

DOMESTIC WORKERS AND COIDA

MUTEMO WEMURIPO WEKUKUVARIRA KANA
KURWARIRA PABASA - ACT 130 OF 1993 (COIDA)

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Mutemo wemuripo wekukuvarira kana kurwarira pabasa - [Compensation for Occupational Injuries and Diseases Act 130 of 1993] (COIDA), mutemo unopa muripo kuvashandi vanenge vakuvara kana kubatwa nezvirwere pavanenge vachiita basa ravo. Kana mushandi achinge afa nekuda kwekukuvara kana hurwere zvine chekuita nebasa rake, COIDA inopa muripo kune vairarama nemufi (dependants).

Makore ose kusvika mwedzi waMbudzi 2020, vashandi vemudzimba vaive vasingacherechedzwe nemutemo weCOIDA, kunyangwe hazvo vamwe vese vashandi vaichengetedzwa nemutemo uyu kana nemimwe mitemo yakafanana. Izvi zvinodaro nekuti chikamu 1 (xix) (v) cheCOIDA chinotaura zvakajeka kuti vashandi vemudzimba vanobviswa pachiyero cheCOIDA.

Iri gwaro rezvechokwadi rinotsanangura 1) mashandiro anoita COIDA, 2) rinopfupikisa humbowo muhutongi wedare redzimhosva, *Mahlangu v Gurukota rezveVashandi (the Minister of Labour)*, uko vashandi vemudzimba vakabudirira mukupokana nemhaka yekusacherechedzwa kwavo nemutemo weCOIDA uye, 3) rinoongorora zvinorehwa nedare redzimhosva maererano nevashandi vemudzimba.

IYO COIDA INOMBOSHANDA SEI?



Sekureva kwebazi rezvevashandi nemabasa (Department of Labour and Employment), COIDA inobatsira vashandi venguva pfupi (casual workers) nevave nenguva refu vachishanda (full time employees) vanenge varwara, kukuvara, kuremara, kana kufa nekuda kwenjodzi yekubasa. Vashandirwi vanotarisirwa nemutemo weOccupational Health and Safety Act 85 of 1993 kuti vape nzvimbo yekushanda yakachengeteka uye isingaise hutano hwemushandi panjodzi sezvavanotarisirwa kuita.

Vashandirwi vanofanirwa kupa mipiro kuCompensation Fund. Ivo vashandi vavo vanogona kuisa chikumbiro kuCompensation Fund kana vakarwara, vakakuvara, vakaremara, kana kuurawa vachiita basa ravo.

Sekureva kweshumo ye Fund by National Treasury, COIDA inopa nzira yemuripo yavanoti "no-fault" compensation, zvichireva kuti vashandi havafanirwe kuratidza kuti kukuvara kwavo kwakakonzera nemushandirwi kana nemumwewo munhu kuitira kuti vagamuchire muripo wavo. COIDA inodzivirirawo vashandi kuti vamhan'arire vashandirwi vavo kuti vabhadharwe.

Kubhadhara kunogona kuuya nenzira yemari inopihwa yakawanda kamwe, kubhadhara nguva nenguva, kana kubhadhara kwemudyandigere pamwedzi zvichienderana nemamiriro enyaya imwe neimwe.

Vanhu vazhinji vanotenda kuti...

sezvo vashandi vemudzimba vachishandira pamba, zvinoreva kuti havana njodzi yekukuvara. Chirevo cheSolidarity Center chinorondedzera kukuvadzwa kunoitwa nevashandi vepamba kusanganisira: kutsemurwa kweganda kucheka kukuru; kukuvara kweganda nekutsva; kurumwa nembwa; kutyoka kwemabhonzu uye kuremara kwenguva pfupi kana kusingagumi kumaoko, maoko, makumbo nemapfudzi.



MAHLANGU V GURUKOTA REZVEVASHANDI (THE MINISTER OF LABOUR)

Nyaya yaMahlangu yakatanga netsaona isingafadzi apo mushandi wepamba, Maria Mahlangu, akatsvedza kubva pamanera apo aigeze mahwindo epamba pemushandirwi wake, akawira mudziva rekushambira ndokunyura. Mwanasikana wake Sylvia Mahlangu akatsvaga muripo wekufa kwamai vake, ndokubva audzwa kuti kwaisazove nemubhadharo sezvo vashandi vemudzimba vasingachirechedwe neCOIDA.

Kuburikidza nerubatsiro rwemubatanidzwa wevashandi vemudzimba, South African Domestic Service and Allied Workers' Union (SADSAWU), uye naPinky Mashiane, mutungamiri weUnited Domestic Workers of South Africa (UDWOSA), Sylvia akakwanisa kuwana gweta rinomumiririra mumatare edzimhosva, nyaya yaMahlangu v Gurukota rezvevashandi (the Minister of Labour) yakabva yatangwa. Muna 2019 Sylvia Mahlangu akabudirira mukupokana kwenyaya yekusabatwa kwevashandi vemudzimba kubva kuCOIDA apo Dare repamusoro reNorth Gauteng rakapa mutongo uyo wakazivisa kuti chikamu 1 (xix) (v) cheCOIDA chaive chisiri mubumbiro remitemo uye chikati mutongo uyu unofanirwa kushanda zvichidzoka shure, zvichireva kuti unoshandandiswa kutanga kubva "kumashure", kuitira kuti vashandi vemudzimba vakakuvara kana kubatwa nechirwere nekuda kwemabasa avo, kana vakafa, sezvakaitika kuna Mahlangu, vagonewo kukumbira muripo kubva kuCompensation Fund. MuSouth Africa, mutemo kana chikamu chemutemo chaziviswa kuti hachienda nebumbiro remitemo, Dare rebumbiro remitemo (the Constitutional Court), rinove dare repamusorosoro munyika, rinofanirwa kusimbisa mutongo wapihwa nedare repasi.

Musi wa19 Mbudzi 2020 Dare rebumbiro remitemo rikatendera murairo waiti chikamu 1 (xix) (v) cheCOIDA chakange chisiri pamutemo. Dare rikatonga zvakare rikati mutongo uyu unofanirwa kushandiswa nekukasika uye uchibvira shure kubva musu wa 27 Kubvumbi 1994, zuva rikatanga kushanda Bumbiro iri.

Musi wa19 Mbudzi 2020 Dare rebumbiro remitemo rikatendera murairo waiti chikamu 1 (xix) (v) cheCOIDA chakange chisiri pamutemo. Dare rikatonga zvakare rikati mutongo uyu unofanirwa kushandiswa nekukasika uye uchibvira shure kubva musu wa 27 Kubvumbi 1994, zuva rikatanga kushanda Bumbiro iri.



Mutemo kana chikamu chemutemo haucherechedzwe kana usingafambirane neBumbiro reSouth Africa.

Bumbiro ndiwo mutemo wepamusoro wenyika, uye unoratidza kodzero nemabasa evanhu vanogara muSouth Africa.

KO MUTONGO WEDARE RECONSTITUTIONAL COURT UNOREVEI KUVASHANDI VEMUDZIMBA?

Vashandi veudzimba vanodzivirirwa neCOIDA kubva musu wakapihwa mutongo uyu. Vanogona kuendeswa zvikumbeiro zvavo kana vachinge varwara, vakuvava, varemara kana kuurawa nekuda kwenjodzi yekubasa kana chirwere chine chekuita nebasa. Izvi zvinoreva zvakare kuti avo vashandi vemudzimba vakakuvarira kubasa, kurwara kana kufira pabasa kubva musu wa27 Kubvumbi 1994 vanokwanisawo kuendeswa zvichemo zvavo.

Bazi rezvemabasa nevashandi (The Department of Employment and Labour) rakapa chirevo chekugamuchira mutongo uyu wakaitwa neConstitutional Court, sezvo rikatotanga hurongwa hwekuvandudza COIDA kuti richerechedze vashandi vemudzimba. Zvichitarisira kuti vashandirwi vevashandi vemudzimba vaizofanira kupa mari kuCompensation Fund, Bazi rezvemabasa nevashandi rakataura kuti richaburitsa nhungamiro pamusoro penyaya iyi pamwe nekuti vachange vachizozvifambisa sei kune vaye vakakuvara kubva kare.

Kana muchida kuziva zvakawanda uye zviziviso nezve kucherechedzwa kwevashandi vemudzimba muCOIDA shanyirai Bazi rezvemabasa nevashandi rinoshambadza mashoko (the Department of Employment and Labour's media desk).

Kuti uwane ruzivo nezve kunyoresa kwevashandirwi pamwe nekuti vanobhadhara sei muCompensation Fund, uye nzira inoshandiswa nevashandi kuti vawane muripo wavo, shanyira mirayiridzo pawebaiti rebazi rezvemabasa nevashandi (Department of Employment and Labour's guidelines) unotaura pamusoro pezvemubhadharo wekukuvara kana kurwara kwepabasa [Compensation for Occupational Injuries and Diseases](#). Regai ndikuyechidzei ndichiti, ruzivo urwu runogona kunge rwave rwekare-kare.

Kuti uwane rumwe ruzivo nezvekodzero dzevashandi vemudzimba muSouth Africa, unokwanisa kudhawunirodha pawebaiti yavo [Domestic Workers' Rights: A Legal and Practical Guide](#): Gwaro rezvemitemo nenhungamiro inoshanda rakagadzirwa neSocio-Economic Rights Institute of South Africa (SERI).

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