

Inombolo yefayili.: 3/3/4/2/6
Isalathiso: 20240917-6819

ISetyhula: 0036/2024
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli, kwiiNgcali zeMfundu eziziiNtloko, kuBaphathi beeSekethe, kwiiNqununu zezikolo zikarhulumente eziqhelekileyo nezikolo zemfundo eneemfuno ezizodwa nakuMalungu amabhunga olawulo

Isishwankathelo esifutshane: Ukuhlelwa (designation) kweenkonzo ezithile njengeenkonzo ezibalulekileyo kwizikolo zikarhulumente eziqhelekileyo eziziiprayimari, izikolo ezineemfuno zemfundo ezizodwa nezikolo ekubhodwa kuzo.

ISihloko: **linkonzo ezhlelwe (designated) njengeenkonzo ezibalulekileyo kwizikolo zikarhulumente eziqhelekileyo eziziiprayimari, izikolo ezineemfuno zemfundo ezizodwa nezikolo ekubhodwa kuzo.**

1. **Ukukhethwa (designation) kweenkonzo ezibalulekileyo**

- 1.1 IKomiti i-Essential Services Committee (ESC) yeSebe lezeNgqesho nezaBasebenzi ipapashe iSaziso Jikelele 2190 sika-2023 kwiGazethi kaRhulumente No 49757 yange-24 Novemba 2023 (eqhotyoshelweyo). Ngokwamacandelo 71(8) no-71(7) omthetho i-Labour Relations Act (LRA), 1995 (uMthetho 66 ka-1995), iKomiti i-ESC ithe ngokufanelekileyo, yahlela njengezibalulekileyo, ezi nkonozi zilandelayo kumhlathi B weSaziso Jikelele 2190 sika-2023:
 - (a) Inkonzo yokubonelela ngokutya kubafundi bezikolo zikarhulumente eziziiprayimari; kunye
 - (b) Nenkonzo yokukhathalelwa kwabantwana kwizikolo ezineemfuno zemfundo ezizodwa.
- 1.2 IKomiti i-ESC yapapasha iSaziso 271 sika-2019 kwiGazethi kaRhulumente No 42464 yange-17 Meyi 2019 (eqhotyoshelweyo), apho ezi nkonozi zilandelayo kwizikolo ekubhodwa kuzo, zaye zahlelwa (designated) njengezibalulekileyo kumhlathi 2:
 - (a) linkonzo ezibonelelwa ngabazali abagcina abafundi kwizikolo zokubhoda (house parents).

- (b) linkonzo zokukhathalela kwabafundi abagulayo esikolweni (sanatorium)/iinkonzo zokunikezelwa kwamayeza kubafundi; kunye
- (c) Neenkonzo zokhuseleko.
2. **Imida ebekiweyo (*limitations*) kwilungelo logwayimbo neendidi zabasebenzi ezichaphazelekayo**
- 2.1 Ngokwecandelo 65(1)(d) le-LRA, abasebenzi abenza iinkonzo ezibalulekileyo nezolondolozo lwemihla ngemihla bathintelwe ekuthatheni inxaxheba kugwayimbo okanye kuyo nayiphi na indlela abaziphethe ngayo eqhubela phambili ugwayimbo. Ngako oko ke, abasebenzi beSebe leMfundu leNtshona Koloni (WCED) abathatha inxaxheba ngokuthe ngqo ekubonelelweni kwezi nkonozi zilandelayo, abasavunyelwa ukuba bathathe inxaxheba kugwayimbo nakwindela yokuziphatha enxulumene noko ngokwesiqendu 65 se-LRA:
- (a) Inkonzo yokubonelela ngokutya kubafundi bezikolo zikarhulumente eziziiprayimari.
- (b) Inkonzo yokukhathalela kwabantwana kwizikolo ezineemfuno zemfundo ezizodwa.
- (c) linkonzo ezibonelelwa ngabazali abagcina abafundi kwizikolo zokubhoda (house parents)
- (d) linkonzo zokukhathalela abafundi abagulayo esikolweni (sanatorium)/iinkonzo zokunikezelwa kwamayeza kubafundi kwizikolo ekubhodwa kuzo.
- (e) linkonzo zokhuseleko kwizikolo ekubhodwa kuzo.
- 2.2 Umqathango wothintelo wesibini ekuthatheni inxaxheba kugwayimbo ubhekiselele kubasebenzi abanika inkxaso abanoxanduva lokubonelela nokugcina iinkonzo ezibalulekileyo ezikolweni. Ngaphandle kwaba basebenzi bachaziweyo benza ezi nkonozi, ayinakubakho inkonzo yesikim sokutyisa abafundi enokwenziwa kwizikolo ezichaphazelekayo. Abasebenzi abanika inkxaso ababandakanyekayo ekuthengweni nasekuhlawulweni kwabathengisi bokutya (food suppliers) ukulungiselela iProgram yoKutyiswa kwaBafundi kaZwelonke, nabo abavumelekanga ukuba bathathe inxaxheba kugwayimbo okanye kwindlela yokuziphatha efanayo noko njengoko kucacisiwe kwisiqendu 65 se-LRA.
3. **limbambano kwiinkonzo ezibalulekileyo**
- 3.1 ICandelo 74(1)(a) no-(b) e-LRA acacisa ukuba naliphi na iqela elikwimbambano elithintelweyo ekuthatheni inxaxheba kugwayimbo ngenxa yokuba elo qela libandakanyeka kwinkonzo ebalulekileyo linokuthi lithumele incwadi ebhaliweyo emalunga nembambano—
- (a) kwibhunga, ukuba ngaba amaqela achaphazelekayo akwimbambano, awela phantsi kwemisebenzi yegunya lolawulo eyamkelekileyo yelo bhunga; okanye
- (b) kwi-Commission for Conciliation, Mediation and Arbitration, ukuba akukho bhunga linegunya lolawulo.

- 3.2 ICandelo 74 le-LRA likwacacisa inyathelo elinokuthathwa ngakulo nalo naliphi na iqela elibandakanyekayo kwiinkonzo ezibalulekileyo ukufaka isikhalaZo kwibhunga elichaphazelekayo eliya kwenza iinzame zokuyisombulula imbambano ngokwemigaqo emiselweyo echazwe kweli candelo.
4. Yonke imibuzo emalunga nale setyhula kune nemithetho echaphazelekayo kufuneka ibhekiswe kwiCandelwana leeNkonzo zeeNgcebiso kwiCandelo lezoBudlelane eMsebenzini.
5. Kucelwa abalawuli abakwiCandelo loLawulo lokuThengwa kweeMpahla noLawulo lweMicimbi yezeMali kune neenqununu bazise okuqulethwe kule setyhula bonke abasebenzi abanika inkxaso beSebe ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-B WALTERS

INTLOKO YESEBE LEMFUNDU

UMHLA: 2024-11-07