

Siswati

SIMEMETELO SE-ILO

NGEMIGOMO NEMALUNGELO

LASISEKELO EMSEBENTINI

KANYE

NEKULANDZELWA

KWAKAMUVA KWASO

semukelwe

yiKhomfa yeTemisebenti kuMhlabawonkhe

eKuhlaleni kwayo kweMashumi laSiphohlango neSifupha,

eJiniva, ngamhlaka 18 Juni 1998

SETFULO

Ngamhlaka 18 Juni 1998 Inhlango yeTemisebenti yaMhlabawonkhe yemukela *Simemetelo se-ILO ngeMigomo neMalungelo laSisekelo eMsebenini kanye neKulandzelwa kwakamuva kwaso* eJiniva, ngaloko yatsatsa tincabhayi tekubeka ezingeni lamhlabawonkhe lebetiloku tingumnyombo wekucocisana lokudze ngekhatsi ku-ILO kusukela nga-1994. Nanobe kubeka ezingeni lamhlabawonkhe kungumzila wekukhula kutemnotfo, kantsi kukhula kutemnotfo ngungcaphambili kunchubekelebili kutenhlalakahle, intfo leloku imile ngukutsi kona ngekwako akukeneli ekucinisekiseni leyo nchubekelebili. Kumele kuhambisane netimisomtsetfo letitsite letisisekelo kutenhlalakahle letesekeleke kutimiso letivamile khona kutawentiwa kutsi bonkhe labambandzakanyekako bakwati kutfole isheya yabo lenebulungiswa kumcebo lebafake ligalelo ekuwubutseni.

Inhloso yaleSimemetelo kuletsa kubuyisana emkhatsini wesifiso sekuvuselela imitamo yavelonkhe yekucinisekisa kutsi inchubekelebili kutenhlalakahle ihambisana nenchubekelebili kutemnotfo kanye nesidzingo sekuhlonipha kwehlukahlukana kwetimo, tintfo letingahle tenteke kanye nekutikhetsela kwemave ngalinye ngalinye.

Sinyatselo sekucala kuloluhlangotsi satsatfwa eCopenhagen nga-1995, ngalesikhatsi tiNhloko teMbuso naHulumende letihambele uMhlangano waMhlabawonkhe kuteKutfufukiswa kweTenhlalakahle temukela kutibopha lokutsite kanye neLuhlelo lweKusebenta mayelana “nemalungelo ebasebenti lasisekelo” – kwencatjelwa kwekusetjentiswa ngenkhani kanye nekusetjentiswa kwebantfwana, lilungelo lekuhlanyela, lilungelo lekuhlelebisa nekubonisana ngenhloso yekuzuza ngekuhlanyela, kuholelwa ngalokulinganako ngemsebenti welinani lelilinganako kanye nekucedvwa kwekubandlulula emsebentini. IKhomfa yeTindvuna

Lishicilelwe kwekucala nga-1998

Letimiswa letisetjentiswa kumashicilelo e-ILO, lahambisana nenkhambiso yeNhlango yaMhlabuhlangene, kanye nekweffulwa kwalokutsite kuwo atibonisi umbono nobe lonjani ngasecadzini leliHhovisi leTemisebenti kuMhlabawonkhe mayelana nekuma kwanobe nguliphi live, indzawo nobe sicheme nobe labasemagunyeni lapho, nobe mayelana nekuncishiswa kwemincele yalo.

Kutiphendvulela mayelana nembono lovetwe etindzabeni letisayindiwe, tifundvo nobe emagalelo kusemahlombe kuphela ebabhali bako, kantsi kushicilelwa akusho kucinisekiswa liHhovisi leTemisebenti kuMhlabawonkhe kwalemibono levetwe lapho. Lapho kucondziswe emagameni emafemu nemikhicito yetekuhweba netinhlelo akusho kucinisekiswa liHhovisi leTemisebenti kuMhlabawonkhe, kantsi kwehluleka kusho ifemu letsite, umkhicito wetekuhweba nobe luhlelo akusilo luphawu lwekucitsa.

Emashicilelo e-ILO angatfolwa kubatsengisi bemabhuku labagcamile nobe emahhovisi e-ILO etigodzi emaveni lamanyenti, nobe ngco ku-ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Emakhathalogi nobe emahlu emashicilelo lamasha ayatfolakala mahhala kulelikheli lelingenhla.

Lingcivitwe eSwitzerland

ye-WTO leyabanjwa eSingapore nga-1996 ibe seyinketa litfuba lesinyatselo sesibili lokumele sitsatfwe. IMibuso iphindze yavuselela kutibopha kwayo ekulandzeleni emazinga langumnyombo kutemisebenti lahlonishwa kumhlabawonkhe, yakhunjutwa kutsi i-ILO nguwo umtimba lofanele wekumisa uphindze usebente ngalamazinga yaphindze yacinisekisa kwesekela imisebenti yalenhlangano ekutfufukiseni lamazinga.

Kwemukelwa kwaleSimemetelo kube sinyatselo sesitsatfu. Kube ligalelo leligcamile kulenhloso lemiswe kundzima 54(b) seLuhlelo lweKusebenta lolwemukelwe kuMhlangano waseCopenhagen, lekungukuvikela kuphindze kutfutukiswe kuhlonishwa kwemalungelo ebasebenti lasisekelo, kucela iMibuso lengemacembu ngalokufanako eTivumelwano te-ILO kutsi itisebentise ngalokuphelele kanye naleminyane iMibuso kutsi inake lemigomo lebhawwe kuto.

Loluhlelo loseluvele lukhona lwekucapha luniketa indlela yokucinisekisa kusetjentiswa kweTivumelwano kuleMibuso leseiyitamukele. Kuleyo Mibuso leiyisengakatemukeli, leSimemetelo sifaka ligalelo lelisha lelibalulekile. Kwekucala, siyabonelela kutsi eMalunga e-ILO, nanobe asengakatemukeli leTivumelwano letitsintsekako, anemtfwalo wekuhlonipha “ngekwetsembeka lokufanele kanye nangekweMtsetfosisekelo, imigomo lemayelana nemalungelo lasisekelo lekatsintfwa nguleto Tivumelwano”. Lokunye, kantsi lolu luhlangotsi lwekucala kwekulandzelwa kwakamuva lokuphawulwe kuSengeto saleSimemetelo, sicondze kuphumelelisa lenjongo ngekusebentisa inchubo levelele yeteMtsetfosisekelo ye-ILO lekungayo leyo naleyo Mibuso lengakayemukeli leminyombo yeTivumelwano njalo ngemnyaka icelwa kutsi iletse imibiko ngenchubekelembili leyentiwe mayelana nekuphumelelisa lemigomo lemiswe kuleTivumelwano.

Kwekugcina, ngekutibophelela ngalokucinile ekushukumiseni imitfombolusito yetetimali kanye neligalelo layo

ekusiteni eMalunga ayo kutsi aphumelelise tinjongo teMhlangano waseCopenhagen, leNhlangano iye yatsatsa sinyatselo lesiya embili. Lokutibophelela kutawubonakala kumbiko wamhlabawonkhe, lokuluhlangotsi lwesibili loluphawulwe njengekulandzela kwakamuva kuSengeto. Lombiko wamhlabawonkhe utawubonisa sibuyeketo senchubekelembili leyentiwe kuleminyaka lemine leyendvulele emaveni lemukele leminyombo yeTivumelwano kanye nakulawo langakatemukeli, utawusebenta njengesisekelo sekuhluta kusebenta kwemasu latsetfwe ngalesikhatsi sekwendvulela kanye nanjengesicongo sekucala semasu ekuphumelelisa nasekusiteni esikhatsini lesitako.

Ngekwekucala leSimemetelo, i-ILO itsetse incabhayi leniketwe ngumphakatsi wamhlabawonkhe. Iye yasungula silinganisoncane setenhlahlakahle ezingeni lamhlabawonkhe khona itawuhlangabetana nebunjalo bekwenta tintfo tibe sezingeni lamhlabawonkhe kantsi ngaloko natsi nyalo singabuka embili kumnyakakhulu ngelitsemba lelivuselelekile.

Michel Hansenne

**SIMEMETELO SE-ILO NGEMIGOMO
NEMALUNGELO LASISEKELO EMSEBENTINI
KANYE NEKULANDZELWA KWAKAMUVA KWASO**

Njengobe i-ILO yasungulwa ngekukholelwa kutsi bulungiswa kutenhlalakahle budzingekile khona kutawuba nekuthula lokungapheli emhlabeni jikelele;

Njengobe kutfutfuka kutemnotfo kudzingekile kepha akukeneli ekucinisekiseni bulungiswa, inchubekelembili kutenhlalakahle kanye nekucedvwa kwebuphuya, kugcizelela sidzingo se-ILO sekutfufukisa imigomosimiso lecinile yetenhlalakahle, bulungiswa kanye netikhungo tentsandvo yelinyenti;

Njengobe i-ILO kumele, nyalo kakhulu kunakucala, idvose kuko konkhe kuma kwayo, lubambiswano kutethekniki kanye nemitfombolusito kutekucwaninga kuyo yonkhe imikhakha lenemagunya kuyo, ikakhulukati kutemisebenti, kuceceshwa kutemisebenti kanye nemibandzela yasemisebentini, kucinisekisa kutsi, ngaphasi kwemkhakha welisu lemhlabawonkhe lekutfufukisa temnotfo netenhlalakahle, imigomosimiso yetemnotfo netenhlalakahle itinhlangothi letelekelelanako ngalokulindzelekile khona kutawuletfwa kutfutfuka lokusimeme ngekusabalala;

Njengobe i-ILO kumele inakisisa ngalokulikhetselo tinkinga tebantfu labanetidzingo letilikhetselo tetenhlalakahle, ikakhulukati labangasebenti nebasebenti labasebenta khashane nasemakhaya, ihlelebise futsi igcugcutele imitamo yamhlabawonkhe, yetigodzi neyavelonkhe lecondziswe ekusombululeni tinkinga tabo, iphindze itfutukise imigomosimiso lefanelekile lecondziswe ekusungulweni kwemisebenti;

Njengobe, ekufuneni kugcina kuchumana emkhatsini wenchubekelembili kutenhlalakahle nekutfufuka kutemnotfo, sicinisekiso semigomo nemalungelo lasisekelo emsebentini sibaluleke kakhulu ngekutsi siniketa bantfu labatsintsekako ligunya lekujabulela lawo malungelo ngaphandle kwekwesaba nangesisekelo sekulingana

kwematfuba ekutfola lisheya lelinebulungiswa kumcebo lebafake ligalelo ekuwubutseni, nekutelulela kakhulu ekusebentiseni emakhono abo njengelunfu;

Njengobe i-ILO iyinhlango yamhlabawonkhe legunyatwe ngekwemsetfosisekelo nemtimba lofanelekile wekumisa uphindze usebentise emazinga emhlabawonkhe kutemisebenti, futsi itfola kwesekelwa kumhlabawonkhe nekwemukelwa ekutfufukiseni emalungelo lasisekelo emsebentini njengekusho kwemigomo yemsetfosisekelo wayo;

Njengobe kuphufuma, esimeni sekukhula kwesekela ngalomunye kutemnotfo, kucinisekisa lenhlobo lengenakuphikiswa yemigomo nemalungelo lasisekelo lokubhalwe kuMtsetfosisekelo waleNhlango kanye nekutfufukisa kusetjentiswa kwawo kumhlabawonkhe;

IKhomfa yeTemisebenti kuMhlabawonkhe,

1. Ikhumbula:

(a) kutsi ngekwentsandvo yawo ekujoyineni i-ILO, onkhe eMalunga sekacinisekisa imigomo nemalungelo lokubhalwe kuloMtsetfosisekelo nakuleSimemetelo saseFiladelfiya, futsi atibophelele ekusebenteleni ekuzuzeni tonkhe tinhloso teNhlango ngalokusekukhonakaleni kwemitfombolusito yawo kanye nangekuya ngalokuphelele kwetimo talelo nalelo cembu;

(b) kutsi lemigomo nemalungelo kuye kwetfulwa futsi kwatfufukiswa njengeluhlobo lwemalungelo-tsite nemitfwalo kuTivumelwano letemukelwa njengaletisisekelo ngekhatsi nangephandle kweNhlango;

2. Imemetela kutsi onkhe eMalunga, nanobe angakatemukeli Tivumelwano letisintsekako, anemfwalo, losukela-nje ekubeni lilunga leNhlango, wekuhlonipha, kutfufukisa kanye nekuphumelelisa, ngekwetsembeka lokukhulu kanye nangekumisa kweMtsetfosisekelo, imigomo lemayelana nemalungelo lasisekelo latsintfwa kuleto Tivumelwano, lokusho lawa:

- (a) lilungelo lekuhlanganyela kanye nekwemukelwa ngalokubonakalako kwelilungelo lekubonisana ngenhloso yekuzuzisa ngekuhlanganyela;
- (b) kucedvwa kwato tonkhe tinhlobo tekusetjentiswa ngenkhani nobe ngekuhlocelelwa;
- (c) kucedvwa ngalokubonakalako kwekusetjentiswa kwebantwana; kanye
- (d) nekucedvwa kwelubandlululo mayelana nemsebenti kanye nekucashwa.

3. Ibona umfwalo lokuNhlango wekusita eMalunga, ngekuya kwetidingo tawo letiphawuliwe naletimisiwe, khona kutawuzuzwa letinhloso ngekusebentisa ngalokuphelele yonkhe imitfombolusito yawo kutemsetfosisekelo, yekusebenta kanye nakumcombelelotimali, lokufaka ekhatsi kuhlolenjiswa kwemitfombolusito nekwesekelwa kwangekhatsi, kanye nekugcugcutela letinye tinhlango tamhlabawonkhe iNhlango lenebudlelwano nato, ngekulandzela sigaba 12 seMtsetfosisekelo wayo, kwesekela lemitamo:

- (a) ngekuniketa lubambiswano kutethekniki kanye nemisebenti yekweluleka khona kutawutfufukiswa kwemukelwa nekusetjentiswa kweTivumelwano letisisekelo;
- (b) ngekusita lawo Malunga lekasengakabi sesimani sekwemukela tonkhe nobe letinye taleTivumelwano ngemitamo yawo yekuhlonipha, kutfufukisa kanye nekuphumelelisa lemigomo lemayelana nemalungelo lasisekelo latsintseka kuleTivumelwano; kanye

(c) nangekusita eMalunga emitameni yawo yekusungula simo lesifanele sekutfufuka kutemnotfo nakutenhlalakahle.

4. Incuma kutsi, khona kutawuphonyeleliswa leSimemetelo, kulandzelela kwekukhangisa nekutfufukisa, lokunenhloso futsi lokufanelekile, kutawentiwa ngekulandzela letimiso letiphawulwe kusengeto salapha, lesitawutsatfwa njengencenye lelangene yaleSimemetelo.
5. Igcizelela kutsi emazinga etemisebenti akukafaneli kutsi asetjentiselwe tinhloso tekuvikela ematfuba ekuhweba, nekutsi akukho lutfo kuleSimemetelo nalokulandzelwa kwakamuva kwaso lokutawutsatfwa nobe kusetjentiswe ngalokunye ngekwetinjongo letinjalo; kwengeta lapho, inzuzo yetekucatsanisa yanobe nguliphi live akumelanga nobe ngayiphi indlela iphenyisiswe ngenca yaleSimemetelo nakulandzelwa kwakamuva kwaso.

Sengeto

Kulandzelwa kwakamuva kweSimemetelo

I. INJONGO JIKELELE

1. Inhloso yalokulandzela kwakamuva lokuchazwe lapha ngentasi kugcugcutela imitamo leyentiwe ngeMalunga eNhlangothi ekutfufukiseni lemigomo nemalungelo lasisekelo lashicilelwe kuMtsetfosisekelo we-ILO kanye neSimemetelo saseFiladelfiya kwaphindze kwacinisekiswa kuleSimemetelo.

2. Ngekuhambisana nalena nhloso, pheceleti lekungeyekukhangisa nekutfufukisa, lokulandzela kwakamuva kutawuniketa litfuba lekubona tindzawo lapho lusito lweNhlangothi ngemisebenti yayo yetelubambiswano kutethekniki itawuba ngulebalulekile kuMalunga ayo ekuwasiteni ngekusebentisa lemigomo nemalungelo lasisekelo. Akutsatsi sikhundla setimiso tekweluleka lesetivele timisiwe, futsi angeke kube tihibe ekusebenteni kwato; ngalokunjalo, timo letitsite ngaphasi kwemkhakha waletimo angeke tihlolwe nobe tihlolwe kabusha ngaphasi kweluhlaka lwalokulandzela kwakamuva.

3. Letimphawu letimbili talokulandzela kwakamuva, letichazwe lapha ngentasi, tesekeleke kutinchubo letivele tikhona: kulandzela kwakamuva kwamnyakawonkhe mayelana neTivumelwano letisisekelo letingakemukelwa kutawufaka ikakhulukati kunconotwa kwetinsita sekusebentisa tesigaba 19, indzima 5(e), seMtsetfosisekelo; kantsi umbiko wamhlabawonkhe utawusebenta ekutfoleni imiphumela lemihle kutinchubo letisetjentiswe ngekulandzelwa kweMtsetfosisekelo.

II. KULANDZELA KWAKAMUVA KWAMNYAKAWONKHE MAYELANA NETIVUMELWANO LETISISEKELO LETINGAKEMUKELWA

A. Injongo nemzila

1. Injongo kuniketa litfuba lekubuyeketa ngalowo nalowo mnyaka, ngekusebentisa tinchubo letentiwe lula esikhundleni salokubuyeketa kwangeminyaka lemine lokwasungulwa nguMtimba loPhetse nga-1995, imitamole yentiwe ngekulandzela Simemetelo ngeMalunga lasengakatemukeli tonkhe Tivumelwano letisisekelo.

2. Lokulandzela kwakamuva kutawufaka ekhatsi umnyaka ngemnyaka totine letinhlangothi temigomo nemalungelo lasisekelo njengekushiwo kuSimemetelo.

B. Timiso

1. Kulandzela kwakamuva kutawesekelwa kumibiko lecelwa kuMalunga ngaphasi kwesigaba 19, indzima 5(e), seMtsetfosisekelo. Lombiko utawubhalwa ngendlela yekutfolela imininingwano kubohulumende labangakemukeli sinye nobe letinyenti teTivumelwano letisisekelo, mayelana netingucuko letingabe tentekile kumtsetfo nobe ekusebenteni kwabo, ngekucaphela sigaba 23 seMtsetfosisekelo nenchubo leseyimilile.

2. Lemibiko, njengobe ihlanganiswe liHhovisi, itawubuyeketwa nguMtimba loPhetse.

3. Ngenhloso yekuniketa singeniso kumibiko leseyiwele ihlanganisiwe, kucondziswe ikakhulukati kutinhlangothi letingahle tidzinge kucocisana lokuvelele, liHhovisi lingahle libite licembu letingcweti letikhetselwe wona lomsebenti nguMtimba loPhetse.

4. Kucondzaniswa malungana netinchubo letivele tikhona teMtimba loPhetse kumele kuhlolwe khona kutawuvumela eMalunga langakamelwa kuMtimba loPhetse kutsi anikete, ngendlela lefaneleke ngalokukahle kakhulu, kucacisa lokungahle kubonakale kubalulekile ngesikhatsi sekucocisana kweMtimba loPhetse ekwengeteni imininingwano lecuketfwe kumibiko yawo.

III. UMBIKO WAMHLABAWONKHE

A. Injongo nemzila

1. Injongo yalombiko kuniketa sitfombe lesingungothi samhlabawonkhe mayelana nalolo luhlangothi lwemigomo nemalungelo lasisekelo laphawuliwe esikhatsini lesiminyaka lemine lesengcile, bese usetjentiswa njengesisekelo sekucilonga kuphumelela kwelusito loluniketwa yiNhlangothi, nekucubungula bocalangaye besikhatsi lesilandzelako, ngendlela yetinhlalo tekusebenta ngelubambiswano kutethekniki leticondziswe ekuhlelembiseni imitfombolusito yangekhatsi nangephandle ledzingeke ekuphumeleliseni.

2. Lombiko utawufaka ekhatsi, umnyaka ngemnyaka, yinye kuletinhlangothi letine temigomo nemalungelo lasisekelo ngekulandzelana.

B. Timiso

1. Lombiko utawubhalwa ngaphasi kweliso leMcondzisi-Jikelele ngekwesisekelo semininingwano lesetsetfweni, nobe imininingwano lecocwe yacutjungulwa ngekulandzela tinchubo letimilile. Mayelana naleyo Mibuso lesengakatisayindi leTivumelwano letisisekelo, lombiko utawesekelwa ikakhulukati kuloko lokutfolewa kulokulandzela

kwakamuva kwamnyakawonkhe loseukuphawuliwe. Mayelana nalawo Malunga lekatisayindile leTivumelwano letitsintsekako, lombiko utawesekelwa ikakhulukati kumibiko letfolwe ngekulandzela sigaba 22 seMtsetfosisekelo.

2. Lombiko utawetfulwa kuKhomfa kutsi kucociswane ngawo ngemacembu lamatsafu njengembiko weMcondzisi-Jikelele. LeKhomfa ingawucubungula lombiko eceleni kunemibiko ngaphasi kwesigaba 12 seTindlela teNchubo tayo, kantsi futsi ingacocisana ngawo ekuhlaleni lokumiselwe lombiko kuphela, kanye nanobe nguyiphi lenye indlela lefanelekile. Kutawuba semahlombe eMtimba loPhetse-ke, ekuhlaleni lokulandzelako, kutsi ukhiphe tipheto talokucocisana mayelana nabocalangaye netinhlelo tekusebenta ngelubambiswano kutethekniki letitawusetjentiswa kulesikhatsi lesiminyaka lemine lelandzelako.

IV. KUYAVISIWA KUTSI:

1. Tiphakamiso titawentiwa mayelana nekuchitjiyelwa kweTindlela teNchubo teMtimba loPhetse kanye neKhomfa letidzingekeko khona kutawuphunyeleliswa letimiso lesetiphawuliwe.

2. IKhomfa, ngekuhamba kwesikhatsi, itawubuyeketa kusebenta kwalokulandzela kwakamuva ngekuhambisana nesipiliyoni lesitfolakele khona kutawucutjungulwa kutsi ngabe iphumelele yini kufeza injongo yonkhana njengobe ivetwe eNcenyeni I

Loku lokungenhla Simemetelo se-ILO ngeMigomo neMalungelo lasisekelo eMsebentini kanye neKulandzelwa kwakamuva kwaso lesemukelwe ngalokufanelekile yiKhomfa-Jikelele yeNhlango yeTemisebenti kuMhlabawonkhe ekuhlaleni kwayo kweMashumi laSiphohlongo neSifupha leyabanjwa eJiniva yamenyetelwa njengalevaliwe ngamhlaka 18 Juni 1998.

NGEKWETSEMBA LOKO siye safaka kusayinda kwetfu ngalolusuku lweshumi nemfica lwaJuni 1998.

UMengameli weKhomfa,

JEAN-JACQUES OESCHLIN

UMcondzisi-Jikelele weliHhovisi leTemisebenti kuMhlabawonkhe.

MICHEL HANSENNE