DOMESTIC WORKERS AND COIDA

ISINXEPHEZELO SOMTHETHO WOKULIMALA NEZIFO EMSEMBENZIINI UMTHETHO (COIDA)

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uMthetho Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA) umthetho ohlinzekela ukukhokhwa kubasebenzi abalimala noma abathola izifo ngenkathi benza umsebenzi wabo. Esimeni sokushona ngenxa yokulimala okuhlobene nomsebenzi noma isifo, i-COIDA ivumela ukunxeshezelwa kulabo abebethembele kubasebenzi abangasekho.

Kuze kube nguNovemba 2020, abasebenzi basezindlini bebengakhokhelwa yi-COIDA yize noma bonke abanye abasebenzi bebebhekwe ngumthetho ofanayo. Lokhu kungenxa yokhuthi isgaba 1 (xix)(v)se-COIDA sikubeka ngokusobala ukuthi abasebenzi basezindlini abakhishiwe ebangeni le-COIDA.

Leli phepha lichaza 1) ukuthi i-COIDA isebenza kanjani, 2) ifingqa amaqiniso ecala lasenkantolo, uMahlangu noNgqongqoshe Wabasebenzi, lapho abasebenzi basezindlini bakuphikise ngempumelelo ukukhishwa kwabo ngaphandle kwe-COIDA futhi, 3) bahlola ukuthi icala lasenkantolo lisho Ukuthini kubasebenzi basezindlini.

ISEBENZA KANJANI I-COIDA?

Ngokusho koMnyango Wabasebenzi Nokuqashwa, i-COIDA isebenza kubasebenzi abayitoho nabasebenza ngokugcwele abagulayo, abalimele, abakhubazekile noma ababulewe ngenxa yengozi yasemsebenzini noma izifo ezihlobene nomsebenzi. Abaqashi kudingeka eMthethweni Wezempilo Ngokuphepha Emsebenzini i-Occupational Health and Safety ka- 1993 ukuthi banikeze futhi bagcine, ngangokunokwenzeka, indawo ephephile futhi engabeki impilo yasemsebenzini engcupheni.

Abaqashi benza iminikelo Esikhwameni Sokunxephezela. Abasebenzi babo bangafaka Isicelo kwisikhwama Sesinxephezelo uma begula, belimala, bakhubazekilenoma babulawa Ngenkathi benza umsebenzi wabo.

Ngokombiko weSikhwama owenziwe nguMgcinimafa Kazwelonke, i-COIDA inikela ngohlelo Lokuncishiswa "okungenaphutha", okusho ukuthi abasebenzi abadingi ukufakazela ukuthi ukulimala kungumqashi noma iphutha lomunye umuntu ukuze bathole isinxephezelo. I-COIDA ibuye ivimbe abasebenzi ukuthi bamangalele abaqashi babo ngamademeshe.

Isinxephezelo singeza Nezindlela Ezahlukene Zokukhokhwa kwesamba, ukukhokha ngezikhathi ezithile noma ukukhokha impesheni nyangazonke kuye ngezimo zecala ngalinye.

Abantu abaningi bakholelwa ukuthi...

ngenxa yokuthi umsebenzi wasendlini wenziwa endaweni ezungezile, abasebenzi basendlini abekho engozini yokulimala. Umbikop weSolidarity Centres ubala ukulimala okutholwe abasebenzi basezindlini okubandakanya; Ukuxegelwa; kwesikhumba; ukusikeka okukhulu; ukulimala kwesikhumba nokusha; ukulunywa yinja; ukuphuka kwamathambo nokukhubazeka okwesikhashana noma kwanaphakade ezingalweni nasemahlombe.

MAHLANGU V UNGQONGQOSHE WEZABASEBENZI

Icala likaMahlangu liqale ngengozi embi lapho umsizi wasendlini, uMaria Mahlangu, ehle khona esitebhisini ngesikhathi ehlanza ifasitela ekhaya lomqashi wakhe, wawela echibini lokubhukuda waminza. Indodakazi yakhe uSylvia Mahlangu yahlela isinxephezelo ngokushona kukanina, yatshelwa khona isinxephezelo njengoba abasebenzi basendlini Bangakhokhelwa yi-COIDA. Ngosizo lwenyunyana yabasebenzi basekhaya iSouth African Domestic Service and Allied Workers' Union (SADSAWU) kanye noPinky Mashiane, umongameli we-United Domestic Workers of South Africa (UDWOSA) uSylvia ukwazile ukumelwa ngokomthetho Kanye necala *likaMahlangu v noNgqongqoshe Wezabasebenzi yasungulwa.* Ngo -2019 uSylvia Mahlangu waphonsela inselelo ngempulelo ukushiywa ngaphandle kwabasebenzi basezindlini kwi-COIDA ngenkathi iNkantolo eNkulu yaseNyakatho NeGauteng ikhipha umyalelo owawumemezela isigaba 1(xix)(v) se-COIDA kungahambisani nomthethosekelo futhi kushiwo futhi kwavezwa ukuthi lo myalo kufanele usebenze emuva, okusho ukuthi kufanele usebenze "emuva" ukuze abasebenzi basezindlini abalimele noma abathole ukugula ngenxa yemisebenzi yabo, noma ababulewe, njengakwicala likaMahlangu, nabo ukwazi ukufaka isicelo kusuka Esikhwameni Sokunxephezelwa. eNingizimu Afrika lapho umthetho noma ingxenye yomthetho kuthiwe ayihambisani noMthethosisekelo, inkantolo ephakeme kunazo zonke ezweni, idinga ukuqinisekisa umyalo owenziwe yinkantolo encane.

Umthetho noma ingxenye yomthetho ayihambisani noMthethosisekelo uma ingahambisani noMthethosisekelo waseNingizimu Afrika.

uMthethosisekelo ungumthetho omkhulu wezwe, futhi ubeka amalungelo nemisebenzi yabantu abahlala eNingizimu Afrka.

Ngomhlaka 19 Novemba 2020 iNkantolo yoMthethosisekelo yaqinisekisa ukuthi umyalo omemezela ukuthi isibaga 1(xix)(v) se-COIDA asihambisani noMthethosisekelo. Inkantolo iphinde yanquma ukuthi lomyalo kufanele uqale ukusebenza futhi ubuyele emuva ngomhlaka 27 Ephreli 1994, okuwusuku okuqale ukusebenza ngalo uMthethosisekelo Wesikhashana.

SISHO UKITHINI ISINQUMO SENKANTOLO YOMTHETHOSISEKELO KUBASEBENZI BASENDLINI?

Abasebenzi basezindlini bambozwe yi-COIDA kusukela ngusuku okwakhishwa ngalo isnqumo. Bangathumela izimangalo uma kungenzeka bagule, balimalwe, bakhubazeke ngokubulawa kwengozi yokuphazamiseka emsembezini noma isifo esihlobene nomsebenzi. Kusho ukuthi labo basebenzi basendlini abahlushwa ukulimala akuhlobene nomsebenzi, izifo noma ukufa kusukela ngomhla ka-27 Ephreli 1994 nabo byakwazi ukuletha izicelo zabo.

Umnyango Wezokuqashwa Nezabasebenzi ukhiphe isitatimende esemukela lesi sinqumo esikhishwe yiNkantolo Yomthethosisekelo njengoba bese Isiqalile inqubo yokuchibiyela i-COIDA ukuze ibandakanye nabasebenzi basezindlini bazodinga ukufaka isandla eSikhwameni Sokunxephezela , uMnyango wathi uzokhipha imihlahlandlela ngalolu daba nokuthi uMnyango uzobhekana kanjani nokulimala okwedlule.

Ukuthola izibuyekezo nezimemezelo ngokufakwa kwabasebenzi basezindlini kwi-COIDA vakashela uMnyango Wezabasebenzi kanye Nethebula labezindaba emafasiteleni media desk. (Ideski Lemidiya)

Ngemininingwane yokhuthi abaqashi bangabhalisa kanjani futhi bakhokhe kanjani esikhwameni sokunxephezela kanye nenqubo Yokwenza izicelo zabasebenzi, vakashela imihlahlandlela yoMnyango Wezemisebenzi Ukunxephezelwa Kokulimala Emsebenzini Kanye Nezifo. Sicela wazi ukuthi lolu lwazi lungahle luphelelwe yisikhathi.

Ukuthola eminye imininingwane ngamalungelo abasebenzi eNingizimu Afrika, landa ifayela le- Domestic Workers' Rights: A Legal and Practical Guide eyenziwe iSocio-Economic Rights Institute yaseNingizimu Afrika (SERI).

For SERI Legal advice contact 011 356 5860 or email info@seri-sa.org

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