IsiZulu

UMQULU OYISIMEMEZELO SE-ILO SEMIMISO MIGOMO ENZULU KANYE NAMALUNGELO EMSEBENZINI KANYE NOKULANDELELA

Semukelwa kwiNkomfa yezokuSebenza yaMazwe ngamazwe okwabe kungukuhlangana kwamashumi ayisishiyagalombili nesithupha, mhla zingu 18 ku Juni ka 1998

ISBN 92-2-110829-5

Ishicilelwe okokuqala ngo 1998

Izikhundla ezisetshenziswe kwizishicilelo ze-ILO, ezihambisana nenqubo ye-United Nations, kanye nokwethulwa kwemibhalo ekhona lapho akuchazi imibono yeHhovisi lezokuSebenza kuMazwe ngamazwe maqondana nesikhundla sanoma yiliphi ilizwe, indawo noma umhlaba noma iziphathimandla zawo, noma maqondana nokunqunyelwa kwemingcele yalo.

Ababhali yibo ababhekene nemibono yemibhalo, izifundo kanjalo nokunye ukufaka esivivaneni semibhalo yabo, kanti nokushicilela akusho ukuthi iHhovisi laMazwe ngamazwe kwezokuSebenza liyavumelana nemibono ebhaliwe.

Ukukhuluma ngamagama amafemu kanye nemikhiqizo yezohwebo kanye nezinqubo zakhona akusho ukuthi kuyavumelana ne- Hhovisi laMazwe ngamazwe kwezokuSebenza, kanti ukungabaluli ifemu ethize, umkhiqizo othize wezohwebo noma inqubo ethize akuchazi ukungavumelani.

Izishicilelo ze-ILO ziyatholakala ezitolo ezinkulu zezincwadi noma emahhovisi e-ILO aseduze nawe emazweni amaningi, noma uzitholele ngqo kubaShicileli be-ILO, eHhovisi laMazwe ngamazwe kwezokuSebenza (International Labour Office), CH-1211 Geneva 22, Switzerland. Izincwajana noma uluhlu lwemibhalo emisha kuyatholakala mahhala kule likheli elingenhla.

Ibhalwe e-Switzerland

ISETHULO

Mhla ziwu 18 ku Juni 1999 Inhlangano yezokuSebenza yaMazwe ngamazwe yemukela uMqulu oyisiMemezelo (isiMemezelo) se-ILO *kuMimimiso-migomo Enzulu kanye namaLungelo eMsebenzini kanye nokuLandelela* e-Geneva, ngaleyo ndlela-ke yathabatha inselele yokungenela umhlaba wonkana okuyinto eseyikhulume yagxila kakhulu kuyo i-ILO kusukela ngo 1994. Nakuba ukwenaba nomhlaba wonke kumayelana nokukhula kwezomnotho, ukukhula kwezomnotho kuyisidingongqangi senqubekela phambili kwezokuhlalisana, khona kukodwa kungeqinisekise ukuthi inqubekela phambili izoba khona. Kufanele kuhambisane nemithetho yenqubo emileyo kwezokuhlalisana enesisekelo sobugugu esinomfaniselwano ukuze bonke labo ababambe iqhaza bakwazi ukuthola ingxenye yabo kwezomnotho ngokufaka kwabo esivivaneni.

Inhloso yale siMemezelo ukuthi kube nokuhambisana phakathi kwesifiso sokukhuthaza imizamo yesizwe ukuqinisekisa ukuthi inqubekela phambili kwezokuhlalisana iyahambisana nenqubekela phambili kwezomnotho kanye nesidingo sokuhlonipha ukwahlukahluka kwezimo ngezimo, okunokwenzeka kanye nokuzikhethela ngokwamazwe ngamazwe.

Isinyathelo sokuqala kulokhu sathathwa e-Copenhagen ngo 1995, ngesikhathi abayizinhloko zeMibuso kanye noHulumeni ababethamele iNqunquthela yoMhlaba yokuThuthukisa eZokuhlalisana (World Summit for Social Development)

yemukela ukuzinikela ngqo kanye noHlelo lokuZokwenziwa maqondana “namalungelo angumsuka ezokusebenza” – ukungavumeleki ukuphoqwa ukusebenza kanye nokusebenza kwabantwana, ukuzimbandakanya okukhululekile, ilungelo lokugqugquzelela nokuxoxisana okuhlanganyele, nenkokhelo elinganayo nomsebenzi ofanayo ubunqala bawo kanye nokuqedwa kobandlululo ekuqashaneni. Inkomfa yoNgqongqoshe i-WTO (WTO Ministerial Conference) eyayibanjwe e-Singapore ngo 1996 yabe isiveza ithuba lokuthi kuthathwe isinyathelo sesibili. ImiBuso yakuvuselela ukuzinikela kwayo ukugcina amazinga angumongo wezokusebenza namukelekile emazweni omhlaba, yakhumbula ukuthi i-ILO iyona nhlangano egunyazekile ukubhekana nalamazinga futhi yaphinda yakugcizelela ukweseka kwayo imisebenzi yokuwakhuphula la mazinga.

Ukwamukelwa kwesiMemezelo kwaba yisinyathelo sesithathu. Kubambe iqhaza elinzulu kuzinhloso ezibekiwe esigabeni 54(b) soHlelo lweZinyathelo olwamukelwa kwiNgqungquthela yase-Copenhagen, okufanele iqikelele futhi ikhuthaze ukuhlonishwa kwamalungelo ayimisuka abasebenzi, ezicela amaqembu emiBuso ahambisana neziVumelwano ze-ILO ukuthi mawalandele futhi asebenzise la malungelo kanti neminye futhi imiBuso iyibhekelele inqubo-migomo eyenganyelwe yilawo malungelo.

Le nqubo ekhona yokuqikelela iyona eseyivele iphakela indlela yokuqinisekisa ukusetshenziswa kweziVumelwano (Conventions) kwimiBuso ezamukelile. Kanti kuleyo miBuso engakakwenzi lokho, le siMemezelo siyiqhaza elisha. Okokuqala kuyemukeleka ukuthi amaLungu e-ILO, ngisho noma ebengakazamukeli iziVumelwano okukhulunywa ngazo, ibophekile ukuzihlonipha “ngokuthembeka nangokuhambisanayo noMthethosisekelo, okuyimimiso-migomo emayelana namalungelo anzulu okuyiwona lezo ziVumelwano zimaqondana nawo”. Okulandelayo, futhi lokhu kuyindlela yokuqala yokulandelela nephakeliwe kwisiXhumelo (Annex) soMqulu wesiMemezelo, uqonde ukufinyelela kokusophiwe ngokusebenzisa inqubo ehlukile ye-ILO ngokuthi unyaka nonyaka imiBuso engasemukelile isiVumelwano esingumongo iyocelwa ukuthi ilethe imibiko echaza inqubekela phambili eseyenziwe ukusebenzisa nokulandela imimiso-migomo equkethwe yiziVumelwano.

Okokugcina, ngokuzinikela okuzothile ekusebenziseni umnotho wolwabiwo-mali kanye nomthelela ukusiza amaLungu ukuthi afinyelele kuzinjongo zeNgqungquthela yase-Copenhagen, inhlangano iyobe seyithathe elinye igxathi eliqhubekela phambili. Lokhu kuzinikela kuyobonakala kumbiko ongujikelele, okuwuhlobo lwesibili lokulandelela olufakiwe kwisiXhumelo. Umbiko ongujikelele uyokwenza ukuthi kubuyekezwe inqubekela phambili ebekhona esikhathini esiyiminyaka emine kumazwe awemukelile umongo wesiVumelwano kanye nakumazwe angawemukelanga, lokho kuyosebenza njengesisekelo sokukala ukuphumelela kwesinyatheloesithathiwe esikhathini esedlule kanti futhi kube yilona phuzu okuqalwa kulo ukusiza esikhathini esizayo.

Ngokwamukela le siMemezelo, i-ILO iyithathile inselele eyinikezwe umphakathi wamazwe ngamazwe. Seyiqale umphakathi omncinyane ezingeni lomhlaba ukusabela esimweni sinjengoba sinjalo emhlabeni wonkana futhi isingakwazi manje ukubheka phambili eminyakeni eyikhulu ezayo ezoqala futhi lokho ikwenze ngethemba elinokuvuseleleka.

Michael Hansenne

UMQULU WESIMEMEZELO SE-ILO
KUMIMISO-MIGOMO ENZULU
KANYE NAMALUNGELO EMSEBENZINI

Njengokuba i-ILO yasungulwa ngenkolelo yokuthi ubulungiswa buyadingeka ukuze kube noxolo oluphelele nolungapheliyo;

Njengokuba ukukhula kwezomnotho kudingeka kepha kungenele ukubhekana nokwabelana ngokuyiqiniso, inqubekela phambili kwezokuhlalisana kanye nokukhucululwa kobuphofu, ukugcizelela isidingo sokuthi i-ILo mayigqugquzelele imithetho-migomo yokuhlalisana, ubulungiswa kanye nezikhungo zentando yeningi okusimeme;

Njengokuba i-ILO kufanele, njengamanje kakhulu kunakuqala, ithathe isebenzise kuwo wonke amazinga ayo, ukubambisana kobuchwepheshe nomnotho wocwaningo kuyo yonke imikhakha yayo eyimpumelelo, ikakhulukazi ukuqashana, uqeqesho kwezemisebenzi kanye nezimo zokusebenza, ukuqinisekisa ukuthi, kwinqikithi yamasu omhlaba ngezomnotho nokuthuthuka kwezokuhlalisana, imithetho-migomo yezomnotho nezokuhlalisana iyakuvumelana ukugcizelela ukwakheka nokusebenzela intuthuko ebanzi nesimeme;

Njengokuba i-ILO kufanele ibhekelele ikakhulukazi izinkinga zabantu abanezidingo ezahlukile kwezokuhlalisana, ikakhulukazi labo abangaqashiwe kanye nabasebenzi abafudukele umsebenzi, igqugquzelele futhi ikhuthaze imizamo ngokusezingeni lamazwe ngamazwe, esifunda

sezwe nangokukazwelonke ngenhloso yokuxazulula izinkinga zabo, futhi kukhuthazwe imithetho-migomo esophe ukwakha amathuba emisebenzi;

Njengokuba, ngesikhathi ifuna izindlela zokugcina ubudlelwano phakathi kwenqubekela phambili kwezokuhlalisana nokukhula kwezomnotho, isiqiniseko semimiso-migomo enzulu emsebenzini yinto ebaluleke kakhulu ngoba kwenza ukuthi labo bantu abathintekayo bafune izimfuno ezilinganayo nezibafanele ngokuneqiniso nangokukhululeka okunesisekelo sokulingana nokufanana kwamathuba ngokufaka kwabo isandla emnothweni owakhekile, futhi bakhule ngokwamandla abo oluntu nabo ngokuphelele;

Njengokuba i-ILO iyinhlangano yamazwe ngamazwe egunyaziwe ngokomthethosisekelo futhi iyinhlangano enamandla ukubeka amazinga ezokusebenza futhi iwabhekelele, futhi ithi yesekwa umhlaba wonke ibe yamukelekile ukuthi ikhuthaze amalungelo anzulu emsebenzini kube yisona siqubulo sommiso-mgomo esihambisana nomthethosisekelo wayo;

Njengokuba kuphuthuma, esimweni esinomnotho okhula ngokuncikene, ukuthi kugcizelelwe isimo esingeguquke semimiso-migomo enzulu kanye namalungelo asingethwe uMthethosisekelo weNhlangano nokukhuthaza ukusebenza kwawo emhlabeni jikelele;

INkomfa yaMazwe ngamazwe yezokuSebenza,

1. Ikhumbula:

   (a) ukuthi ngokujoyina i-ILO, onke amalungu ayamukelile imimiso-migomo namalungelo abekiwe kuMthethosisekelo wayo nakuMqulu wesiMemezelo sase-Philadelphia, futhi azithabathele ukwenza ngawo wonke amandla ukufinyelela kuzo zonke izinjongo zeNhlangano futhi ngokuhambisanayo ngokuphelele nezimo zabo ngqo.

   (b) Ukuthi lemimiso-migomo kanye namalungelo kuphimiswe ngamagama futhi kwathuthukiswa kwaba ngamalungelo athize kanye nezibophezelo kwiziVumelwano ezamukeleke njengezinzulu ngaphakathi nangaphandle kweNhlangano.

2. Iyamemezela ukuthi onke amaLungu, noma ngabe awakasamukeli isiVumelwano okukhulunywa ngaso, anesibophezelo, esikhona ngenxa nje yobulungu kwiNhlangano, ukuthi ahloniphe, akhuthaze futhi agcine, ukwethembeka okuhambisanayo noMthethosisekelo, imimiso-migomo emaqondana namalungelo anzulu okuyiwo eyisihloko salezo ziVumelwano, ezibala:

   (a) ukukhululeka ukuzimbandakanya nokwamukela ngokubonakalayo ilungelo lokuxoxisana ngokuhlanganyele;

   (b) ukuqedwa kwazo zonke izinhlobo zokusebenza okuphoqelekile;

   (c) ukuqeda ngempumelelo ukusebenza kwabantwana; kanye

   (d) nokuqedwa kobandlululo maqondana nokuqashana kanye nemisebenzi.

3. Iyasemukela isibophezelo seNhlangano ukuthi isize amaLungu ayo, ukusabela kwizidingo ezivele zikhona

nezishiwo yiwo amalungu, ukuze afinyelele kulezo zimpokophelo ngokusebenzisa onke amandla omnotho ngokomthethosisekelo, ngokusebenza ngokolwabiwo-mali, okumbandakanya nokugqugquzelela iminotho nokwesekwa kwangaphakathi nokuqhamuka ngaphandle, nangokukhuthaza ezinye iznhlangano zamazwe ngamazwe i-ILO ebeseyivele ibakhile ubudlelwano nazo, ngokulandela isigaba 12 soMthethosisekelo wayo, ukuthi iyeseke le mizamo:

(a) ngokunikeza usizo lwobuchwepheshe bokubambisana kanye nezinsiza zokwaluleka ukukhuthaza ukwamukelwa nokulandelwa kweziVumelwano ezinzulu;

(b) ngokusiza lawo malungu angakabi sesimweni sokuthi angemukela iziVumelwano ezithize noma zonke ngemizamo yokuhlonipha, ukukhuthaza nokugcina imimiso-migomo emaqondana namalungelo anzulu okuyiwona eyisihloko salezo ziVumelwano; kanye

(c) nangokusiza amaLungu emizamweni yawo yokwakha isimo esivumela ukuthuthuka kwezomnotho nakwezokuhlalisana.

4. Iyanquma ukuthi, ukuze lesiMemezelo siphumelele ngokuphelele, kufanele kube nokulandelela kokukhuthaza, okunesigqi nempulelelo, okufanele kulandelwe ngokuhambisanayo nezinqumo ezichaziwe kusiXhumelo esilapha, okufanele sithathwe njengengxenye ehambisanayo nale siMemezelo.

5. Iyagcizelela ukuthi amazinga ezokusebenza akufanele asetshenziselwe ukuvikela uhwebo lwabathize kuphela, nokuthi akukho lutho kule siMemezelo nasekulandeleleni okuyosetshenziselwa lokho; ukwengeza, okuhle okuqhathanisekayo kwanoma yiliphi izwe akufanele ukuthi le siVumelwano nokulandelela kube nokukusola okuthize.

OkuXhunyelwe

Ukulandelela uMqulu wesiVumelwano

I. IMPOKOPHELO IYONKE

1. okusophiwe ngokulandelela okulapha ngezansi ukukhuthaza imizamo eyenziwe amaLungu eNhlangano ukugqugquzelela imimiso-migomo enzulu namalungelo aqukethwe uMthethosisekelo we-ILO nesiMemezelo sase-Philadephia wase ugcizelelwa kule siMemezelo.

2. Ngokuhambisanayo nalempokophelo, okugqugquzelela kuphela, lokhu kulandelela kuyosiza ukuthola izindima ezidinga usizo lweNhlangano ngokubambisana ngokobuchwepheshe okuyoletha usizo kumaLungu ayo ukuze alandele le mimiso-migomo namalungelo anzulu. Lokhu-ke akungeni esikhundleni samasu asimeme okuqapha, futhi akuzukukhubaza ukusebenza kwawo; ngakho-ke izimo ezithize ezikulezo zindlela zokwenza akufanele zihlolwe noma ziphinde zihlolwe kuloluhlaka lokulandelela.

3. Izindlela ezimbili zokulandelela, okuchaziwe lapha ngezansi, kuphezu kwesisekelo sezinqubo ezikhona: ukulandelela kwaminyaka yonke okumayelana neziVumelwano ezinzulu ezingamukeliwe okuyoba nje ukujwayela izinqubo zokusetshenziswa ezikhona zesigaba 19, isigatshana 5(e), soMthethosisekelo; kanye nombiko ongujikelele oyosiza ukuthola imiphumela engcono kakhulu kwinqubo elandelwe ngokoMthethosisekelo.

II. UKULANDELELA KWAMINYAKA YONKE MAQONDANA NEZIVUMELWANO EZINZULU EZINGAMUKELIWE

A. Okusophiwe nendima

1. Okusophiwe ukuveza ithuba lokubuyekeza minyaka yonke, ngendlela yenqubo eyenziwe lula esikhundleni sokubuyekeza njalo eminyakeni emine okwangeniswa yisiGungu esiPhethe ngo 1995, imizamo eyenziwe amaLungu ngokwesiMemezelo abengakemukeli zonke iziVumelwano ezinzulu.

2. Ukulandelela kuyokwengamela imikhakha emine yemimiso-migomo enzulu kanye namalungelo achaziwe kwiziVumelwano.

B. Imithetho yeNqubo

1. Ukulandelela kuyoba phezu kwesisekelo semibiko eceliwe kumaLungu ngokwesigaba 19, isigatshana 5(e), soMthethosisekelo. Kuzokwenziwa amafomu ombiko ukuze kutholakale imininingwane kohulumeni abangakazemukeli iziVumelwano ezinzulu ezithize, nganoma yiluphi ushintsho okungenzeka ukuthi lwenzekile emthethweni noma kwinqubo, kube kubhekelelwa isigaba 23 soMthethosisekelo kanye nenqubo emileyo.

2. Le mibiko, ehlanganiswe yiHhovisi, iyobuyekezwa yisiGungu esiPhethe.

3. Ngenhloso yokwethula isingeniso semibiko ehlanganisiwe, iHhovisi lingase licele iqembu longoti abazobe beqokwe yisiGungu esiPhethe ukuze kugxilwe kwizihloko ezingase zidinge ukudingidwa ngokunzulu.

4. Kufanele kuhlolwe ukubuyekeza okwenziwe kwinqubo yesiGungu esiPhethe ukuze amaLungu angamelelwe kwisiGungu esiPhethe akwazi, ukuthi ngendlela efanelekile, anikeze incazelo okungase kutholakale ukuthi iyadingeka noma ilusizo ngesikhathi isiGungu esiPhethe siphezu kwezingxoxo ukwengeza imininingwane yemibiko.

UMBIKO ONGUJIKELELE

A. Okusophiwe nendima

1. Okusophiwe ngalombiko ukuveza isithombe esikhona nesingujikelele esimayelana nalolo nalolo hlobo lommiso-mgomo namalungelo anzulu okuyiwo eqoshwe esikhathini esiyiminyaka emine edlule, futhi kube yiso esikhombisayo ukuthi iNhlangano usizo lwayo lube yimpumelelo yini, nokubonelela izinto okufanele zibekwe phambili esikhathini esizayo, ngendlela yokuhlelela izinyathelo ezizothathwa kubambiswano oluwubuchwepheshe olwakhelwe ikakhulukazi ukugqugquzelela iminotho edingekayo yangaphakathi neyangaphandle ekuthatheni lezo zinyathelo.

2. Unyaka nonyaka, umbiko uzokwengamela, ngokushintshisana, umkhakha owodwa kwemine kumimiso-migomo namalungelo anzulu.

B. Imithetho yeNqubo

1. Ukubhalwa kombiko kuyoba semahlombe kaMqondisi-Jikelele futhi kuyoba phezu kwesisekelo solwazi,

noma ulwazi oluqoqwe lwahlolwa ngokwenqubo emileyo. Maqondana nemiBuso engakazemukeli iziVumelwano ezinzulu, kuyoba phezu kwesisekelo sokutholakale ikakhulukazi ngokulandelela konyaka osekuchaziwe ngako. Maqondana namaLungu asezamukelile iziVumelwano lezo, umbiko uyoba phezu kwesisekelo semibiko edingidwe ngokwesigaba 22 soMthethosisekelo.

2. Lo mbiko uyobe sewudluliselwa kwiNkomfa yokuxoxisana kubuthathu njengombiko kaMqondisi-Jikelele. Inkomfa ingase iwuthathe iwudingide wodwa lombiko ingawuhlanganisi naleyo engaphansi kwesigaba 12 seMithetho eMileyo, futhi ingaxoxisana ngawo ngesikhathi ihlanganele ukudingida lo mbiko kuphela, nanoma ingayiphi enye indlela efanelekile. Emveni kwalokho kuyoba sezandleni zesiGundu esiPhethe, ekuhlaleni kokuqala okulandelayo, ukuthi senze isiphetho ngale zongxoxo ezimaqondana nokubekwe phambili kanye nezinhlelo zezinyathelo zobambiswano lobuchwepheshe okufanele zisetshenziswe esikhathini esiyiminyaka emine elandelayo.

IV. KUYAQONDAKALA UKUTHI

1. Kufanele kwenziwe iziphakamiso zezichibiyelo zeMithetho Emileyo yesiGungu esiPhethe kanye neNkomfa okufanele kusebenzise imithetho eyandulele.

2. Inkomfa kufanele, ekuhambeni kwesikhathi, ibuyekeze ukusebenza kwalokhu kulandelela ngokuhambelanayo nesipiliyoni esitholakele ukuhlola ukuthi ikwazile yini ukugcina konke okuphokophelelwe nokubekiwe kwiNgxenye I.

Lokhu okungenhla kunguMqulu wesiMemezelo se-ILO semimiso-migomo namalungelo anzulu eMsebenzini kanye nokuLandelela kwakhona okwemukelwa yiNkomfa enguJikelele yeNhlangano yamazwe ngamazwe (Generala Conference of the International Labour Organisations) ekuHlanganeni kwesikhawu samaShumi ayiSishiyagalombili nesithupha okwawubanjelwe e-Geneva okwaphethwa ngokusemthethweni mhlaziwu 18 ku Juni ka 1998.

NGOKUKHOLELWA KUKHO sisayindile ekugcineni kwalapha ngalolusuku lomhla ziyishumi nesishiyagalolunye ku Juni ka 1998.

Umongameli weNkomfa,

JEAN-JACQUES OECHSLIN

UMqondisi-Jikelele weHhovisi lezokuSebenza laMazwe ngamazwe

MICHEL HANSENNE