

Inhlanganiso
Yamalungelo
Ezisebenzi

Isinqumo seNhlanganiso Yamalungelo
Ezisebenzi (ILO) mayelana leMfanelo
KaZulu yokuLinganisa uluNtu kuZwekazilinye

Isinqumo lesi samukelwe nguMbuthano weZisebenzi umhlaba
wonke jikelele emhlanganweni wesiMatshumi ayisificamunwe
munye lesikhombisa, eGeneva, mhlaka 10 Nhlangula 2008

Isinqumo seNhlanganiso Yamalungelo
Ezisebenzi (ILO) mayelana leMfanelo
KaZulu yokuLinganisa uluNtu kuZwekazilinye

Isinqumo lesi samukelwe nguMbuthano weZisebenzi umhlaba
wonke jikelele emhlanganweni wesiMatshumi ayisificamunwe
munye lesikhombisa, eGeneva, mhlaka 10 Nhlangu 2008

ISANDULELO

Inhlanganiso Yamalungelo Ezisebenzi yamukele ngazwi linye *Isinqumo seNhlanganiso Yamalungelo Ezisebenzi (ILO) mayelana leMfanelo KaZulu yokuLinganisa uluNtu eMhlabeni wonke kuZwekazilinye* mhla zilitshumi kuNhlangula 2008. Lo nguMbiko oqakathekileyo wesithathu wezimiso lemithetho owamukelwe nguMbuthano weZisebenzi umhlaba wonke jikelele kusukela kuqala iILO ngomyaka ka1919. Wakhelwe phezu kwesiNqumo sePhiladelphia somyaka ka1944 njalo lesiNqumo seSisekelo seZimiso laMalungelo eMsebenzini sika1998. IsiNqumo sika2008 sethula umbono wamanje wenhlanganiso yeILO mayelana lomsebeni weILO ngalesisikhathi sikaZwekazilinye.

Ugqamezweni wesiNqumo lesi siyindlela eqakathekileyo yokuqinisa inhloso lemisebenzi yeILO. Isivumelwano lesi siyimpumela yesivumelwano senkulumo zabathathu ezaqala ngenxa Yombiko WeKhomishini YoMhlaba mayelana lokuHlalisana kukaZulu kuZwekazilinye. Ngokwamukela ugwalo lolu, abameli bakaHulumende, inhlanganiso zabaQatshi kanye lezeziSebenzi ezisuka kumazwe angamalunga alikhulu lamatshumi ayisificaminwe mibili lambili (182) aqinisa kakhulu ukuqakatheka kokuma ngobuthathu lokhu ekuzameni ukudala intuthuko lekunakekeleni imfanelo kaZulu phakathi komumo kaZwekazilinye. Ngobuthathu babo, bazinikele ukwelekelela inhlanganiso yeILO ekuthuthukiseni inhloso lezi, belandela uHlelo loMsebenzi Olesithunzi. IsiNqumo lesi simisa umbono woMsebenzi Olesithunzi osungulwe yiILO kusukela ngo1999, ngokuwubeka phakathi laphakathi kwemithetho yeNhlanganiso ukuze ifeze inhloso yesiSekelo Semithetho yayo.

IsiNqumo lesi siza ngesikhathi esiqakathekileyo kakhulu mayelana lezombusazwe, sibonisa ukuvumelana kabanzi ekubeni kubelesidingo sokuba kube lokuhlalisana kuhle kukaZulu kuZwekazilinye ekufezeni intuthuko lempumela yomuntu wonke. Siyinsika yokwenyusa amalungelo kaZulu kuZwekazilinye kulandelwa uHlelo loMsebenzi Olesithunzi, njalo siyindlela ebonakalayo yokuphangisisa intuthuko ekusunguleni uHlelo loMsebenzi Olesithunzi elizweni linye ngalinye. Njalo, IsiNqumo lesi sibonisa ngokuveza sobala ukuqatheka kwamabhizimisi agcinakeleyo ekusunguleni imisebenzi lamathuba enzuzo ebantwini bonke.

Uhlelo lweILO seluthole usekelo olubanzi lwezizwe ngezizwe ezingeni eliphezulu kwezombusazwe, enhlanganisweni zamazwe ngezigaba zawo kanye lemhlabeni wonke jikelele, olwaphethwa eMbuthanweni omkhulu Wamazwe Wonke Omhlaba oka2005. Embuthanweni lo, abaKhokheli baMazwe loHulumende bathi: *“Siyasekela kakhulukazi ukuhlalisana kuhle kukaZulu kuZwekalinye njalo siyazinikela ukuthi injongo yokugatshwa okugcweleyo okulenzuzo lomsebenzi olesithunzi emuntwini wonke, kuhlanganisa abesifazane labatsha, kube yinsika yenjongo zemithetho yamazwe ethu kanye lemithetho yamazwe wonke kanye lamacebo entuthuko yamazwe ethu.”* Lo umbiko weyame phezu kokuzinikela okwenziwa eMbuthanweni WoMhlaba Wonke WeNtuthuko kaZulu oka1995.

IsiNqumo lesi sichaza ukwamukeleka emhlabeni wonke jikelele koHlelo loMsebenzi Olesithunzi: amalunga wonke eNhlanganiso kumele aqhube imithetho eyame kunjongo ezithi – *umsebenzi, inhlalo evikelekileyo, ukukhulumisana, lamalungelo emsebenzini.* Ngasikhathisinye, isiNqumo lesi sigcizelela ukuthi kunanzelelwe ukuthi injongo lezi *“azehlukaniseki, ziyadlelana njalo ziyasekelana”*, ukwenzela ukuthi kufezeke indlela yokusebenza eyamukelekayo emhlabeni wonke jikelele.

IsiNqumo lesi sinxusa inhlanganiso yeILO ukuthi iphathise amalunga ayo emizameni yawo ekusilandeleni, kulandela inswelo lesimo selizwe linye ngalinye. Kunjalo ke, isiNqumo lesi sinika ingqobe kuMbuthano weZisebenzi zoMhlaba wonke, iQula eliKhokhelayo lakuHofisi yeNhlanganiso yamalungelo eZisebenzi, siphawula ukuthi *“Inhlanganiso kumele ihlolise njalo iguqule indlela esebenza ngayo ukuze yengeze ubukhokheli lokuziqhelisa ukwenzela ukuthi isebenzise ngokugcweleyo imali kanye lezisebenzi zayo kanye losizo lwesimo senkulumo zabathathu lendlela yomthetho”*. Ngakho ke, iNhlanganiso lamalunga ayo kumele yenze konke engakwenelisa, elizweni layo kanye lasemhlabeni wonke jikelele, ukuthi yenyuse injongo yesiNqumo lesi lokulandela izimiso zaso ngendlela esebenzayo njalo ehlakaniphileyo.

IsiNqumo lesi sinikeza abakhokheli labakhandi bamacebo indlela elinganisekileyo exhuma abantu lendlela eziletha impumela ezweni labo, kanti njalo sethula izindlela zobukhokheli ezingeni lomhlaba wonke jikelele. Silakho ukunothisa imithetho yenhlelo zentuthuko elizweni linye ngalinye, kunhlanganiso zamazwe omhlaba kanye lakunhlelo zokudlelana zentuthuko, okuletha ndawonye inhloso yokuhlalisana kuhle, yezomnotho kanye lenhlalo yemvelo. Ngale indlela, siqakathekisa ukuthi inhlanganiso zamazwe omhlaba, lenhlanganiso zamazwe ngezigaba zawo ezilamandla okusebenza ngendlela ezidlelanayo zingaba lomsebenzi omkhulu ekugcwaliseni indlela yinye ehlekileyo efunekayo lokunxusa amazwe ukuthi aqakathekise ukusebenza okulesithunzi. IsiNqumo lesi siyaphawula njalo ukuthi njengoba ukuthengiselana lemithetho yeminkambo yezemali iphambanisa imisebenzi, kungumlandu wenhlanganiso yeILO ukuthi ichwayisise impumela yokuphambaniseka kwemisebenzi ukwenzela ukuthi ifeze injongo yayo yokufaka imisebenzi esiqongweni kumithetho emayelana lezomnotho. IsiNqumo lesi siyakhuthaza ukuthi kusungulwe ubudlelwano obutsha lenhlanganiso ezizimele zodwa lezinye eziphathelane lezomnotho, okufana lamabhizimisi amakhulu kanye lenhlanganiso ezikhangelane lamalungelo ezisebenzi ezisebenzela ezingeni lamazwe onke omhlaba, ukwenzela ukuthi kwenyuswe imisebenzi lenhlelo zenhlanganiso yeILO.

IsiNqumo seMfanelo KaZulu yokuLinganisa uluNtu eMhlabeni wonke kuZwekazilinye siyibufakazi obutsha obuhlonipha lokuqakathekisa imisebenzi yenhlanganiso yeILO. Sakhela phezu kwemithetho lezimiso zesisekelo semithetho yenhlanganiso yeILO njalo siyayiqinisa imithetho le ukuze imelane lemiqhudlwano yeminyaka esikhangelane layo. Sibonisa inhlanganiso yeILO ukuthi iqinisekile ngomsebenzi lombono wayo, njalo izinikele ngokugcweleyo emlandwini wayo wamanje. IsiNqumo lesi sethulwa ngesikhathi sokuthandabuza okuvamileyo lapho okusebenza khona abantu, ukuqhubekela phambili kokwephulwa kwamalungelo ezisebenzi, ukukhathazeka ngenqubo kaZwekazilinye njalo lesidingo sokuthi inhlanganiso zamazwe omhlaba zisebenzelane ndawonye ngendlela engcono phezu kwenhlupho lezi. Phezu kwakho konke, isiNqumo lesi siphawula kabanzi isimo esingavamanga senhlanganiso yeILO eseyame phezu kwenkulumo zabathathu lokusebenza okujulileyo okwesimanje kwaboHulumende, abaqatshi labamele amalungelo ezisebenzi ekuqondiseni imithetho yezomnotho lenhlalakahle kaZulu ephathelane lempilo zabantu. IsiNqumo lesi sikhumbuza njalo ngendlela eqinileyo yokusebenza kulandelwa uhlelo lokukhulumisana, njengensika yokwakha ukuvumelana, okuyindlela eletha ithemba emhlabeni otshengisa ukuthi ukukhulumisana sekuyinto enzima kakhulu.

IsiNqumo seMfanelo KaZulu yokuLinganisa uluNtu eMhlabeni wonke kuZwekazilinye
siphawula ukuzalwa kakutsha kweNhlanganiso kusukela lokhukwethulwa isiNqumo sePhiladelphia. Kusinika ithuba elikhulu lomlandu wokuqinisa ububazi bobuhlakaniphi benhlanganiso yeILO. Ndawonye labobonke abakholwa ezifisweni zesiNqumo lesi, singadala ukuzwana phakathi kwelizwe linye ngalinye lemazweni omhlaba wonke emithethweni edala ukulingana kuZwekazilinye njalo lokutholakala kwemisebenzi elesithunzi kwabesifazane labesilisa kuzozonke izindawo. Singabambana sonke ekuzameni ukuthi konke lokhu kufezeke njalo sihambe ngendlela ebonisa inhlonipho enkulu yamalungelo oluntu lempumelelo emhlabeni wonke jikelele, ekugcwaliseni imfuno lezifizo zabantu, imuli kanye lomphakathi umhlaba wonke jikelele.

Juan Somavia
uMphathi-Omkhulu

ISINQUMO SENHLANGANISO YAMALUNGELO
EZISEBENZI (ILO) MAYELANA LEMFANELO
KAZULU YOKULINGANISA ULUNTU KUZWEKAZILINYE

UMbuthano weZisebenzi umhlaba wonke jikelele, emhlanganweni weGeneva owesiMatshumi
ayisificamunwe munye lesikhombisa,

Sinanzelela ukuthi umumo wamanje oweZwekazilinye, obonakala ngolwazi olutsha lwezemitshina, ukuhamba kwemibono, ukuthengiselana kwempahla lokusebenzelana, ukwanda kwemali lokuhamba kwayo, ukukhulisa amabhizimisi enabela kwamanye amazwe lendlela okuqhutshwa ngayo amabhizimisi lenkulumiswano kanye lokuhamba hamba kwabantu, kakhulukazi izisebenzi zesifazane lezesilisa, sekuguqula indawo yokusebenzela ngendlela enkulu kakhulu:

- kumhlubulo munye, ingqubo yokundlelana kwezomnotho isiphathise amazwe athize ekuthuthukiseni umnotho wayo njalo lekudaleni amathuba emisebenzi, ukuze abaswelayo abavela ezabelweni bathole imisebenzi emadolobheni, okudala intuthuko yabo njalo kukhuthaza indlela ezintsha zokudala izinto zokusebenzisa kanye lokuhamba kwemibono ekhaliphileyo.
- komunye njalo umhlubulo, ukuhlangana komnotho wamazwe omhlaba sekudale ukuthi amazwe amanengi lezinye izingatsha zihlangane lenhlupho zemali engeneliyo, ukuqhubekela phambili kohlupho lokusweleka kwemisebenzi lobuyanga, ukwehla konotho yamazwe ngembangela ezingaphandle kwalawo mazwe, lokwanda kwemisebenzi engavikeli izisebenzi kanye lemisebenzi yemikoto, okuphambanisa ubudlelwano bokuqatsha izisebenzi lokuvikeleka kwalezi zisebenzi.

Sinanzelela ukuthi ukwenelisa ukudala intuthuko lamathuba alinganayo ebantwini bonke sekuphuthuma phakathi komumo onje, ukwenzela ukuthi injongo yokulinganisa inhlalo kaZulu ifezeke, ukuqatsha abantu ngokugcweleyo, ukudala inhlalo kaZulu ekhululekileyo lomnotho kaZwekazilinye, ukudala umphakathi ohambisa izinto ngedlela esuthisayo lokuhlasela ubuyanga lokuswela kwabantu okudala ukungalingani;

Sisuthiseka ukuthi iNhlanganiso Yamalungelo Ezisebenzi (ILO) ilomsebenzi oqakathekileyo ekuncediseni ukwenyuswa lokwenelisa ukuthi kube lentuthuko lamathuba alinganayo kunhlalo efaneleyo kaZulu emhlabeni oqukayo:

seyame kunjongo yomsebenzi weILO equkethwe yisisekelo somthetho wayo, okuhlanganisa lesiNqumo sePhiladelphia (1944), esiqhubekela phambili silomsebenzi kuminyaka yonale esiphakathi kwayo lesiyakuyo njalo okufanele siqubule inkuthazo emithethweni ekhandwa ngamalunga, ehlanganisa phakathi kwezinye injongo, inhloso lezimiso ezilandelayo:

- ukuvuma ukuthi umsebenzi akuwona impahla yokuthengisa njalo lokuthi ubuyanga noma ngaphi budala ingozi ekubeni kube lentuthuko kuzozonke izindawo;
- sinanzelela ukuthi iNhlanganiso yeILO ilomlandu ozothileyo wokuthuthukisa inhlelo ezizakwenza kube lemisebenzi emazweni wonke lokuthuthukisa uhlonzi lwempilo kaZulu, ukuthi kubeleholo laphansi eliphilisayo lokuvikeleka kwenhlalo yezisebenzi ukwenzela ukuthi kubelenzuzo emuntwini wonke, kuhlanganisa inhloso eziqukethwe kusiNqumo sePhiladelphia;
- ukunika iNhlanganiso yeILO umlandu wokuhlolisisa imithetho yezomnotho lezimali zamazwe wonke omhlaba ukwenzela ukuthi kubonakale ukulandela kwawo injongo yokulungisa amalungelo lenhlalo kaZulu; njalo
- ukuthathela njalo lokuqinisa isiNqumo seNhlanganiso yeILO seZimiso lamaLungelo oMsebenzi lokuyiLandela (1998), lapho amalunga ananzelela khona, ekuqhubeni kwenhlelo zeNhlanganiso, ukuqakatheka kwamalungelo aqavileyo, ahlanganisa: inkululeko yokubuthana lokunanzelela ukuqakatheka kwelungelo lokukhulumisana ngehlo, ukwesula inhlobo zonke zokusebenzisa abantu ngodli, ukwesula ukuqatsha abantwana, lokuqeda ukubandlulula abantu ngemisebenzi abayenzayo lamabanga ayo;

Sikhuthazwa ngamazwe omhlaba ngokunanzelela kwawo uhlelo loMsebenzi Olesithunzi njengendlela esebenzayo yokulwisana lomumo kaZwekazilinye, ngokunaka:

- impumela yoMbuthano Wamazwe Omhlaba Owentuthuko kaZulu oka1995 owenzelwa eCopenhagen;
- ukusekelwa kakhulu, okuphindwa phindwa emhlabeni wonke jikelele lenhlanganisweni zamazwe ngezigaba zawo, kohlelo lomsebenzi olesithunzi olwasungulwa yinhlanganiso yeILO; njalo
- ukusekelwa Ngabakhokheli baMazwe laboHulumende eMbuthanweni Wamazwe Omhlaba weNhlanganiso Yamazwe Omhlaba owenziwe ngomyaka2005 wokulinganisa uluntu kuZwekazilinye ngenjongo yokuletha imisebenzi egcweleyo elenzuzo njalo oletha isithunzi emuntwini wonke, njenge nhloso yamazwe abo lomthetho wamazwe wonke;

Sisuthiseka ukuthi emhlabeni lapho ubudlelwano buyinto ekhuliswayo njalo lokwenza izinto ziye emazweni omhlaba:

- ukuqakatheka kwamalungelo okukhululeka, isithunzi somuntu, imfanelo kaZulu yokulinganisa uluntu, ukuvikeleka lokungabandlululi kuyizinto eziqakathekileyo ukuthi kube lokuthuthuka komnotho lenhlalo kaZulu ebukekayo njalo engapheliyo;
- ukukhulumisana emphakathini lokuqhuba inkulumo zabathathu phakathi kwaboHulumende labameli benhlanganiso ezimele amalungelo ezisebenzi kanye labaqaqatshi phakathi langaphandle kwamazwe kuqakathekile ekutholeni impumela

lekwakheni ukudlelana kumphakathi lekuqhutshweni kombuso olandela umthetho kulandelwa izindlela okuqhutshwa ngazo kwamanye amazwe;

- ukuqakatheka kobudlelwano emsebenzini bumele bunanzelelwe njengendlela yokuvikela izisebenzi ngokusemthethweni;
- amabhizimisi asebenzayo, aletha inzuzo njalo angadilikiyo, kanye lenotho kaZulu lomphakathi ohlakaniphileyo olamacebo, konke lokhu kuqakathekile ekudaleni umnotho welizwe okhulayo lemisebenzi; njalo
- isiNqumo seZimiso zeNkulumo zabaThathu esimayelana laMabhizimisi aqhela esiyakwamanye aMazwe kanye loMthetho wamalungelo kaZulu (1977), esaguqulwayo, esikhangela ukukhula komsebenzi wamabhizimisi la ekufezeni injongo yeNhlanganiso, siqakathekile, njalo;

Sinanzelela ukuthi indingeko zakulezi insuku zenza ukuthi iNhlanganiso iqinise imisebenzi yayo lokuzama ngamandla onke ukuthi inhlelo zayo zibe ngezenyusa injongo zayo eziqakethe kusisekelo seNhlanganiso, njalo lokuthi, imizamo le isebenze njalo iqinise inhlanganiso yeILO ukuthi yenelise ukusiza imizamo yaMalunga ukuze amalunga la agcwalise injongo zenhlanganiso yeILO kukhangelwa umhlaba wonke jikelele, iNhlanganiso kumele:

- ibone ukuthi kuba lokulandeleleka lokusebenzelana ekuzameni ukwenyusa intuthuko lokubambana kwamazwe onke, kulandelwa uhlelo loMsebenzi Olesithunzi kanye lenjongo ezine eziqakathekileyo zenhlanganiso yeILO, kuthathelwa ekudlelaneni phakathi kwazo;
- iguqule ukusebenza kwayo lendlela eqhuba ngayo inhlelo zayo ukwenzela ukuthi idale ukusebenza kakuhle okulobugcithi ngasikhathi sinye ihloniphe isisekelo semithetho yokusebenza kwayo;
- ukuphathisa amalunga ayo ukuthi agcwalise inswelo zawo ezichaziweyo kuzwe linye ngalinye kulandelwa ngokugcweleyo inkulumo zabathathu, ngokusakaza kulandelwa indlela eziphezulu zokukhipha imibiko, ukucebisa kanye lenhlelo eziqoqekileyo ezilandela ulwazi lwezemitshina ezidala ukuthi amalunga la agcwalise injongo zawo kulandelwa injongo eziqhukethwe kusisekelo semthetho yenhlanganiso yeILO; njalo
- ukwenyusa imithetho yenhlanganiso yeILO emele ilandelwe njengensika yenhlelo zeILO ngokwengeza ukusebenza kwayo emisebenzini, lokuqinisa umsebenzi welunga lomthetho njengendlela ephathisayo ekugcwaliseni injongo zeNhlanganiso;

Ngalokho samukela isiNqumo lesi ngalelilanga zilitshumi kuNhlanguka ngomnyaka wenkulungwane ezimbili lasifika minwe mibili.

I. UBUBANZI LEZIMISO

UMbuthano uyananzelela njalo uyaquma ukuthi:

- A. Ekuzameni ukwengeza isiqubu senguquko, ukuzinikela lemizamo yaMalunga kanye leNhlanganiso ekufezeni kumbe ukugcwaliseni imisebenzi ekusisekelo somthetho weILO, kuhlanganisa lokulandela indlela yezisebenzi zamazwe omhlaba, lokuqatshwa okugcweleyo okulomvuzo obonakalayo kanye lohlelo lomsebenzi olesithunzi njengensika yemithetho yezomnotho lentuthuko, kumele kweyame phezu kwemithetho eqakatheke ngokufanayo yenhlanganiso yeILO, eyiyo emumethe uHlelo loMsebenzi Olesithundu njalo olungafinyezwa ngendlela elandelayo:
- (i) ukwenyusa amathuba emisebenzi ngokusungula indawo zokusebenzela kanye lomnotho ongadilikiyo emphakathini lapho:
 - umuntu angathuthuka khona lokuthola ulwazi lobugcithi obuswelakalayo kuye ukwenzela ukuthi asebenze ngendlela ebonakalayo njalo emsuthisayo kanye lobuhle babanye asebenza labo;
 - amabhizimisi onke, azimele wodwa kanye lakaHulumende, ayenelisa ukugcinakala ukwenzela ukuthi akhule lokudala imisebenzi elenzuzo ebantwini bonke; njalo
 - umphakathi ungenelisa ukugcwalisa izifiso zawo zentuthuko yezomnotho, impilo enhle kanye lokuphumelela empilweni;
 - (ii) ukusungula lokwenyusa indlela zokuvikeleka komphakathi – ukuvikeleka kwempilo kaZulu kanye lokuvikeleka emsebenzini – ukuqhubekela phambili njalo okungaguquleka kulandela umumo welizwe linye ngalinye, kuhlanganisa:
 - ukwelula ukuvikeleka kwempilo kaZulu kuze kufinyelele wonke umuntu, kuhlanganisa lendlela zokupha umholo waphansi kuye wonke oswela ukuvikelwa ngale indlela, njalo lokuguqula ububanzi bayo buhlangabezane lezidingo ezintsha lokunye okuvukayo okungabangelwa yikuguquka kolwazi lwezemitshina, umphakathi, inani labantu kanye lokuguquka kwezomnotho;
 - indawo zokusebenzela ezihlanzekileyo njalo ezivikelekileyo; njalo
 - imithetho emayelana lomholo, amahola okusebenza kanye leminyane imithetho yokusebenza, edalelwe ukuthi kube lendlela elingeneyo efanayo yokwaba izithelo zentuthuko ebantwini bonke kanye lomholo ophansi ophilisayo kuzisebenzi zonke kanye lalabo abaswela ukuvikelwa ngale indlela*;
 - (iii) ukukhuthaza ukukhulumisana komphakathi kanye leNkulumo Zabathathu njengendlela eqonde kakhulu ukuze:
 - kuguqulwe ukwethulwa kwenjongo zihambelane lenswelo kanye lomumo welizwe linye ngalinye;

* Nanzelela: ekulotshweni kwale imigca kuzidimi zonke kwaqakathekiswa ukuvumelana kwemitsho kulandelwa ugwalo olusemthethweni olwesigaba sesithathu III(d) lwesiNqumo sePhiladelphia olwamukelwa nguMbuthano WeNhlanganiso Yamalungelo Ezisebenzi ngo1944.

- ukuguqula intuthuko kwezomnotho ukuthi ibe yingqubelaphambili yomphakathi, njalo ingqubelaphambili yomphakathi ibe yingqubelaphambili yezomnotho;
 - ukudala ukuzwana ekwakheni imithetho efunakalayo elizweni linye ngalinye kanye lemazweni omhlaba athinta imisebenzi kanye lamacebo kanye lenhlelo zomsebenzi olesithunzi; njalo
 - lokwenza umthetho obona ngamalungelo ezisebenzi kanye lenhlanganiso lezi zisebenze okulempumela, kuhlanganisa lekuboneni ukunanzelelwa kobudlelwano emsebenzini, ukukhuthaza ubudlelwano obuhle bezamabhizimisi kanye lokwakha indlela zokuhlola ukuphathwa kwezisebenzi; njalo
- (iv) ukuhlonipha, ukuthuthukisa kanye lokunanzelela izimiso eziqavile kanye lamalungelo emsebenzini, ayiwo aqakatheke kakhulu, njengamalungelo lomumo oswelakalayo ukuze zonke injongo zifezeke, sinanzelela:
- ukuthi inkululeko yokubuthana kanye lendlela ephathisayo yokukhulumisana ngehlo kuqakathekile kakhulu ekudaleni ukuthi injongo eziqakathekileyo ezine zifezeke; njalo
 - ukwephula izimiso eziqakathekileyo kanye lamalungelo emsebenzini akungeke kusetshenziswe njengendlela yokuzivikela njalo imithetho yemsebenzini akumelanga isetshenziswe ukuzivikela ekuphambaniseni.

B. Injongo ezine azehlukaniswa, ziyadlana njalo ziyasekelana. Ukwehluleka ukwenyusa loba yiphi injongo eyodwa kudala ukuphambanisa inqubelaphambili kwezinye injongo. Ukusebenzisa isisindo senjongo lezi, imizamo yokwenyusa injongo lezi kumele kube yingxenywe yomsebenzi wenhlanganiso yeILO wokuthuthukisa uhlelo lomsebenzi olesisindo emhlabeni wonke jikelele. Ukulinganisa abesifazane labesilisa kanye lokwesula ubandlululo kumele kuthathwe njenge zinto eziphathwa yinjongo yinye ngayinye kwezine ezibethwe phezulu.

C. Ukuthi aMalunga agcwalisa njani injongo eziqakathekileyo kumele kulungiswe yilunga linye ngalinye lilandela imithetho lemilandu yalo lamanye amazwe omhlaba kanye lezimiso eziqavile lamalungelo ezisebenzi emsebenzini, kunanzelelwa:

- (i) umumo lesimo selizwe, kanye lenswelo eziphawulwa ngabameli benhlanganiso zabaqatshi kanye labameli bamalungelo ezisebenzi;
- (ii) ukuncedana, ukubambana, lokudlelana phakathi kwaMalunga wonke enhlanganiso yeILO kuqakatheke okwedlulisileyo kukhangelwa umumo womnotho kaZwekalinye, njalo
- (iii) izimiso lamalungelo emithetho yezisebenzi emhlabeni wonke jikelele.

II. INDLELA YOKUFEZA

UMbuthano uyananzelela njalo ukuthi, emnothweni ohlanganisa amazwe wonke omhlaba:

- A. Ukufeza isiGaba sakuQala (Part I) sesiNqumo lesi kudinga ukuthi inhlanganiso yeILO iphathise kakhulu aMalunga ayo emizameni yawo. Ngalokho ke, iNhlanganiso kumele ikhangele kakutsha njalo iguqule indlela eqhuba ngayo ukwenzela ukuthi yenyuse ukukhokhela kwayo lobubanzi bokusebenza kwayo ukwenzela ukuthi isebenzise ngokugcweleyo izisebenzi kanye lemali yayo njalo isebenzise isimo sayo senkulumo zabathathu, ikhangelele ukuthi:
- (i) izwisise ngcono inswelo zaMalunga ayo, kulandelwa injongo zayo eziqavile, kanye lamanyathelo ake athathwa yiILO ngaphambilini ekuhlangabezaneni lezindaba ezala zilokhu zivuka kuhlelo loMbuthano, ukuze:
 - kukhangelwe ukuthi iILO ingathatha manyathelo bani ekulungiseni inswelo lezi ilandela izindlela zonke engazithatha ezivumelanayo;
 - kukhangelwe indlela zonke ezingathathwa, zingaba yilwazi kumbe igcebo, ukuze iqede inswelo lezi njalo, nxa kufanele, idinge lololwazi kumbe leyongcebo eswelakalayo; njalo
 - ukuqondisa iQula eliKhokhelayo kanye leHofisi ekwenzeni imisebenzi yayo;
 - (ii) iqinise njalo iguqule ubudlelwano bayo bezemitshina lokucetshiswa ukwenzela ukuthi;
 - isekele lokuncedisa imizamo yaMalunga ekuletheni inguquko eyeyame kunkulumiswano zabathathu ekufezeni injongo zonke, kulandelwa inhlelo zelizwe zohlelo lwomsebenzi olesithunzi, lapho okufanele khona, njalo kulandelwa indlela yokumisa kweNhlanganiso Yamazwe Omhlaba; njalo
 - ukusiza, lapho okusweleka khona, amazwe angamalunga ekweneliseni ukusebenza kuhle, kanye lenhlanganiso ezimele abaqatshi kanye lezimele amalungelo ezisebenzi, ukuthi kube lomthetho ozwayo njalo olandelekayo kunhlalo kaZulu kanye lenthuthuko eyaphambili;
 - (iii) ukuhambisa ulwazi lokuzwisisa ubudlelwano phakathi kwenjongo ngokuzicubungula njalo lokukhulumisana kunkulumo zabathathu mayelana lezehlakalo ezibonakalayo, ngokuzinikela kwamazwe athandayo, njalo ngenhloso yokuphakululela aMalunga ekuthatheni izinqumo mayelana ngamathuba lokunye okuhlanganwa lakho kuZwekazilinye;
 - (iv) kubekhona ukunika usizo nxa luceliwe kuMalunga afisa ukwenyusa injongo phakathi kobudlelwano bamazwe amabili kumbe amazwe amanengi, kusiya ngokuzwanana kwalawo mazwe lokulandela kwawo imilandu yenhlanganiso yeILO; njalo
 - (v) ukusungula ubudlelwano obutsha lenhlanganiso ezizimele zodwa labaphatheke kwezenotho, okufana lamabhizimisi anabele kwamanye amazwe kanye lenhlanganiso ezimele amalungelo ezisebenzi asebenzela ezingeni likaZwekazilinye ukuze kwenyuswe ukuhanjiswa kwenhlelo zeILO, kudingwe usekelo lwazo ngedlela eqondileyo, njalo

kuthuthukiswe injongo yeILO. Lokhu kuzakwenziwa kuxoxisanwa labameli belizwe kanye lenhlanganiso zakwamanye amazwe ezimele amalungelo ezisebenzi labaqatshi.

B. Ngasikhathi sinye, aMalunga alomlandu omkhulu wokubona ukuthi, kulandelwa imithetho yawo wenhlalo kaZulu lezomnotho, ukuthi ayaphumelelisa indlela yokusebenzelana kuZwekazilinye ukwenzela ukuthi kulandelwe injongo eziqakathekileyo, ezihlanganisa uHlelo loMsebenzi Olesithunzi kulizwe linye ngalinye kalandelwa iswelo zalelo lizwe njalo kuzakuya ngalelolizwe likhulumisana labameli bamalungelo ezisebenzi kanye labameli babaqatshi ukuthi bagcwalisa njani umlandu lo. Ngalokho bangalandela amabanga la;

- (i) ukwamukelwa, phakathi kwelizwe kumbe inhlanganiso zamazwe ngezigaba zawo, kumbe njalo konke kokubili, kwendlela yokulandela uhlelo lomsebenzi olesisindo kukhangelwe okuthize okusemqoka ukuze kugcwaliswe injongo eziqakathekileyo;
- (ii) ukusungulwa kweziboniso ezithize, nxa kusweleka inhlanganiso yeILO iphathise kulokhu, ukuze kulandelwe njalo kuhlolisise inqubelaphambili ekhona;
- (iii) ukuhlolisiswa komumo kukhangelwa ukulandelwa kwendlela zeILO ngenhloso yokuthi kubonakale intuthuko ekugcwalisekeni kwenjongo eziqakathekileyo, kugcizelelwa kakhulukazi indlela ezihlelwe njengensika yokulandela amalungelo ezisebenzi kanye lezinye ezibukeka ziqakathekile kuboHulumende zihlanganisa inkulumo yabathathu, umthetho wokuqatsha lokuhlolwa kwezisebenzi;
- (iv) ukuthathwa kwamabanga aqondileyo ekuqhubeni ngokusuthisayo amanyathelo aqondileyo kumelwe uHulumende olilunga emihlanganweni yamazwe omhlaba kanye lamanye amabanga angathathwa kulandelwa lesisiNqumo;
- (v) ukwenyusa amabhizimisi aqhubekela phambili,
- (vi) ukuphanana amacebo okuqhuba kuhle lapho okusweleka khona phakathi kwelizwe kumbe phakathi kwenhlanganiso zamazwe akusigaba sinye kusukela ekulandeleni kuhle inhlelo zelizwe kumbe ezisigaba sinye ezilohlelo lomsebenzi olesithunzi; njalo
- (vii) ekunikeni usekelo oluswelekayo phakathi kwaMalunga nxa inotho ivuma phakathi kwamazwe amabili adlelanayo, inhlanganiso zamazwe adlelanayo kumbe phakathi kwamazwe omhlaba ukwenzela ukuthi kulandeleke izimiso lenjongo ezimunyethwe kulesisiNqumo.

C. Ezinye inhlanganiso zamazwe omhlaba kumbe inhlanganiso ezikumazwe akusigaba sinye ezilenjongo eziphosa zifane zingaba losizo olukhulu ekuzameni ukuletha indlela yokusebenza yokudlelana. Inhlanganiso yeILO kumele inxuse inhlanganiso lezi ukuthi zenyuse uhlelo lomsebenzi olesithunzi, kusaziwa ukuthi ugatsha ngogatsha luzakuba lamandla okugcina inhloso yalo. Njengoba ukuthengiselana lemithetho yokuhanjiswa kwezimali kuthinta

imisebenzi, kungumsebenzi weILO ukuthi icubungule ukuthinteka kwemisebenzi ukuze igcwalise injongo yayo yokubeka imisebenzi phakathi laphakathi kwemithetho yezomnotho.

III. IMITHETHO YOKUCINA

- A. UMphathi-Omkhulu eHofisini elimele izisebenzi zamazwe onke uzabona ukuthi isiNqumo siyaziswa aMalunga wonke njalo, ngawo lawo Malunga, kunhlanganiso ezimela abaqatshi kanye lenhlanganiso ezimela amalungelo ezisebenzi, kunhlanganiso zamazwe onke ezilolwazi olufanayo kuzinga lamazwe onke kanye lakunhlanganiso zamazwe ngezigaba zawo, kanye lezinye inhlanganiso iQula eliKhokhelayo elingazi nika. UHulumende, kanye lenhlanganiso ezimele amaqatshi lezimele amalungelo ezisebenzi elizweni linye ngalinye, lizakwenza ukuthi isiNqumo lesi saziwe emibuthanweni efaneleyo lapho abayabe bephatheke kumbe bemelwe khona, kumbe njalo banike isiNqumo lesi amaqula angabe ephatheka ngaso.
- B. IQula eliKhokhelayo kanye loMphathi-Omkhulu weHofisi elimele izisebenzi zamazwe onke bazakuba lomlandu wokudinga izindlela ezifaneleyo zokugwaliswa ngokuphangisa isiGaba sesiBili (Part II) sesiNqumo lesi.
- C. Ngesikhathi iQula eliKhokhelayo libona kufanele, njalo kulandelwa izindlela ezingacetshwa, isisindo sesiNqumo lesi, kakhulukazi amanyathelo athathwayo ukuze sethulwe silandelwe, kuzakuba yindaba okuzakhulunywa ngayo eMbutanweni weZisebenzi Zomhlaba ngenhloso yokuthi kubonakale ukuthi kungathathwa manyethelo bani afaneleyo.

ISENGEZO

INDINGISISO ELANDELA ISINQUMO

I. INJONGO ENKULU LOBUBANZI

- A. Injongo yendingisiso le elandela isiNqumo ngeyokukhangela indlela iNhlanganiso ezaphathisa ngayo aMalunga ukwenzela ukuthi kuboniswe ukuzinikela ekulandeleni injongo ezine eziqakathekileyo ekulandeleni umsebenzi wesisekelo somthetho wokusebenza kweNhlanganiso.
- B. Indingisiso le izama ukuthi isebenzise ngokugcweleyo amacebo wonke akhona ngaphansi kwesisekelo somthetho wokusebenza kweNhlanganiso yeILO ukuze kufezeke injongo yawo. Amanye amacebo angaphathisa aMalunga ahlanganisa ukuguqula izindlela zokulandela isigaba setshumi lasifika munwe munye (19), isiqendu sesihlanu (5e) lesesithupha (6d), sesisekelo somthetho wokusebenza kweILO kungengezwanga amathuba omlandu wokubika kwaMazwe angaMalunga.

II. AMANYATHELO ENHLANGANISO EKUPHATHISENI AMALUNGA

Ukuphatha, ingcebo lobudlelwano bangaphandle

A Umpathi-Omkhulu uzathatha amanyathelo wonke afaneleyo, okuhlanganisa ukwethula izicebiso kuQula eliKhokhelayo ngesikhathi esifaneleyo, ukwenzela ukuqinisa indlela iNhlanganiso ezaphathisa ngayo aMalunga emizameni yawo ngaphansi kwesiNqumo lesi. Amanyathelo la azahlanganisa ukukhangela lokuguqula indlela inhlanganiso yeILO esebenza ngayo kulandelwa okutshiwo yisiNqumo njalo kuzafanele kukhangelwe isidingo sokubona ukuthi:

- (i) kulokuzwanana, ukudlelana lokusebenza ndawonye eHofisini yenhlanganiso emele amalungelo ezisebenzi emhlabeni ukuze iqhube ngendlela ehlelekileyo;
- (ii) kulokwakha lokugcina imithetho lamandla okusebenza;
- (iii) kulendlela ehlelekileyo njalo esebenzayo yokusebenzisa ingcebo, indlela zokukhokhela kanye lengatsha zenhlanganiso;
- (iv) kulolwazi olweneleyo lekhono lokwenza umsebenzi, kanye lengatsha zokukhokhela ezisebenza kule;
- (v) kulokwenyusa ubudlelwano obuhle phakathi kweNhlanganiso Yamazwe Omhlaba kanye lokudlelana kwenhlanganiso ezinengi ukuze kuqiniseke inhlelo zeILO kumbe ukuphakamisa injongo zeILO; njalo
- (vi) ukukhetha, ukuguqula isikhathi lokwenyesu uluhlu lwendlela lohlonzi lokusebenza oluqakathekileyo ngombono wobukhokheli.[†]

Ukuzwisisa lokuphendula inswelo zaMalunga lalokhu ahlangana lakho

B. INhlanganiso izakwethula uhlelo lwenkulumiswano ezizakwenziwa nguMbuthano weNhlanganiso yezisebenzi umhlaba wonke jikelele kulandelwa indledlana ezivunye we liQula eliKhokhelayo, kunanzelelwa ukuthi kungaze kwaphindwa kumbe ukuthathela umsebenzi owenziwa zindlela zokuhlola inhlanganiso yeILO, ukwenzela ukuthi:

- (i) kuzwisiswe ngcono inswelo lalokhu okuhlanganwa laMalunga kukhangelwa injongo eziqakathekileyo, ukubhekana lalezonswelo ngendlela ehlelekileyo, kulandelwa zonke indlela ezikhona ukuphathisana ngolwazi lokusebenza, ukudlelana lenguduzo yolwazi lwezemitshina eHofisini, njalo lokuguqula uluhlu lwendingeko lenhlelo ngaleyo ndlela; njalo

[†] UMbuthano wokuHlolwa KoMsebenzi, 1947 (No.81), UMbuthano woMthetho wokuQatsha, 1964 (No.122), uMbuthano wokuHlolwa koMsebenzi (Wezokulima), 1969 (No. 129), kanye loMbuthano wokuKhulumisana Kwabathathu (Indlela Yokusebenza uMhlaba wonke jikelele), 1976 (No. 144), kanye lezinye indlela ezakhethwa kuluhlu olwathuthukiswayo.

- (ii) kuhloliswe impumelelo yenhlelo zenhlanganiso yeILO kusenzelwa ukuthi kuphathise ekuqondiseni uhlelo kutsha, ukwabikwa kwemali kanye lamanye amanyathelo angathathwa yinkokheli.

Ukuphathisa ngolwazi lwezemitshina kanye lokucebisa

C. INhlanganiso ilakho ukupha usizo, kuboHulumende kanye lenhlanganiso ezimele abaqatshi lezimele amalungelo ezisebenzi, olufaneleyo olungaphansi kwemisebenzi yayo ekuxhaseni lekuphathiseni imizamo yaMalunga ekudaleni intuthuko kunjongo eziqakathekileyo kulandelwa amacebo okusebenza ndawonye ngedlela ezizwisisekayo elizweni kumbe enhlanganisweni zamazwe ngezigaba zawo, kuhlanganisa langoku:

- (i) qinisa lokuhlela ukudlelana kwezemitshina kulandelwa uhlelo lomsebenzi olesithunzi kulizwe linye ngalinye kanye lesimo sohlelo lweNhlanganiso Yamazwe Omhlaba;
- (ii) nika ulwazi losizo olungafunwa ngaMalunga ekuzameni ukwakha icebo lalolizwe njalo lokukhangelana indlela ezintsha zokubambana ekufezeni lelocebo;
- (iii) khanda izikhali ezifaneleyo zokuhlola impumela yenhlelo lentuthuko eyenziwayo ekuhloleni isisindo salokhu aMalunga ahlanganana lakho emizameni yawo; njalo
- (iv) ukukhangelana lenswelo lokwenelisa kwamazwe asathuthukayo kanye lenhlanganiso ezimele amalungelo ezisebenzi lezimele abaqatshi, kuhlanganisa ukubuthanisa ingcebo.

Inguduzo, ukuthatha imibiko lokuyabelana

D. INhlanganiso izathatha amanyathelo afaneleyo ekuqiniseni umsebenzi wenguduzo, ulwazi kanye lokuzwisisa ukuthi injongo eziqakathekileyo zidlelana njani njalo ziphathisa njani kuntuthuko kaZulu, kwezamabhizimisi, kuntuthuko engapheliyo kanye lekuqedeni ubuyanga emnothweni kaZwekazilinye. Amanyathelo la angahlanganisa ukuphanana amacebo lemibono kuNkulumo zabaThathu lendlela zokuqhuba kuhle kumihlangano yamazwe wonke, kunhlanganiso zamazwe ngezigaba zawo kumbe phakathi kwelizwe linye ngalinye kulandelwa:

- (i) izifundo esezenziwe ngokuhamba kwesikhathi ngokuzinikela kwaboHulumende kanye lenhlanganiso ezimele abaqatshi lezimele amalungelo ezisebenzi emazweni la; kumbe
- (ii) indlela ezaziwayo ezifana lokuhlolana amazwe ngamazwe okungenziwa ngaMalunga athandayo.

III. UKUHLUZWA NGUMBUTHANO

A. Ukusebenza kuhle kwesiNqumo, kakhulukazi ukuthi senelise kanganani ukwenyusa, phakathi kwaMalunga, inhloso zeNhlanganiso ngokulandela injongo eziqakathekileyo, kuzakuba ludaba oluzahluzwa nguMbuthano, okungaphindwa phindwa ngokuhamba kwesikhathi, kulandelwa ukuthi kufakiwe yini kuhlelo lomhlangano.

- B. IHofisi izalungisa umbiko (iripoti) ozakwethulwa kuMbuthano ukuze kuhluzwe isisindo sesiNqumo, okuzahlanganisa imibiko ephathelane lalokhu:
- (i) amabanga athethweyo kulandelwa kumbe ngenxa yesiNqumo lesi, angabe elethwe ngabamele inkulumo zabathathu kulandela usizo lweILO, kakhulukazi kunhlanganiso zamazwe ngezigaba zawo, njalo kanye langezinye indlela ezethembekileyo;
 - (ii) amanyathelo athethwe liQula eliKhokhelayo kanye leHofisi ekulandeleleni emuva ekuqhutshweni komsebenzi, ukwenelisa ukwenza umsebenzi kanye lolwazi kanye lokunye okuphathelane lokuhambisa injongo eziqakathekileyo, kuhlanganisa lenhlelo kanye lemisebenzi yeILO lesisindo sayo; njalo
 - (iii) isisindo sesiNqumo kunhlanganiso ezinye ezingabe zithanda kumbe ziphatheka ngaso.
- C. Inhlanganiso zamazwe omhlaba ezithandayo zizaphiwa ithuba lokuba ziphatheke ekuhluzeni isisindo njalo lekukhulumisaneni. Lezinye nje inhlanganiso ezifunayo zingabakhona njalo ziphatheke kunkulumiswano nxa zinxuswe liQula eliKhokhelayo.
- D. Nxa sekwenziwe isihluzo lesi, uMbuthano uzathola indlela yokweluka lokuphetha inkulumo zonke mayelana lokuthi kuyasweleka yini ukuthi kube lesinye isihluzo futhi kumbe elinye ithuba lokuthintana ngezinye izindlela.

Okumunyethwe phezulu lapha yisiNqumo seNhlanganiso Yamalungelo Ezisebenzi (ILO) mayelana leMfanelo KaZulu yokuLinganisa uluNtu kuZwekazilinye esamukelwe ngemfanelo nguMbuthano weNhlanganiso emele iZisebenzi umhlaba wonke jikelele emhlanganweni wesiMatshumi ayisificamunwe munye lesikhombisa, owenzelwa eGeneva njalo owaphethwa mhlazilitshumi lantathu kuNhlangua 2008.

NGOKWETHEMBA sifaka isandla sethu ngokusayina ngalolusuku zilitshumi lantathu kuNhlangua ngo2008:

Umongameli woMbuthano lo,

EDWIN SALAMIN JAEN

Umphathi-Omkhulu weHofisi yeNhlanganiso Yamalungelo Ezisebenzi,

JUAN SOMAVIA