ISIBHENGEZO SOMBUTHO WAMAZWE WEZABASEBENZI (INTERNATIONAL LABOUR ORGANISATION) (ILO) SEMIGQALISELO NAMALUNGELO ESISEKO EMSEBENZINI NOLANDELISO LWASO *esamkelwe yiNkomfa yaMazwe yezeMisebenzi kwiNdibano yayo yaMashumi asibhozo anesithathu, eGeneva, ngomhla we- 18 kuJuni 1998*

ISBN 92-2110829-5

Ipapashwe okokuqala ngowe-1998

Amagama asetyenziswe kwizipapasho ze-ILO, ahambelana nesiqhelo seZizwe eziManyeneyo, kwaye ukubekwa kwemiba elapho akuxeli ukubekwa kwazo naziphi na izimvo kwicala leOfisi yaMazwe yezaBasebenzi (ILO) ngokubhekiselele kwimo yezomthetho yalo naliphi na ilizwe, ummandla okanye inqila okanye abaphathi balo, okanye malunga nokucandwa kwemida yalo.

Uxanduva lwezimvo eziveliswe kumanqaku asayinelweyo, izifundo namanye amagalelo lusemandleni ababhali bazo kuphela, ngako oko upapasho lwazo aluxeli ulwamkelo lwezimvo ezithethwe kuzo yiOfisi yaMazwe yezaBasebenzi.
Ukusetyenziswa kwamagama emizimveliso neemveliso zoshishino neenkonzo akuxeli ulwamkelo yiOfisi yaMazwe yezaBasebenzi, kwaye nakuphi na ukusilela ukuxela igama lomzimveliso othile, imveliso yezoshishino okanye inkonzo akulilo uphawu lokungamkeleki.

Izipapasho ze-ILO zingazuzwa kubathengisi beencwadi abakhulu okanye kwiiofisi zengingqi ze-ILO kumazwe amaninzi, okanye ngqo ngokuvela kule dilesi ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Iikhathalogu okanye amaphepha oludwe lwezipapasho ezintsha ayafumaneka simahla kwidilesi engentla.

Ishicilelwe eSwitzerland UBUGCISA

UKUBEKWA KODABA

Ngomhla we- 18 kuJuni 1998 uMbutho waMazwe wezaBasebenzi (ILO) wamkele isiBhengezo *seILO seMigqaliselo naMalungelo eSiseko eMsebenzini noLandeliso lwaso* eGeneva, kwaye ngaloo ndlela wamkela izinto ezicela umngeni zehlabathi ezithe zayintsusa yengxoxo-mpikiswano eninzi kwiILO ukususka ngowe- 1994. Nangona ubambiswano lwehlabathi lungumba wokukhula koqoqosho, kwaye ukukhula koqoqosho sisandulela esifunekayo senkqubela kwezentlalo, inyaniso ihlala ihleli ukuba lona ngokwalo alulingananga ukuqinisekisa inkqubela. Kufuneka lukhatshwe yimithetho ethile eliqedlana yesiseko yentlalo esekwe kumaxabiso afanayo ukuze bonke abanenxaxheba babange izabelo zabo ezifanelekileyo kubutyebi abancedise ukubakha.

Injongo yesiBhengezo kukulungelelanisa umnqweno wokukhuthaza iinzame zesizwe zokuqinisekisa ukuba inkqubela yezentlalo iyahambelana nenkqubela yezoqoqosho nentswelo yokuhlonipha ubumbaxa beemeko, amandla okwenza neminqweno yamazwe ngokuzimeleyo.

Inyathelo elisingisa kweli cala lenziwe eCopenhagen ngowe- 1995, xa iiNtloko zaMazwe nooRhulumente abahambele iNdibano yeHlabathi yoPhuhliso lweNtlalo besamkela ukuzinikela okukodwa kunye neNkqubo yokuSebenza ehambelana “namalungelo esiseko abasebenzi” – isithintelo sokusebenzisa ngokunyanzela nokusetyenziswa kwabantwana, inkululeko yokuzimanya, ilungelo lokuhlela nokuthethathethana ngokudibeneyo, umvuzo ofanayo womsebenzi wexabiso elifanayo kwakunye nokuphelisa ucalucalulo emsebenzini. Inkomfa yaBaphathiswa yoMbutho waMawe wezoRhwebo (WTO) eyayibanjelwe eSingapore ngowe- 1996 yabonelela ngethuba lenyathelo lesibini. Amazwe ahlaziye ukuzinikela kwawo ukugcina imiqathango yamazwe eyamkelweyo yeziseko zokusebenza, azikhumbuza ukuba iILO ngowona mbutho

ufanelekileyo ukumisela nokusebenza ngale miqathango aze aqinisekisa ngenkxaso yawo yemisebenzi yawo yokuphakamisa.

Ulwamkelo lwesiBhengezo lumisela inyathelo lesithathu. Lenza igalelo elibonakalayo lwenjongo ebonisiweyo kumhlathi wama-54(b) weNkqubo yokuSebenza eyamkelwe kwiNkomfa yaseCopenhagen, okulelokukhusela nokukhuthaza intlonipho yamalungelo esiseko abasebenzi, kwaye licela imibutho yaMazwe ahambelana neziVumelwano zeILO ukulisebenzisa ngokupheleleyo namanye amazwe nokuthathela ingqalelo imigqaliselo equlethwe lilo.

Indlela ekhoyo yokusebenzisa sele inikela ngeendlela zokuqinisekisa intsebenziso yeziVumelwano kuMazwe asele ezimisele. Kwaye malunga nalawo angekaqalisi, IsiBhengezo senza igalelo elibalulekileyo. Okokuqala, samkela ukuba aMalungu eILO, naxa engekamiseli iziVumelwano ezichaphazelekayo, anesibophelelo sokuhlonipha “ngentembeko entle nangokoMgaqosiseko, nemigqaliselo ehambelana namalungelo esiseko elawulwa yileyo yeziVumelwano.” Inqaku elilandelayo, kwaye eli licandelo lokuqala lolandeliso okubonelelwa ngalo kwiSihlomelo sesiBhengezo, lifuna ukufezekisa ezi njongo ngokusebenzisa indlela yesiseko ngalapho kunyaka ngamnye aMazwe angekamiseli iziseko zeziVumelwano ayakucelwa ukuba anikele ngeengxelo ngokuphathelele kwinkqubela esele ifikelelwe ekusebenziseni imigqaliselo equlethwe zizo.

Inqaku lokugqibela, ngokuzinikezela ngokupheleleyo ukudibanisa imithombo yokwabiwa kweemali zawo nefuthe lokunceda aMalungu awo ukufikelela iinjongo zeNkomfa yaseCopenhagen, uMbutho uyaqhubeka ukuncedisa. Oku kuzinikela kuya kuveliswa kwingxelo yehlabathi ngokubanzi, Nto leyo ilinqakwana lesibini lolandeliso elifunyanwa kwiSihlomelo. Le ngxelo yehlabathi ngokubanzi iya kunikela ngenkqubela ngokubanzi ekufikelelwe kuyo ngesithuba seminyaka emine edlulileyo kumazwe asele emisele iziseko zeziVumelwano kwakunye

nalawo angekenzi njalo, iyakusebenza njengesiseko sokuhlola impumelelo yomsebenzi owenziweyo ngesithuba seminyaka edlulileyo kwaye kube ngumba wokuqalisa izicwangciso zokusebenza ngokuphathelele kuncedo kwixesha elizayo.

Ngokwamkela isiBhengezo, iILO yamkela ukucela umngeni okwenziwa luluntu lwamazwe. Iseke inxalenye encinane yentlalo ephezulu kwihlabathi ngokubanzi ngenjongo yokujongana neenyaniso zokuba yinxalenye yehlabathi ngokubanzi kwaye ngaloo ndlela ingajonga phambili kwinkulungwane entsha ngethemba elivuselelweyo.

Michel Hansenne

ISIBHENGEZO SE-ILO SEMIGQALISELO NAMALUNGELO ESISEKO EMSEBENZINI

Njengoko iILO yasekwa ngenkolo enkulu yokuba ubulungisa kwezentlalo buyafuneka ukuze kufikelelwe kuxolo olungenaso isiphelo kwihlabathi liphela;

Njengoko ukukhula kwezoqoqosho kufuneka kodwa kunganelisi ukuqinisekisa ubulungisa, inkqubela kwezentlalo nokuphelisa ubuhlwempu, ukuqinisekisa intswelo yokuba iILO ikhuthaza imigaqonkqubo enamandla kwezentlalo, ubulungisa nemithombo yedimokhrasi;

Njengoko iILO ifanele ukuba kwilixa langoku ikakhulu ukwedlula ngamanye amaxesha, isebenzise zonke izimo zobunjani bayo, ukusetyenziswa kwezobuchwepheshe nakwimithombo yophando kuzo zonke iindawo zobugcisa bayo, ngokukodwa engqeshweni, kuqeqesho kwimisebenzi yezandla nakwiimeko zokusebenza, ukuqinisekisa ukuba kwiindaba zocwangciso zehlabathi ngokubanzi kwezoqoqosho nophuhliso lwezentlalo, imigaqonkqubo yezoqoqosho nezentlalo ngokudibeneyo yimiba eyomelezayo ngenjongo yokwakha uphuhliso olunesiseko esibanzi esinako ukuqhutyelwa phambili;

Njengoko iILO kufuneka inikele ngenkathalo eyodwa kwiingxaki zabantu abaneentswelo ezizodwa zentlalo, ngendlela eyodwa abantu abaswela umsebenzi nabasebenzi abasebenza kude namakhaya abo ngokuba ngabafuduki bethutyana nokudibanisa kwanokukhuthaza iinzame zamazwe ezenqila nezesizwe ezinenjongo yokusombulula iingxaki zawo, nokukhuthaza imigaqonkqubo eneziphumo ezijongene nokuvelisa imisebenzi;

Njengoko kumnqweno wokufuna ukulondoloza uqhagamshelwano phakathi kophuhliso lwezentlalo nokukhula koqoqosho, ingqinisekiso yemigqaliselo namalungelo esiseko emsebenzini zizinto ezibaluleke ngokukodwa kuba zinika abantu abachaphazelekayo amandla okubanga ngokukhululekileyo

nangaphantsi kwamathuba okufana kwisabelo sabo esinobulungisa kubutyebi abancedisileyo ukubuqokelela, nokufikelela ngokupheleleyo kumava abo okuphila;

Njengoko iILO ingumbutho wamazwe onikwe amandla ngokomthetho kwaye ingumbutho ofanelekileyo ukuseka nokusebenza nezimo zamazwe zomsebenzi, kwaye ufumana inkxaso yehlabathi liphela nolwamkelo lokukhuthaza amalungelo esiseko emsebenzini njengokuvelisa imigqaliselo yawo yomgaqosiseko;

Njengoko kungxamisekile kwimo ekhulayo yokuncedana kwezoqoqosho, ukomeleza ngendlela engenasiphelo imigqaliselo namalungelo esiseko aqulethwe nguMgaqosiseko woMbutho akhuthaza ukusetyenziswa kwawo kwihlabathi liphela;

Inkomfa yaMazwe yezaBasebenzi,

1. Ikhumbula:

    (a) Ukuba ngokuzihlanganisa ngokukhululekileyo neILO, onke aMalungu amkele imigqaliselo namalungelo asekwe kuMgaqosiseko wayo nesiBhengezo sasePhiladelphia, kwaye azimisele ukusebenzela ukufikelela iinjongo zoMbutho ngokubanzi ngokunoncedo kakhulu kwimithombo yawo nokuhambelana ngokupheleleyo nezimo zawo ezizodwa;
    (b) Ukuba le migqaliselo namalungelo axeliwe kwaye aphuhliswa ngendlela yamalungelo awodwa nezibophelelo zeziVumelwano ezamkelweyo njengezesiseko ngaphakathi nangaphandle koMbutho.

2. Inkomfa iBhengeza ukuba onke aMalungu, naxa engekamiseli iziVumelwano ezichaphazelekayo, aneemfanelo, ezizalwa nje sisizathu

sokuba ngaMalungu oMbutho, nto ezo kuzizibophelelo zokuhlonipha, ukukhuthaza nokwamkela, ngentembeko ngokuya ngokoMgaqosiseko, imigqaliselo ehambelana namalungelo esiseko alawulwa yileyo yoMgaqosiseko, nto ezo kuzezi zilandelayo:

(a) Inkululeko yokuzimanya nolwamkelo oluneziphumo lwamalungelo okudibanela iingxoxo zezibophelelo nezivumelwano;
(b) Ukuphelisa zonke iindlela zokusebenzisa ngokunyanzelisa okanye ngogonyamelo;
(c) Ukupheliswa okuneziphumo kokusetyenziswa kwabantwana;
(d) Ukupheliswa kocalucalulo ngokuphathelele kwingqesho nomsebenzi;

3. Yamkela izibophelelo zoMbutho zokunceda aMalungu awo, ngokuhambelana neentswelo zawo eziqatshelweyo nezixeliweyo, ukuze kufikelelwe ezi njongo ngokusebenzisa ngokupheleleyo lo mgaqosiseko wawo, imithombo yeenkonzo nolwabiwo lweemali, kwakunye nokusetyenziswa kwemithombo yamancedo yangaphandle kunye nenkxaso, kwakunye nokukhuthaza eminye imibutho yamazwe anonxulumano neILO, ngokuya ngokwesiqendu 12 soMgaqosiseko wayo, ukuxhasa ezi nzame:

(a) Ngokubonelela ngentsebenziswano kwezobuchwepheshe neenkonzo zokucebisa ukukhuthaza ukumiselwa nokusetyenziswa kweziVumelwano zesiseko;
(b) Ngokuncedisa loo Malungu angekabikho kwimeko yokumisela ezinye okanye zonke iziVumelwano kwimizamo yawo yokuhlonipha, ukukhuthaza nokwamkela imigqaliselo ehambelana namalungelo esiseko alawulwa zezo ziVumelwano; kwakunye
(c) Nokuncedisa aMalungu kwiinzame zawo zokwakha iimeko zophuhliso loqoqosho nentlalo.

4. Ifikelela isigqibo sokuba, ukufikelela isiphumo esigqibeleleyo sesi siBhengezo, ulandeliso olukhuthazayo, olunentsingiselo nesiphumo, siya kufezekiswa ngamanyathelo awodwa kwisihlomelo esilandelayo, esiya kuthatyathwa siyinxalenye edibeneyo yesi siBhengezo.

5. Sigxininisa ukuba iimeko zomsebenzi akufunekanga zisetyenziswe ngenjongo yokurhweba ngokukhusela kwanokuthi akukho nto kwesi siBhengezo nezilandeliso zaso eya kuveliswa okanye, ngenye indlela isetyenziswe ngeenjongo ezinjalo; ngaphezu koko, ukulunga okunokuthelekiswa kwalo naliphi na ilizwe akufunekanga ukuba nangayiphi na indlela kuphandwe sesi siBhengezo nezilandeliso zaso.

Isihlomelo

Ulandeliso lwesiBhengezo

I. INJONGO NGOKUBANZI

1. Injongo yolandeliso oluchaziweyo apha ngezantsi kukukhuthaza imizamo eyenziwa ngaMalungu oMbutho ukuphakamisa imigqaliselo namalungelo esiseko aqulethwe nguMgaqosiseko woMbutho waMazwe wezaBasebenzi nesiBhengezo sasePhiladelphia kwakunye nesiqinisekiso sesi siBhengezo.

2. Ukuhambelana nale njongo, njongo leyo ngokugqibeleleyo kuyeyendlela yokuphakamisa, esi silandeliso siya kuphawula ezo ndawo ziswela uncedo loMbutho ngemisebenzi yawo yokuncedisana yezobuchwepheshe enokubonakala inoncedo kuMalungu awo ukuwanceda ukumisela le migqaliselo namalungelo esiseko. Akuyonto ethathela indawo iindlela ezisekiweyo zokuhlola, okanye kona ukuphazamisa ukusebenza kwazo; ngeso sizathu, iimeko ezizodwa phantsi kwembono yaloo ndlela azingeke zihlolwe okanye ziphinde zihlolwe phantsi kocwangciso lolu landeliso.

3. Amanqaku amabini olu landeliso, achaziweyo apha ngezantsi, asekwe kwiindlela ezikhoyo zokusebenza: ulandeliso lonyaka nonyaka ngokuphathelele kwiziseko zesiVumelwano ezingeke zilungiswe eziya kuxela kuphela inguquko ethile yeendlela zangoku zokusebenza kwesiqendu 19, somhlathi 5(e) soMgaqosiseko; kwaye ingxelo yehlabathi iya kusebenza ukuzuza iziphumo ezintle kakhulu kwiindlela ezisetyenzisiweyo ngokoMgaqosiseko.

II. ULANDELISO LONYAKA NONYAKA NGOKUPHATHELELE KWIZISEKO ZEZIVUMELWANO EZINGEKE ZILUNGISWE

A. Injongo nendima

1. Injongo kukubonelela ngethuba lokuhlaziya unyaka nonyaka, ngendlela yentsebenzo eyenziwe lula ukuthathela indawo ukuhlola kweminyaka emine esetyenziswe ukusuka ngowe- 1999 liBhunga eliLawulayo, iinzame ezenziwe ngokwesiBhengezo saMalungu angekalungisi zonke iziseko zeziVumelwano.
2. Ulandeliso luya kuquka unyaka ngamnye endaweni yamacandelo amane emigqaliselo namalungelo esiseko aphawuliweyo kwisiBhengezo.

B. Iindlela zokusebenza

1. Ulandeliso luya kusekwa phezu kweengxelo ezicelwa kuMalungu phantsi kwesiqendu se- 19 umhlathi wesi 5(e), soMgaqosiseko. Iifomu ziya kucwangciswa ngenjongo yokufumana ulwazi kumazwe angekalungisi inqaku elinye okanye amaninzi eziVumelwano zesiseko, malunga naziphi na nje iinguquko ezithe zakhona emthethweni nasekusebenzeni, kuthathelwa ingqalelo isiqendu sama- 25 soMgaqosiseko nendlela yokusebenza emiselweyo.
2. Ezi ngxelo, njengoko ziqokelelwe yiOfisi, ziya kuphinda ziphononongwe liBhunga eliLawulayo.
3. Ngenjongo yokubonelela ngesingeniso kwiingxelo eziqokelelweyo, nokwenza ingqapheliso yayo nayiphi na into efuma ingxoxo enzulu, iOfisi ingamema iqela lezazi ezalathelwe liBhunga eliLawulayo ngokubhekiselele kule njongo.
4. Iinguquko kwindlela ekhoyo yokusebenza yeBhunga eliLawulayo kufuneka zihlolwe ukuvumela aMalungu angenabo abameli kwiBhunga eliLawulayo ukubonelela ngendlela efaneleke kakhulu, iingcaciso

ezinokukhangeleka zifuneka okanye zinoncedo ngethuba leengxoxo zeBhunga eliLawulayo ukugcwalisela kulwazi oluqulethwe ziingxelo zawo.

III. INGXELO YEHLABATHI NGOKUBANZI

A. Injongo nendima

1. Injongo yale ngxelo kukubonelela ngomfanekiso oguquguqukayo wehlabathi malunga neqela ngalinye lemigqaliselo namalungelo esiseko axeliweyo ngethuba leminyaka emine eyandulelayo, kwaye iya kusebenza njengesiseko sokuhlola ukuba nesiphumo koncedo olubonelelwa nguMbutho, nokufikelela amanqaku abalulekileyo malunga nexesha elilandelayo, ngendlela yezicwangciso ezisebenzayo zokusebenzisa ubuchwepheshe ecwangciswe ngokukodwa ukudibanisa iinkxaso zangaphakathi nezangaphandle ezifunekayo ukuziphuhlisa.
2. Ingxelo iya kuquka, unyaka nonyaka, elinye lamaqela amane emigqaliselo namalungelo esiseko ngokulandelelana.

B. Iindlela zokusebenza

1. Ingxelo iya kucwangciswa phantsi kweliso loMphathi-Jikelele phantsi kolwazi olwamkelekileyo ngokusemthethweni, okanye ngolwazi oluqokelelweyo kwaye lahlolwa ngokweendlela ezimiselweyo zokusebenza. Ngokuphathelele kuMazwe angekalungisi iziVumelwano zesiseko, ziya kusekwa ngokukodwa kwiinguquko zolandeliso lonyaka nonyaka oluxeliweyo ngentla. Ngokubhekiselele kuMalungu asele ezilungisile iziVumelwano ezichaphazelekayo, ingxelo iya kusekwa ngokukodwa phezu kweengxelo njengoko zisenziwa ngokwesiqendu sama-22 soMgaqosiseko.
2. Le ngxelo iya kuziswa kwiNkomfa ukulungiselela iingxoxo ezichaphazela amacandelo amathathu njengengxelo yoMphathi-Jikelele, iNkomfa

ingasebenza ngale ngxelo ngokwahlukileyo kwezinye iingxelo phantsi kwesiqendu se-12 seMiyalelo yayo esiSigxina, kwaye kungaxoxwa ngayo ngexesha elibekelwe bucala ngokukodwa ukulungiselela le ngxelo okanye umsebenzi weBhunga eliLawulayo, kwintlanganiso yokuqala, liya kufikelela izigqibo ezivela kwezi ngxoxo malunga nezinto ezibalulekileyo nezicwangciso zokusebenza ngokuphathelele kwintsebenzisano kwezobuchwepheshe obufanele ukusetyenziswa kwisithuba seminyaka emine elandelayo.

IV. **KUYAVISISWA UKUBA:**

1. Izindululo zizakwenziwa ngokuphathelele kwiinguquko kwiMiyalelo esiSigxina yeBhunga eliLawulayo neNkomfa nto, ezo zifunekayo malunga nokusebenzisa izibonelelelo ezandulelayo.
2. INkomfa, iza kuphinda ihlole ukusebenza kolu landeliso ukulandela amava azuziweyo okuhlola ukuba ingaba yanelise ngokulingeneyo injongo ngokubanzi exeliweyo kwiCandelo I.

Iindaba ezingentla sisiBhengezo seILO seMigqaliselo naMalungelo eSiseko eMsebenzini noLandeliso, esamkelwe kwiNkomfa eVuliweyo yoMbutho waMazwe wezaBasebenzi kwiNtlanganiso yawo yaMashumi asibhozo anesithandathu ebe ibanjelwe eGeneva yaze yapapashwa ivaliwe ngomhla we-18 kuJuni we-1998.

NGOKUBA NETHEMBA KOKO sityikitye iintsayinogama zethu ngalo mhla weshumi elinethoba kuJuni 1998.

uMongameli weNkomfa
JEAN – JACQUES OECHSLIN
uMphathi-Jikelele woMbutho waMazwe wezaBasebenzi
MICHEL HANSENNE