

# I-COIDA NGAMAFUTSHANE

## UMTHETHO WEMBUYEKEZO NGOKU- FUMANA INGOZI NEZIFO EMSEBENZINI

# SERI

socio-economic rights institute  
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MAKING HUMAN RIGHTS REAL

Umthetho 130 we-1993 wembuyekezo ngokufumana ingozi nezifo emsebenzini (**Compensation for Occupational Injuries and Diseases Act; i-COIDA**) ngumthetho obonelela ngentlawulo eyimbuyekezo kubasebenzi abathe bafumana ingozi okanye izifo ngexesha besenza imisebenzi yabo kwindawo yengqesho. Kwimeko yokufa okusisiphumo sengozi okanye isifo ezinxulumene nomsebenzi, i-COIDA ivumela ukuba imbuyekezo inikwe abantwana bomfi obengumsebenzi.

Kude kuzokuma kweyeNkanga (Novemba) 2020, abasebenzi basemakhitshini bebengabonelelwa yi-COIDA noxa bonke abanye abasebenzi bebebonelelwa yi-COIDA okanye omnye umthetho ofanayo. Oku kungenxa yokuba icandelo 1(xix)(v) le-COIDA licacisa phandle ukuba abasebenzi basemakhitshini bakhutshelwe ngaphandle kumda we-COIDA.

Eli phepha leenyano licacisa 1) indlela esebenza ngayo i-COIDA, 2) lishwankathela iinyano zetyala lasenkundleni, phakathi kuka*Mahlangu noMphathiswa Wezemisebenzi*, apho abasebenzi basemakhitshini baye baphumelela ukucela umngeni wokungafakwa kwabo kwi-COIDA and, 3) iphonononga intsingiselo yetyala lasenkundleni kubasebenzi basemakhitshini.

## ISEBENZA NJANI I-COIDA?



NgokweSebe Lezemisebenzi neNgqesho, i-COIDA iquka abasebenzi abaqashwe ixeshana kunye nabo baqashwe ngokugcweleyo abathi bagule, bonzakale, bakhubazeke okanye bafe ngenxa yengozi okanye isifo esinxulumene nomsebenzi. Abaqeshi banyanzeliswa ngumthetho 85 we-1993 weMpilo noKhuseleko Lomsebenzi ukuba babonelele kwaye bagcine, kangangoko banako, imo yengqesho ekhuselekileyo kwaye engabeki impilo yabasebenzi engozini.

Abaqeshi banegalelo kwiNgxowa-mali yeMbuyekezo. Abasebenzi babo bangenza ibango kwiNgxowa-mali yeMbuyekezo xa benokuthi bagule, bonzakale, bakhubazeke okanye bafe ngexesha besenza imisebenzi yabo engqeshweni.

Ngokwengxelo kaNongxowa weLizwe (National Treasury) ngale Ngxowa-mali, i-COIDA inika inkqubo yembuyekezo ye-"no-fault", nto leyo ethetha ukuba abasebenzi akufunekanga baqinisekise ukuba ingozi ibe yimpazamo yomqeshi okanye omnye umntu ukuze bafumane imbuyekezo. I-COIDA kananjalo iyabathintela abasebenzi ukuba bamangalele abaqeshi ngenxa yengozi.

Imbuyekezo ingafumaneka ngezi ntlobo, intlawulo esisixa, intlawulo yamaxesha athile okanye intlawulo yomhlala phantsi nyanga zonke kuxhomekeka kwiimeko zomba ngamnye.

### Abantu abaninzi bakholelwa...

ukuba njengoba umsebenzi wasemakhitshini uqhutyelwa emakhaya, abasebenzi basemakhitshini abekho ngozini yokonzakala. Ingxelo ye-Solidarity Center inika uluhlu lweengozi ezifunyenwe ngabasebenzi basemakhitshini kuquka: ukonzakala kolusu; amanxeba amandundu; ukonakala kolusu nokutsha; ukulunywa zizinja; ukuchachamba kwamathambo kunye nokukhubazeka kwexesha okanye okusisigxina ezingalweni, ezandleni, emilenzeni okanye emagxeni.



# UMAHLANGU NOMPHATHISWA WEZEMISEBENZI

Ityala likaMahlangu lavela ngenxa yelishwa lesiganeko sokuba umsebenzi wasemakhitshini, uMaria Mahlangu, atyibilike kwileri ngexesha ecoca ifestile emzini womqeshi wakhe, wawela kwiquka lokuqubha waze warhaxwa wafa. Intombi yakhe uSylvia Mahlangu wafuna imbuyekezo ngokufa kukamama wakhe, waze waxelelwa ukuba akusayikubakho mbuyekezo njengokuba abasebenzi basemakhitshini bengabonelelwa yi-COIDA. Ngenxa yoncedo lombutho wentlangu ye-South African Domestic Service and Allied Workers' Union (SADSAWU) noPinky Mashiane, ongumongameli we-United Domestic Workers of South Africa (UDWOSA) uSylvia wakwazi ukufumana umthetholeli wezomthetho kwaze kwaqaliswa ityala phakathi kukaMahlangu noMphathiswa Wezemisebenzi. Ngowe-2019 uSylvia Mahlangu waphumelela ukucela umngeni wokungafakwa kwabasebenzi basemakhitshini kwi-COIDA ngokuthi inkundla ephezulu yamatyala e-North Gauteng inike umyalelo wokuvakalisa ukuba icandelo 1(xix)(v) le-COIDA alingqinelani nomgaqo siseko kwaye yavakalisa ukuba umyalelo ufanele usebenze ngokugocagoca okudlulileyo, okuthetha ukuba kufuneka ubuyele emva, ukwenzela ukuba abasebenzi basemakhitshini abaye bafumana ingozi okanye ingulo besemsebenzini, okanye abaye bafa, njengoMahlangu, nabo babe nako ukufaka ibango kwiNgxowa-mali Yembuyekezo. EMzantsi Afrika xa umthetho okanye inxalenye yomthetho kuvakaliswe ukuba ayingqinelani nomgaqo siseko, Inkundla Yomgaqo siseko, eyona nkundla iphezulu elizweni, kufuneka ingqine umyalelo owenziwe yinkundla engaphantsi.



## Umthetho okanye inxalenye yomthetho awungqinelani nomgaqo siseko waseMzantsi Afrika.

Umgaqo siseko ngowona mthetho uphezulu welizwe, kwaye uchaza ngamalungelo nemisebenzi yabemi boMzantsi Afrika.

Ngomhla we-19 kweyeNkanga (Novemba) 2020 Inkundla Yomgaqo siseko yawungqina umyalelo ovakalisa ukuba icandelo 1 (xix)(v) le-COIDA alingqinelani nomgaqo siseko. Inkundla kwakhona yavakalisa ukuba umyalelo kufuneka usebenze ngoko nangoko nangokuthi ujonge emva ukusukela ngowama-27 kweyoKwindla (Epreli) 1994, mhla Umgaqo siseko wexeshana wathi waqala ukusebenza.

## ITHINI INTSINGISELO YESIGWEBO SENKUNDLA YOMGAQO SISEKO KUBASEBENZI BASEMAKHITSHINI?

Abasebenzi basemakhitshini babonelelwe yi-COIDA ukusukela mhla kwawiswa isigwebo. Bangafaka ibango xa benokuthi bagula, xa befumene ingozi, bakhubazeka, okanye bafa ngenxa yengozi yasemsebenzini okanye isifo esinxulumene nomsebenzi. Kwakhona ithetha ukuba abo basebenzi basemakhitshini abaye bafumana ingozi, izifo okanye ukufa ngokunxulumene nomsebenzi ukusukela ngowama-27 kweyoKwindla (Epreli) 1994 banako nabo ukufaka amabango abo.

Isebe Lezengqesho Nemisebenzi lakhupha ingxelo eyamkela isigwebo seNkundla Yomgaqo siseko njengoko sele liqalise inkqubo yokulungisa i-COIDA ukuze iquke nabasebenzi basemakhitshini. Njengokuba abaqeshi babasebenzi basemakhitshini kufuneka benegalelo kwiNgxowa-mali Yembuyekezo, Isebe lazisa ukuba liza kunikezela ngezikhokelo zalo mba kwakhona nokuthi isebe liza kujongana kanjani neengozi zexesha eladlulayo.

**Ukufumana ingxelo entsha nezaziso ngokufakwa kwabasebenzi basemakhitshini kwi-COIDA ndwendwela idesika yezonxibelelwano yeSebe Lezengqesho neMisebenzi.**

Ukufumana ulwazi lokuba abaqeshi babhalisa njani ukuze bafake intlawulo kwiNgxowa-mali Yembuyekezo nangenkqubo yokufaka amabango abasebenzi, jonga izikhokelo zeSebe Lezengqesho neMisebenzi malunga neMbuyekezo Yengozi Nezifo Emsebenzini. Nceda ujonge ukuba le nkcazelo ayiphelelwanga lixesha na.

Ukufumana ulwazi olongeziwe ngamalungelo abasebenzi basemakhitshini eMzantsi Afrika, fumana kwi-intanethi **i-Domestic Workers' Rights: A Legal and Practical Guide** eveliswe yi-Socio-Economic Rights Institute of South Africa (SERI).

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