nayiphi na indawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa phambi kokuba bangene kuyo.

3.4.1. IINTLOBO ZEENDAWO ZOKUHLALA AMAGCISA IXESHANA ETHABATHA INXAXHEBA KWIMISEBENZI YOBUGCISA

Kwimeko yendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ngesimemo, zonke iindleko kaninzi ziyahlawulwa kwaye indawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa yenzeka ngesiqhelo kwinkqubo-sikhokelo, umxholo okanye ibhaso elithile.

Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ezimemayo zibandakanya indlela ethile esetyenziswayo ukukhetha. Ezinye zihlawula zonke iindleko ngexa ezinye zilindela ukuba abenzi bahlawule ezithile zeendleko.

Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zophando, isitudiyo, indawo ebonisa ngemisebenzi yobugcisa yorhwebo, iprojekthi kaninzi zilindela umboniso okanye isehlo sobugcisa ukuba senziwe ekupheleni kokuthabatha inxaxheba oko kwimisebenzi yobugcisa. Konke okulindelekileyo ngokuphathelene nesiphumo okanye imveliso yokugqibela kufuneka kucaciswe ngokubhaliweyo.

Zonke iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa kufuneka ziqhutywe ngokusekelwe kuxwebhu olubhaliweyo oluxela ngokucacileyo imiqathango ebekiweyo yendawo

yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa.

Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ezinika inkxaso mali zikwenza oko ngamanqanaba awohlukeneyo. Ezinye zinika inkxaso-mali yokunceda ukuhlawulela iindleko zokuphila, imathiriyeli kunye nendawo yokuhlala, ezinye zinika isithuba, uthungelwano nendawo yokuhlala, kodwa hayi iindleko zokuhamba okanye zokuphila.

Ezinye iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zinika uhlahlo lwabiwo-mali lweendleko zokuvelisa. Kwezi meko, abaphathi beendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa kufuneka zincedise ngokufumana imathiriyeli kunye neemfuno zokuvelisa. Kwezinye iimeko, uhlahlo-lwabiwo-mali lokuvelisa imisebenzi yobugcisa lusekelwe kwimbuyiselo mali kuphela.

Apho iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zikhokelele ekuvelisweni komsebenzi wobugcisa, umsebenzi ngowomenzi, kwaye umenzi ugcina ilungelo elipheleleyo lobunini bomsebenzi oveliswe ngexa lokuhlala kwindawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa, ngaphandle kokuba kuvunyelwene ngenye indlea ngokubhaliweyo.

Ezinye iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zinika uhlahlo lwabiwo-mali lokuhlawulela ukuhanjiswa komsebenzi usuka kwindawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa usiya kwindawo ekuhlala kuyo umenzi. Nakuba kunjalo, oku akunyanzelekanga, kwaye imiqathango kufuneka imiselwe ngokubhaliweyo phambi kokuqala kwendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa.

Ezinye iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zikhokelela kumboniso wosebenzi wobugcisa. Okulindelekileyo kunye neemfuneko zomboniso wobugcisa kufuneka zenziwe zicace ngokubhaliweyo phambi kokuqalisa kwendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa. Kwiimeko ezinjalo, imigangatho esebenzayo yokubonisa ngobugcisa kunye nentengiso kufuneka isebenze.

Apho isehlo okanye umbutho ogunyazisayo ukhetha ukufumana ingqokelela yawo, umsebenzi wobugcisa oveliswe ngexa lendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa, intengiso eqhelekileyo ke kufuneka isebenze, ngaphandle kokuba kuvunyelwene ngenye indlela ngokubhaliweyo phambi kokuqalisa kwendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa.

Ukuba ngaba kubekho isivumewano sangaphambili phakathi kwawo omabini amaqela sokuba umsebenzi kunikelwe ngawo ngumenzi kwinkqubo yendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa, kufuneka kuxelwe ngokubhaliweyo phambi kokuqalisa kwendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa. Imida, ekufanelwe kwenziwe, kunye nenkcukacha zendlela esetyenziswayo ukukhetha kunye nenkqubo kufuneka ziqukwe.

Kwimeko yeendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ezimema ngokuvulelekileyo, indlela esetyenziswayo ukukhetha kunye nenkqubo kufuneka zingafihlwa liqumrhu eliququzelelayo oko kusenziwa ngolwazi olucazululiweyo ngeefom zesicelo, kunye nokuchonga:

Iinjongo ezingundoqo zenkqubo zendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa:

- Indlela yokufaneleka esetyenziswayo;
- Indlela yokufaneleka esetyenziswayo yokukhetha engundoqo;
- Imiba ephambili, efana nemimandla yengingqi, abenzi abasakhulayo, abasetyhini, abantu isiNgesi elulwimi lwabo lwesibini, okanye abantu abanokukhubazeka;
- Inkqubo yokhetho, nokuba ngabaququzeleli/abagwebi, ukhetho lwangaphambili lodliwano-ndlebe/imifanekiso;

- Imbali okanye imvelaphi yenkqubo;
- Iimodeli zokuxhasa, kunye nokubandakanyeka kwemibutho elawulwa yinkampani enkulu;
- Abafaki zicelo kunye neeprojekthi ezibe nempumelelo ngaphambili;
- Uhlobo lwesicelo, kuqukwa iimfuneko zemathiriyeli exhasayo;
- Imihla yokuvalwa kwezicelo kunye nedilesi.

Ezinye iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa zihlalisa namalungu osapho lomenzi ngexesha lonke amagcisa ehleli ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa. Nokuba lukhona okanye alukho ulungiselelo olunjalo kufuneka kufunyaniswe phambi kokuqala kwendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa. Kunokuba yimfuneko okanye umnqweno owokuba kuqukwe olu lungiselelo kwisivumelwano okanye kwikontraki.

Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ezixhomekeke kwisimo sobugcisa bomsebenzi esingqiniweyo kunye namava omenzi olapho ukuba avelise umboniso, okanye kubekho imali ehlawulwayo okanye ufikelelo loluntu, kufuneka zinike umvuzo oqala ngesimo kunye namava obugcisa bomenzi.

Ikontraki okanye ileta yesivumelwano kufuneka ikhombise ukuba umntu lowo uza kuhlawulwa njani kwaye nini, ukuba kuyangena, kwaye ixele iindleko umntu lowo anoxanduva lwazo buqu, ezifana nendawo yokuhlala, umthwalo, kunye ne-inshurensi.

Ezinye iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ziyakwazi ukusingatha amaqela kunye/okanye amalungu amaqela. Iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ezinjalo kufuneka zisenze sicace esi sibonelelo. Amaqela afaka isicelo seendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa aya kuba noxanduva lokumusela ukuba ngamalungu abo amangaphi aya kuhlaliswa, kunye nemiba yemali enxulumene noko.

Ukwenza uqhelwaniso olunempumelelo nabantu abo bahlala apho yimfuneko kwimpumelelo yendawo yokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa, kwaye ke ngoko licandelo eliyimfuneko lokusebenza okugqwesileyo. Imiba engundoqo kwimpumelelo yeendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa iquka: uqhelwaniso, amathuba othungelwano, ixesha elithathwa ziindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa, ufikelelo kwizithuthi, ukwazisa kunye nokuphakamisa, kunye nofikelelo kwizibonelelo.

Abaququzeleli kufuneka bancede abahlali ukuba bazinze kwiindawo zabo ezintsha. Oku kunokuquka: ukuthathwa kwisikhululo seenqwelomoya, ulwazi malunga nommandla, inkxaso ekufumaneni imathiriyeli kunye nesitokhwe, ukuphuhlisa uthungelwano ngokwazisana, utyelelo kwizitudiyo kunye nezehlo.

Imiqathango ye-inshurensi iyahluka kuzo zonke iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ngokuxhomekeke kuhlobo lwazo. Abantu abahlala apho kufuneka baziswe ngokubhaliweyo ngesimo sabo se-inshurensi esisebenzayo.

Abaphathi beendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa kufuneka baqinisekise ukuba abantu abahlala apho bayaziswa kwaye baqonde ukuba bafikela njani na kwiinkonzo zonyango.

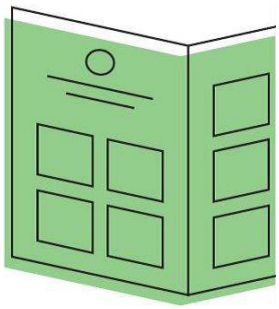
3.5. IINCWADI

3.5.1. IINTLOBO EZAHLUKENEYO ZEENCWADI

Iikhathalogu zemiboniso kunye neeprojekthi zezona ziphuhliswa rhoqo ngokweemfuno zeprojekthi ethile, kwaye zihambelana nezinto ezithile zesehlo okanye isithuba ngokuphathelene nebrendi yayo, uphawu,

okanye ukwaziwa kwayo kwiqumrhu.

Iingxelo ezizodwa ngomba othile ziincwadi ezicazululiweyo kwaye ezikhethekileyo malunga nomenzi oyedwa kwaye kaninzi zinxulunyaniswa nomboniso wobugcisa owodwa. Uthethathethwano malunga noyilo kunye nophuhliso lweencwadi eziziingxelo ezizodwa ngomba othile luya kuthathela ingqalelo zombini izinto zesehlo okanye umbutho ogunyazisayo, umbono wokuyila wegcisa kunye nemiba exeliweyo kunye nesicwangciso sentengiso sompapashi.



Iincwadi zohlelo yingqokelela yemibhalo kumxholo othile, umenzi, okanye isimo ekucingelwa ukuba sikhona, ezigunyaziswa okanye zihlanganiswa ngumhleli.

Iincwadi zohlelo zinokuquka iincwadi zemfundo kunye nemibhalo yophando.

Iincwadi zamagcisa yimisebenzi yobugcisa esebenzisa uhlobo lwencwadi. Kaninzi zipapashwa ngamahlelo amancinane, nangona ngamanye amaxesha ziveliswa njengezinto zohlobo olululoldwa. Iincwadi zamagcisa zisebenzisa iintlobo zoluhlu olubanzi, kwaye zinokuquka iimagazini.

3.5.2. IINTLOBO EZAHLUKENEYO ZOKUPAPASHA KUNYE NAMALUNGELO NAMAXANDUVA ANXULUMENEYO

Onke amaqela abandakanyekayo kupapasho kufuneka abe nokulindela kunye namaxanduva acacileyo achazwe ngokubhaliweyo, kuquka amaxanduva emirhumo kumbhalo kunye nawoyilo. Kufuneka kubekhona isivumelwano esicacileyo kwiinkqubo zosasazo kunye nezabelo ezivela kwintengiso. Amaqela kufuneka enze isigqibo ngolungiselelo lwe- IPR kuquka nengqokelela yemali ehlawulwa umnini .

Ukuba upapasho lweprojekthi luza kupapshwa sisehlo/umbutho ogunyazisayo:

- Isehlo/umbutho ogunyazisayo kufuenak uhlawule zonke iindleko.
- Ukuba umenzi ufuna umgangatho wokuvelisa owahlukileyo kulowo wesehlo okanye umbutho ogunyazisayo, iindleko ke ezinxulumene notshintsho olunjalo mazithathwe ngumenzi. Nasiphi na isivumelwano esinjalo masibhalwe.
- Ukuba umenzi uyayilibazisa inkqubo yopapasho, umenzi ke unokuba noxanduva lweendleko ezongezelelekileyo ezenziweyo. Isivumelwano kufuneka sibhalwe.
- Isithethe sesokuba abenzi benze uthethathethana ngobubanzi benkululeko yabo yokuyila kunye negalelo ekuvelisweni kopapasho. Izehlo okanye imibutho egunyazisayo evelisa upapasho rhoqo kufuneka iphuhlise umgaqo-nkqubo wokulawula ubudlelwane bokuvelisa kunye nopapasho.

Ukuba upapasho lweprojekthi luza kupapashwa ngumpapashi ongaphandle kwesehlo/umbutho ogunyazisayo:

- Iindleko kufuneka kwabelwane ngazo phakathi kompapashi kunye nesehlo okanye umbutho ogunyazisayo. Nasiphi na isivumelwano seendleko ekwabelwana ngazo kufuneka sibhalwe.
- Kuxhomekeke kubenzi ukuthethathethana ngenkululeko yabo yokuyila kunye negalelo. Inkululeko yokuyila kunye negalelo kaninzi zithintelwa ngumbono wompapashi wokuthengiseka kwencwadi. Oku kuyenzeka apho abapapashi bezingisa kwilungelo labo elilodwa ukumisela uyilo kunye nembonakalo yoqweqwe lwencwadi.

Abenzi kufuneka bafumane ubuncinane beekopi ezimbini zopapasho olubonisa imisebenzi yabo kwaye ababe negalelo kuwo. Ukuba umbhali okanye umbhali onegalelo uhlala kwindawo eyahlukileyo yelizwe, ilizwekazi okanye ihlabathi, umpapashi kufuneka ahlawule iindleko zokuhanjiswa kwencwadi ngeposi okanye inkonzo ethutha imithwalo. Oku kufuneka kumiselwe kwaye kuqinisekiswe ngokubhaliweyo.

Kwimeko yeencwadi zohlelo (ezichazwe kwiCandelo le-3.5.1), umenzi kufuneka ahlawulwe imali ehlawulelwa ilungelo lomenzi ngokuvumela ukuba umsebenzi wakhe uqukwe kwingqokelela okanye kwikhathalogu epapashiweyo. Imiqathango yokuquka kufuneka kwenziwe uthethathethwano ngayo ngawo onke amaqela kwaye isigqibo sokugqibela kufuneka simiselwe ngokubhaliweyo. Abo babe negalelo kwincwadi zohlelo kufuneka bafumane ubuncinane bekopi enye yopapasho.

Isiqulatho esigunyazisiweyo kufuneka sihlawulwe kubo bonke ababe negalelo kwincwadi (umzekelo, umbhalo ogunyazisiweyo). Nakuba kunjalo, isithethe kukuba abenzi abahlawulwa ngeengxelo zamagcisa eziqukwe kwezabo iikhathalogu zemiboniso/ imixholo eyodwa/incwadi yegcisa. Umbhali kunye/okanye um(aba)bhali one(aba)galelo kufuneka a(ba)nikwe ubungqina be-PDF besiqulatho phambi kopapasho, ukuze kukhangelwe ukuchaneka.

Kwimeko yeencwadi zedijithali:

- Amaqela abandakanyekayo kufuneka amisele izithethe ezingentla apho kufanelekileyo kungqinisiso lopapasho lwedijithali.
- Apho incwadi ekwi-intanethi iveliswe ukuba ithengiswe kwi-intanethi, umenzi kufuneka anikwe ufikelelo kwikopi yasimahla.
- Umgangatho wemifanekiso kunye nemiqathango yofikelelo kwidawunlowudi kufuneka ithathelwe ingqalelo ukukhusela ilungelo lomenzi.

3.6. IIKOMISHONI ZIKAWONKE-WONKE

Olu xwebhu lucebisa ngamandla ukusetyenziswa kwekomiti yokhetho equka amagcisa, abasebenzi bezobugcisa, nabaphi na abameli bomkomishinala, kunye nabanye njengoko kufuneka. .

Abaququzeleli kufuneka benze zonke izigqibo eziyimfuneko ngokuphathelene nokuyilwa kweprojekthi phambi kokwazisa ikomishoni.

Iindlela kunye namaxesha eziganeko ekwaziseni ikomishoni kufuneka zisekwe.

Kwimeko yomsebenzi wobugcisa karhulumente, indawo yomsebenzi kufuneka imiselwe kwaye kumiselwe imida ukuba kukho nayiphi na. Ukhuseleko lwesiza kubenzi, abasebenzi, kunye noluntu, kuquka uxanduva, kufuneka zithathelwe ingqalelo. Kufuneka kwenziwe isigqibo sokuba umsebenzi uza kwakhiwa kwindawo na okanye uyilwe kwenye inawo uze ufakwe kwisiza. Nokuba umsebenzi uza kufakwa isigxina, okanye uza kususwa mva, kufuneka kuthathelwe ingqalelo oko.

Uxwebhu lwekomishoni kufuneka lwenze iimfuneko, imida kunye nokulindelekileyo kucace kubenzi kunye nezehlo nemibutho egunyazisayo ebandakanyekayo.

Uhlahlo lwabiwo-mali kufuneka lumiselwe. Olu kufuneka luquke:

- Intlawulo yomenzi ngoyilo/izihombiso kunye nomsebenzi wokugqibela;
- Iindleko zokuhamba, kunye nendawo yokuhlala yomenzi ukuba kuyangena;
- Iindleko zekhava ye-inshurensi kunye nokuba ngubani oza kuthwala iindleko;
- Iindleko zokulungiswa kwesiza, imathiriyeli, ulawulo lweprojekthi nobugcisa, kunye nezixhobo (kuquka nezixhobo zeshishini ezifana nomphezulu ophakanyiswe wafana neziqingatha ezibini zesikere okanye isilenge);
- Iindleko zokufaka umsebenzi kuqukwa nothutho ukuba umsebenzi awakhiwa kwisiza;
- Iindleko zesakhiwo, kuqukwa ukukhanyise nemiqondiso ebonisayo;
- Indima yomenzi kokungentla;
- Umsebenzi wekomiti
    - Uhlahlo lwabiwo-mali lokwazisa

- uhlahlo lwabiwo-mali lokuvelisa incwadi, ukuba lukhona.

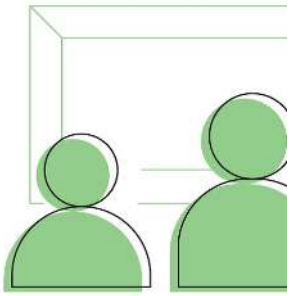
Apho iindleko ngqo zokuvelisa okanye zokufaka zingenako ukumiselwa, ingqikelelo kufuneka iqukwe kwikontraki, ngegatya elixela ngokucacileyo ukuba ngubani onoxanduva lweendleko kunye neendleko ezingaphaya.

Isivumelwano esibhaliweyo kufuneka silungiswe phakathi komenzi, nawuphi na ummeli, kunye nomkomishinala, esimiselwa imiqathango ekuvunyelwene ngayo phakathi kwamaqela.

Ikontraki yekomishoni kufuneka iquke naziphi na iimfuneko eziphathelene neemodeli ezingekagqitywa ukwenziwa. Ixesha elininzi kufuneka linikwe umenzi ukuba agqibe imodeli engekagqitywa. Imali ehlawulwayo efanelekileyo yemodeli engekagqitywa kufuneka ihlawullwe umenzi ngamnye xa imodeli esele igqityiwe iziswa kubaququzeleli. Ikontraki kufuneka ibonelele utshintsho olunokuba khona kwimodeli evunyiweyo olunokufunwa, kunye nenkqubo ngaphaya koko.

Wonke umngcipheko onxulumene nokhuselo lomsebenzi ngexa lesehlo kunye nakwi(ii)ndawo) e(zi)thile usemagxeni omkomishinala. Umkomishinala ke ngoko kufunwa ukuba anike ikhava ye-inshurensi ngomsebenzi kunye nesiza ngexa lokuveliswa kunye nokufakwa, kunye naxa ugqityiwe umsebenzi. Imiqathango kufuneka icazululwe ngokubhaliweyo.

Amaziko karhulumente kufuneka enze umzamo okhethekileyo ukwenza kunye nokuququzelela abenzi ukuba bahlangabezana neemfuneko zokufunwa kunye nokukhutshwa kweenkonzo, kunye nokuqinisekisa ukuba ulawulo lokukhutshwa nokufunwa kweenkonzo akuchaphazeli ngokungafanelekanga ukhetho lwamagcisa.



Ikontraki yekomishoni kufuneka ixela imqathango yokwamkelwa kunye nokusayinelwa komsebenzi ogqityiweyo.

Umenzi kufuneka agcine ubunini be-IPR, kwaye ingakumbi ilungelo loMenzi kumsebenzi lowo. a Ikontraki kufuneka iqinisekise amaxanduva omkomishinala ngokunxulumene namalungelo okhuselo lomsebenzi womntu omenzi (umbhali)phakathi kwezinye izinto, kumonakalo, ukungabikho kokugcinwa kunye nokuphathwa ngokungaxabisekanga, kwaye kufuneka ixele amaxanduva omkomishinala kwimicimbi jikelele efana nokugcinwa, ukhuselo lomsebenzi ekubeni ungagugi, ukuphathwa ngokungafanelekanga, ukhuselo kunye nokhuseleko (ingakumbi kumonakalo wokutshabalisa), kunye nokulahlwa.

Izivumelwano ngemiqathango yekontraki yekomishoni kufuneka kufikelelwe kuzo msinyane nje kulandela inkqubo yokhetho. Umenzi okhethiweyo kufuneka angaqalisi umsebenzi ongaphaya kwiprojekthi ngaphandle kokuba kufikelelwe kwisivumelwano nomkomishinala malunga nemiqathango yekontraki yekomishoni, kwaye isivumelwano sibhaliwe.

Uthotho lweentlawulo zenkqubela luza kwenziwa kumenzi. Ishedyuli yobuncinane bentlawulo ecetyiswayo ifuna ukuba intlawulo yokuqala yenziwe xa kusayinwe ikontraki, eyesibini emva kokugqitywa kwesigaba soyilo, ize intlawulo yokugqibela ibe sekugqityweni komsebenzi.

Apho umenzi anoxanduva lweendleko zokuthenga imathiriyeli kunye nokuvelisa, ishedyuli yentlawulo

kufuneka iqonde ukuba abenzi banokungabi nayo imithombo yokuhlawulela iindleko zeeprojekthi ezinkulu kwangaphambili, kwaye iintlawulo kufuneka zenziwe kwangexesha. Ishedyuli yezohlwayo ngeentlawulo ezenziwe emva kwexesha kufuneka iqukwe kwikontraki.

Ukuba umenzi unoxanduva lokuthenga imathiriyeli kunye nokulawula ukuvelisa kwekomishoni, intlawulo yokuqala kufuneka iquke icandelo lemali ehlawulwa umenzi kunye necandelo eloneleyo lokuhlawulela iindleko zemathiriyeli kunye nezokuvelisa.

Isivumelwano sangaphambili kufuneka kufikelelwe kuso kwishedyuli yeentlanganiso ezingundoqo ezinxulumene neprojekthi ekuza kufuneka ukuba eze kuzo umenzi. Ukuza kwiintlanganiso ezongezelelekileyo kufuneka kuhlawulelwe ngokwezinga leyure ekuvunyelwene ngalo.

Ulungiselelo kufuneka lwenziwe lokujongana nomahluko ongabonwanga kwangaphambili kwiindleko. Ezi zinokwenzeka ngenxa:

- Yokulibaziseka kweprojekthi jikelele;
- Ukulibaziseka kokwamkelwa kwentelekelelo yamaxabiso ngumkomishinala, oko kukhokelela ekubeni kwenziwe enye intekelelo yamaxabiso kukho nokonyuka kwamaxabiso kwixeshana elo;
- Ukuncitshiswa kohlahlo lwabiwo-mali kwiqumrhu eligunyazisayo, okanye utshintsho olukhokelela ekubeni iprojekthi ingaqhubeli phambili ngohlobo lwayo lokuqala, kwaye ifune ukuyilwa kwakhona okanye ukwenziwa kwakhona komsebenzi;
- Ulungiso olungaphaya kuyilo olwenziwe ngokwesicelo somkomishinala, xa ezi zingaphezulu kwenani lokwenza kwakhona okuxeliweyo kwikontraki, kwaye kuhlawulelwa yimali ehlawulwayo yokuqala.

Umenzi kufuneka kungalindelwa ukuba athwale iindleko ezongezelelekileyo ezenziwe phantsi kweemeko ezinjalo. Imali ehlawulelwa uyilo efanelekileyo, kunye nezinye iindleko zokusebenza okongezelelekileyo, iinkonzo kunye nemathiriyeli efunekayo ngenxa yeemeko ezingaphaya kolawulo lomenzi, kufuneka zihlawulwe ngumkomishinala.

Abenzi kufuneka baqonde amalungelo akhethekileyo omenzi. Ilungelo lomenzi elifanelekileyo kwingqikelelo ebonakalayo kunye nakumsebenzi kufuneka ligcinwe ngumenzi. Ikontraki phakathi komkomishinala kunye nomenzi kufuneka iquke amalungelo aphathelene namalungelo okhuselo lomsebenzi womenzi weempawu.

Ububhali bomsebenzi bomenzi kufuneka benziwe bucace kwisiza kwaye kufuneka bubhalwe kimiqondiso yokubonisa eyayameneyo, kwaye usayino lubekwe kumsebenzi ogunyazisiweyo, ngaphandle kokuba kuvunyelwene ngenye indlela. Uhlobo kunye nobukhulu bophawu kunye/okanye usayino kufuneka kuvunyelwane ngazo ngokubhaliweyo phambi kokuqalisa kwekomishoni.

Kubalulekile ukucacisa ukuba ngubani onoxanduva lokukhusela umsebenzi ukuba uyilwa kwisiza, ngubani onoxanduva lokufumana imathiriyeli kwisiza, kunye nokugcinwa kwayo ngokukhuselekileyo, kwaye ingubani onoxanduva ngexa lokufakwa komsebenzi. Imiba yembuyekezo yabasebenzi, ukhathalelo lwepropati, ugcino kunye nolawulo, uxanduva lukawonke-wonke kunye nokhululo kumsebenzi wobugcisa kufuneka zithathelwe ingqalelo.

3.7 UKHUPHISWANO, AMAWONGA NAMABHASO

3.7.1 UKHUPHISWANO KUNYE NEZEHLO EZINGABHENGEZWAYO KUNYE NEZIBHENGEZWAYO

Ukhuphiswano olungabhengezwayo lubandakanya ukhetho lwangaphambili lwabaphumelele amabhaso oko kusenziwa ngekomiti kungamenywanga izicelo. Izimemo ezibhengezwayo zimema abenzi ukuba bangenise imisebenzi kunye neeprojekthi ukuze zithathelwe ingqalelo.

Kwimeko yezimemo ezibhengezwayo, ulwazi lokuqala lokwazisa kufuneka luqulathe inkcazo yeprojekthi jikelele kwaye kufuneka sixele iimfuneko zokungenisa nemihla yokugqibela yokungenisa kwibakala ngalinye kunye nesixa semali esifumanekayo kukhuphiswano ngeendleko zamabhaso kunye/okanye zokuvelisa apho kunye naxa kungena. Ulwazi malunga nabaququzeleli bokhuphiswano kunye nenkqubo yokhetho eza kulandelwa kufuneka ziqukwe kwisimemo.

Inkcazo ecazululiweyo yeprojekthi kufuneka iquke:

- Inkcazo yeprojekthi kunye nayiphi na imida;
- Okuthile malunga nokuba ngubani ongangenela ukhuphiswano;
- Inkcazo yesiza kunye nayiphi na imida;
- Uhlobo lomsebenzi wobugcisa oza kwamkelwa (njengokuba ibe ngumkrolo okanye umsebenzi onokususwa);
- Yonke imihla kunye neemfuneko ezibandakanyekayo zomhla wokugqibela;
- Igama lomququzeleli wokhuphiswano;
- Inkcazo yamabakala enkqubo yokhetho;
- Isiteyitimenti sokuba ingaba imifanekiso yomenzi iyafuneka na kwinyathelo lokuqala lokhuphiswano. Ukuba imifanekiso iyafuneka, iinkcukacha eziphathelene neendlela ezamkelekileyo kufuneka ziqukwe, kunye nemihlaleyo iya kubuyiswa ngayo imifanekiso;
- Isiteyitimenti ngokuphathelene nelungelo lomenzi kunye namalungelo okhuselo omenzi omsebenzi/iprojekthi engenisiweyo;
- Uluhlu lwazo zonke iimfuneko ekufuneka umenzi azizalisekise xa engenisa;
- Umhla wesibhengezo sokwazisa abaphumeleleyo. .

3.7.2 UKHETHO KUNYE NEMIQATHANGO YOKUNGENA

Lonke ulungiselelo nabenzi (abakuluhlu olufinyeziweyo kunye nabaphumeleleyo) kufuneka kwenziwe ikontraki ngako ngokubhaliweyo kwaye kufuneka kuquke okuxeliweyo:

- Ukufumana;
- Uhlahlo lwabiwo-mali lokuvelisa, apho kunye naxa kusebenza;
- Iimfuneko zesehlo/umbutho ogunyazisayo apho umenzi amelwe ngumbutho ogunyazisayo worhwebo;
- Amalungelo omenzi okukhusela umsebenzi wakhe, amalungelo omenzi kunye neemvume;
- Iindleko kunye nokuyimfuneko apho kusebenzayo kwimiboniso yobugcisa yokhenketho kunye nemibonio yobugcisa jikelele.

3.7.3 AMALUNGELO OMENZI OKUKHUSELA UMSEBENZI WAKHE, AMALUNGELO OMENZI

KUNYE NEEMVUME

Imiqathango yokungena kufuneka ixele ukuba zeziphina iinjongo nayiphi na na okanye yonke imathiriyeli engenisiweyo eza kusetyenziselwa zona. Abenzi kufuneka banikwe ilungelo lokuchasa ukusetyenziswa okucetyiweyo kwemisebenzi yabo/uluvo lokuyila ukukhusela ubucala babo, okanye ukuthintela ukuveliswa kwakhona okungagunyaziswanga, kwimeko apho ukusetyenziswa okunjalo bekungaxelwanga kwimiqathango yokungena.

Ukuba kufanelekile, imali ehlawulelwa imvume yelungelo lomenzi kufuneka kuvunyelwane ngayo ngokuphathelene nokuveliswa kwakhona kwexa elizayo kwayo nayiphi na imifanekiso.

Amalungelo omenzi okukhusela umsebenzi wakhe kufuneka aqwalaselwe. Amalungelo omenzi okukhusela umsebenzi wakhe anika umenzi ilungelo lokwaziwa njengombhali womsebenzi (okwenziwe ngumntu). Aquka ilungelo lokuba imfezeko emsebenzini wakhe ihlonitshwe (ungatshintshwa, ubhucabhucwe okanye wonakaliswe ngayo nayiphi na indlela).

Ukuba umsebenzi uyaveliswa kwakhona, umfoti kufuneka aziswe.

Apho iifoto zabaphumelele ukhuphiswano okanye ikomishini ziza kusetyenziselwa iinjongo zorhwebo, abaququzeleli kufuneka bacinge ingaba imvume yomntu lowo, okanye yomgcini womntu, kufuneka ifunwe na phambi kokusetyenziswa okunjalo.

Abaququzeleli abanqwenela ukuquka imifanekiso kum(kwi)msebenzi o(e)phumeleleyo kufuneka bathathe amanyathelo okuphepha ukusetyenziswa kwelungelo lomenzi, elifana nokunyina isigqibo sobukhulu bemifanekiso.

Intlawulo yemali ehlawulelwa imvume kunye neemeko ngaphaya koko kufuneka kuvunyelwane ngazo ngokubhaliweyo.

Abaququzeleli kufuneka bakhombise ukuba abaphumeleleyo okanye abanye abenzi kulindeleke ukuba bathabathe inxaxheba kuyo nayiphi na imisebenzi yokwazisa enxulumene nesehlo.

Abenzi kufuneka babe nelungelo lokuthethathethana ngobubanzi bokuthatha kwabo inxaxheba kulwaziso olunjalo.

3.7.4 ABAGWEBI, UKUGWEBA, INKCASO KUNYE NOTHINTELO LOMSEBENZI

Abaququzeleli kufuneka bazame ukubiza abakhethi okanye abagwebi abazimeleyo kwikomiti ekhethayo.

Ukhuphiswano kufuneka lube nomgaqo-nkqubo osebenzayo ukuqinisekisa ukhetho olungafihliyo loluhlu olufinyeziweyo.

Iinkqubo zokugweba kufuneka zibe nobulungisa kwaye zingafihli.

Abagwebi kufuneka babhengeze bonke ubudlelwane bomsebenzi kunye nobosapho ngexa lenkqubo yokwenziwa koluhlu olufinyeziweyo (umzekelo, umgcini okhe wabonisa ngomsebenzi wegcisa, okanye umnini wendawo egcina imisebenzi yobugcisa ocinge okanye osacinga ngokubonisa okanye ukumela igcisa elifake isicelo, kufuneka abhengeze olu nxulumano).

Ukusebenza okugqwesileyo kukwenza ukuba iinkqubo zokugweba kunye nezoluhlu olufinyeziweyo zibe kwirekhodi kwaye zibhalwe, kwaye zifumanekele ungqinisiso kwimeko yokugweba okunempikiswano. Kwangaxesha nye, ubucala babagwebi kufuneka bukhuselwe kangangoko kunokwenzeka. Abagwebi kufuneka babe nenkululeko yengqikelelo yokukhetha umsebenzi abawukhethayo. Ukuba kukho imida ngokuphathelene nenkqubo yokugweba, ezi kufuneka zenziwe zicace ngokubhaliweyo phambi kokuqala kokugweba.

Abaququzeleli kufuneka baphuhlise isicwangciso solawulo lomngcipheko ukuze bamelane nokuba nobukho kwemisebenzi enembambano. Isicwangciso kufuneka siqonde amalungelo abenzi abangena okanye abangenisa umsebenzi, abaququzeleli, uluntu, kunye nabaxhasi kunye nee-arhente ezixhasayo.

Abaququzeleli kufuneka baqinisekise ukuba abaphumelele ukhuphiswano baziswa phambi kokuvulwa kwesehlo ukwenza ukuba beze kwaye bazokufumana amabhaso okanye amawonga abo. Banokucelwa ukuba bagcine ubumfihlo ukuba kuyimfuneko. Ukuba abo baphumeleleyo kufuneka bahambe umgama omde, abaququzeleli baya kuncedisa ngeendleko zokuhamba.

Abenzi abangakhethwanga kuluhlu olufinyeziweyo kufuneka baziswe ngokukhawuleza ukuba abasekho kukhuphiswano. Ulungiselelo kufuneka lwenziwe ngokukhawuleza ngemathiriyeli yabo eza kulandwa.

3.7.5 OKUFUNYANWAYO

Abaququzeleli kufuneka baxele ngokucacileyo kwimiqathango yokungena ukuba hlobo luni na lwezinto ezifunyanwayo eziza kunikwa – nokuba kungentengo, okanye ngokutshintshisa ngexabiso lemali lebhaso, kunye nokuba ngubani, okanye leliphi iziko ekugqibeleni eliza kuba ngumnini womsebenzi.

Abaququzeleli kufuneka baqonde ukuba ukuthengwa okanye ukufunyanwa komsebenzi akuquki ukudluliselwa kobunini belungelo lomenzi ngokuzenzekelayo kumsebenzi lowo. Ukuba abaququzeleli bafuna ubunini belungelo lomenzi, isivumelwano selayisensi kufuneka senziwe nomenzi kwaye kwenziwe intlawulo eyahlukileyo.

Abenzi abanomelo olupheleleyo lwendawo ebonisa ngemisebenzi yobugcisa kunokufuneka bacebiso abameli babo ngako nakuphi na ukufunyanwa ngentengo okanye ngebhaso, kwaye kufuneka bathethathethane ngenqanaba lekomishini elindelekileyo lendawo ebonisa ngemisebenzi yobugcisa.

3.7.6 UKUTHATHWA KOMSEBENZI

Imiqathango yokungena kufuneka ikhombise iindlela ezamkelekileyo zokususwa komsebenzi okhethiweyo kunye nongakhethwanga, ngeenkcukacha eziphelelelyo zom/imi hla. i/ii ndawo kunye ne/ama xesha. Nayiphi na imithetho ephathelene nokususwa kwangoko komsebenzi ekuboniswe ngawo (phambi kokuphela komboniso wobugcisa okanye isehlo) kufuneka ixelwe.

Abaququzeleli kufuneka banike abenzi, ii-arhente zabo, abahambisi mpahla okanye iinkampani zemithwalo ixesha elifanelekileyo lokuthathwa komsebenzi. Ukuthathwa kufuneka kuvunyelwe ithuba elibubuncinane beeveki ezimbini.

Imiqathango yokungena kufuneka ikhombise ukuba ingaba imali ehlawulelwa ukugcina, ukuba kukho nayiphi na , iza kubizwa na kwaye phantsi kweziphi iimeko ngqo. Nayiphi na imali ehlawulelwa ukugcina kufuneka igcinwe kubuncinane.

Imiqathango yokungena kufuneka ixele inkqubo yesaziso emasilandelwe ngumququzeleli phambi kokuba umsebenzi ongathathwanga kucingwe ukuba ‘awubangwanga’ okanye ulahlwe.

Abaququzeleli kufuneka bavumele ubuncinane beeveki ezintandathu kubenzi ukuba babange imisebenzi yabo.

3.7.7 IRHAFU KWIBHASO ELIYIMALI

Amagcisa kunye nabenzi abaphumeleleyo banoxanduva lokutsalelwa irhafu yengeniso apho kwenzekayo.

3.8 IINTLANGANISO ZEENGXOXO KUNYE NEEKLASI EZIQHUTYWA ZIINGCALI

3.8.1 IIKONTRAKI

Zonke izivumelwano zeentlanganiso zeengxoxo kufuneka kwenziwe ngazo uthethathethwano ngekontraki ebhaliweyo kwaye yasayinwa echaza intlawulo kunye neshedyuli yemali ehlawuwulayo, amaxanduva

emathiriyeli kunye neendleko zezixhobo, ulungiselelo lwe-inshurensi, uqwalaselo lwamanyathelo empilo nokhuseleko kunye nekhowudi yokuziphatha yasemsebenzini.

Ikontraki kufuneka icacise gca ukuba leliphi na iqela elinoxanduva lwentlawulo lwemali ehlawulelwa ukuqesha, ulawulo kunye nezinto ezisetyenziswayo ezifana nombane.

Ikontraki okanye isivumelwano kufuneka sikhombise ngokucacileyo ukuba leliphi na iqela elinoxanduva lokuthenga imathiriyeli, kunye namalungiselelo okuhlangabezana nentlawulo okanye imbuyiselo mali ekuvunyelwene ngayo.

3.8.2 UMVUZO NEENDLEKO

Ootitshala bentlanganiso yeengxoxo kufuneka bahlawulwe imivuzo ngokungqinelana nesimo semisebenzi yabo, amava kunye nobungcali.

Intlanganiso yeengxoxo kunye nolungiselelo lokufundisa iseshoni zezexeshana kwaye azikho sikweni kunengqesho esisigxina kunye nexesha elimiselweyo, kwaye izikeyile zomvuzo kufuneka zibuyekeze ukungabikho komvuzo weholide, umvuzo wokugula kwaye ngamanye amaxesha amalungelo eentlawulo ezenziwa rhoqo kwingxowa-mali.

Ootitshala abaqhuba iintlanganiso zeengxoxo zekontraki bamisela eyabo imivuzo, ngokusekelwe kwimali ehlawulwayo yengqeqesho, iindleko zemathiriyeli, ukuqeshwa kwezitudiyo kunye nezibonelelo, kwaye ngamanye amaxesha iindleko zokuhamba ngokunjalo. Ootitshala kufuneka baqonde imigaqo-nkqubo yeziko kunye nokwakhiwa kwemali ehlawulwayo, kunye nokuthelekisa okunokuchaza umvuzo wokugqibela.

Zonke iindleko ezithelekelelwayo kunye nezinxulumeneyo zentlanganiso yeengxoxo kufuneka zichazwe ngokucacileyo kwikontraki.

3.8.3 ISICELO

3.8.3.1 UKURHOXISWA KUNYE NEMBUYEKEZO

Ababoneleli ngemfuno ephakamileyo kufuneka benze ifumaneke kuwonke-wonke ishedyuli yemali ehlawulwayo ngayo nayiphi na inkqubo enikwayo.

Ababoneleli ngemfuno ephakamileyo kufuneka baphuhlise kwaye baphumeze umgaqo-nkqubo wokurhoxisa. Umgaqo-nkqubo kufuneka uchaze ngokucacileyo abafundi bayifanelekela nini na imbuyekezo yemali ehlawulwayo kwimeko yokurhoxa, kunye nokuba abafundi kufunwa bahlawule imali ehlawulelwa ukurhoxisa na.

Apho kwenzekayo, amaziko emfundo ephakamileyo kufuneka abe nesicwangciso sentlawulo esisebenzayo kubafundi abangakwaziyo ukuyihlawula ngokupheleleyo intlawulo yabo yokuqala.

3.8.3.2 IMATHIRIYELI KUNYE NEZIXHOBO

Iinkqubo kunye neekhosi zemfundo ephakamileyo kufuneka zichaze ngokucacileyo ukuba yeyiphi imathiriyeli kunye nezixhobo ezifunekayo kwiikhosi ngqo. Oku kufuneka kupapashwe kwincwadana yolwazi ngekhosi. Ukuba kuyenzeka, iindleko eziqikelelwayo zemathiriyeli kunye nezixhobo kufuneka zinikwe.

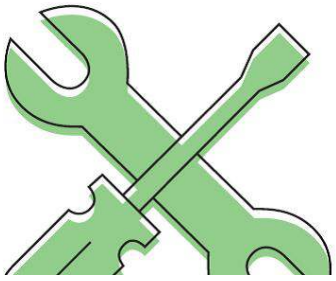
Ababoneleli ngemfundo ephakamileyo kunye namacandelo kufuneka zibe nomgaqo-nkqubo ocacileyo kwaye ofumanekayo ukulawula izixhobo zengqesho ezimnini wazo iliziko okanye inkqubo. Oku kufuneka kuchaze iidiphozithi ekulindeleke ukuba bazihlawule abafundi, imiqathango echaphazela ukubuyiswa kwediphozithi, kunye nazo naziphi na iimeko ezinokuchaphazela ukuthweswa isidanga (umzekelo, ukuba ingaba mhlawumbi iindleko zokulungisa izixhobo ezonakeleyo zinokongeza na kwimali ehlawulwa imfundo, kunye nokuba ingaba ilungelo lokuthwala isidanga lomfundi linokwenziwa libe nemiqathango na kwintlawulo epheleleyo).

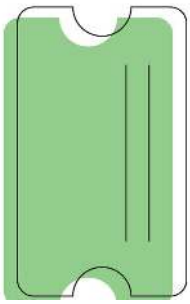
3.8.3.3 IZIPHUMO

Ababoneleli ngemfundo ephakamileyo kunye namacandelo kufuneka bachaze indlela yekhosi, iziphumo zokufunda kunye nophuhliso lwezakhono efumanekayo kwincwadana yolwazi ngekhosi kwikhosi leyo. Oko kufuneka kuquke nawaphi na amathuba obugcisa ikhosi enokuwanika abafundi.

3.8.3.4 AMAXESHA KUNYE NENDAWO

Ababoneleli ngemfundo ephakamileyo kunye namacandelo kufuneka benze kufumaneke kwangaphambili amaxesha kunye neendawo zazo zonke iikhosi kunye neenkqubo ezinikwayo.





4. IMIBUTHO EGUNYAZISAYO YORHWEBO KUNYE NEZEHLO ZORHWEBO

Imibutho egunyazisayo yorhwebo kunye nezehlo yimiboniso, iminyhadala, imibutho kunye namaziko athengisa imisebenzi yobugcisa kunye/okanye iinkonzo ezinxulumeneyo njengeshishini lazo elingundoqo. Uhlobo lomsebenzi wala maxesha wobugcisa luthetha ukuba imibutho enjalo egunyazisayo kunye nezehlo zinezicwangciso ezibanzi zengqikelelo kunye nezokuthanda abantu kunye neenjongo kunenzuzo nje yodwa; nakuba kunjalo, ukuba umlinganiselo omkhulu womsebenzi kunye nexesha zibhekiswe kwintengiso yemisebenzi yobugcisa kunye/okanye kwiinkonzo, isehlo ke okanye umbutho ogunyazisayo uya kuthathwa ngokuba ngoworhwebo. Intengiso yemisebenzi yobugcisa kunye/okanye iinkonzo ezingaphandle kwemibutho egunyazisayo kunye nezehlo (kuquka ngabenzi ngowabo), ngokufanayo uthathwa ngokuba ngoworhwebo kwaye ke ngoko uxhomekeke kwizikhokelo ezifanayo zokusebenza okugqwesileyo.

Izikhokelo zokusebenza okugqwesileyo kwimibutho egunyazisayo kunye nezehlo ziyafana okanye zifana nezo zisebenza kwimibutho egunyazisayo okanye izehlo ezingezizo ezorhwebo (jonga iCandelo lesi-3), kwaye ke ngoko aziphindwanga apha. Eli candelo liphathelene nezenzo ezigqwesileyo, izithethe nemigangatho engqalene nomxholo worhwebo. Okubalulekileyo, imimandla engundoqo iqaqanjisiwe apho ukusebenza okugqwesileyo, kweli bakala, ingesiso isithethe okanye umgangatho, kodwa kuqukelwe ukukhuthaza kunye nokuxhobisa bonke ababandakanyekayo emsebenzini ngokubhekisele kwizenzo ezigqwesileyo ezamkelwe kwihlabathi.

4.1 IINTLOBO ZEMIBUTHO EGUNYAZISAYO YORHWEBO KUNYE NEZEHLO

Imibutho egunyazisayo yorhwebo kunye iqalisa imisebenzi eyenza inzuzo efana nentengiso yemisebenzi yobugcisa kunye nezinye izinto njengenjongo yazo engundoqo. Ngexa le mibutho igunyazisayo kunye nezehlo zinokuba neenqobo ezisemgangathweni kunye neenjogo ezibanzi, iinkqubo zazo, ukwenziwa kwezigqibo kunye neenkqubo kakhulu zijolise kumdla kunye nenzuzo yezimali. Le mibutho igunyazisayo kunye nezehlo ziquka iindawo zorhwebo ezibonisa ngemisebenzi yobugcisa, imiboniso yorhwebo yobugcisa kunye nemiboniso yobugcisa yexesha elinye.

4.2 IMIGAQO-NKQUBO

Iindawo zorhwebo ezibonisa ngemisebenzi yobugcisa kunye nezehlo zinemigaqo-nkqubo esebenzayo ngokuphathelene nemisebenzi yemiboniso yobugcisa, umelo kunye nentengiso. Le migaqo-nkqubo kufuneka ifumaneke ukuba kucetyiswane ngayo ngabasebenzisi/abasebenzi barhoqo kwaye kufuneka ihlaziywe rhoqo.

4.3 UMELO OLUPHELELEYO YINDAWO EBONISA NGEMISEBENZI YOBUGCISA

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

Umelo lwendawo ebonisa ngemisebenzi yobugcisa lwahluke ukusuka kwindawo ebonisa ngemisebenzi yobugcisa ukuya kwenye kwaye ngamanye amaxesha ukusuka kumenzi ukuya komnye kwindawo ebonisa ngemisebenzi yobugcisa enye. Izikhokelo zokusebenza kakuhle ezidweliswe apha zithathwe kuluhlu lwezenzo zeendawo ezibonisa ngemisebenzi

yobugcisa eMzantsi Afrika, ezihlangabezana nezenzo zokusebenza ezigqwesileyo ezilindelekileyo kwihlabathi.

Kucetyiswa ukuba zonke iindawo ezibonisa ngemisebenzi yobugcisa kunye nabo bonke abenzi bathethathethane kwaye bavumelane ngokubhaliweyo ngohlobo kunye nemiqathango yobudlelwane babo. Okubaluleke kakhulu ngamagatya aphathelene nokungaquki, iikomishini, ucwangciso-mali kunye nokungqinelanisa, iindleko kunye nenkcitho, i-IPR kunye nokusonjululwa kwembambano.

Isivumelwano kufuneka sidwelise okulindelekileyo kuwo omabini amaqela. Ukunika ukuqinisekisa okufanelekileyo, imiqathango yorhwebo yobudlelwane kufuneka iqinisekiswe ngokubhaliweyo, nokuba kungeleta yesivumelwano okanye ikontraki esesikweni. Ukuba ngaba kuza kuba khona naluphi na utshintsho kule miqathango, umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa kufuneka benze uthethathethwano ngotshintsho olufunekayo, kwaye babhale ezi njengomahluko kwisivumelwano.

Ubudlelwane obupheleleyo bomelo bulindeleke jikelele ukuba bube bobexesha elide. Uninzi lobudlelwane obupheleleyo bomelo ayibobexesha elisisigxina. Yonke imiqathango yomelo, kuquka iinkqubo ezicacileyo ezichaza ukuba iqela ngalinye liza kuphuma njani kubudlelwane, kufuneka kuvunyelwane ngazo ngokweenkcukacha kunye nangokubhaliweyo.

Sisithethe ukuba amaqela ahlole kwakhona ubudlelwane bawo bezorhwebo ixesha nexesha. Olu hlolo kufuneka lwenzeke ubuncinane rhoqo xa iziphumo zomboniso ngamnye zijongwa kwakhona.

Abenzi kunye neendawo zorhwebo ezibonisa ngemisebenzi yobugcisa/abathengisi kufuneka bacace xa beseka ubudlelwane obunjongo yabo iyimpumelelo yentengiso yomsebenzi wobugcisa. Nakuba kunjalo, ngexa ukuthengisa kusenzeka jikelele ngaphakathi okanye ngenye indlela kumxholo wendawo ebonisa ngemisebenzi yobugcisa, ezinye iiprojekthi zobugcisa ezednziwa ngumenzi ziyongeza ekutywinekeni komsebenzi womenzi. Le inokuquka, kodwa ingamiselwanga mda, kwimiboniso yendawo ebonisa ngemisebenzi yobugcisa kawonke-wonke, umsebenzi wobugcisa ongenguwo oworhwebo, imisebenzi yokwazisa, kunye nobudlelwane bezokuthengisa nabanye abathengisi ngaphandle kommandla ekuvunyelwene ngawo phakathi kwendawo ebonisa ngemisebenzi yobugcisa kunye nomenzi ekuqaleni kobudlelwane. Iindawo zorhwebo ezibonisa ngemisebenzi yobugcisa kufuneka zicebe ukuxhasa iiprojekthi ezinjalo, ukuya kuma apho kunokufikelela khona imithombo yabo yokuxhasa umsebenzi onjalo, kwaye begcine isikowupu sesivumelwano sokuqala.

Iindawo ezibonisa ngemisebenzi yobugcisa kufuneka zilindele ukubonisa kunye nokuthengisa umsebenzi womenzi rhoqo kwisithuba sendawo.ebonisa ngemisebenzi yobugcisa. Abenzi kufuneka balindele ukunika umsebenzi rhoqo.

Umenzi omelwe yindawo.ebonisa ngemisebenzi yobugcisa kufuneka akangathatheli phantsi okanye abeke esichengeni ubudlelwane bakhe kunye nendawo ebonisa ngemisebenzi yobugcisa ngokuzama ukuqala ubudlelwane obuzimeleyo boshishino neeklayenti.

Ngexa inkonzo engundoqo yendawo ebonisa ngemisebenzi yobugcisa kumenzi ikukuthengisa umsebenzi, ukumelwa yindawo ebonisa ngemisebenzi yobugcisa kananjalo kunokuquka iinkonzo ezidweliswe ngezantsi. Olu luhlu yinkombiso yeenkonzo ezingundoqo ezinokunikwa yindawo ebonisa ngemisebenzi yobugcisa ekumeleni umenzi. Aluquki yonke imiba, okanye iindawo ezibonisa ngemisebenzi yobugcisa ziquke zonke iinkonzo:

- Ukubamba imiboniso yangaphakathi yarhoqo;
- Ukulawula zonke iimfuneko zokwazisa zegcisa (jonga uCholacholo ndaba, iCandelo lesi-6);
- Ukulandela intengiso engaphandle kwendawo ebonisa ngemisebenzi yobugcisa kwicandelo likarhulumente kunye necandelo labucala;
- Ukufuna abaqokeleli kunye neeklayenti zamaqumrhu;
- Ukukhusela amalungelo omthetho omenzi, kuquka ilungelo lomenzi, kwimisebenzi enxulumene nomsebenzi wobugcisa enobunini bawo bokugcina, othengiswe ngayo, okanye owaziswe yindawo

ebonisa ngemisebenzi yobugcisa;

- Ukulandela intengiso engaphandle kwendawo ebonisa ngemisebenzi yobugcisa kwicandelo likarhulumente kunye necandelo labucala;
- Ukudibana nomenzi kwizingeniso zokhuphiswano, inkxaso, kunye nekomishini ezilungiswe yindawo ebonisa ngemisebenzi yobugcisa;
- Ukurekhoda yonke imisebenzi eshiywe kubunini bayo bokugcina, ngokuvunywa, okwimali-mboleko, kwaye othengisiweyo.

Indawo ebonisa ngemisebenzi yobugcisa kufuneka ingalindeli ukuba ummandla wayo wokungaquki yonke imiba udlule imimandla yayo yokwenene yokusebenza.

Indawo ebonisa ngemisebenzi yobugcisa kufuneka ikwazi ukungqina naliphi na ibango lokungaquki konke.

Apho kungekho sivumelwano sibhaliweyo kwaye singqalileyo sokungaquki konke sisayiniweyo, asikho ekufuneka sicingelwe ukuba sikhona.

Kwimeko yembambano ngokophulwa kwekontraki, ulamlo kufuneka lufunwe phambi kokuba amanyathelo omthetho aqale.

4.3.1 IMIBONISO

Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka bavumelane ngokwenzeka rhoqo kwemiboniso.

Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka baxoxe kwaye bavumelane ngokubhaliweyo ngesona sicwangciso sokwazisa sigqwesileyo somsebenzi, kuquka ukwenzeka rhoqo kunye nexesha lemiboniso yobugcisa, kunye nokuba umsebenzi kufuneka ufumaneke na wokubona okukhethekileyo phambi kokuba umboniso wobugcisa une nokuhlelwa.

Apho indawo ebonisa ngemisebenzi yobugcisa ngokuqhelekileyo ibonisa ngemiboniso eyodwa, umenzi kufuneka alindelele imiboniso yobugcisa yarhoqo, u ‘rhoqo’ echazwa ngokubhaliweyo kumabakala okuqala okubhala isivumelwano somelo. Umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa kufuneka baxoxe ngamaxesha amiselweyo okwenzeka kweziganeko.

Apho indawo ebonisa ngemisebenzi ingabonisi ngemiboniso eyodwa, umenzi kufuneka akwazi ukulindela ukuba isampuli efanelekileyo yomsebenzi wakhe iboniswa rhoqo.

Ukuququzelela ukuboniswa komsebenzi wobugcisa okunempumelelo, umenzi kufuneka azise umsebenzi ekuvunyelwene ngawo kwindawo ebonisa ngemisebenzi yobugcisa ufanelekile kwaye ngexesha elifanelekileyo.

Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka kunye benze uthethathethwano ngokuphathelene nomelo oluquka yonke imiba. Ukungaquki yonke imiba kunokuquka, kodwa kungamisela mda, kummandla, indlela yentengiso, kunye neendlela zonxibelelwano.

Umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa kufuneka baxoxe kwaye bavumelane ngokuba ngubani oza kuhlawula iindleko zokufaka ifreyim kunye nokuba ingaba ikomishini iza kubalwa kwixabiso elinefryim okanye elingenayo ifreyim. Kwiimeko ezininzi abenzi – bedibene nendawo ebonisa ngemisebenzi yobugcisa – banoxanduva lendleko zokufaka ifreyim kumsebenzi wabo ngeenjongo zokubonakala kakuhle kunye nentengiso.

Umenzi kufuneka anike indawo ebonisa ngemisebenzi yobugcisa uluhlu lweendwendwe ezize kuvulo lomboniso wobugcisa, kuquka amagama abo bathenge umsebenzi wabo ngaphambili.

Xa umenzi efumana isimemo sokubonisa kwesinye isithuba, oku kufuneka kuxelwe kwaye kuxoxwe ngako nendawo ebonisa ngemisebenzi yobugcisa.

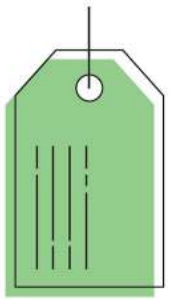
Umenzi kufuneka anike ikhredithi iondawo ebonisa ngemisebenzi yobugcisa, enekontraki, emele yena xa umsebenzi kuboniswa ngawo kwenye indawo.

4.3.2 UKUBEKA IXABISO

Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka bavumelane kunye ngexabiso lentengiso yomsebenzi wobugcisa. Kufuneka kucace kumenzi ukuba loluphi utsalo olufunekayo (umzekelo, iindleko zokuvelisa, ukufaka ifreyim, kunye/okanye iimali mboleko zendawo ebonisa ngemisebenzi yobugcisa).

Akube emiselwe amaxabiso, kufuneka ahlale ezinzile kulo lonke ulawulo. Ngokusemdleni wawo omabini amaqela, ukwehla kumaxabiso asele emiselwe okanye ukuwanyusa kwindawo enye kwaye ungawanyusi kwenye akucetyiswa. Ezi zenze ziduculela phantsi ixabiso lomsebenzi womenzi kwaye zingumthombo wokungevani phakathi komenzi kunye nendawo ebonisa ngemisebenzi yobugcisa.

Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka ixesha nexesha baxoxe ngokunyuka kwamaxabiso ukuze bamelane nexabiso elinyukayo lomsebenzi.



4.3.3 IKOMISHINI NENTENGISO

Ikomishini kwintengiso yintlawulo yabenzi kwindawo ebonisa ngemisebenzi yobugcisa ngokusebenzi wayo oqhubayo kunye nokumela. Izuzwa yindawo ebonisa imisebenzi yobugcisa ngeentlobo zeenkonzo ezidweliswe phantsi kweCandelo le-4.3 kwaye ihlawulwa indawo ebonisa ngemisebenzi yobugcisa xa uthengisiwe umsebenzi womenzi. IKomishini kufuneka kwenziwe ngayo uthethathethwano ngamaqela abandakanyekayo kwasekuqaleni kwaye izinga kufuneka lixelwe kwisivumelwano esibhaliweyo.

Ikomishini yendawo ebonisa ngemisebenzi yobugcisa kufuneka ibonakalise uhlobo lwenkonzo (jonga iCandelo le-4.3) enikwa yindawo ebonisa ngemisebenzi yobugcisa, kwaye ngesiqhelo limiselwa kuma-40% exabiso lomsebenzi wobugcisa. Ikomishini ihlawulwa kwixabiso phambi kwe-VAT.

Kwimeko yeqela, iindawo ezibonisa ngemisebenzi yobugcisa kufuneka zihlawulwwe ikomishini ngokusekelwe kwiinkonzo zazo, elingana nenkonzo enikiweyo kumenzi oyedwa. Ikomishini yamalunga nama-40% ihlawulwa xa kuthengiswe umsebenzi wobugcisa, njengoko kuvunyelwene ngokubhaliweyo.

IIndawo ezibonisa ngemisebenzi yobugcisa kufuneka zinganyusi iikomishini zentengiso njengendlela yokuhlawula iindleko ezinyukileyo. Iindleko ezinyukileyo endaweni yoko kufuneka zinyuswe ngokunyusa amaxabiso, njengoko imeko injalo kwamanye amashishini kunye namacandelo oshishino.

‘Ukuzithengisela ecaleni’, xa umenzi esenza iintengo zobuqu ezingavunywayo ngexa ebevumelene ngokusemthethweni ukuba kuza kuthengisa indawo ebonisa ngemisebenzi yobugcisa kuphela, oko kuya kwenza ukuba bangevani umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa ngoko ke akucetyiswa..

Xa umenzi echitha ixesha elingaphaya kumsebenzi wobugcisa ogunyazisiweyo weklayenti yendawo

ebonisa ngemisebenzi yobugcisa, ikomishini yentengiso esezantsi kuneqhelekileyo yendawo ebonisa ngemisebenzi yobugcisa iya kusebenza. Eli zinga kunye neendima zawo onke amaqela abandakanyekayo (kuquka kodwa kungamiselwanga mda ekucebiseni iiklayenti, ukubhala, ukujonga, i-inshurensi, uthutho, ukufaka ifreyim, ukufaka, njalo njalo), kufuneka kuthethathethwane phambi kokuqala kweprojekthi.

Imali ehlawulwa yindawo ebonisa ngemisebenzi yobugcisa yeenkonzo ngaphandle kwentengiso, efana nengqesho yomsebenzi womenzi, uthethathethwano ngeekomishini zomsebenzi wobugcisa, okanye nayiphi na enye inkonzo, ukuba ngaba kuvunyelwene ngaphambili ngumenzi kunye nendawo ebonisa ngomsebenzi wobugcisa.

Xa umenza engenela ukhuphiswano, amawonga obugcisa, okanye imiboniso leyo abantu bazigcinela imisebenzi, kwaye baphumelele amabhaso, umenzi kufuneka aqinisekise ukuba indawo ebonisa ngemisebenzi yobugcisa iyanakanwa ngayo yonke imisebenzi ngokwelo xesha enikwe ubunini bokugcina.

Xa umenzi efumana inkxaso, iwonga, okanye ibhaso eliyimali, umsebenzi wezorhwebo akalindelanga komishini.

Umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa kufuneka baxoxe ukuba ingaba ikomishini iya kuhlawulwa kwindawo ebonisa ngemisebenzi yobugcisa ngeminikelo na, okanye intengiso yemisebenzi yobugcisa kwizehlo zokunyusa ingxowa na. Indawo ebonisa ngemisebenzi yobugcisa kunye nomenzi kufuneka bavumelane kunye ngexabiso eligciniweyo ukuqinisekisa ukuba ixabiso lomsebenzi alithathelwanga phantsi.

Umenzi kunye nendawo ebonisa ngemisebenzi yobugcisa kufuneka kunye bavumelane ngokubhalwe phantsi ngezinga lekomishini eza kuhlawulwa kuzo zonke iintlobo zorhwebelwano olukhethekileyo.

Indawo ebonisa ngemisebenzi yobugcisa inesibophelelo kumenzi kunye nakumsebenzi womenzi sokuba ibonise umsebenzi ngokupheleleyo kangangoko, kwaye ngokona kulungele yona, kwaye ingalithatheli phantsi ixabiso lomsebenzi.

Ukuba indawo ebonisa ngemisebenzi yobugcisa inika izaphulelo, naluphi na utsalo kwinzuzo kufuneka luthathwe kwikomishini yendawo ebonisa ngemisebenzi yobugcisa, hayi kwinzuzo yomenzi.

Isivumelwano esibhaliweyo sentengiso kufuneka sikhutshwe yindawo ebonisa ngemisebenzi yobugcisa sinikwe umthengi kwintengiso yomsebenzi ngamnye. Kufuneka sicazulule yonke imiqathango yentengiso.

Intlawulo eya kumenzi kufuneka yenziwe kubuncinane beentsuku ezingama-30 zentengiso, okanye xa kufunyenwe intlawulo yindawo ebonisa ngemisebenzi yobugcisa, nokuba yeyiphi eyenzeka ngokukhawuleza.

Apho indawo ebonisa ngemisebenzi yobugcisa yamkela izavenge, ubuncinane bama-25% ediphozithi kufuneka benziwe.

Apho indawo ebonisa ngemisebenzi yobugcisa ivumayo ukwamkela ukubuyiswa komsebenzi wobugcisa othengisiweyo, oku kufuneka kube ngokweendleko zendawo ebonisa ngemisebenzi yobugcisa.

Ngesicelo, indawo ebonisa ngemisebenzi yobugcisa kufuneka inike umenzi isiteyitimenti senkqubela yentengiso, kunye nazo naziphina iintlawulo zezavenge ezilindelekileyo okanye ezifunyenweyo.

Indawo ebonisa ngemisebenzi yobugcisa kufuneka inike isiteyitimenti se-akhawunti somntu ngamnye ngentlawulo nganye umenzi, kuquka neenkcukacha zabathengi. Kukophula isivumelwano somelo ukuba umenzi afune intengiso ngqo kubathengi ibe ingekho ke intlawulo yekomishini.

Ekupheleni konyaka-mali ngamnye, indawo ebonisa ngemisebenzi yobugcisa kufuneka ithathe isitokhwe kwaye ithumele kumenzi ngamnye uluhlu lwemisebenzi yabo ebumnini bugcinwe yiyo, uluhlu lweentengiso ezenziwe ebudeni bonyaka, kwaye kufuneka ihlawule naziphi na izixa ezingekahlawulwa ezibanjwa umenzi. Iziteyitimenti zomntu zokuthathwa kwesitokhwe kufuneka zikhutshwe rhoqo abanengeniso eninzi.

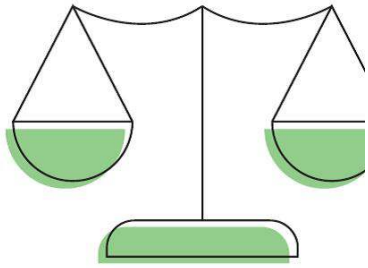
4.3.4 ILUNGELO LOMENZI

Indawo ebonisa ngemisebenzi yobugcisa kufuneka ikhusele amalungelo omthetho omenzi, kuquka ilungelo lomenzi, kwimisebenzi enxulumene nomsebenzi wobugcisa enobunini bawo bokugcina kwaye kufuneka ithathe amanyathelo afanelekileyo okuqinisekisa ukuba nabanye benza njalo kananjalo.

Indawo ebonisa ngemisebenzi yobugcisa kufuneka ingaphembeleli abenzi ukuba bathengise, banike imvume, okanye balahle amalungelo abo (njengoko kunokwenzeka) amalungelo omenzi okukhusela umsebenzi wakhe.

Indawo ebonisa ngemisebenzi yobugcisa makungalindelwa ukuba ihlawule imali ehlawulwa umnini ongumenzi ngabo basebenzisa umsebenzi wakhe ngokuveliswa kwakhona komsebenzi womenzi apho injongo yokuwuvelisa kwakhona ikukuthengisa umsebenzi womenzi. Oku kufuneka kuqinisekiswe kwisivumelwano esibhaliweyo.

Imali ehlawulwa umnini ongumenzi ngabo basebenzisa umsebenzi wakhe, equka ilungelo okanye imvume yokusebenzisa ilungelo elilodwa lomenzi, ehlawulwa abo bangekho kwimo yabo engqongileyo, banokuxhomekeka ekubanjelweni irhafu eMzantsi Afrika. Irhafu ebanjwayo li-15% lesixa esihlawulwe kulowo ungekho kwimi yakhe engqongileyo.



4.3.5 UMSEBENZI WOKUKHATHALELA

Indawo ebonisa ngemisebenzi yobugcisa inoxanduva lomsebenzi womenzi ngexa usekukhathalelo lwendawo yayo ebonisa ngemisebenzi yobugcisa.

Indawo ebonisa ngemisebenzi yobugcisa kufuneka isebenzise yonke inkuthalo efanelekileyo xa iphatha, ibeka, ibonisa, kwaye ipakisha umsebenzi.

Indawo ebonisa ngemisebenzi yobugcisa inoxanduva lokugcina ikhava ye-inshurensi eyoneleyo. Iinkcukacha ze-inshurensi kufuneka zichaze umenzi ngokubhaliweyo, ukuba yeyiphi inkqubo eza kulandelwa ukuba umsebenzi ulahlekile, wonakele, okanye webiwe ngexa ukukhathalelo lwendawo ebonisa ngemisebenzi yobugcisa.

Ukuba indawo ebonisa ngemisebenzi yobugcisa ayiboneleli nge-inshurensi, umenzi kufuneka aziswe ngokubhaliweyo. Oku akulahli uxanduva lwendawo ebonisa ngemisebenzi yobugcisa lokubuyisela imali umenzi ngomsebenzi olahlekileyo, owebiweyo okanye owonakeleyo.

Indawo ebonisa ngemisebenzi yobugcisa inoxanduva lokhuselo, uthintelo lomlilo, kunye neemeko zokusingqongileyo ezifanelekileyo kuquka ukubonisa kunye nokukhanya.

Ukuba umsebenzi wonakele ngexa ukukhathalelo lwendawo ebonisa ngemisebenzi yobugcisa, umenzi kufuneka anikwe ukhetho lokuqala lokulungisa umsebenzi, okanye lokuvuma ukhetho lomlungisi

nomgcini. Indawo ebonisa ngemisebenzi yobugcisa kufuneka ithwale iindleko zokulungisa.

Ukuba ilahleko okanye umonakalo ukangangokuba umsebenzi ngeke ulungiswe ngokonelisayo, umenzi kufuneka ahlawulwe kwithuba lexesha elifanelekileyo, ngaphandle kwenqanaba le-inshurensi lendawo ebonisa ngemisebenzi yobugcisa okanye ixesha elithathiweyo ukuhlawula ibango.

4.4 IMIBONISO OKANYE IZEHLO EZIZODWA OKANYE EZENZEKA KANYE

Kwezinye iimeko, abenzi banokuququzella imiboniso eyenzeka kanye nendawo yorhwebo ebonisa ngemisebenzi yobugcisa, umbutho ogunyazisayo, okanye isisehlo apho kungekho sibophelelo sokuqhuba ubudlelwane. Iimeko ezinjalo ziquka, umzekelo, umenzi oququzelela umboniso wexesha elinye kwisxeko okanye ummandla owahlukileyo ongaphandle kommandla wabo wesiqhelo ababonisa kuyo, okanye xa indawo yorhwebo ebonisa ngemisebenzi yobugcisa ivuma ukusingatha umenzi umboniso omnye kuphela.

Oku kunokuba kwenzelwa ukuvavanya imarike kumsebenzi wangaphambili kwisithembiso somelo olupheleleyo olwenziwayo. Omabini amaqela kufuneka acace ngokugqibeleleyo kwaye abe nesivumelwano esibhaliweyo kwimicimbi efana nobude bexesha lobudlelwane, inqanaba leenkonzo ezinikiweyo kunye nekomishini ebiziweyo, ukuphepha ukudideka malunga nohlobo lomelo ekunokwenziwa ngalo uthethathethwano kwixa elizayo.

Kumboniso wexesha elinye, iindleko eziya kumenzi zinokohluka kakhulu. Abenzi kaninzi banoxanduva lweendleko zothutho, ukufaka ifreyim, ukwazisa kunye neendleko zokubona bucala, ngokuxhomekeke kulungiselelo, iindleko zokubonisa. Ikomishini ehlawulwa isehlo okanye umbutho ogunyazisayo kufuneka ithathele ingqalelo umrhumo wezimali ovela kumenzi.

Kufuneka kubekho na ikontraki okanye isivumelwano esibhaliweyo.

Isehlo okanye umbutho ogunyazisayo kunye nomenzi kufuneka bacebisane kwaye ngokuhlangeneyo bamisele ukuba ngubani na ohlawulelwa naziphi na iindleko ezivelayo.

Umenzi kunye nesehlo okanye umbutho ogunyazisayo kufuneka ngokudibeneyo bavumelane ngekomishini efanelekileyo elindelekileyo kwisehlo okanye umbutho ogunyazisayo, kwaye kufuneka ilungelelane nenqanaba lenkonzo enikwe sisehlo okanye umbutho ogunyazisayo.

Isehlo okanye umbutho ogunyazisayo kufuneka bafumane imvume yomenzi phambi kokuqhuba nentlawulo ngesavenge. Izivumelwano zezavenge kufuneka ziqukwe kwikontraki ephakathi komenzi kunye nesehlo okanye umbutho ogunyazisayo. Ubuninzi bexesha leentlawulo zezavenge kufuneka zihlawulwe zigqitywe ngalo kufuneka ibe ziinyanga ezintathu.

Iintlawulo zezavenge kufuneka zenziwe ngeenxenye kunye namabakala arhoqo (umzekelo, 30%-30%-40%) nekomishini ihlawulwa kwisavenge ngasinye.

Umenzi kufuneka afumane intlawulo yesavenge ngasinye kwiintsuku ezingama-30 ezisemva kokufunyanwa kwentlawulo sisehlo okanye ngumbutho ogunyazisayo, kwaye ityala elandisiweyo kufuneka libe ngokomngcipheko wesehlo okanye umbutho ogunyazisayo. Ukuba intengo yesavenge ayigqitywanga kwiintsuku ezingama-90, isehlo okanye umbutho ogunyazisayo kufuneka uhlawule umenzi ixabiso lentengo elipheleleyo kukhutshelwa ngaphandle ikomishini ebandakanyekayo. Kufuneka kufikelelwe kwisigqibo sokuba isehlo okanye umbutho ogunyazisayo unokugcina kwaye ubeke umsebenzi othengiswayo ixesha elingakanani, phambi kokubuyisela umsebenzi kumenzi.

4.5 IINDAWO ZEENTENGISO EZININZI

Xa umenzi ethengisa umsebenzi ngeendawo ezininzi zeentengiso ezifana neevenkilana zokuphunga, amadederhu eevenkile okanye imarike, isivumelwano esibhaliweyo esingaqukiyo kufuneka sisebenze phakathi kwawo onke amaqela.

Ukubekwa kwamaxabiso kufuneka kuvunyelwane kwaye kwenziwe uthethathethwano ngako ngawo onke amaqela kwaye kufuneka afana kuzo zonke iindawo zokuthengisa.

Ukuba umququzeleli okanye umnini wendawo ethengisayo akaniki zinkonzo zifanayo nezendawo yorhwebo ebonisa ngemisebenzi yobugcisa(jonga iCandelo le- 4.3), izinga le komishini ke kufuneka libe sezantsi kakhulu.

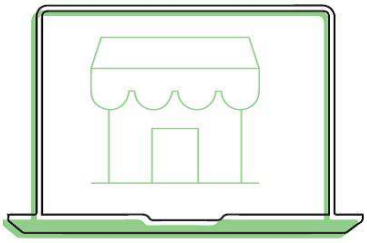
4.6 UKUTHENGISA KWI-INTANETHI

Imisebenzi ethengiswa kwi-intanethi sisehlo okanye ngumbutho ogunyazisayo unokuxhomekeka kulungiselelo olufanayo nolo lwemisebenzi ethengiswa ngendawo yorhwebo ebonisa ngemisebenzi yobugcisa yesiqhelo, kuquka nokunxulumene neekomishini.

Kokulungele abenzi kunye neendawo ezibonisa ngemisebenzi yobugcisa ukumisela:

- Ukuba uyifumana njani indawo ngokubhekisele ekophulweni kwe-IPR;
- Ingaba ufikelelo kunye nokusetyenziswa kulawulwa yiMvume yoMsebenzi weWebhusayithi;
- Nokuba umsebenzi unokuthathwa njengosemgangathweni kwaye utolike njengofanelekileyo.

Isehlo okanye umbutho ogunyazisayo, okanye umnini wewebhusayithi, kufuneka avumelane nomenzi ukuba ingaba ukudawunoldwa ngabasebenzisi kuya kuvunyelwa na, kunye nokuba yeyiphi imiqathango yemvume ebekiweyo.



4.7 UKUNIKEZELWA KOBUNINI KUMGCINI

Ukunikezelwa kobunini kumgcini lolona lungiselelo luxhaphakileyo lokuthengisa phakathi kwabenzi bobugcisa obubonwayo kunye neendawo zorhwebo ezibonisa ngemisebenzi wobugcisa. Oku kuthetha ukuba isehlo okanye umbutho ogunyazisayo ayingomnini womsebenzi wobugcisa, koko uthengisa umsebenzi njenge-arhente yomenzi.

Ubugcisa buthengiswa njengonikezelo lobunini kumgcini xa umenzi okanye igcisa livumela isehlo okanye umbutho ogunyazisayo ukuba ubonise kwaye wazise umsebenzi wobugcisa ithuba lexesha, ngaphandle kokuba isehlo okanye umbutho ogunyazisayo uthathele kuwo ubunini bomsebenzi lowo. Isehlo okanye umbutho ogunyazisayo uthatha ikomishini ekuthengiseni umsebenzi lowo. Uninzi lweendawo ezibonisa ngemisebenzi yobugcisa kunye nezithuba zekhefi zithengisa ubugcisa njengonikezelo lobunini kumgcini egameni lomenzi.

Ubunini bomsebenzi busala kumenzi, kwaye kuphela ubunini bunokudluliswa ngentlawulo epheleleyo ukusuka kumenzi ukuya kumthengi.

Isivumelwano sokunikezela ubunini kumgcini kufuneka siphuhliswe kwaye sisayinwe phakathi kwamaqela. Kufuneka siquke:

- Ithuba elo umsebenzi oza kunikezelwa kubunini bomgcini;
- Ikomishini leyo indawo ebonisa ngomsebenzi wobugcisa kunye nomenzi baya kuyifumana xa uthengisiwe umsebenzi;
- Indlela isehlo okanye indawo egunyazisayo eza kuhlawula ngayo umenzi;
- Ngubani ohlawulela isithuthi kunye ne--inshurensi yomsebenzi;
- Ngubani onoxanduva lokufaka umsebenzi;

- Indlela obuyiswa ngayo umsebenzi ukuba awuthengiswanga umsebenzi;
- Iingxelo zemeko kufuneka zinikwe xa kunikezelwe ngobunini bokugcina emsebenzini kunye/okanye ubuyiswa.

Kwimeko yokuba kongezwe umsebenzi omtsha kulowo sele ukhona kunye nesivumelwano esisemthethweni sokunikezela ngobunini bokugcina, irekhodi yokunikezela ngobunini bokugcina kufuneka ivezwe kwaye isayinwe ngawo omabini amaqela kwaye ihlonyelwe kwisivumelwano sokunikezezala ngobunini bokugcina.

Xa kuziswa imisebenzi kwisehlo okanye kwisithuba, umenzi kufuneka anike uluhlu oluphele leyo oluchaza umsebenzi, kuquka nenkcazo yemeko yomsebenzi. Isehlo okanye umbutho ogunyazisayo kufuneka ukhangele uluhlu lonikezelo lobunini bokugcina ngokubhekisele kumsebenzi ozisiweyo. Isehlo okanye umbutho ogunyazisayo kufuneka usayine kwaye ubuyisele ikopi yoluhlu kumenzi njengerisiti.
Ukuba umenzi akalungiseleli uluhlu lonikezelo lobunini bokugcina oluchazwe ngasentla, kufuneka lulungiselelwe sisehlo okanye umbutho ogunyazisayo ngokukhawuleza wakube uthathe imisebenzi kwaye wasayina ikopi enikwe ngumenzi.

Ngokwamkela umsebenzi womenzi ngonikezelo lobunini bokugcina, isehlo okanye umbutho ogunyazisayo uyavuma kwiingxelo ezenziwe kwiphetshana lonikezelo lobunini bokugcina, kwaye esamkela ukuba umsebenzi ubukwimeko entle ukufunyanwa kwawo.

Imisebenzi yobugcisa onikezelelwe ubunini bokugcina ayiyompahla yesehlo okanye yombutho ogunyazisayo, kwaye awunako ukuqukwa kuyo nayiphi na intengiso okanye udluliselwe kwesinye isehlo okanye umbutho ogunyazisayo.

4.8 IMIBONISO EMIKHULU YEHLABATHI KUNYE NEMIBONISO YEMVELISO ZORHWEBO

Sisithethe kwimiboniso emikhulu kunye nakwimiboniso yorhwebo ukudibanisa ikomiti yokhetho eyenziwe ngeendawo zokubonisa ngemisebenzi yobugcisa enamava kunye nombono wezorhwebo.

Imiboniso emikhulu kunye nemiboniso yorhwebo zinemigaqo-nkqubo esebenzayo eqinisekisa ukuba ukhetho luhlala lunobulungisa kwaye lungafihli.

Indlela esetyenziswayo yokukhetha kufuneka ifumaneke kuwonke-wonke kwimeko yeminxeba kawonke-wonke kwindawo ebonisa ngemisebenzi yobugcisa okanye uthabatho nxaxheba kwiprojekthi kwimiboniso emikhulu okanye kwimiboniso yorhwebo.

Kwimeko yeeprojekthi ezingezizo ezorhwebo okanye imibutho egunyazisayo emenyelwe kwimiboniso emikhulu okanye nakwimiboniso yorhwebo, iprojekthi okanye umbutho ogunyazisayo uya kulawula kwaye unike iikontraki awayo amagcisa kunye nabenzi.

Imiboniso yorhwebo inomgaqo-nkqubo osebenzayo wokuba ujongana njani na nomsebenzi onokuba nempikiswano.

Zonke izithethe kunye nemigangatho ephathelene nokunika iikontraki, ugunyaziso neentengiso kwiindawo zemiboiniso yemisebenzi yobugcisa kunye nabenzi kwimiboniso yorhwebo ihleli injengoko ixeliwe kwiCandelo le-4.3 okanye le-4.4 ngokuxhomekeke kwiimeko.

4.9 II-ARHENTE/ABACEBISI NGOBUGCISA

4.9.1 UMELO LWEGCISA KUNYE NENTENGISO

Ngokuchaseneyo nobudlelwane obuqhubayo abenzi abanabo nendawo yabo yemiboniso yemisebenzi yobugcisa ezibameleyo, ukuthengisa usebenzisa abacebisi kaninzi sisehlo esenzeka kanye esijolise kurhwebelwano olunye. Ngaphandle koko, abacebisi bezobugcisa kumaxesha amaninzi banokusebenza nomenzi othile kwaye ubudlelwane obuhle bezorhwebo buyavela.

Kufuneka kubekho isivumelwano esibhaliweyo okanye ikontraki phakathi komcebisi ngezobugcisa kunye nomenzi esixela imiqathango ebekiweyo yobudlelwane. Inkcukacha zento emayiqukwe ziya kuxhomekeka kuhlobo lobudlelwane.

Umcebisi wezobugcisa kufuneka ancedise ekuqinisekiseni ukuba kukho intengiso yekontraki yomsebenzi wobugcisa phakathi komenzi kunye nomthengi.

Isivumelwano kufuneka sifake iinkcukacha zentlawulo, senze abathengi bawaqonde amalungelo agcinwe ngumenzi, idilesi kunye nalo naluphi na uthathelo ngqalelo olukhethekileyo ngokunxulumene nokuboniswa kunye nokhathalelo lomsebenzi.

Intlawulo eya kumenzi kufuneka yenzeke kwiintsuku ezingama-30 zokuba kufunyenwe intlawulo ngumcebisi wezobugcisa.

Apho umenzi anomelo olupheleleyo yindawo ebonisa ngemisebenzi yobugcisa umcebisi wobugcisa kufuneka ahloniphe obo budlelwane kwaye asebenze ngendawo yokubonisa ngemisebenzi yobugcisa. Kulo meko, ikomishini kufuneka ihlawulwe ngumenzi kwindawo ebonisa ngemisebenzi yobugcisa ngezinga ekuvunyelwene ngalo ngaphambili. Kuze, ukuba kufanelekile, indawo ebonisa ngemisebenzi yobugcisa kufuneka yohlulelane ngekomishini nomcebiso ngobugcisa ngezinga ekuvunyelwene ngalo ngaphambili. Umcebisi wobugcisa kufuneka angahlawulwa nayiphi na ikomishini eyongezelelweyo ngumenzi.

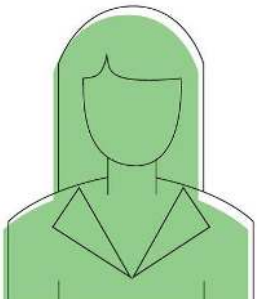
Umcebisi wobugcisa kufuneka afumane ikomishini ngqo kumenzi kuphela apho umcebisi athathela kuye indima yokumela egameni lomenzi lowo ngenye indlela angamelwanga.

Umcebisi wobugcisa kufuneka asayine kwaye abuyisele ikopi yempahla enikwe ngumenzi njengokuba uwufumene umsebenzi.

Abacebisi abanika ulawulo lweprojekthi kunye neenkonzo zokuququzelela kufuneka baxele imiqathango yokuzibandakanya okunjalo ngokubhaliweyo kwiiklayenti kunye nakumaqela afanelekileyo.

4.9.2 UKUPHATHWA NOKUQUQUZELELWA KWEPROJEKTHI

Ishedyuli yemali ehlawulwayo kufuneka yenziwe ifumaneke kuwo onake amaqela athabatha inxaxheba kwangaphambili. Uthethathethwano olunxulumene nokwakhiwa kwemali ehlawulwayo, ukuba lukhona, kufuneka kuvunyelwane ngalo ngokubhaliweyo.



4.10 ABENZI ABATHENGISA IMISEBENZI

Isivumelwano sentengiso kufuneka sibhalwe sibe phakathi komenzi kunye nomthengi kwaye kufuneka siquke okulandelayo:

- Inkcazo yomsebenzi wobugcisa, kuquka imathiriyeli, isikeyile kunye neenkcukacha zokuhlela
- apho kwenzekayo;
- Ubunini kunye nolawulo lwe-IPR
- Leliphi iqela elinoxanduva lweendleko zesithuthi kunye ne-inshurensi;

- Ukuba ingaba umsebenzi ufakwe ifreyim na okanye awufakwanga (ukuba kuyangena);
- Ishedyuli yokuziswa komsebenzi;
- Ukunikana iinkcukacha zoqhagamshelano kunye needilesi (iindawo zokuhlala) nesibophelelo esivela kumthengi esazisa umnzi ukuba umsebenzi uthengisiwe kwakhona.

Abenzi banokucela kananjalo ukuba amalungelo athile awongeziweyo ahlonitshwe emva kokuba uthengisiwe umsebenzi. isivumelwano sentengiso esinjalo kufuneka siquke:

- Isiqendu ngotshintsho kunye nogcino lomsebenzi wobugcisa kunye nomsebenzi wokuwukhathalela;
- Ukuba umenzi kufuneka ahlawulwe kwaye abalwe xa umsebenzi upapashwa;
- Ukuba umenzi unelungelo lokusebenzisa umsebenzi wobugcisa kwimiboniso;
- Ukuba umenzi unelungelo lokusebenzisa umsebenzi wobugcisa kwimiboniso ngesicelo;
- Kufuneka ugcinwe kwaye ulungiswe njani umsebenzi ukuba wonakele.

Isitifiketi sokuqinisekisa ubunene sichaza umsebenzi wobugcisa kwaye siqinisekisa umthengi ukuba umsebenzi ngowokuqala kwaye wenziwe ngumenzi oxeliweyo igama lakhe kwaye owazisiweyo kwisitifiketi. Indawo ebonisa ngemisebenzi yobugcisa, umenzi, okanye nawuphi na omnye umthengisi, kufuneka aveze isitifiketi sokuqinisekisa ubunyani ngesicelo somthengi.

Abenzi kufuneka baluvunyelwe ufikelelo kwimisebenzi yabo ukuze bayibhale, kunye nokuba babonise ngayo kwezinye iindawo, ngokuxhomekeke ekuthathelweni kwengqalelo ulondolozo kunye noqokelelo oluqhelekileyo.

Kwimeko yokuba kufuneka utshatyalaliswe umsebenzi ngenxa yomonakalo ongenakulungiseka, umnini kufuneka azise umenzi kwaye anike exesha elifanelekileyo lokuba ubhalwe kunye/okanye ususwe okanye ubuyiswe. Apho kwenzekayo, umnini kufuneka abuyisela umsebenzi kumenzi ngaphandle kweendleko, agcine ilungelo lomenzi lokhuselo.

Abathengi bobugcisa babucala kunye nabakarhulumente kufuneka baqonde imiqathango ethile ekhethekileyo esebenzayo kwicandelo. Abenzi abaninzi bafumana imivuzo emincinane kumsebenzi wabo wobugcisa, kwaye kucetyiswa imivuzo epheleleyo kunye nefanelekileyo kwiinkonzo zabo.

4.11 ABAQOKELELI BABUCALA NEEKOMISHONI

4.11.1 UKUGUNYAZISA UMSEBENZI

Imisebenzi yobugcisa egunyazisiweyo yimisebenzi eveliswe phantsi kolungiselelo logunyaziso apho umenzi asebenza njengowekontraki ozimeleyo ekuveliseni umsebenzi okanye iprojekthi. Olu lungiselelo lohlukile kubudlelwane bomsebenzi. Phantsi kobudlelwane bogunyaziso, umkomishinala kunye nomenzi bavumelana ngohlobo, indlela, kunye nesiqulatho somsebenzi wobugcisa okanye iprojekthi eza kuveliswa, umgunyazisi uhlawula imali ehlawulwayo kumenzi ngokuveliswa komsebenzi, umenzi uvelisa umsebenzi okanye iprojekthi ngoko kuxeliweyo ekuvunyelwene ngako ngaphambili phakathi kwamaqela.

Kwimeko yokuba umthengi agunyazise umsebenzi ngqo kumenzi, ikontraki yokugunyazisa kufuneka yenziwe. Isivumelwano kufuneka sichaze ukuba iphathelene nantoni na inkqubo yokugunyazisa, kunye neshedyuli yokuba iintlawulo ziza kwenziwa nini kwaye njani ngexa lenkqubo. Ikontraki kufuneka iquke iinkcukacha ezilandelayo:

- Inkcazo yomsebenzi wobugcisa kuquka nemizobo yokuqala;
- Ukwahlulwa kweendleko;
- Amabakala ohlolo kunye nokuvunywa kunye nokwahlulwa kwentlawulo yexeshana;
- Indlela isivumelwano esinokupheliswa ngayo lilo naliphi na kumaqela, kunye nokuba siya kuba yintoni isiphumo;
- Ngubani ongumnini welungelo kumsebenzi lowo;
- Uza kuthuthwa kwaye uziswe njani umsebenzi;
- Ngubai oza kufaka umsebenzi.

Abaqokeleli kufuneka baqwalasele iimfuneko ngokunxulumene namalungelo omthetho omenzi afana nelungelo lomenzi kunye namalungelo omenzi okhuselo lomsebenzi wakhe.

4.11.2 UKUTHENGA UMSEBENZI

Abo banokuba ngabathengi kufuneka benze nayiphi na intlawulo ngokwemiqathango ekuvunyelwene ngayo nomthengisi kunye/okanye umsebenzi.
Phambi kokuba iqale intengiso, lowo unokuba ngumthengi unokucela ngokufanelekileyo ufikelelo kwimathiriyeli epapashiweyo ngegcisa (imibhalo kunye neekhahalogu), i-CV kunye nebali ngobomi begcisa, kunye nezitifiketi zokuba yinyani komsebenzi (ukuba kuyangena), ezo umthengisi anokuba nazo okanye abe nofikelelo kuzo.

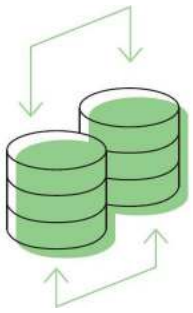
Abo banokuba ngabathengi kufuneka bavunyelwe bahlole nawuphi na umsebenzi abanokufuna ukuwuthenga, ukuqinisekisa ukuba umsebenzi lowo awonakalanga kunye nokuba ukwimeko echazwe ngumthengisi.

Abathengi kufuneka babhale imisebenzi kwingqokelela yabo ngeenjongo zokuqinisekisa ubunyani kunye nobunini, kwaye bagcine iirekhodi zawo nawuphi na umonakalo okanye utshintsho kwimeko yomsebenzi. Ukugcina iirekhodi kubalulekile ekuqinisekiseni ixabiso lomsebenzi othengiswayo kwakhona.

Abo banokuba ngabathengi bobugcisa bevidiyo kufuneka baqinisekise nomthengisi ngokuphathelene nayo nayiphi na imfuno, kunye neendleko ezinxulumeneyo, zokujongwa kwakhona komsebenzi kwixa elizayo, ngokuphathelene notshintsho olukhawulezayo kubuchwepheshe kunye neendlela.

Abo banokuba ngabathengi kufuneka baqinisekise ukuba bayayiqonda imiqathango yokugcina kunye/okanye imiqathango yokubonisa ngawo nawuphi na umsebenzi othengiweyo. Abathengi banokucela ukuba le miqathango inikwe ibhaliwe ngumthengisi.

4.11.3 UKUXABISA UMSEBENZI



Abo banokuthenga kufuneka benze uphando ngokuxabisa umsebenzi othile wegcisa, okanye ukuxabisa okuthelekisa umsebenzi ofanayo. Kwimeko yegcosa elisakhulayo elingenalo irekhodi lentengiso, umthengi kufuneka aphande amaxabiso entengiso yomsebenzi onokuthelekiswa nalowo wamanye amagcisa aneendlela kunye namakhondo afanayo.

Xa uthenga kwindawo ebonisa ngomsebenzi wobugcisa worhwebo okanye ngenye i-arhente kwaye ungathengi ngqo kwigcisa, abo inokuba ngabathengi kufuneka baqonde ukuba ukuyokuma kuma- 40% okupheleleyo aya kuhlawulwa njengekomishini kwindawo ebonisa ngemisebenzi yobugcisa okanye kwi-arhente. Igcisa lifumana ama-60% aseleyo.

Abo inokuba ngabathengi kunye nabaqokelelo kufuneka baqonde ukuba nayiphi na kwezi zilandelayo inokuba neempembelelo kwixabiso lomsebenzi othile wobugcisa:

- Iindawo ezibonisa ngemisebenzi yobugcisa, iimyuziyam okanye amaziko apho igcisa libonise ngemisebenzi yalo;

- Imiboniso eyodwa;
- Uthabatho nxaxheba kwimiboniso yeqela;
- Amawonga, amabhaso, iinkxaso okanye imvuzo enikwa iinkcutshe efunyenweyo;
- Iinzuzo kwiingqokelela zikarhulumente, zabucala, okanye zequmrhu;
- Izikhundla ezibanjiweyo (umzekelo, iGcisa elingekho kwimo engqongileyo yalo yesiqhelo, unjingalwazi, utitshala, umhlohli);
- Umbulelo, ucaphulo okanye ukunikezela kwiincwadi (umzekelo, Iingxelo ezisemgangathweni ngento ethile okanye iikhathalogu);
- Intengiso yomsebenzi okwifandesi.

Okulandelayo kunokusebenza kananjalo kwixabiso lokugqibela kwaye kufuneka kuthathelwe ingqalelo:
- Umsebenzi wokuqala uxatyiswa kakhulu ngaphezulu kokuveliswa kwakhona komsebenzi;
- Ushicilelo lokuqala lohlelo lwexesha elithile (kuquka iifoto) jikelele ixabiso lwalo libekwa kwisixa esiphezulu ngenxa yoshicilelo olumbalwa olufumanekayo emarikeni;
- Nokuba umsebenzi ufakwe ifreyim okanye awufakwanga freyim;
- Kwimeko yobugcisa bevidiyo, ixabiso linokohluka ngokuxhomekeke kwisayizi yohlelo, uhlobo olufumanekayo, ukuba umsebenzi uza nekopi enokufakwa koovimba, okanye ibhokisi okanye ipakethe enikiweyo okanye equkiweyo (umzekelo, ityesi eyenziwe ngesandla yomsebenzi we-DVD okanye wevidiyo ngokuchaseneyo nebhokisi eyenziwe ngokuqhelekileyo).

4.12 IZITUDIYO

4.12.1 IIKONTRAKI KUNYE NEZIVUMELWANO

Ukuba isitudiyo silawulwa liqela labasebenzi, isivumelwano sentsebenziswano kufuneka kuvunyelwane ngaso ngawo onke amalungu. Isivumelwano kufuneka sixele iindima kunye namaxanduva ngokunxulumene no:
- Ugcino;
- Ulawulo;
- Izimali.

Kucetyiswa ukuba amaqela kufuneka acinge ngobhaliso olusesikweni.

Izivumelwano zengqesho kufuneka zenziwe phakathi komnini wendawo kunye neqela okanye umbutho.

Izivumelwano zesitudiyo kufuneka zisebenze kubo bonke abasebenzi abaqeshe indawo yesitudiyo.

Izivumelwano zesitudiyo kufuneka zivumele ubuninzi bokunika isaziso sokuhamba seenyanga ezimbini.

Izivumelwano zesitudiyo kufuneka ziquke okulandelayo:
- Iimfuneko zediphozithi;
- Ihlawulwa nini kwaye njani imali yengqesho;
- Ulawulo lwemali elindelekileyo ebingahlawulwanga;
- Ubuncinane bokunika isaziso sokuhamba.

Kwimeko yeziko (ishishini lengingqi, ugunyaziwe wengingqi, indawo ebonisa imisebenzi yobugcisa kamasipala okanye imyuziyam) elinika isithuba litshintshisa ngeenkonzo ezithile kwiqela labasebenzi (umzekelo, iintlanganiso zeengxoxo), isivumelwano kufuneka sibekhona kulungiselelo kunye nemida yeenkonzo.

Ayisosithethe ukuba nekhava ye-inshurensi yemisebenzi yobugcisa kwizitudiyo, nakuba kunjalo oku kungathethathethwana ngako ngokuhlangeneyo kwaye kuvunyelwane ngako ngokubhaliweyo ngawo onke amaqela, amalungu, kunye nabahlali.

Ukuba umsebenzi ufuna ukuyila umsebenzi kwaye aqeshe isitudiyo sokushicilela okanye isitudiyo semikrolo ukugqibezela uluhlu lwexeshana elithile, kufuneka amisele ukuba isivumelwano siphela wakube umsebenzi uyiliwe ngaphandle kokuba umsebenzi unika imvume isitudiyo ukuba sithengise umsebenzi

wakhe. Ukuba umsebenzi kunye nesitudiyo sokushicilela okanye isitudiyo semikrolo bayahlangana ukuyila uluhlu lomsebenzi wexeshana elithile, ubunini bolo luhlu kwabelwana ngabo phakathi kwamaqela amabini, kuba isitudiyo kunye nomsebenzi bathatha umngcipheko ababelana ngawo ngokuyila uhlelo kunye.

4.12.2 IMPILO NOKHUSELEKO

Isitudiyo sinoxanduva lokhuseleko lobuqu kuye nawuphi na umntu osebenzisa isithuba, kwaye sinoxanduva lokuthatha amanyathelo awoneleyo lokwenza ukuba abantu baphume kwisithuba kwimeko yengxakeko (umzekelo, ngokuqinisekisa ukuba umsebenzi awubekwanga kwiipaseji ezikhokelela kwiindawo zokuphuma).

Isitudiyo kufuneka siqinisekise indawo yokugcina efanelekileyo yemathiriyeli enobungozi kwaye kufuneka silandele imiyalelo yomenzi ngokuphathelene noku. Iinkcukacha kufuneka ziqukwe kwizivumelwano zesitudiyo.

Izitudiyo kufuneka ziseke iinkqubo ezoneleyo zolawulo lwenkunkuma kunye nokulahlwa kwayo ngokwemithetho kamasipala.

Isitudiyo kufuneka siqinisekise ukungena kunye nokuphuma komoya okwaneleyo kuzo zonke izithuba. Izivumelwano zesitudiyo kufuneka ziquke wkaye zibambelele kwimigangatho esemthethweni yokuphuma nokungena komoya, ukhuseleko kunye nokulahla. Izitudiyo kufuneka zihlole kwakhona rhoqo imigangatho yempilo nokhuseleko, kuquka umgangatho wokusebenza kunye nokulungiswa kwezicimi mlilo, iindawo zokuphuma zengxakeko kunye nezokungena nokuphuma komoya.

Izitudiyo kufuneka zibe zime kakuhle kwiNgxowa-mali yeMbuyekezo kwaye zibe ne-inshurensi yokuthatha uxanduva kuwonke-wonke. Jonga iCandelo le-5.1.2.

4.13 IIFANDESI

Umthengisi, umthetheli-fandesi, kunye nomthengi kufuneka baqhube inkqubo yefandesi maxa onke ngemfezeko kunye nangokuthobela iikhowudi zokusebenza zeshishini lefandesi.

Imiqathango ebekiweyo yentengiso kufuneka iboniswe kwaye ifumaneke ukuze ihlolwe kwifandesi.

Nawuphi na umsebenzi onomdla wezimali kwindlu yefandesi, okanye onexabiso elifihliweyo kufuneka ubhengezwe kwikhathalogu kwaye lixelwe phambi kwenkqubo yokubhida. Ixabiso elifihliweyo ngesiqhelo alixelwa kumbhidi.

Phambi kokuqalisa kokubhida, umthetheli-fandesi kufuneka abhengeze ukuba ingaba umthengisi uligcinile na ilungelo lokubhida kulo naliphi na inqanaba elingaphantsi kwexabiso elifihliweyo.

Umthetheli-fandesi uya kuqinisekisa ukuba isixa sako nakuphi na ukubhida sixelwe ngokucacileyo.

Umthetheli-fandesi unokulwala ubhido.

5. IMIBUTHO, AMASHISHINI, KUNYE NEZIMALI ZOMSEBENZI

Eli candelo kakhulu limalunga nemiba enxulumene nomsebenzi wobuchule owenziwa ngamagcisa . Ngumxube wemiba ongangqalanga ekwenziweni kweeprojekthi kunye nemiboniso, kunoko obandakanya ukusebenza kwemihla ngemihla kwezehlo, imibutho egunyazisayo kunye nabasebenzi njengemo engqongileyo yokusebenza enobugcisa kunye nabantu. Isigaba sokuqala sijonga kwinkqubo yabantu abasebenza kunye kwishishini, kwimo engqongileyo yombutho okanye ehlangeneyo, kwaye sinika eyona migangatho yokusebenza igqwesileyo ekuhlanganyelaneni, ulawulo olulungileyo kunye nemo engqongileyo yomsebenzi elasulwayo (kuquka utshintsho, impilo nokhuseleko njalo njalo).

Isigaba sesibini siphathelene nemiba yezimali enxulumene nomsebenzi kwimibutho, amashishini kunye nabasebenzi. Isibali semali ehlawulwayo siqukiwe kweli candelo. Isibali semali ehlawulwayo siphuhliswe ngokwemigangatho yehlabathi, sithathela ingqalelo okungqalene nendlela yoMzantsi Afrika. Imisela izithethe nemigangatho yokuba yintoni enokuqukwa kwaye iyintoni emayiqukwe xa kubalwa amanqanaba entlawulo yemali ehlawulwayo esesikweni. Isibali semali ehlawulwayo sisebenza njengesikhokela sokunyusa ingxowa, ukuyalela/ukunika ikontraki kunye nokubeka amaxabiso emisebenzi kunye neenkonzo.

5.1 AMASHISHINI, IMIBUTHO ENGENZI NZUZO NAMAQELA

5. 1. 1. UTSHINTSHO

Izehlo okanye imibutho egunyazisayo kufuneka imisele kwaye iseke imigaqo-nkqubo ethetha ngotshintsho Isicwangciso sobulungisa kwingqesho kufuneka siphuhliswe ngabo bonke abaqeshi kwaye kufuneka sisebenze kuzo zonke izehlo okanye kwimibutho egunyazisayo eyonyuliweyo kwiMimiselo yobuLungisa kwiNgqesho. Umgaqo-nkqubo kufuneka ufumaneke ukuze uhlolwe ngabo bonke abasebenzi kunye namaqela achaphazelekayo, kwaye kufuneka uhlaziywe rhoqo.

Isicwangciso sobulungisa kwingqesho (employment equity) (EE) sibonakalisa inkqubo yokuphumeza ubulungisa kwingqesho somqeshi owonyuliweyo. ISicwangciso se-EE inokuba luxwebhu okanye icandelo elahlukileyo loxwebhu olukhulu (njengesicwangciso seshishini). Umzekeliso wesicwangciso se-EE uhlonyelwe kwiMimiselo yobuLungisa kwiNgqesho, kwaye iiSicwangciso se- EE kufuneka siqulethe ubuncinane yonke imiba equlethwe kumzekeliso we-EEA13. Izehlo kunye nemibutho egunyazisayo engaxhomekekanga kwimimiselo yobulungisa kwingqesho kufuneka zisebenzise lo mzekeliso njengesikhokelo kweyalo utsintsho.

Izehlo kunye nemibutho egunyazisayo kufuneka ziseke izicwangciso zobulungisa kwimiboniso eziphumeza inkqubela ebonakalayo ekuququzeleleni umelo olulinganayo lwabasebenzi abavela kumaqela awonyuliweyo, ngokunjalo nokunceda ekupheliseni ucalulo olungafanelekanga.

5. 1. 2. IMPILO NOKHUSELEKO

Imigaqo-nkqubo
Zonke izehlo kunye nemibutho egunyazisayo kufuneka zibe nemigaqo-nkqubo yempilo nokhuseleko. Le kufuneka isebenze kubo bonke abasebenzi ngokunjalo nakwiindwendwe, ababukeli, abasebenzi kwizitudiyo kunye nakwiimeko zezehlo ezikhethekileyo (umzekelo, ukugxunyekwa kweentente okanye ezinye izxhobo) Umgaqo-nkqubo kufuneka ufumaneke ukuze uhlolwe ngabo bonke abasebenzi kunye namaqela achaphazelekayo, kwaye kufuneka uhlaziywe rhoqo.

Amaxanduva kubasebenzi
UmThetho weMpilo noKhuseleko eMsebenzini,1993 ufuna ukuba umqeshi azise kwaye agcine, kangangoko kunokwenzeka, imo engqongileyo yomsebenzi ekhuselekileyo kwaye enganabungozi kwimpilo yabasebenzi. Oku kuthetha ukuba umqeshi kufuneka aqinisekise indawo yokusebenza engenazo izinto ezinobungozi (umzekelo, ibenzina, ikorina kunye nezinto ezincinane eziphilayo), kunye namanqaku, izixhobo kunye nenkqubo ezinokubanga ukwenzakala, umonakalo okanye isifo. Apho kungenzekiyo oku, umqeshi kufuneka azise abasebenzi ngeengozi, amanyathelo okuthintela, kunye nezicwangciso zokusebenza ezikhuselekileyo, kunye nokunika amanyathelo okhuselo ukuququzelela indawo yokusebenza ekhuselekileyo. Abaphathi besitudiyo kufuneka baziqhelanise nomThetho, ukongeza kokubhekiselwe kwiCandelo le-4.12.2.

Bonke abenzi, izehlo kunye nemibutho egunyazisayo kufuneka baziqhelanise nomThetho weMpilo noKhuseleko eMsebenzini, 1993, kwaye baqinisekise ukuba yonke imimiselo kumThetho iyaphunhyezwa kuso nakwesiphi na isiza apho umbutho oguyazisayo uzinze khona okanye apho kwenzeka khona isehlo. Ingqalelo ekhethekileyo kufunika imikwe abenzi abasebenza ngokufaka, ukupakisha kunye nokuphatha, ngokunjalo nabo babandakanyeka kumsebenzi wobuchwepheshe ofana nokudibanisa nokwenza imilo ngokutshisa.

Imizekelo iquka:
- Ulungiselelo lwazo zonke izixhobo zokhuseleko eziquka iminqwazi yokhuselo, iiglavu, ukhuselo lwamehlo;
- Ukunika ulwazi, umyalelo, uqeqesho kunye nokuphatha kwimisebenzi ekunokucingwa ukuba inobungozi;
- Ukuqesha kunye nokuqeqesha ummeli wempilo nokhuseleko kuma-20 ngamanye abasebenzi abaqeshiweyo kwisehlo okanye kumbutho ogunyazisayo, kunye nokumisela ikomiti yempilo nokhuseleko apho kukho abameli ababini okanye ngaphezulu bempilo kunye nokhuseleko.

UmThetho opheleleyo unokudawunlodwa kweli qhagamshela lilandelayo: labour.gov.za

UmThetho weMbuyekezo yokweNzakala kunye neZifo eziFumaneke eMsebenzini
UmThetho weMbuyekezo yokweNzakala kunye neZifo eziFumaneke eMsebenzini, 1993, (COIDA) ubonelela ngentlawulo yembuyekezo kubasebenzi kunye, kwiimeko ezikhethekileyo, kubaxhomekeki babo, ngokwenzakala okanye isigulo esifumaneke emsebenzini.

Abasebenzi abaphantsi kwe-COIDA baquka nawuphi na umntu ongena kwikontraki yenkonzo okanye ubufundi/ukufundela umsebenzi usemsebenzini nomqeshi, nokuba ikontraki ibhaliwe okanye yeyomlomo, ivakalisiwe okanye ixeliwe.

I-COIDA yenza la malungiselelo alandelayo:
- Umsebenzi akanakude anike ubungqina bokuba umqeshi uye akahoya - umThetho ubonelela ngenkqubo ‘engenaso isiphosiso’ ye-inshurensi yengozi;
- Abasebenzi bafumana imbuyekezo nokuba umqeshi akasolwa ngengozi. Imbuyekezo iyahlawulwa ngaphandle kokuba ingozi yenzeke ‘ekuqhutyweni okanye kwisikowupu sengqesho’, oko kukuthi, ngexa umsebenzi ebesemsebenzini;
- Akukho mfuneko yokuya enkundleni: imbuyekezo ihlawulwa ngoMkomishinala weMbuyekezo;
- UmThetho wenza ulungiselelo lwembuyekeze eyonyukileyo emayihlawulwe ukuba umqeshi uye

akakhathala.

Ukuba ingozi ibangwe kukungaziphathi kakuhle komsebenzi okungamandla kunye nangabom, akukho mbuyekezo iya kuhlawulwa, ngaphandle kokuba ingozi ikhokelela ekukhubazekeni okanye ekuswelekeni komsebenzi, okanye umsebenzi unabaxhomekeki. 'Ukungaziphathi kakuhle okungamandla kunye nokwangabom' kuchazwa kwi-COIDA njengokunxila okanye ukuba phantsi kweempembelelo zesiyobisi esirhurhisayo, ukophula ngabom kunye nangokungakhathali nawuphi ma umthetho wempilo nokhuseleko, kunye naso nasiphi na isenzo okanye ukusilela ukwenza eso uMkomishinala asithatha ngokuba kukuziphatha okumandundu kunye nokwangabom.

Umqeshi onomsebenzi omnye okanye ngaphezulu kufuneka abhalise kwiNgxowa-mali yeMbuyekezo, kwaye kufuneka ahlawule imali yonyaka ehlawulelwa uhlolo. Abaqeshi ababhalise kwaye abahlawula imali ehlawulelwa iMbuyekezo yabaSebenzi yonyaka bakhuselwe ekubeni bamangalelwe ngabasebenzi abonzakele emsebenzini. UmThetho weMbuyekezo yabaSebenzi uthatha ngokuba nawuphi na umqeshi unoxanduva lobuqu kunye nolwezimali lweendleko zengozi yomsebenzi kunye nokusweleka ukuba akabhalisanga kwiNgxowa-mali yeMbuyekezo.

Umqeshi ubophelelekile ngokusemthethweni ukuba axele ingozi kuMkomishinala weMbuyekezo kwiintsuku ezisixhenxe. Ukusilela ukwenza oko kuyohlwayelwa ngesohlwayo esingedluliyo kwisixa sembuyekezo ehalwulwayo kwimeko.

Ilungelo lembuyekezo liyaphela ukuba ibango alenziwanga kwiinyanga ezili-12 zengozi okanye zokufunyaniswa kwesifo ngoxilongo ngugqirha esikhoyo kumThetho.

Apho kubonelelwa ngesithuthi sasimahla sokuya kunye nolubuya emsebenzini ngumqeshi, kwaye isithuthi siqhutywa ngumqshi okanye umntu oqeshwe ngokukhethekileyo ukuba asiqhube, nayiphi na ingozi ekucingwa ukuba yenzeke ekuqhutyweni komsebenzi. Ngamanye amagama, imbuyekezo inokubangwa ngokwenzakala okanye ukusweleka okungenxa yengozi enjalo. Akukho mbuyekezo ihlawulwayo ukuba ingozi yenzeke kwisithuthi esisesinye esingabonelelwa ngumnini kontraki egameni lomqeshi.

Bonke abaqeshi kunye nabasebenzi kufuneka baziqhelanise nomThetho weMbuyekezo yokweNzakala neziGulo eziFumaneke eMsebenzini, 1993, kunye namalungelo anxulumene nawo anikwe kumThetho. I-COIDA ifikeleleka kweli qhagamshela lilandelayo: labour.gov.za

5. 1. 3. UBUFUNDI

Ngolwazi oluthe vetshe ngobufundi kubugcisa obubonwayo eMzantsi Afrika jonga iseti yemithombo kubufundi be-VANSA ku-vansa.co.za

Imigaqo-nkqubo

Izehlo okanye imibutho egunyazisayo kufuneka babhale imigaqo-nkqubo yangaphakathi kubufundi. Umgaqo-nkqubo wangaphakathi kufuneka umisele imiqathango leyo isehlo okanye umbutho ogunyazisayo wenza ngayo ikontraki nalowo ufundela umsebenzi esemsebenzini, ukuba zeziphi iinkqubo zobucebisi, kunye nemiqathango yomvuzo. Umgaqo-nkqubo kufuneka ufumaneke ukuze uhlolwe ngabo bonke abasebenzi abafundela umsebenzi besemsebenzini kunye namaqela achaphazelekayo, kwaye kufuneka uhlaziywe rhoqo.

Imiqathango

Ukufundela umsebenzi usemsebenzini kufuneka:

- Kunike amava okufunda axabisekileyo axhaswayo; kunike ubucebisi; kwenze umntu aphuhle okanye andise izakhono ezisebenzayo kwinkalo ekhethiweyo;
- Kuqinisekise ukuphuhla kobudlelwane bokuqu bomsebenzi; kwenze ukuba umntu lowo afunde imikhwa elungileyo yokusebenza efana nonxibelelwano, izakhono zolawulo lwexesha kunye neprojekthi;
- Kunike amathuba othungelwano aya kukhokelela kwingqesho engaphaya ehlawulwayo, okanye

kuncede ukusa phambili ikhondo lomsebenzi walowo ufundela umsebenzi esemsebenzini ngeendlela ezibonakalayo.

Umntu ngamnye ofundela umsebenzi esemsebenzini onekontraki okanye ileta yesivumelwano echaza indima kunye namaxanduva aza kunikwa. Umntu ofundela umsebenzi esemsebenzini kufuneka anikwe indima okanye itayitile yomsebenzi echaziweyo. Le kufuneka iquke ukubekwa elubala kwemisebenzi kunye namaxanduva emihla ngemihla, kunye nengcaciso yenkqubela kumbutho. Jikelele, bonke abo bafundela umsebenzi besemsebenzini kufuneka banikwe inqanaba loxanduva oluya kusa phambili amava abo.

Ukufundela umsebenzi usemsebenzini kufuneka kube kokwexesha elifutshane kwaye ngokufanelekileyo kube phakathi kobude beenyanga ezintandathu ukuya kunyaka.

Abantu abafundela umsebenzi besemsebenzini kufuneka bafunwe ngendlela efanayo naleyo yabasebenzi besiqhelo ngokuba izakhono neziqinisekiso zabo ziya kungena njani kwimisebenzi ekulindeleke ukuba bayenze. Ukufuna abasebenzi kufuneka kuqhutywe ngendlela evulelekileyo kwaye engafihliyo, ukwenza ukuba kubekho ufikelelo olufanelekileyo nolulinganayo olufumanekayo kubo bonke abo bafundela umsebenzi besemsebenzini.

Ikontraki ebhaliweyo echaza iiyure zokusebenza zalowo ufundela umsebenzi esemsebenzini, ubude bexesha lokufundela umsebenzi usemsebenzini, iinjongo kunye nezibophelelo zomntu ofundela umsebenzi esemsebenzini, kunye neminye imiqathango yobudlelwane, kufuneka zibhalwe kwaye kuvunyelwane ngazo phambi kokuba kuqale ukufundela umsebenzi usemsebenzini. Naluphi na uqeqesho umntu ofundela umsebenzi esemsebenzini anokulufuna kufuneka lucwangciswe kwangaphambili. Isicwangciso kufuneka kwabelwane ngaso nomntu ofundela umsebenzi esemsebenzini ngouku lokuqala lwenkqubo. Uqeqesho kufuneka luquke ungeniso lwezempilo nokhuseleko olwenzelwe umbutho ngawodwa.

Imibutho kufuneka iqinisekise ukuba kukho umntu ozimiseleyo oza kujonga kwaye acebise umntu ofundela umsebenzi esemsebenzini, kwaye oya kuqhuba uqwalaselo kwakhona lokusebenza rhoqo. Lo mntu kufuneka anike iingxelo eziqhubayo kumntu ofundela umsebenzi esemsebenzini, abe ngumxhasi kunye nomcebisi wakhe ngexa lethuba lofundela umsebenzi esemsebenzini, kwaye kufuneka aqhube uqwalaselo kwakhona lokusebenza ukuhlola iziphumo zexesha elichithwe kumbutho.

Imibutho kufuneka inike izixhobo ezifunekayo kwaye iqinisekise indawo yokusebenza ezinikeleyo ukwenza ukuba umntu ofundela umsebenzi esemsebenzini akwazi ukuqalisa imisebenzi kunye namaxanduva anikwe wona.

Isingqinisiso esicazululiweyo sobuqu kufuneka sinikwe ekupheleni kokufundela umsebenzi usemsebenzini.

Umvuzo

Apho kwenzekayo, abantu abafundela umsebenzi besemsebenzini kufuneka bahlawulwe. Ubuncinane, izehlo kunye nemibutho egunyazisayo esingetheyo kufuneka ihlawulele iindleko ezinxulumene nomsebenzi ezenziwe ngumntu ofundela umsebenzi esemsebenzini: ukuya, nokusuka, nangexa lomsebenzi. Oku kuza kuqinisekisa ufikelelo olubanzi, kwaye kwenze abantu abavela kuqoqosho olwahlukeneyo bafikelele ekufundeleni umsebenzi usemsebenzini.

EYurophu naseMelika, ukufundela umsebenzi usemsebenzini okungahlawulelwayo kubugcisa iye yaba yinto exhaphakileyo. Kukhona oku khathazayo ngesi senzo, ngamazwe amaninzi esazisa imithetho yokukhusela abasebenzi bokuyila abasebatsha ekubeni basetyenziswe kakubi.

Umba ongundoqo ngokufundela umsebenzi usemsebenzini kwihlabathi kukuthathela phantsi umsebenzi onezakhono kwicandelo lokuyila – kuphikiswa into yokuba abasebenzi boyilo ngabasebenzi.

Abantu abafundela umsebenzi bathathwa ngokuba ngabasebenzi ngokomthetho wabasebenzi woMzantsi Afrika, kwaye ke ngoko banelungelo lembuyekezo ngeenkonzo zabo. Ingqesho yabo ixhomekeke kumThetho weMeko eziSisiseko zeNgqesho.

5. 1. 4. AMASHISHINI

Yonke imibutho, iinkampani, amashishini enza inzuzo kufuneka abhaliswe kwiKomishoni yeeNkampani kunye namaLungelo oMenzi (Companies and Intellectual Property Commission) (CIPC), kwaye ukuze zisebenze ngokusemthethweni, kufuneka zilandele amagatya omThetho weeNkampani. UmThetho weeNkampani kunokufikelelwa kuwo kweli qhagamshela lilandelayo: cipc.co.za

Abenzi abanamashishi, iinkampani okanye imibutho ebhalisweyo kufuneka baphuhlise izicwangciso zamashishini ngemisebenzi yabo, kwaye baqwalasele kwakhona ukuphunyezwa kunye neziphumo zezi zicwangciso ngonyaka.

Ukuba kuyenzeka, abenzi kufuneka baqinisekise ukuba amashishini abo anemvume yorhwebo efunekayo evela kumasipala wengingqi.

Abenzi abaqala amashishini amatsha banokufuna nokudibana nezi arhente zikarhulumente zilandelayo ezinika izakhono, icebo kunye nenkxaso yezimali kumashishini amancinane.

I-Arhente yoPhuhliso lwamaShishini amaNcinane (Small Enterprise Development Agency) (SEDA) - seda.org.za
I-Arhente yoPhuhliso loluTsha (National Youth Development Agency)(NYDA) - nyda.gov.za
IziKim zeNkuthazo kuTyalo-mali zikaRhulumente - investmentincentives.co.za

5. 1. 5. IMIBUTHO ENGENZI NZUZO

5. 1. 5. 1. ULAWULO LOMBUTHO

Imithetho-siseko kunye nemisebenzi eyenza ulawulo olulungileyo olungundoqo ekusebenzeni, impumelelo, kunye nozinzo lwexesha elide lwezehlo kunye nemibutho egunyazisayo. Ulawulo olulungileyo yinxenye engundoqo yenkqubo yolawulo xa iyonke yesehlo okanye yombutho ogunyazisayo, kwaye izehlo kunye nemibutho egunyazisayo kufuneka ibe nemigaqo-nkqubo esebenzayo ukuqinisekisa ukusebenza okulungileyo ngokuphathelene nezimali, ulawulo, ukuphunyezwa kwenkqubo, ukujonga nokuhlola, imicimbi enxulumene nabasebenzi kunye nonxibelelwano.

Izehlo okanye imibutho egunyazisayo ebhalisiweyo kufuneka, zithobele, kwaye zibe nenqaku lokufaka okanye umgaqo-siseko ohlangabezana neemfuneko ezixelwe liSebe loPhuhliso lwezeNtlalo. Ngesimo soMbutho oNceda uluNtu, isehlo okanye umbutho ogunyazisayo kufuneka, zithobele, kwaye zibe nenqaku lokufaka okanye umgaqo-siseko ohlangabezana neemfuneko ezixelwe yiYunithi yoNyenyiselo kwiRhafu yeeNkonzo zeNgeniso zoMzantsi Afrika.

Ngolwazi oluthe vetshe, tyelela u: dsd.gov.za; sars.gov.za

Izehlo kunye nemibutho ebhaliswe njengeenkampani ezingenzi nzuzo (ezaziliCandelo lama-21), kufuneka zithobele umThetho weeNkampani. Ngolwazi oluthe vetshe, tyelela u: cipc.co.za

Iibhodi

Izehlo okanye imibutho egunyazisayo ebhalisiweyo (ii-NPO, ii-NPC neeTrasti) kufuneka iqinisekise ukuba inyula iibhodi ngeenjongo zokomeleza ukuthatha uxanduva, ukunceda ukujonga nokuhlola, kunye nokuqinisekisa ukuthotyelwa kwemimiselo kaRhulumente kunye neyabaxhasi. Amalungu ebhodi kufuneka ayiqonde imisebenzi yezimali, kwaye naziphi na iindima kunye namaxanduva kufuneka amiselwe ngokubhalwe phantsi.

Ukuqinisa ukungafihli kunye nokuthatha uxanduva, amalungu eBhodi anelungelo lokufumana okulandelayo:

- Ishedyuli ecacileyo yemisebenzi kunye nenkombiso yokuba yintoni elindelekileyo ngexesha lokubamba i-ofisi;
- Umgaqo-siseko wombutho kunye namanye amaxwebhu enkxaso, apho kwenzekayo;
- Zonke iingxelo ezibandakanyekayo zoyilo lwesicwangciso, iingxelo zonyaka, iingxelo zezimali kunye nengxelo yophicotho-ncwadi yamva;
- Uluhlu lwamagama amanye amalungu ebhodi, amalungu abasebenzi kunye namavolontiye;
- Iikontraki zabasebenzi kunye nokujongwa kwakhona kokusebenza;
- Inkxao kunye nezivumelwano zeekontraki;
- Izivumelwano zerente okanye ingqesho ekungenwe kuzo yimibutho;
- Uqwalaselo kwakhona lwangaphakathi lwamathuba athile lokuthobela kombutho iimfuneko ezikhoyo zomthetho, zolawulo kunye nezokunika ingxelo yezimali.

Izehlo kunye nemibutho egunyazisayo kufuneka iqinisekise ukuba umbono ongundoqo, imishini, iinjongo kunye neenqobo ezisemgangathweni kuhlangatyezwene nazo kwaye zigciniwe kuyo yonke imisebenzi yombutho kunye nakwiiprojekthi zawo.

Izehlo kunye nemibutho egunyazisayo kufuneka iphuhle iikhowudi zokusebenza kakuhle, iikhowudi zokuziphatha kunye neendlela zokuqinisekisa ukuzilawula okulungileyo. Le iquka:

- Ukuhlola kwakhona kumathuba athile imishini, iinjongo kunye nemisebenzi yesehlo okanye yombutho ogunyazisayo;
- Ukuhlalutya ngamandla imisebenzi yangaphakathi kunye nenkcubeko yombutho, kunye nokuphumeza utshintsho xa kuyimfuneko;
- Ukuphuhlisa imigaqo-nkqubo kunye nenkqubo ezicacileyo, ezibhaliweyo ezichazwwe kakuhle emazilandelwe ngokuphathelene nabo bonke abasebenzi, amalungu kunye namavolontiye. Imigaqo-nkqubo enjalo kufuneka ibambelele kumthetho wobudlelwane babasebenzi, umthetho oqhelekileyo wengqesho, kunye nomnye umthetho obandakanyekayo, kwaye kufuneka ikhusele amalungelo abaqeshi, abasebenzi, amalungu kunye namavolontiye;
- Ukumisela kunye nokugcina iinkqubo zoluleko nezezikhalazo ngemigca ecacileyo yegunya kunye nokuthatha uxanduva;
- Iinkqubo ezicacileyo nezingafihliyo zokuqesha abasebenzi abatsha, kunye nokohlula abasebenze abasele bekhona.

Izehlo, imibutho egunyazisayo kunye nabenzi kufuneka baziqhelanise nomThetho weeMeko eziSisiseko zeNgqesho, 2002, kunye nomThetho wobuDlelwane bezabaSebenzi, 1995, kwaye baqinisekise ukuba iphunyezwa ngokuchanekileyo.

5. 1. 5. 2. AMAQELA KUNYE NOKUHLANGANYELANA

Kucetyiswa ukuba amaqela konke nabo bahlanganyeleneyo bavumelana ngokubhaliweyo ngemiqathango yokwenza amaqela okanye ukuhlanganyelana – ingakumbi apho amaqela kunye nabo bahlanganyeleneyo benziwe ngabangaphezulu kwabenzi abathathu kunye/okanye abanenjongo zokusebenza kunye ixesha elide (njengokuba ngaphaya kweprojekthi enye). Izivumelwano kufuneka zixoxe ngokulandelayo:

- Imiqathango yokwenza isigqibo;
- Iindlela zokusombulula imbambano;
- Imiqathango yokuqonda iimpawu kunye nelungelo lomenzi;
- Imiqathango yentengiso kunye nokwabiwa kwengeniso;
- Apho kwenzekayo, ukucaciswa kweendima kunye namaxanduva (ulawulo kunye noyilo);
- Imiqathango yobulungu bamaqela (oku kunokuqka ukuba umntu uba lilungu njani, kunye nokuba kukho amanqanaba na okanye ezinye iindidi zobulungu). T

Ezinye izithethe nemigangatho ngokuphathelene namaqela zinokufunyanwa kwesi sikhokelo xa sisonke.

5.2 IZIMALI

5. 2. 1. ISIBALI SEMALI EHLAWULWAYO

Esi sibali semali ehlawulwayo sisebenza ekubalweni kwemali ehlawulelwa imbuyekezo ehlawulwa umenzi oyilayo, kunasekubekweni kwexabiso kumsebenzi wobugcisa. Iintlobo zemali ehlawulwayo zezi;

A: Iintlobo zemali ehlawulwayo

IMali eHlawulwa iGcisa/Umivuzo enikwa iincutshe
IMali eHlawulelwa ubuGcisa kuWonke-wonke
IMali eHlawulelwa uMgcini oziMeleyo
IMali eHlawulelwa ukuSebenza iXeshana
IiNdleko zokuHamba kunye neziBonelelo zoSuku ngaLunye

B: Enye IMali eHlawulwayo

IMali eHlawulwa uMenzi ngoiMsebenzi Wakhe
ImiVuzo yoLawulo lobuGcisa
AmaZinga okuFundisa eNtlawulo
IMali eHlawulelwa iModeli

ICandelo A: Iintlobo zemali ehlawulwayo

Ukuthathelwa ingqalelo kwale mali ihlawulwayo kufuneka kuqukwe kuyo nayiphi na intelekelelo yamaxabiso ngumenzi, kwaye kufuneka kubekwe phambili kuhlahlo lwabiwo-mali zizehlo kunye nemibutho egunyazisayo. Abenzi kufuneka baquke le mali ihlawulwayo kunye neendleko eziqikelelwayo zemathiriyeli kunye naziphi na iimfuno ezongezelelekileyo (ezifana nothutho olukhethekileyo okanye iimfuneko zokufakwa) xa besenza intelekelelo yamaxabiso okanye bebeka amaxabiso.

Iindidi zemali ehlawulwa abenzi ziquka:

- Ukusebenza (ngesiqhelo izinga leyure):

(Kucetyiswa njengokuba yinto eqhelekileyo eyokuba abenzi bazabele izinga leyure kwaye bathathele ingqalelo ixesha abalithathileyo ukwenza umsebenzi ukufikelela kwimali ehlawulewla umenzi. Nakuba kunjalo, kufunaka kuthathelwe ingqalelo ukuba umenzi onamava okanye onezakhono unokuthatha ixesha elincinane kakhulu ukugqiba incwadana okanye ikomishini. Ngoko ke, ngexa kukho iimeko ezininzi ezo izinga leyure elingafaneleka kuzo, kufuneka kucingwe ngokuba yindlela equka konke yokubeka ixabiso kumsebenzi.)

- I-IP kunye nengqikelelo (igalelo elibalulekileyo, uphando);
- Izakhono nobungcali;
- Indleko eziqhubayo (amanzi, umbane, ingqesho, i-airtime, idatha);
- Uthutho lwemihla ngemihla (lomenzi kunye nomsebenzi kwiimeko zeemfuno eziqhelekileyo zothutho);
- Ulawulo lweprojekthi;
- Ukufaka.

Xa ubeka amaxabiso kokungasentla ukuphuhlisa imali ehlawulwayo, oku kulandelayo kufuneka kuthathelwe ingqalelo:

1. Uhlobo lombutho ogunyazisayo/isikeyile zohlahlo lwabiwo-mali lwesehlo

Abenzi kufuneka bathathele ingqalelo ukuba izehlo kunye nemibutho egunyazisayo ezinzileyo, ngokunjalo nezehlo zohlahlo lwabiwo-mali olukhulu ziyakwazi ukwenza ulungiselelo lwemali ehlawulwayo eninzi. Abenzi kufuneka bathathele ingqalelo ukuba izehlo kunye nemibutho egunyazisayo emitsha kunye nesakhulayo, okanye izehlo ezinohlahlo lwabiwo-mali oluncinane, iyakwazi ukufikelela kwimali ehlawulwayo ephakathi.

2. Ikhondo lomsebenzi kunye namava omenzi

Abenzi kufuneka bathathele ingqalelo –ingakumbi xa bebeka ixabiso ekwenzeni kwabo umsebenzi kunye ne- IP – ukuba inqanaba lekhono lomsebenzi lenza isixa. Oku kulandelayo kufuneka kuthathelwe ingqalelo:

- Amava omenzi kwimiboniso eyodwa;
- Imeko yendawo ebonisa ngemisebenzi yobugcisa;
- Inani leendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa;
- Inani lamaqela;
- Amabhaso.

3. Uhlobo lomboniso wobugcisa

i. Umboniso owodwa: umenzi unokubeka ixabiso eliphezulu ngomboniso owodwa kuba uhlahlo lwabiwo-mali olupheleleyo lungqalene ngqo nomenzi oyedwa kwaye iimfuneko zemithombo ziphezulu.
ii. Umboniso weqela wabenzi abambalwa kune-10: umenzi unokubiza ixabiso elisezantsi kancinane kunomboniso owodwa.
iii. Umboniso weqela wabenzi abangaphezulu kwi-10: umenzi unokubiza ixabiso elisezantsi kancinane kunomboniso weqela wabenzi abangaphantsi kwe-10.
iv. Imiboniso yobugcisa ekwiindawo ezininzi: imali ehlawulwayo kufuneka ibizwe ngokwendawo.
v. Inxenye yomsebenzi omkhulu omtsha: umsebenzi ongabonwanga ngaphambili ubizwa imali eninzi kunomsebenzi ekuke kwaboniswa ngawo ngaphambili.
vi. Inxenye yomsebenzi omkhulu osele ubonisiwe: umsebenzi obonisiweyo ngaphambili ubizwa imali esezantsi kunomsebenzi ekungakhange kuaboniswe ngawo ngaphambili.

Uthathelo ngqalelo olungapha olucazululiweyo lwemali ehlawulwayo kudweliswe ngezantsi ngokweendidi:

IMali-mboleko yeGcisa/Umivuzo enikwa iincutshe

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

IMali eHlawulwayo eyiMali-mboleko yeGcisa kunye nemivuzo enikwa iicutshe ngemisebenzi eboniswa kwimiboniso engathengiswayo, xa umsebenzi ungeyiyo inxenye yengqokelela yombutho ogunyazisayo, zizenzo eziqhelekileyo zehlabathi. Nakuba kunjalo, eMzantsi Afrika, esi senzo asikamkelwa ngokubanzi. Oku kungenxa yohlahlo lwabiwo-mali olunyiniweyo lweendawo ezigunyazisayo ezifana neemyuziyam zikarhulumente kunye neendawo ezibonisa ngemisebenzi yobugcisa, nakuba kunjalo imibutho egunyazisayo emininzi engenzi nzuzo enohlahlo lwabiwo-mali oluncinane yenza iinzame zokwenza ulungiselelo lwale mali ihlawulwayo okanye le mivuzo ihlawulwa iincutshe

Imali ehlawulelwa imali-mboleko yencutshe ihlawulwa kubenzi ababoleka umsebenzi kwisehlo okanye kumbutho ogunyazisayo, okanye kumboniso wobugcisa ongathengisiyo. Imali ehlawulwayo ihlawulwa kuqondwa uncedo kuluntu lokuquka umsebenzi kumbutho ogunyazisayo okanye kwisehlo esingesiso esorhwebo, ngokunjalo nokungqinelanisa ilahleko yengeniso ngexa umsebenzi usekwimboleko kumboiniso wobugcisa ixesha elifutshane okanye elide, kwaye ungafumaneki ukuba uthengiswe.

Kwizehlo okanye imibutho egunyazisayo engeyiyo eyorhwebo, abenzi kufuneka bathathele ingqalelo okulandelayo xa bebala imali ehlawulwayo (abenzi ababonisa kwiindawo zokubonisa ngobugcisa zorhwebo kananjalo banokukuthathela ingqalelo oku xa bebeka amaxabiso kwimisebenzi yabo.):

- Izehlo okanye imibutho egunyazisayo kufuneka ihlawule imali ehlawulwayo abenzi abanegalelo kumsebenzi wobugcisa kwiindawo ezibonisa ngemisebenzi yobugcisa;
- Ukuba kufunwa umenzi awufake umsebenzi, iindleko ezongezelelekileyo zinokuba khona;
- Ukuba umenzi ufuna ubungcali obongezelelekileyo okanye inkxaso yobuchwepheshe ngokuvelisa kunye/okanye ukufaka (umzekeko, isitifiketi sobunjineli), iindleko ezongezelelekileyo zinokuba khona;
- Ukuba umenzi ufuna uthutho olukhethekileyo, iindleko ezongezelelekileyo zinokuba khona;
- Ukuba kufunwa umenzi enze umsebenzi owongezelelekileyo ofana neengxoxo zephaneli okanye

ukuvela kwi-PR okubandakanya ixesha elininzi, iindleko ezongezelelekileyo zinokuba khona. Ukuhambahamba ngaphakathi ngokuqhelekileyo akubizelwa imali ngokwahlukileyo.

IMali eHlawulelwa ubuGcisa kuWonke-wonke

Imali ehlawulelwa iporojekthi yobugcisa yoluntu imiselwa kwixabiso eliphezulu kuba kufuneka ithathele ingqalelo uhlobo lwexewsha elide lokuvelisa isikeyile esikhulu somsebenzi wobugcisa woluntu, kudityenwe nabo kusetyenziswana nabo, ulawulo lweprojekthi olubandakanyekayo, kunye nokuveliswa okongezeleleweyo kweemodeli zokuqala.

Oku kulandelayo kuza kuqukwa kwimali ehlawulewla umenzi, kodwa kuya kuxatyiswa kuhlahlo lwabiwo-mali olwahlukileyo ngumkomishinala:

- Ubugcisa bobuchwepheshe (umzekelo, Iinkonzo zenjineli okanye umyili wesakhiwo);
- Iindleko zokufaka (umzekelo, imfuno yesilenge esikhulu okanye ezinye izixhobo ezinzima);
- Ukusiwa komsebenzi kwindawo oza kufakwa kuyo.

IMali eHlawulelwa uMgcini oziMeleyo

Yintoni omawuYazi kwaye iYintoni omawuyiLindele

Imali ehlawulewla umgcini ozimeleyo ayisetyenziswa ngokubanzi okanye. rhoqo, ayimiselwa ngokucacileyo kuhlahlo lwabiwo-mali lweprojekthi. Umsebenzi wobugcini uya usiba ngumsebenzi wobugcisa ongaphaya kubugcisa obubonwayo eMzantsi Afrika, abagcini, izehlo kunye nemibutho egunyazisayo baya bekuqonda ngokungaphaya ukubaluleka kwemali ehlawulelwa abagcini abazimeleyo.

Ukongeza kwiindidi ezidweliswe ngasentla kubenzi, ukubalwa kwemali ehlawulelwa ukugcina kufuneka kuthathele ingqalelo okulandelayo:

- Isikeyile sesehlo (umzekelo, Esiphakathi, ixesha elifutshane okanye elide, okanye ixesha elide/isehlo esihambayo);
- Umsebenzi awenzayo umgcini kwigcisa/umenzi kunye nolawulo lombutho ogunyazisayo/isehlo;
- Nokuba umgcini ebegunyazisiwe na ngumbutho, okanye umgcini uzixhasile kwaye uqale iprojekthi ngokuzimeleyo;
- Ukongamela ukufakwa kwwesehlo;
- Ukuba ingaba incwadi okanye ikhathalogu kuza kufuneka iphuhliswe kwaye ilawulwe na, kunye nobukhulu bomsebenzi womgcini kunye nothabatho nxaxheba kuphuhliso ngaphaya koko;
- Ukuveliswa okungumbhalo okuqhelekileyo kwisehlo (umzekelo, ingxelo yogcino kunye neprojekthi);
- Uphuhliso lwengqikelelo kunye nophando.

Kwimeko yokhenketho lokubonisa ngomsebenzi wobugcisa, umgcini kufuneka afumane ipesenti yemali ehlawulwayo yesiqhelo:

- Imali ehlawulwayo ihlawulwa njengemali ebhatalwa umnini, kunemali ehlawulelwa imisebenzi emitsha;
- Le mali ihlawulwayo ayiquki ulawulo kunye nolungelelwaniso lokhenketho lomboniso ngemisebenzi yobugcisa;
- Le mali ihlawulwayo ayiquki imisebenzi yokufaka kwiindawo zokhenketho. Le inokuba yimali ehlawulwayo eyongezelelweyo ehlawulweyo ukuba umgcini wongamele ukufakwa ngexa akukhenketho.

ICandelo B: Enye imali ehlawulwayo

IMali eHlawulelwa ukuSebenza iXeshana

Umsebenzi osebenza ixesha elingaphelelanga ligama elisetyenziswa ngokuqhelekileyo kumntu ozisebenzayo. Uninzi lwabenzi basebenza ixesha elingaphelelanga kwimimandla efana ekuthetheni iifoto, uyilo lwemizobo kunye nencwadi, ukufaka imisebenzi ebonisa ubugcisa, kunye nokuhlela, phakathi kwezinye iintlobo ezininzi zemisebenzi.

AmaZinga eMihla ngeMihla Jikelele okuSebenza iXesha elingaPhelelanga

Abenzi bayakhuthazwa ukuba baphuhlise izinga leyure lokusebenza ixesha elingaphelelanga ngokusekelwe kuhlo0hbo lomsebenzi abawenzayo. Ukongeza, okulandelayo kuyasebenza:

- Kwezinye iimeko, amazinga jikelele okusebenza ixesha elingaphelelanga anokushiya iindleko zeprojekthi/ ingqikelelo yomsebenzi enxulunyaniswa nemali ehlawulwayo eyahlukileyo (umzekelo, Ukuhlela imibhalo, okanye uyilo lophawu okanye umzobo).
- Ngokunjalo nezinya leyure, amazinga aqhelekileyo akhankanywe kwicandelo a (umzekelo, uMsebenzi) kufuneka aqukwe.
- Kucetyiswa ukuba abasebenzi abasebenza ixesha elingaphelelanga bathathele ingqalelo umahluko kuhlahlo lwabiwo-mali kunye nokhuselo lwezimali phakathi kweenkampani kunye nabantu abangabodwa abazinzileyo abakurhwebo kunye nabo bangekho kurhwebo, xa bebeka amaxabiso.

Uluhlu lwemali ehlawulelwa ukusebenbza ixesha elingaphelelnaga ngokunxulumene nobugcisa kunye nokunye ukuthathelwa ingqalelo kwemali ehlawulwa abenzi zidweliswe ngezantsi:

IMali eHlawulelwa amaGcisa kuCholacholo ndaba

Igcisa locholacholo ndaba kuqala liphuhlisa ingqikelelo, imveliso kunye nomsebenzi wobugcisa ofana noyilo, umfanekiso, kunye noyilo lwencwadi. Oku kunokuquka iikomishini zeefoto kunye nobuntatheli bevidiyo.

Abafoti

- Abafoti ababonisa kwiindawo zokubonisa ngobugcisa baya kubali imali ehlawulwayo ngenqanaba elinye nelo lemali ehlawulwa amagcisa;
- Abafoti kufunwa rhoqo ukuba bafote okufakwe kwiindawo zokubonisa ngobugcisa;
- IIndleko eziongezelelekileyo zezixhobo (umzekelo, Izibane), kufuneka zithathelwe ingqalelo;
- Abafoti banokucelwa ukuba bahlelele iincwadi kunye nezinye iimfuno zoshicilelo;
- Abafoti banokucelwa ukuba bafote izehlo ezifana nokuvulwa kwemiboniso yobugcisa kunye neentlanganiso zeengxoxo. Ukuba isehlo sikude, umfoti unokucela imbuyekezo ukuhlawulela isithuthi kunye nendawo yokuhlala.

Umfanekiso

- Imali emayihlawulwe igunyaziselwa umfanekiso woqweqwe; inqanaba lemali ehlawulwayo liyehla ngokuxhomekeke kubukhulu boveliso kwakhona, nokuba liphepha elipheleleyo, isiqingatha sephepha okanye elincinane;
- Ukuveliswa kwakhona komzsebenzi osele ukhona kuya kugunyazisa imali ehlawulwayo esezantsi kunakumsebenzi ogunyaziswayo omtsha;
- Imali ehlawulwayo eyongezeleleweyo kufuneka kuthethathethwane ngayo kushicelelo kwakhona. Ngolwazi oluthe vetshe, jonga ilungelo lomenzi, icandelo le-7.2;
- Ngemifanekiso egunyazisiweyo, esetyenziswa kanye okanye eyodwa, imali ehlawulwayo ephezulu iya kubizwa.

IMali eHlawulelwa ukuBhala, ukuHlela iKopi kunye noMvavanyi woHlelo luQala

- Ababhali abagunyazisiweyo jikelele babiza imali ngegama. Kwimeko yokusetyenziswa kwemathiriyeli ebipapashwe ngaphambili, amazinga aya kuba sezantsi kunawemathiriyeli yokuqala;
- Uvavanyo lohlelo lokuqala kunye nokuhlelwa kwekopi ngokufanayo kuya kubizwa imali ngegama .

IMali eHlawulwa uMenzi ngoiMsebenzi Wakhe

Amanqaku abalulekileyo amawathathelwe ingqalelo ekunikeni imvume yokuwuvelisa kwakhona umsebenzi aya kuquka:

- Ukungaquki eminye imiba kunye nokungamiselwa umda;
- Inani loveliso kwakhona;
- Ithuba lexesha esebenza ngalo imvume;
- Ummandla ekuhanjiswa kuyo imveliso;

- Ukusetyenziswa kunye nenjongo;
- Imali ehlawulwa umenzi ehlawulwayo okanye ukungahlawulwa komenzi imali enjalo? (umzekelo, Ukuba umfanekiso uvela kuqweqwe, ixabiso liphezulu, kwaye liyehla ngephepha elipheleleyo, isiqingatha sephepha kwaye libe lincinane);
- Jonga icandelo lesi-7 le-IPR/ilungelo lomenzi

ImiVuzo yoLawulo lobuGcisa

Ulawulo lobugcisa lunokuba nobudlelane bengqesho kwisehlo okanye umbutho ogunyazisayo, okanye lunokuba nekontraki lomsebenzi wolawulo lweprojekthi yethuba elifutshane. Kufuneka kuqatshelwe ukuba umntu osebenza ngaphezulu kweenyanga ezintathu kwisehlo okanye kumbutho ogunyazisayo omnye, unokuthathwa ngokuba ngumsebenzi wesehlo okanye umbutho ogunyazisayo. Izehlo okanye nemibutho egunyazisayo inemigaqo-nkqubo emisela iibhendi zentlawulo kubasebenzi kunye nabeekontraki abazimeleyo. Izehlo okanye imibutho egunyazisayo iyakhuthazwa ukuba iqhube uhlalutyo lokuthelekisa ukuqinisekisa imivuzo efanayo kwaba basebenzi balandelayo:

- Abalawuli;
- Abaphathi abaphezulu;
- Abasebenzi abakulawulo;
- Abo baqeqeshwayo kunye nabasebenzi abangamakhesela

AmaZinga okuFundisa eNtlawulo

Amazinga okufundisa entlawulo aquka umsebenzi owenziweyo kwintlanganiso yeengxoxo enye egunyazisiweyo kunye neentlanganiso zeengxoxo zexesha elide eziveliswe zaluthotho. Abenzi kufuneka baquke amaxabiso abekiweyo oku kulandelayo:

- Ulungiselelo olubhekisele kwintlanganiso yeengxoxo;
- Uphuhliso lwekharityhulam yothotho lweentlanganiso zeengxoxo zexesha elide;
- Ixesha lokumisela intlanganiso yeengxoxo apho kufunwayo;
- Iiyure eklasini;
- Iklasi/imathiriyeli evelisiweyo okanye efunyenweyo.

IMali eHlawulelwa iModeli

Imodeli yobugcisa imisela naliphi na igcisa lobugcisa obubonwayo njengenxenye yeeklasi okanye iintlanganiso zeengxoxo zokuzoba imifanekiso, umkrolo ukumizobo, inika ungqinisiso olubonwayo lomfanekiso womntu kumsebenzi wobugcisa. Iimodeli zobugcisa kufuneka ziquke amaxabiso oku kulandelayo:

- Isithuthi sokuya nokubuya kwindawo;
- Iiyure ezichithiweyo kusenziwa iimodeli;
- Amaxesha okumisa, apho kufunekayo.

5. 2. 2. IRHAFU

IRhafu yeNgeniso yoBuqu

Irhafu yengeniso kufuneka ihlawulwe kwiNkonzo yeRhafu yoMzantsi Afrika (South African Revenue Service) (SARS), enoxanduva lokuqokelela imali yabahlawuli berhafu egameni likarhulumente.

Abenzi kunye nabantu abangabodwa (abanini ababodwa):

Kufunwa ukuba ngokomthetho uhlawule irhafu yengeniso nyaka ngamnye ukuba ingeniso yakho yonyaka njengomntu oyedwa ongaphantsi kweminyaka engama-65 ingaphezulu kwama-R75 000 kunyaka werhafu ka-2017.

Kusemagxeni omhlawuli werhafu ukuzigcina esazi ngalo naluphi na utshintsho kumthetho nyaka ngamnye wohlolo.

Yonke ingeniso kufuneka ixelwe, kuquka nengeniso efunyewne ngomsebenzi wexeshana okanye umsebenzi wobukhesela.

IRhafu yoMsebenzi kunye noTsalo
Abaqeshi kufunwa ngumthetho ukuba batsale i-PAYE kunye ne-UIF kwimivuzo yabasebenzi nyanga nganye. Ezi zixa kufuneka zibonakale kwisiliphu somvuzo somsebenzi.

Abaqeshi baneentsuku ezisixhenxe zokusebenza ukusuka ekupheleni kwenyanga zokutsala imirhumo ye-PAYE eya e-SARS. Ekupheleni konyaka ngamnye wohlolo, abaqeshi kufuneka banike abasebenzi iifom zee-IRP5.

Okuqhelekileyo kukuba bonke abenzi mabafumane izitifiketi zabo zokukhululwa kwirhafu kwi-SARS.

IMlbutho eXhamlisa uluNtu
Izehlo okanye imibutho egunyazisayo exhamlisa uluntu kufuneka ifake isicelo sesimo soMbutho oXhamlisa uluNtu (Public Benefit Organisation) (PBO) kwi-SARS.

Nasiphi na isehlo okanye umbutho ogunyazisayo ongafanelekanga, okanye ongekasigqibi isimo se-PBO, unokuxhomekeka kwintlawulo yerhafu.

Ukuba umbutho unengeniso eyodlula i-R1 yezigidi kulo nalipho na ithuba leenyanga ezilishumi elinambini ezilandelelanayo, kwaye umbutho awukhululwanga ngokusemthethweni kwirhafu ye-PBO, umbutho ke kufuneka ubhalise njengomhlawuli weRhafu yeNtengo (Value Added Tax) (VAT) kwaye ahlawule i-VAT kwimpahla ethengiswayo ngokwe-SARS.

IRhafu yeNtengo kumaGcisa
Umnini oyedwa kufuneka ukuba abhalisele i-VAT ukuba ingeniso efunyenweyo ekuthengiseni umsebenzi wobugcisa idlula i-R1 sezigidi kuzo naziphi na iinyanga ezili-12 ezilandelelanayo. Umnini oyedwa unokubhalisela i-VAT ukuba umsebenzi wobugcisa othengisiweyo kwiinyanga ezili-12 wodlula ama-R50 000.

IRhafu yezeHlo kunye noThutho kwiHlabathi
Imali ehlawulwayo okanye inzuzo efunyenwe ngabenzi abarhafiswa eMzantsi Afrika abafumana inzuzo kwimibutho egunyazisayo kunye nezehlo zehlabathi, iya kuxhomekeka kwirhafu yengeniso, kwaye inokufaneleka ukuba kwenziwe utsalo oluthile kumsebenzi wobugcisa ovelisiweyo.

Abenzi abarhafiswa eMzantsi Afrika kunokufuneka bathathele ingqalelo iimpembelelo ze-VAT zokuthengisa umsebenzi wabo wobugcisa okanye ukubiza imali ehlawulwayo ngokubonisa ngemisebenzi yabo.

Abenzi abangebabo abahlali kufunnwa ukuba bahlawule irhafu eMzantsi Afrika kuyo nayiphi na inzuzo efunyenwe kumthombo oseMzantsi Afrika. Oku kunokuba njalo apho abenzi abangebabo abahlali bevelisa imisebenzi yobugcisa eMzantsi Afrika, kwaye bathengise loo misebenzi yobugcisa okanye babonise ngayo behlawulisa imali.

IiMpembelelo zeRhafu kuThabatho Nxaxheba kwiNdawo eHlala amaGcisa aThabatha iNxaxheba kuMboniso
Abo bathabatha inxaxheba kwindawo yobugcisa kufuneka baqonde iimpembelelo zerhafu kwiindawo zabo abahlala kuzo bethabatha inxaxheba kwimisebenzi yobugcisa, kuquka nento enokuhlolwa njengengeniso. Ukuba iindawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa inikwa iziko elingayithabathiyo inxaxheba kumsebenzi wobugcisa, kunokuba khona iziphumo zerhafu kwabo bangabenzi abahlala njengamagcisa ixeshana bethabatha inxaxheba kwimisebenzi yobugcisa, njengokuba abantu abahlala njengamagcisa ixeshana bethabatha inxaxheba kwimisebenzi yobugcisa betsalelwa irhafu kwingeniso yabo yehlabathi. Abenzi kufuneka bayithathele ingqalelo ngononophelo imiqathango yeendawo zokuhlala amagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa ukumisela ukuba ziya kuba zeziphi na iimpembelelo zerhafu eMzantsi Afrika.

Apho ukuhlala kwamagcisa ixeshana ethabatha inxaxheba kwimisebenzi yobugcisa kunikwa umenzi ongahlaliyo liziko loMzantsi Afrika, lowo ungahlaliyo engayithabathi nenxaxheba kubugcisa kunokufuneka ahlawule irhafu kwinzuzo ayifumeneyo kwiziko loMzantsi Afrika, kuba abo bangahlali kwaye bengayithabathi inxaxheba kubugcisa barhafiswa kwingeniso yabo esekelwe kumthombo.

IRhafu kuMvuzo woGunyaziso loluNtu
Ukuba isivumelwano segcisa okanye somenzi siquka umvuzo kumsebenzi ogunyazisiweyo, umenzi kunokufuneka ukuba aquke le nzuzo kwifom yakhe yerhafu yengeniso.

IRhafu kwiBhaso eliyiMali
Ibhaso eliyimali okanye amabhaso aphunyelelwe ngabenzi anokurhafiswa ngokuxhomekeke koku kulandelayo:

- Uhlobo lwebhaso;
- Imiqathango yokuthabatha inxaxheba kukhuphiswano;
- Ukuba ingaba ukhuphiswano lolwasekhaya okanye lolwehlabathi na.

Inzuzo evela kukhuphiswano efunyenwe ngabenzi inokuqukwa kwingeniso erhafelwayo yomenzi.

Icebo lerhafu kufuneka lifunwe ngexesha ekufunyanwa ngalo inzuzo ngenxa yokuphumelela ukhuphiswano.

Irhafu kwiiNdawo zoRhwebo eziBonisa ngobuGcisa kunye nabeNzi ezibaMeleyo
Kwiimeko ezininzi, abenzi abarhafiswayo eMzantsi AFrika baya kuba noxanduva lokuinhgenisa iifom zabo zerhafu yabo yengeniso. Ngokwesivumelwano esiphakathi kwendawo ebonisa ngobugcisa kwaye umenzi umele ubudlelwane bomqeshi/umsebenzi ngeenjongo zerhafu, indawo ebonisa ngobugcisa inokunyanzele aukuba itsale okanye ibambe irhafu ye-Pay as You Earn (PAYE) kumvuzo ohlawulweyo okanye umvuzo ohlawulwayo. Indawo ebonisa ngobugcisa ithathwa njengomqeshi kwaye kufunwa ukuba ibhalise kwi-SARS nge-PAYE kunye/okanye irhafu eHlawulelwa izaKhono (Skills Development Levy) (SDL), kuya kufunwa ukuba ibhalisele intlawulo yemirhumo ye-UIF kwi-SARS. Oku kuya kuvela apho indwwo ebonisa ngobugcisa inolawulo olukhulu kumenzi kunye nenkqubo yokuvelisa.

Apho iindawo zokubonisa ngobugcisa zoMzantsi Afrika zingena kwikontraki nomenzi ongahlaliyo kwaye engayithabathi nxaxheba kwimisebenzi yobugcisa, lowo ongahlaliyo kwaye engayithabathi nxaxheba kwimisebenzi yobugcisa kunokufuneka ukuba ahlawule irhafu kwinzuzo evela kumthombo woMzantsi Afrika, kuba abo bangahlaliyo kwaye bengayithabathi nxaxheba kwimisebenzi yobugcisa barhafiswa kwingeniso esekelwe kwimithombo yabo.

Bobabini iindawo ezibonisa ngemisebenzi yobugcisa kunye nabenzi kufuneka bazifundise ngeempembelelo zenkqubo yerhafu kumashishini abo, kwaye baluhlaziye rhoqo ulwazi lwabo. Izenzo ezingokweenqobo ezisesikweni zerhafu zicetyiswa kakhulu kubo bobabini abenzi kunye neendawo ezibonisa ngemisebenzi yobugcisa.

Kunyanzelekile ukubhalisela i-VAT ukuba isitokhwe esirhafiswayo esenziweyo (okanye esiza kwenziwa) sodlula i- R1 yezigidi kwithuba leenyanga ezili-12 ezilandelelanayo. Umntu unokubhalisela i-VAT ukuba isitokhwe esirhafiswayo esenziwe kwiinyanga ezili-12 ezilandelelanayo sodlula ama-R50 000.

5. 2. 3. UKUSEBENZISA UMSEBENZI WEGCISA OKANYE WOMENZI KUNYUSO LWENGXOWA
Akukho menzi makalindeleke ukuba anikele ngemisebenzi yobugcisa kuwo nawuphi na umbutho ngeenjongo zokunyusa ingxowa.

Akukho mbutho kufuneka ulindele ukunyusa ingxowa ngenkxaso engekahlawulwa yomsebenzi womenzi.

Iikontraki ezibhaliweyo kufuneka zisetyenziswe kwaye kufuneka ziquke yonke imiqathango ekwenziwe

ngayo uthethathethwano phakathi komenzi kunye nesehlo okanye umbutho ogunyazisayo.

Ukuba umenzi ukunikela ngomsebenzi wobugcisa njengenxenye yokufaka isandla kuluntu, kufuneka baqonde imimiselo ye-SARS ngokuphathelene neminikelo yesisa.

Kuba ukunikela ngomsebenzi wobugcisa kunokungabi semdleni womenzi, umenzi unokucetyiswa ukuba athathele ingqalelo umnikelo oyimali endaweni yoko.

Imbuyekezo ehlawulwe abenzi ngentengeso yemisebenzi yabo ngeenjongo zokunyusa ingxowa kufuneka ikhokelwe yimigangatho yeshishini yentengiso yorhwebo yomsebenzi wobugcisa. Kucetyiswa ukuba umenzi agcine inxenye yexabiso lentengo, ekuza kuthethathethwana kwaye kuvunyelwane kwangaphambili ngalo ngokubhaliweyo.

Nayiphi na ikomishini ehlawulwayo kwiindawo zorhwebo ezibonisa ngomsebenzi wobugcisa ngentengiso yomsebenzi womenzi ngeenjongo zokunyusa ingxowa kufuneka kuthethathethwane ngayo kwangaphambili phakathi komenzi kunye nendawo ebonisa ngemisebenzi yobugcisa.

Kwiimeko ezininzi, umsebenzi wobugcisa kufuneka ungathengiselwa iinjongo zokunyusa ingxowa ngaphantsi kwexabiso lemarike. Ngokufanayo, umenzi uya kumisela ixabiso eligciniweyo (ubuncinane) elisezantsi elo umenzi agcine ilungelo lokungawuthengisi umsebenzi. Umenzi kufuneka asebenzise ingqiqo yakhe ekumiseleni ugcino kumsebenzi othengiselwe ukunyusa ingxowa, kwaye kufuneka athathele ingqalelo iinzuzo ezinokufunyanwa ekuthengiseni umsebenzi ngaphantsi kwexabiso lemarike ngexa lesehlo sokunysa ingxowa.

Umenzi kufuneka aqinisekise ukuba umsebenzi ngowokuqala ongakhutshelwanga ukuba kuxelwe ukuba unjalo. Luxanduva lomququzeleli ukuqinisekisa ukuba umsebenzi ulixabiso elipheleleyo oxelwe ngumenzi.

Umququzeleli kufuneka avume ukukhusela ilungelo lomenzi kuyo yonke imisebenzi engenisiweyo, kwaye azise bonke abathengi kwisivumelwano sentengiso ukuba intengo yomsebenzi ayimiseli ukuthengwa kwelungelo lomenzi.

Umququzeleli kufuneka abuyise wonke umsebenzi wobugcisa ongathengwanga kwaye ahambise zonke iirisiti kumenzi. Umsebenzi wobugcisa ongathengwanga kufuneka ubuyiswe ukwipakethe efanayo naleyo ubuziswe ukuyo ekuqaleni.

Umququzeleli kufuneka acingele ukuba zonke iindleko ezinxulumene nesehlo, kuquka ikhava ye-inshurensi, ukwazisa, kunye nolungiselelo lweengxelo zezimali kunye nolwazi olupapashiweyo.

Imisebenzi kufuneka ihlolelwe umonakalo ekufikeni kwayo. Ingxelo yemeko ebhaliweyo kufuneka igcinwe.

Umenzi kufuneka aziswe ngokukhawuleza ukuba umsebenzi ufunyenwe ukwimeko yokonakala. Ukuba umsebenzi othunyelweyo ufunyenwe ukwiziqulathi ezonakeleyo, izinto ezonakeleyo ezinjalo kufuneka zibuyiselwe, sele zihlawulelwe, kumenzi, ngokuxhomekeke kumabango kumfaki kwi-inshurensi, okanye umququzeleli, ngemvume yomenzi, unokukhupha isiqulathi esonakeleyo eqonda ukuba akukho mabango omonakalo aya kwenziwa ngokubhekisele kumququzeleli.

Umququzeleli unoxanduva lokugcina umsebenzi wobugcisa ukwimeko ofunyenwe uyiyo.

6 UKWAZISA, UKUTHENGISA KUNYE NEENDABA KWEZOBUGCISA

Eli candelo lohlulwe ngokwemimandla emibini. Elokuqala liphathelene nokwaziswa kunye nokupapshwa kwezehlo, imibutho egunyazisayo, abenzi kunye nemisebenzi yobugcisa. Izikhokelo zikhombisa ubudlelwane, izivumelwano kunye nemimandla yemisebenzi yokwazisa ekufuneka ithathelwe ingqalelo xa kuqaliswa ukwaziswa kwemibutho egunyazisayo kunye nezehlo. Icandelo lesibini linika intshayelelo yokusebenza okugqwesileyo kwiindaba zobugcisa, liqaphela izenzo ezigqwesileyo esele zikhona kwiindaba jikelele, kunye namanqaku angundoqo awongezelelekileyo ukuba athathelwe ingqalelo xa kubhalwa kwaye kunikwa ingxelo kubugcisa obubonwayo.

6.1 UKWAZISWA KWESEHLO KUNYE NOMBUTHO OGUNYAZISAYO

6.1.1 UKWAZISWA KWESEHLO KUNYE NOMBUTHO OGUNYAZISAYO JIKELELE

Izehlo okanuye imibutho egunyazisayo kufuneka ibe nomgaqo-nkqubo wokulawula imisebenzi yokwazisa, kuquka ukwazisa nge-intanethi/ngoshicilelo (umzekelo, iiposikhadi), kunye nokuphuhlisa isiqulatho se-intanethi (umzwekelo, ukucacisa ukuba ngubani onoxanduva lokumisela isehlo kwi-Facebook).

Phambi komboniso wobugcisa, isehlo okanye umbutho ogunyazisayo kunye nomenzi kufuneka bavumelane ngesicwangciso, ubungakanani kunye nohlobo lomsebenzi wokwazisa oza kwenziwa ngeendleko zesehlo okamye zombutho ogunyazisayo, kwaye bagqibe ngokuba ngezinga lenqanaba lomenzi lothabatho nxaxheba kumsebenzi wokwazisa.

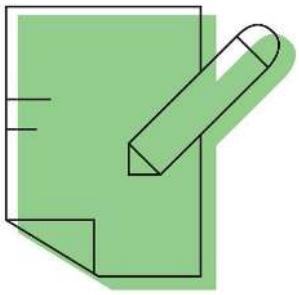
Isigqibo kufuneka senziwe ngokubhaliweyo malunga nokuba yeyiphi imifanekiso emayisasazwe kwabeendaba (jonga iCandelo lesi-6 iimpembelelo zelungelo lomenzi kwimifanekiso yendaba), kunye nemiqathango leyo umsebenzi oya kuvunywa ngayo ngokunjalo nesiqulatho sombhalo esiya kusasazwa. Abenzi kufuneka baqinisekise ukuba imifanekiso ekhethiweyo ayophuli amalungelo obuqu amaqela esithathu (umzekelo, iintlobo zokuvezwa kwemodeli zamaqela esithathu kufuneka zisayinwe kwaye kuvunyelwane ngazo).

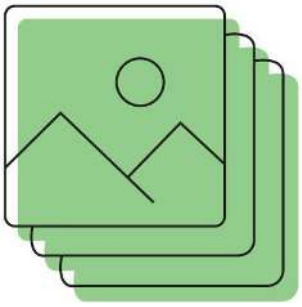
Ukuba isehlo okanye umbutho ogunyazisayo ukhupha isimemo, umenzi kufuneka anikwe ithuba lokwamkela uyilo. Ukuba isimemo esahlukileyo esivela kuyilo oluqhelekileyo lwesehlo okanye umbutho ogunuyazisayo sicelwa ngumenzi, naziphi na iindleko ezongezelelweyo zinokwenziwa ngumenzi.

Abenzi kufuneka bafumane inani elixeliweyo leekopi ezingahlawulelwayo zekhathalogu yomboniso wobugcisa okanye imathiriyeli epapashiweyo (umzekelo, ipesenti (i-2% ukuya kwisi-5%) soshicilelwe olwenzelwe umxholo owodwa, okanye ikopi yasimahla enye okanye ezimbini kumboniso wobugcisa weqela elikhulu).

Ekugqityweni kwezehlo apho amagcisa angawodwa anokufumana ukukhutshwa emaphepha okubalulekileyo, njengemiboniso yemisebenzi yobugcisa eyodwa, isehlo okanye umbutho ogunyazisayo kufuneka umele umenzi ngepakethe eneendaba eziqulethe iikopi zeentengiso, izimemo, iindaba eziya kumaphepha-ndaba, uqwalaselo kwakhona kunye nenye imathiriyeli ebalulekileyo enxulumene nokwaziswa kwendawo ebonisa ngemisebenzi yobugcisa.

Abenzi kufuneka bahlawulwe imali ehlawulelwa umbhali ngayo nayiphi na imibhalo ephuhliselwe iincwadi (ngaphezu kweziteyitimenti zegcisa okanye zokugcina). Abenzi ngesiqhelo bahlawulwa ngegama. Zombini isehlo okanye umbutho ogunyazisayo kufuneka ngokunjalo nombhali kufuneka babe namazinga amiselweyo ngegama. Isixa sangegama kunye nobude bombhalo kufuneka kuvunyelwane ngazo ngokubhaliweyo. Izinga kufuneka liquke izinga leyure ngalo ngalo naluphi na uphando olongezelelweyo okanye ixesha elichithwe kusenziwa udliwano-ndlebe nabalingwa.





6.1.2 UKUPHAKANYISWA KOMELO OLUPHELELEYO LWENDAWO EBONISA NGEMISEBENZI YOBUGCISA

Apho amagcisa anomelo oluphelelеyo yindawo ebonisa ngemisebenzi yobugcisa, indawo yokubonisa ngemisebenzi yobugcisa inoxanduva lokulandelayo:

- Ukwenza kunye nokukhupha izimemo,
- Ukusingatha ulwamkelo
- Ukuqhuba ukwazisa indawo ezibonisa ngemisebenzi yobugcisa;
- Ukugcina ingxelo emfutshane yomenzi ngamnye omelweyo;
- Ukugcina imathiriyeli ebonwayo ekhoyo ngoku ngeenjongo zokwazisa yomenzi ngamnye omelweyo;
- Ukugcina uvimba wemisebenzi yokwazisa.

Ekugqityweni komboniso wemisebenzi yobugcisa, indawo ebonisa ngemisebenzi yobugcisa kufuneka imele umenzi ngepakethe eneendaba eziqulethe iikopi zeentengiso, izimemo, iindaba eziya kumaphepha-ndaba, uqwalaselo kwakhona kunye nenye imathiriyeli ebalulekileyo enxulumene nokwaziswa kwendawo ebonisa ngemisebenzi yobugcisa.

6.2 IINDABA KWEZOBUGCISA

6.2.1 UCHOLACHOLO NDABA JIKELELE

Bonke abahleli beendaba zobugcisa abakwi-intanethi kunye nakushicilelo kunye nabenzi kufuneka balandela iKhowudi yeeNqobo eziseSikweni kunye nokuziPhatha yoMzantsi Afrika yoCholacholo Ndaba oluShicilelweyo kunye nolukwi-Intanethi, olwamkelwe liBhunga loShicilelo loMzantsi Afrika. Ikhowudi kunokufikelelwa kuwo kwi-intanethi kweli qhagamshela lilandelayo: presscouncil.org.za

Ikhowudi ihlaziywa ngonyaka liBhunga loShicilelo loMzantsi Afrika kwaye kusemagxeni abapapashi beendaba kunye nabenzi ukuzigcina besazsi ngotshintsho olunxulumene nesiqulatho esenziwe kwi-intanethi nesenzelwe abasebenzisi.

Abenzi kufuneka bahlawulwe imali ehlawulelwa umbhali ngayo nayiphi na imibhalo ephuhliselwe iincwadi (ngaphezu kweziteyitimenti zegcisa okanye zokugcina). Abenzi ngesiqhelo bahlawulwa ngegama. Zombini isehlo okanye umbutho ogunyazisayo kunye nombhali kufuneka bamisele amazinga ngegama. Isixa sangegama kunye nobude bombhalo kufuneka kuvunyelwane ngazo ngokubhaliweyo. Izinga kufuneka liquke izinga leyure ngophando olongezelelweyo okanye ixesha elichithwe kusenziwa udliwano-ndlebe nabalingwa.

Nakuphi na ukubhalwa okubonakalayo kwemisebenzi yobugcisa (njengeefoto) obupapashwe kwiindaba zobugcisa kufuneka buvunywe kwigcisa, kwigcisa lokubhala ubugcisa kwaye kwiimeko ezithile kumbutho ogunyazisayo, umxhasi okanye iziko. Kusemagxeni omenzi ukuphuhlisa isiqulathi seendaba (umbhali okanye intatheli) ukuqinisekisa ukuba ukubhalwa okubonwayo kuvunywe ngokuchanekileyo.

6.2.2 AMAKHASI ONXIBELELWANO

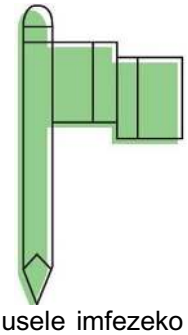
Yonke imisebenzi kunye nokuveliswa kwemisebenzi (iifoto, imifanekiso, izixhobo zezandi) ezisetyenzise kumakhasi onxibelewano zixhomekeke kwilungelo lomenzi kwaye kufuneka zisetyenziswe kumthetho welungelo lomenzi (jonga iCandelo lesi-7). Umsebenzi womenzi okanye ukuveliswa kwakhona komsebenzi kufuneka kungasetyenziswa ngaphandle kwemvume nguye nawuphi na umenzi, izehlo okanye imibutho egunyazisayo ngaphandle kokuba amalungelo okusebenzisa umsebenzi ayapapashwa , kwaye kuphela kwimida yoko kusetyenziswa kwamalungelo. Izindlu zeendaba zinokungapapashi, zishicilele okanye zibonise kwakhona okanye uveliso kwakhona lwemisebenzi epapashiweyo kumakhasi onxibelelwano ngumbhali okanye nguye nawuphi na omnye umsebenzisi, ngaphandle kwemvume.

Amanye amaqonga amakhasi onxibelelwano anamalungelo azenzekelayo okusetyenziswa komsebenzi okanye ukuvelisa kwakhona akube umbhali ewufake kwelo qonga. Iqonga lamakhasi onxibelwano alinawo amalungelo obunini kwaye alinako ukuthengisa umsebenzi okanye liwuvelise kwakhona umsebenzi.

7. AMALUNGELO OMSEBENZI (UMBHALI)

Eli candelo lichaza amalungelo amagcisa kunye nabanye abenzi, olo uninzi lwawo lulawulwayo, kumaxwebhu afana noMgaqo-siseko/uMqulu wamaLugelo kunye nomThetho oYilwayo oTshintshiweyo wamaLungelo oMenzi woMzantsi Afrika. KwiCandelo le-7.1 kunye nele-7.2, ibinza elikhethekileyo lisetyenzisiwe: umenzi (umbhali). Oku kungenxa yomthetho wamaLungelo oMenzi lokuKhusela uMsebenzi wakhe kunye nowamaLungelo aKhethekileyo oMenzi, igama elisemthethweni elisetyenzisiweyo ngu 'mbhali'. Sisebenzise omabini amagama ukungqinisisa inkqubo-sikhokelo yomthetho kunye nokucacisa ukufundwa ngokunxulumene noxwebhu xa lulonke. Okubalulekileyo kweli candelo, iLungelo lokuThengisa Kwakhona leGcisa, ngexesha lokuya kushicilelo, belingekabi ngumthetho, kodwa lisePalamente ukuba kuxoxwe ngalo. Ummandla ongundoqo uya kufuna ukuhlaziywa kwixa elizayo. Apha liqukelwe ukwazisa, ukuze abenzi bazigcine benolwazi ngenkqubela kwlLungelo lokuThengisa Kwakhona leGcisa ekubeni libe ngumthetho.

7.1 AMALUNGELO OMENZI OKUKHUSELA UMSEBENZI WAKHE



Amalungelo omenzi okukhusela umsebenzi wakhe anceda umenzi (umbhali) ukuba akhusele imfezeko ebonakalayo yomsebenzi wakhe.

Amalungelo omenzi okukhusela umsebenzi wakhe anamalungelo antlu mbini aphathelene nophawu (ububhali) kunye nemfezeko(ilungelo lokuchasa nakuphi na ukufunwa okungagunyaziswanga, ukuphindaphindwa okanye okunye ukulungiswa komsebenzi).

Ukuba umsebenzi utshintshiwe, utshatyalalisiwe okanye ulungisiwe, umenzi (umbhali) unelungelo lokususa igama lakhe kumsebenzi wobugcisa, kwaye unokumangalela ukophulwa kwamalungelo omenzi okukhusela umsebenzi wakhe.

Izehlo okanye imibutho egunyazisayo kufuneka ibale ngokufanelekileyo umenzi(umbhali) womsebenzi wobugcisa, kwaye ungatshintshi okanye use phantsi imfezeko yomsebenzi wobugcisa, okanye uvumela nabani na ongomnye ukuba enze oko ngexa umsebenzi wobugcisa ukugcino lwesehlo okanye umbutho ogunyazisayo.

Apho umxhasi abandakanyekayo kwisehlo, isehlo okanye umbutho ogunyazisayo kufuneka aziswe abenzi ababandakanyekayo ngokubandakanyeka komxhasi kunye nohlobo lomdla wakhe wezoshishino phamnbi kokufuna uqinisekiso lokuthabatha inxaxheba. Ngokulinganayo, abenzi kufuneka bachonge kwiingxoxo zabo zokuqala kunye nothethathethwano lweekontraki nabaphi na abaxhasi abanokungafuni

ukunxulunyaniswa nabo.

7.2 ILUNGELO ELILODWA LOMENZI KUNYE NE-IP

Ilungelo loMenzi eMzantsi Afrika liwiswa kwaye lilawulwe ngumthetho phantsi komThetho weLungelo loMenzi, 1978.

Ilungelo lomenzi lilungelo elizenzekelayo kwaye aliquki imiba ethile lomenzi (umbhali) lomsebenzi wobugcisa lokuba abe ngumnini kwaye alawule ukusetyenziswa (umzekelo, ukuveliswa kwakhona) komsebenzi ithuba elinomda.
Kukho iimfuneko ezithile ezisisiseko (umzekelo, ube usuka ngqo kumenzi). Okubalulekileyo, ilungelo lomenzi alisebenzi kwizimvo kunye neengqikelelo ngaphandle kokuba zenziwe kuhlobo lokuqala lomenzi nakwimathiriyeli yoyilo.

7.2.1 IZITHETHE KUNYE NEMIGANGATHO ESISISEKO YELUNGELO LOMENZI

Ilungelo lomenzi likhona ngokuzenzekelayo kwaye alinakude libhaliswe. Ilungelo lomenzi yipropati kwaye linokuthengiswa, labelwe okanye linikwe imvume yokuba lisetyenziswe ngabanye. Ilungelo lomeziz linokulawulwa ngumenzi (umbhali) okanye liqela lamalungelo abenzi elo umenzi (umbhali) alabele ilungelo lomenzi ngaloo njongo. Jikelele, umenzi (umbhali) ugcine ilungelo lokusebenzisa elakhe ilungelo lokwenza apho enye i-arhente ilawula ilungelo lomenzi.

Ilungelo lomenzi linika ilungelo umnini welungelo lomenzi ekubeni athintele ukukhutshelwa okungagunyaziswanga (ekuthiwa kukophulwa) komsebenzi obandakanyekayo ngabanye. Akukho kophulwa ngaphandle kokuba ukukhutshelwa kokuqala kuyenzeka. Ukophula kwenzeka ngenxa yokuveliswa kwakhona okungagunyaziswanga okanye ukupapashwa komsebenzi obandakanyekayo, okanye inxenye eninzi yawo, ngendlela enye okange ngenye. Kwiimeko ezithile(apho isiqulatho somsebenzi sibaluleke kakhulu kunohlobo lwawo lokuqala), ukophulwa kwenzeka ukuba ukulungiselelwa (uhlobo olulungisiweyo)) komsebenzi kuyenziwa.

Ukuphulwa kwamalungelo omenzi kunika ilungelo umnini welungelo lomenzi ukuba amangale enkundleni ukuba kukhutshwe umyalelo othintela umntu ongagunyaziswanga ekubeni ophule ilungelo lomenzi, kwaye kananjalo nomonakalo.

Lityala lolwaphulo-mthetho kwiimeko ezo umntu angenisa ngaphakathi elizweni, athengisa, asasaza, asebenza, okanye enza intengiso yemisebenzi eyaziwayo ukuba yophula ilungelo lomenzi.

Kwiimeko ezo ilungelo lomenzi lidluliselwe kumenzi, amalungelo okhuselo lomsebenzi wakhe umenzi kumsebenzi lowo aya kuhlala. Amalungelo okukhusela umsebenzi wakhe umntu lilungelo lomenzi lendalo kodwa ixesha lokuhlala kwawo limiselwe umda kubomi bomenzi. Amalungelo okukhusela umsebenzi wakhe umntu akanako ukuthengiswa okanye akhutshelwe imvume, nangona umenzi anokukhetha ukungawasebezisi la malungelo.

Ilungelo lomenzi elipheleleyo linokudluliswa kuphela ngendlela yoxwebhu olubhaliweyo ekuthiwa kukunikezela, ekufuneka lusayinwe ngumntu odlulisela ilungelo lomenzi. Ngoxwebhu olunjalo olubhaliweyo, umenzi unokudlusela ilungelo lokwenza okanye, ngokutshintsha, kwimeko yomsebenzi ogunyazisiweyo okanye umsebenzi owenziwe ngexa lengqesho, umenzi unokugcina ilungelo lomenzi.

Ukunikwa imvume kwelungelo lomenzi kufuneka kubhalwe, ukuqinisekisa ukurekhodwa okufanelekileyo kwemiqathango ebekiweyo yemvume. Umntu onike imvume ilungelo lomenzi unelungelo lokusebenzisa umfanekiso ngendlela exeliweyo kwisivumelwano.

Isivumelwano kufuneka sixele okulandelayo:

- Ukungaquki imiba ethile kunye nokungabi namda (njengomthetho jikelele, abenzi kufuneka bangavumi ukunika imvume kwilungelo lomenzi ngokusekelwe ekungaqukini imiba ethile, kwaye ukuba bayakwenza oko, imvume kufuneka inikwe ngokubhaliweyo ngamaqela);

- Uza kusetyenziselwa ntoni umfanekiso;
- Uza kuveliswa kwakhona kanjani umfanekiso;
- Luveliso kwakhona olungakanani oluza kuveliswa;
- Ummandla wejografi apho luza kusiwa khona;
- Yimalini umnini welungelo lomenzi aza kuyifumana(imali ehlawulwa umenzi);
- Iza kupheliswa nini imvume.

Phantsi komthetho woMzantsi Afrika, ilungelo lomenzi kumsebenzi wegcisa lithatha ubomi bomenzi kwaye liphela ekupheleni konyaka wama-50 emva kokusweleka komenzi. Emva kokuba ixesha lelungelo lomenzi liphelile, umsebenzi uwela kwicandelo loluntu kwaye unokuveliswa kwakhona ngokukhululekileyo.

Ukuba umenzi ugunyaziswe ukuba apeyinte okanye azobe umfanekiso ozotyiweyo womntu okanye enze ifoto kwaye kukho isivumelwano sokuyihlawulela, umnini welungelo lomenzi ngumntu wokuqala ogunyazise umsebenzi. Ukuba umenzi wenza umsebenzi ngexa lengqesho yakhe (ukwenza umsebenzi wobugcisa), umnini welungelo lomenzi wokuqala ngumqeshi, kwaye imithetho ekhethekileyo iyasebenza ukuba umqeshi ngumnini wephepha-ndaba okanye imagazini. Lonke olu lungiselelo lunokutshintshwa ngekontraki.

Xa umsebenzi wegcisa uthengisiwe, umenzi ugcina ilungelo lomenzi, nokuba uthengisiwe na.

Amalungelo angaquki yonke imiba anikwe lilungelo lomenzi enza ukuba umnini welungelo lomenzi athethathethane ngemali ehlawulwayo (imali ehlawulwa umenzi) ngokusetyenziswa komsebenzi wakhe njengomqathango wokunika imvume.

Ilungelo lomenzi ngeke liwiselwe kumaqela okanye kwabo bahlanganyeleneyo abanganakanwayo ngokusesikweni ngamaziko asemthethweni. Kwimeko yokuba ilungelo lomenzi libalelwe kumaqela angabhaliswanga, kucetyiswa ukuba iqela lilungise isivumelwano esibhaliweyo esisesikweni esiphakathi kwamalungu, kunye naso nasiphi na isehlo okanye umbutho ogunyazisiweyo wangaphandle apho kuyimfuneko khona, eso:

- Sichaza iqela ngokuxela ngokukhethekileyo ukuba ngubani owenza inxenye yeqela;
- Sixela ukuba onke amalungu abelana ngelungelo lomenzi lomsebenzi oveliswe phantsi kweqela;
- Sichaza ukuba iqela linqwenela ukubalwa kuyo nayiphi na imathiriyeli yokwazisa okanye eyenye (uluhlu lwabantu okanye njengetayitile yeqela, umzekelo).

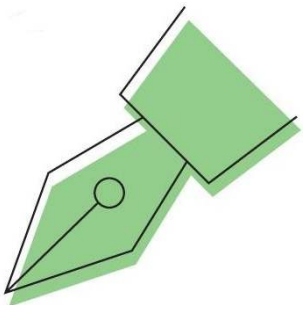
7.2.2 IZITHETHE KUNYE NEMIGANGATHO NGQO YELUNGELO LOMENZI KUBUGCISA OBUBONWAYO

Ngolwazi ngqo oluphathelene neendidi ezingezantsi, nceda ungqinisise kumacandelo angqinelanayo:

- Ukhuphiswano namaWonga: iCandelo le-3.7.
- IiNdawo zoRhwebo zeMiboniso yobuGcisa: iCandelo lesi-4.
- INtengiso nge-Intanethi kunye neeNdawo eziBonisa ngobuGcisa kwi-Intanethi: iCandelo le-4.6

7.2.3 OKUNGAQUKWAYO: 'IMIDA YELUNGELO ELINGAQUKIYO'

AmaCandelo ele-12 kunye nene-15 lomThetho weLungelo loMenzi adwelisa okungaqukwayo jikelele, okunomda kwinani kunye nesikowupu. 'Imida yelungelo elingaqukiyo' kuvumela ukukhuphela ngaphandle okuthile okungephi kwimathiriyeli yelungelo lomenzi, phantsi kweemeko ezithile, ukuba kucatshulwe amagama ngqo enjalo ngeenjongo ezifana nezokugxeka, ukunika ingxelo yeendaba, ukufundisa, kunye nophando.



7.3 ILUNGELO LOKUTHENGISA KWAKHONA

7.3.1 LIYINTONI

Ilungelo lokuthengisa kwakhona okanye i-droit de suite (i ‘lungelo lokulandela’), sisixhobo somthetho eso umthetho welungelo elilodwa lomenzi, elenza ukuba abenzi bafumane ipesenti yemisebenzi yabo yexabiso lentengo nanini na umsebenzi wegcisa uthengiswa kwakhona.

Ingeniso evela kwilungelo lomenzi ngokuqhelekileyo iphuma kumxholo womsebenzi woyilo, obandakanya uveliso kwakhona lwesikeyile esikhulu, njengomculo kunye noncwadi. Ngokusebenzayo, kuba ixabiso elifakwe kumsebenzi wobugcisa ‘lixhomekeke kwenako okukodwa'', amagcisa obugcisa obubonwayo inoba ncinane inzuzo yabo kwilungelo lomenzi. ILungelo lokuThengisa Kwakhona laziswa ukuze kulungiswe ukungangqinelani.

Isindululo esisisiseko samaLungelo okuThengiswa Kwakhona seGcisa kukuba amagcisa kufuneka axhamle ngqo ekukhuleni kwemarike kunye nemveliso yobutyebi evela kwimisebenzi yabo kwimarike yokuthengisa kwakhona. Ukuqinisekisa ukuba amagcisa akhuselwe kumsebenzi wabo wokuqala abawuvelisayo, kunye nokuba ukuphila kwamaGcisa kuyaxhaswa, amaLungelo okuThengisa Kwakhona amaGcisa angundoqo.

7.3.2 IMEKO YANGONGOKU YAMALUNGELO OKUTHENGISA KWAKHONA EMZANTSI AFRIKA

UmThetho weLungelo loMenzi, 1978, okwangoku uphantsi kotshintsho olubanzi. Olunye lotshintsho kukuveliswa kweLungelo lokuThengisa Kwakhona leGcisa kumthetho woMzantsi Afrika. UMzantsi Afrika okwangoku awunayo imithetho elawula kwaye emayela nokuthengiswa kwakhona kwemisebenzi yobugcisa ngeendawo zefandesi, iindawo ezibonisa ngemisebenzi yobugcisa, abarhwebi, abaqokeleli kunye nezinye ii-arhente zobugcisa. Ulungiselelo lweLungelo lokuThengisa Kwakhona leGcisa kutshintsho olukhoyo ngoku luya kunika ilungelo abenzi lokuba bahlawulwe imali yokuba bengabenzi xa umsebenzi wobugcisa uthengiswa kwakhona ngala majelo angasentla. Kweli bakala langoku loqulunqo, imali ehlawulwa umenzi wentengiso kwakhona imiselwe kwi- 5% yexabiso lentengiso lomsebenzi. ISebe lezoRhwebo noShishino elinoxanduva lokuqulunqa umThetho oYilwayo, likwinkqubo yokuseka eyona ndlela igqwesileyo yokuqokelelwa kunye nokuhanjiswa kwepesenti yentlawulo enikwa umenzi ngomsebenzi wakhe. Okwangoku olona khetho lufanelekileyo kukuseka umbutho wokuqokelela osebenza ngokungqinelana nemibutho eqokelelayo kwishishini lomculo. Uyilo lwangoku kananjalo luxela ukuba amalungelo entengiso kwakhona aya kuphelela kwiminyaka engama-50 esemva kokusweleka kwegcisa.

UmThetho oYilwayo wawulungiselelewe ukuba waziswe kwiKhabhinethi ngoMeyi ka- 2016, emva koko wawuza kuthiwa thaca ePalamente. Kwelo bakala umThetho oYilwayo uya kufumaneka kwakhona ukuba uluntu lunike izimvo kwaye lucebise. Ngexesha loshicilelo (Agasti 2016), umThetho oYilwayo awukaziswa ePalamente.

7.4 INKULULEKO YOKUZIVAKALISA

7.4.1 UKhuselo noNyino

UMgaqo-siseko weRiphabliki yoMzantsi Afrika ngumthetho owodlula yonke kaRhulumente kwaye nguwo ogqibelayo kulo naluphi na uwiso lomthetho. Nawuphi na umthetho ochasana nawo awusebenzi. ICandelo le-16(1) loMgaqo-siseko ligxininisa ilungelo leNkululeko yokuziVakalisa njengelungelo elingundoqo, eliquka:

- Inkululeko loshicilelo kunye nolunye ucholacholo ndaba;
- Inkululeko yokufumana okanye yokukhupha ulwazi okanye izimvo;
- Inkululeko yokuyila ngobugcisa;
- Inkululeko yokufunda kunye nenkululeko yophando lweenzululwazi.

Ilungelo kwiNkululeko yokuziVakalisa lifuna ukuba lisetyenziswe ngokuthatha uxanduva ngabo bonke abenzi, ukuze kungophulwa amalungelo abanye. ICandelo le-16(2) loMgaqo-siseko woMzantsi Afrika lixela ukuba iNkululeko yokuziVakalisa ngeke linabele ekuzivakaliseni okungaqulathanga okanye kujolise ukukhuthaza okulandelayo:

- Iimpembeleo ezithile zemfazwe;
- Ukuvuselela ubundlobongela obungakhona;
- Inkxaso yenzondo, esekelwe kuhlanga, ubuhlanga, isini okanye inkolo, kwaye emisela uvuselelo lokubanga ukwenzakala.

Imfuno yokunyina amalungelo athile ingenxa yokuba ukusetyenziswa ngokungakhathali kwelungelo kunokophula amalungelo abanye kwaye ngaloo ndlela kutshabalalise okanye kube yingozi.

7.4.2 IZITHETHE ZENKCUBEKO KUNYE NEZINTO EZIBUTHATHAKA

Ubuthathaka kwinkcubeko buqala nokuqonda ukuba kukho umahluko phakathi kwenkcubeko kwaye kufuneka ixatyiswe le yantlukwano. Ukuxabisa iyantlukwano kuthetha ukuhlonipha izithethe zenkcubeko ezinokuba zikhona okanye zifakwe kweyakho inkcubeko. Kubugcisa obubonwayo, kubaluleke nangakumbi ukuqonda ukuboniswa elubala kwemiba yenkcubeko, kunye nokuthathela ingqalelo imbali engengxaki yokubonisa okunjalo eMzantsi Afrika kunye nakwizenzo zobuthanga jikelele. Umlinganiselo wobuhle obukwinkcubeko engeyeyakho unokuba yingxaki kwaye ube ngumbuzo weenqobo ezisesikwenii

xa usetyenziselwa inzuzo yezorhwebo. Abenzi kufuneka baqonde kwaye babe buthathaka ekuvuseleleni iziphumo zokusebenzisa oko kungabizwayo kwinkcubeko njengomxholo kunye nesiqulatho somsebenzi wobugcisa. Oku kusebenza kwizigqibo zokusebenzi abo bangcinga inye ingatshintshiyo kwinckubeko kumsebenzi, kwaye bonke abenzi kufuneka baqonde iindlela zokuhlola ingakumbi amaziko kunye neenkqubo ngaphandle kokuvelisa kwakhona ngokungazi ezo nkqubo.

7.4.3 UKUJOINGANA NEMBAMBANO (IINDAWO EZIBONISA NGEMISEBENZI YOBUGCISA NOKHUPHISWANO)

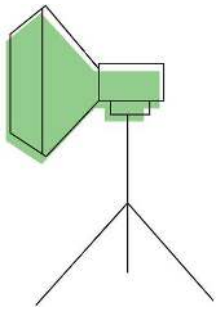
Iindawo zorhwebo ezibonisa ngomsebenzi wobugcisa, umbutho, isehlo okanye umbutho ogunyazisayo kufuneka zimisela iseti yezikhokelo ezijolise ekujonganeni nemiba enembambano enxulunyaniswa nomboniso wobugcisa ngendlela enyina umonakalo ekuhloniphekeni komenzi okanye ekubeni sesichengeni kuxinzelelo olungafanelekanga okanye ingqalelo yabacholi beendaba.

Isehlo okanye umbutho ogunyazisayo kufuneka usebenze ngentsebenziswano nomenzi ukulungisa okanye ukujongana nembambano.

Ukuba isehlo okanye umbutho ogunyazisayo uneenjongo zokwenza nasiph na isilumkiso okanye icebo kumalungu oluntu malunga nomsebenzi wobugcisa okumboniso, injongo kunye namagama oku kufuneka kuvunyelwane ngawo nomenzi phambi kokuba isazio esinjalo sikhutshwe.

Umenzi kufuneka abe nelungelo lokurthoxisa kumboniso wobugcisa ukuba umenzi akavumelani nesaziso.

Ukuba umsebenzi wobugcisa, ngaso nasiphi na isizathu, urhoxisiwe kwisehlo ngumbutho ogunyazisayo, umenzi kufuneka aziswe ngokukhawuleza, kwaye kunikwe izizathu zokurhoxiswa oko. Isehlo okanye umbutho ogunyazisayo orhoxisa umsebenzi wobugcisa kwisehlo unokuba wophula ikontraki yomenzi, kwaye ke ngoko ukurhoxiswa lomsebenzi wobugcisa kumboniso wobugcisa kufuneka kwenziwe kuphela apho kuyimfuneko ngokugqibeleleyo. Izehlo kunye nemibutho egunyazisayo kufuneka imisele kwangaphambili ukuba zinokuba yintoni na ezi meko, kwaye iphuhlise isicwangciso lolawulo lwemingcipheko olunokuphunyezwa ukuphepha ukurhoxiswa komsebenzi wobugcisa emva kokuba wamkelwe ukuba kuboniswe ngawo kumboniso.



1. IIREFERENSI KUNYE NENKXASO

Le projekthi iphuhliswe isekelwe kwisiqulatho esivela kwiKhowudi yokuSebenza kuMsebenzi wobuGcisa obuBonway base-Australia, iCandelo lemiSebenzi yeZandla noYilo, iphuhliswe kwaye yapapashwa nguMbutho weSizwe wobuGcisa obuBonwayo (National Association for the Visual Arts) (NAVA) kunye nokuSebenza okuGqwesileyo kubuGcisa obuBonwayo be-Saskatchewan kunye neCandelo loMsebenzi wezaNdla ephuhliswe luMelo lwamaGcisa lwase-Canada (Canadian Artists Representation) (CARFAC)

- Australia (NAVA Code of Practice)
- Australia (ACGA Code of Practice for Commercial Galleries)
- Canada (CARFAC Saskatchewan Code of Practice)
- Canada (Best Practice Code for Curators – Lasalle River Accord)
- Ireland (Visual Artists Ireland Best Practice Guide)
- Art Right South Africa 'Copyright – What it means for Visual Artists' ngu-Andre Myburgh, efunyanwa kwi-Baruffa Art Consulting website baruffa.co.za
- ImiThombo yokuFundela uMsebenzi useMsebenzini we-VANSA

2. IMIBULELO

I-VANSA ingathanda ukubulela iSebe lezobuGcisa neNkcubeko ngokwenza ukuba yenzeke le peojekthi. Umbulelo okhethekileyo kuwe Africalia ngokuxhasa iintlanganiso zokucebisana e-Johannesburg, eThekwini naseKapa. Sifumene icebo lenene ku-Norton Rose Fulbright, Joseph Gaylard, Clive Kellner, Toby Orford, Mary Corrigal, Gwen Ansell, Gerhard Hagg, John Fleetwood no-Gillian Anstey. I-VANSA ilubulela kakhulu uluvo lwenu lobungcali.

I-VANSA ingathanda ukudlulisa umbulelo kubantu abaninzi abathabathe inxaxheba kwiinkqubo zokucebisana kwiSikhokelo esiSebenziseka Ngcono sobuGcisa obuBonwayo eMzantsi Afrika.

3. UKUFUNDA NGOKUNGAPHAYA

Kweli phepha uza kufumana uluhlu lwemithombo enabela kumsebenzi wobugcisa kunye nokuba unokuyifaka kwimithetho-siseko enikwe kolu xwebhu ngokweemfuno zakho:

IMITHOMBO YE-ARTERIAL NETWORK

I-Arterial Network luthungelwano olusekelwe kukuntu lwamagcisa, amatshantliziyo enkcubeko, oosomashishini, ii-NGO, amaziko kunye nabanikeli abasebenza kumacandelo okuyila kunye nawenkcubeko ase-Afrika. I-Arterial Network iphuhlise imithombo emininzi kubenzi bobugcisa abasebenza e-Afrika enamacebo acazululiweyo okusebenza kuLawulo lweeProjekthi kubugcisa, uNyuso lweNgxowa, iNkxaso yobuGcisa kunye noThungelwano, kunye noPapasho kubenzi bobugcisa. Ezi ncwadi kunye nezikhokelo ziyadawunlodeka kwiqhagamshela elungezantsi.
arterialnetwork.org/resources/our_publications

I-ARTRIGHT

Iprojekthi ye-ARTRIGHT inika uluntu lobugcisa obubonwayo eMzantsi Afrika imithombo yasimahla yoshishino, izixhobo zomthetho nezemfuno, amaxwebhu, ulwazi kunye namacebo. Injongo kukuba abantu abasebenza kulo kunye nabo balijikelezileyo ishishini lobugcisa obubonwayo benze ishishini elingcono, rhoqo. Kule sayithi uya kufumana iinkcukacha ezithe vetshe ngokuba uziphuhlisa kwaye usebenze ngazo njani na iikontraki , ukuqhuba ishishini, irhafu kubasebenzi ngobugcisa, kunye nokuthethathethana ngeenkqubo zeembambano zeekontraki, ulamlo noxolelwaniso.
artright.co.za

I-BASA

UShishino nobuGcisa eMzantsi Afrika (Business and Arts South Africa) (BASA) yinkampani engenzi nzuzo enjongo yayo ingundoqo ikukuphakamisa intsebenziswano eluncedo macala kwaye ezinzileyo kubugcisa boshishino obuya kunceda uluntu ngokubanzi. I-BASA iqhuba iinkqubo ezahlukeneyo zenkxaso kumagcisa kuquka iinkqubo ezisisiseko ze-BASA.
basa.co.za/

IZIKO LEMISEBENZI YEZANDLA KUNYE NOYILO LASEKAPA (CAPE CRAFT AND DESIGN INSTITUTE) (CCDI)

I-CCDI ixhasa abavelisi bemisebenzi yezandla kwaye inceda uthungelwano kubo bonke abo kukho indima abayidlalayo kumjikelo wokusuka kwimveliso ukuya emarikeni. Oku kuquka abavelisi bemisebenzi yezandla kunye nabayili, abarhwebi, ii-arhente zentengiso, abathumeli mpahla ngaphandle kunye nabaniki zinkonzo abafana nabayili, abaphuhlisi mveliso, abaqeqeshi bezakhono, abenzi kunye nabacebisi bophuhliso lweshishini. Urhulumente kunye nabanye abaxhasi benza inxenye engundoqo yoku kuhlanganyelana, ukwakha ukudlelwane kuwo onke amacandelo.

ccdi.org.za

IKOMISHONI YOKWENZA UXOLO, ULAMLO NOXOLELWANISO

IKomishoni yoKwenza uXolo, uLamlo noXolelwaniso (Conciliation, Mediation and Arbitration (CCMA) liqumrhu elizimeleyo loMzantsi Afrika elinoxanduva lokusombulula iimbambano ezinxulumene nabasenzi. Inkqubo le izimele kuRhulumente. Iqhutywa liQumrhu eliLawulayo kwaye linabameli bamaqabane amathathu asekuhlaleni: abasebenzi, abezoshishino norhulumente. Kwiwebhusayithi ye-CCMA uya kufumana imizekeliso yeekontraki kunye namaphetshana olwazi axela amalungelo kunye neemeko ezahlukeneyo zabasebenzi, ukusukela kwisikowupu samalungelo abeekontraki abazimeleyo kunye nokugxothwa ngokungafanelekanga ukuya kucalulo emsebenzini. Le mizekeliso kunye namaxwebhu zinokudawnlodwa kweli qhagamshela lingentla kwiwebhusayithi ye-CCMA.

ccma.org.za/

IMIBUTHO YAMALUNGELO EMIDLALO, UBUGCISA, UNCWADI (DRAMATIC, ARTISTIC AND LITERARY RIGHTS ORGANISATION) (DALRO)

I-DALRO ngumbutho wamalungelo abenzi owenza imisebenzi emininzi waselwa ngo-1967 kwaye ulawula(unika iimvume) imiba eyahlukeneyo yamalungelo abenzi egameni labhali, amagcisa kunye nabapapashi. Sinika iqhagamshela phakathi kwabo kunye nabo banika iimvume abasebenzisa imisebenzi yabo kumashishini okanye kumaziko abo emfundo.

Imimandla yabo engundoqo yolawulo ngamalungelo eenzululwazi zokuvelisa kwakhona (kumahlelo apapashiweyo), amalungelo okudlala esidlangalaleni (kuquka namalungelo eqonga kwimiculo nemidlalo yeqonga)) kunye namalungelo okuvelisa kwakhona (anikelwe zombini ukupapasha nelungelo lomenzi) kwimisebenzi yobugcisa obubonwayo.

I-DALRO inezivumelwano ezigunyazisayo nababhali basekhaya kunye nabangaphandle, ii-arhente kunye nabapapashi, kunye neqela lezivumelwano ezibandakanya amaqela amabini kunye nemibutho enxulumene nayo. Oku kuqinisekisa iiklayenti zayo ngofikelelo kuninzi lwemdlalo nemidaniso yemisebenzi enamalungelo abenzi.

dalro.co.za

IBHUNGA LEHLABATHI LEEMYUZIYAM

IBhunga leHlabathi leeMyuziyam (International Council of Museums) (ICOM), elasekwa ngo-1946, ngumbutho ekukuphela kwawo weemyuziyam kunye namagcisa emyuziyam anesikowupu sehlabathi, azibophelele ekuphakamiseni kunye nasekukhuseleni amagugu endalo kunye nawenkcubeko, awangoku kunye nawexa elizayo, aphathekayo kunye nangaphathekiyo. Namalungu amalunga nama-30,000 kumazwe ali-137, i-ICOM luthungelwano lwamagcisa eemyuziyam asebenza kuluhlu olubanzi lwamacandelo anxulumene neemyuziyam kunye namagugu. I-ICOM iphuhlise inani leengxelo zaba zizenzo kundy nemigangatho elungileyo yeenqobo ezisesikweni yeemyuziyam.

http://icom.museum/

IMITHOMBO YOKUFUNDELA UMSEBENZI USEMSEBENZINI

ImiThombo yokuFundela uMsebenzi useMsebenzini ye-VANSA ithathwe kumava kunye nokufundwe kwimibutho yobugcisa kunye nabo bafundela umsebenzi besemsebenzini kubugcisa kwiindawo

ezahlukeneyo zelizwe, ngemixholo kunye neemfuno ezahlukeneyo. Kusekelwe kakhulu kwimizekeliso yamava ale mibutho kunye nabo bafundela umsebenzi besemsebenzini, lo mthombo ujonga iindlela ezenziwa ngqo, ezisebenzisekayo zemibutho ukuba ilawule amava okufunda alungileyo, avelisayo. Ukuze kuncedeke bobabini abo bafundela umsebenzi besemsebenzini kunye nemibutho ngokwayo.
http://vansa.co.za/professional-practice/resources-tools-1/internship-toolkit-book-1-of-the-vansa-professional-practice-toolkit-series

UMBUTHO WESIZWE WOBUGCISA OBUBONWAYO WOMZANTSI AFRIKA (SOUTH AFRICAN NATIONAL ASSOCIATION FOR THE VISUAL ARTS) (SANAVA)

I-SANAVA isebenza njengombutho ongekho phantsi kukarhulumente ekuphakamiseni ubugcisa obubonwayo eMzantsi Afrika, imvelaphi yayo iya emva ku-1851 xa umbutho wobuGcisa obuCokisekileyo waseKapa (Cape Fine Arts Society) (CFAS) waye wasekwa. Ekuhambeni kweminyaka uMbutho ukhule waba liqumrhu lesizwe lamagcisa kunye nabathandi bobugcisa obubonwayo. Enye yeenjongo ezingundoqo ze-SANAVA ngokuphathelene nokuphuhliswa kwamagcisa inxulumene nolawulo lwezitudiyo zamagcisa ezithathu ezixhotyiswe ngokupheleleyo e-Cité Internationale des Arts e-Paris, e-France.
sanava.co.za

IDESIKA YONCEDO LOMTHETHO E-VANSA

I-VANSA iqalise iDesika yoNcedo lomThetho ukunika iingcebiso ezisisiseko zomthetho zasimahla kumalungu ayo. Imisebenzi yeDesika yoNcedo lomThetho isebenzisana ne-Cilac, ipehndula kwimibuzo yomthetho ngokusekewle kwiveki. Nceda uqaphele: i-VANSA iququzelela le nkonzo ngaphandle kweendleko kumalungu ayo. I-Cilac ngumboneleli weenkonzo zomthetho obhalisiweyo kwaye inoxanduva olulodwa lecebiso elinikiweyo okanye nayiphi na enye inkonzo enikiweyo. Icebo lomthetho elinikwa malungu e-VANSA ngokukhethekileyo limalunga:

- NeLungelo loMenzi/iLungelo eliKhethekileyo loMenzi
- Iikontraki, iNtengiso neeNkonzo
- Ukwakhiwa kweShishini kunye noMbutho

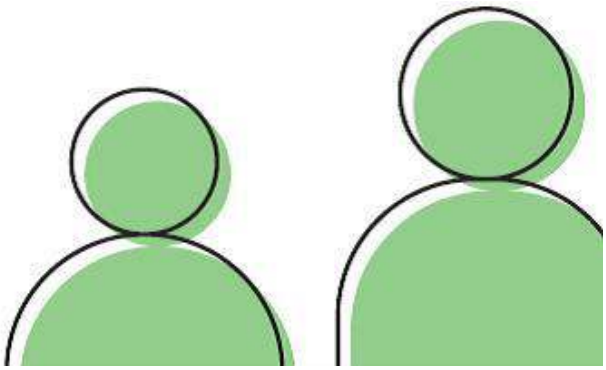
http://vansa.co.za/professional-practice/resources-tools-1/free-legal-advice-forvansa-members

AMAGCISA OBUGCISA OBUBONWAYO E-IRELAND

AmaGcisa obuGcisa obuBonwayo e-Ireland abonelela ngenkxaso ebonakalayo kumagcisa obugcisa obubonakalayo kuzo zonke iintlobo zobugcisa kwikhondo lonke lemisebenzi yawo. Babonelela ngeenkonzo, izibonelelo kunye nemithombo kumagcisa, baqhuba inkqubo yobugcisa kwaye basebenza njengabaxhasi kokusemdleni wamagcisa. I-VAI iphuhlise incwadi yokufundisa yomsebenzi wobugcisa ngokohlobo lweSikhokelo sokuPhila kubuGcisa obuBonwayo emalunga nemisebenzi yeshishini lobugcisa kumagcisa kwizenzo zemisebenzi yeekomishini kunye neyobugcisa. Incwadi yokufundisa ekwi-intanethi iquka iividiyo kunye necebo elivela kumagcisa. Ngexa iphuhliswe kumxholo owahlukileyo, incwadi yokufundisa inika icebo elihle elisebenzisekayo kulo naliphi na igcisa ekubeni lwenziwa njani na uthethathethwano kwimiba eyahlukeneyo yamakhondo awo emisebenzi.
http://visualartists.ie/the-manual-a-survival-guide-for-visual-artists/

ISikhokelo esiSebenziseka Ngcono sinika izithethe kunye nemigangatho esebenziseka ngcono kubugcisa obubonwayo boMzantsi Afrika. Sinokusetyenziswa njengesikhokelo ekubeni yintoni ongayilindela kwaye iyintoni ekufuneka icandelo lisebenze libhekisele kuyo. Ibhalwe ngendlela enokusebenziseka ngayo ukuze ingene kwaye isebenziseke kwiimeko zemihla ngemihla.

Isiqulatho sivulelekile kwaye sitshintshatshintsha ukuze abasebenzi kubugcisa obubonakalayo babe nako ukucebisa, ukuxoxa kunye nokwenza isigqibo sokuba sisetyenziswa njani isikhokelo. Injongo yesi sikhokelo kukuququzelela ubudlelwane obuluqilima, obunempilo nobufanelekileyo kubugcisa obubonwayo, ukuxhasa ukukhula nokuphuhla kwabo.

Esi sikhokelo sigunyaziswe liSebe lezobuGcisa neNkcubeko loMzantsi Afrika kwaye siphuhliswe luThungelwano lobuGcisa obuBonwayo boMzantsi Afrika.

www.vansa.co.za