

# Tshiamiso TRUST



## ISISHWANKATHELO SENCWADI YESIGQIBO YE-TSHIAMISO TRASTI

Nceda uqaphele ukuba esi sishwankathelo seNcwadi yeSigqibo yeTshiamiso Trasti senzelve ukuze sicede abafaki-mabango kunye namanye amaqela anomdla ngamagqabantshintshi amafutshane omsebenzi olugunyaziso ngokwasemthethweni weTrasti. Esi sishwankathelo asiyoncwadi ibophelelay ngokwasemthethweni.



### Imbali

Intlawulo yebango leqela labantu lethayisisi nesifo sephepha kunye neNcwadi yeSigqibo yeTrasti kwavunyelwana ngayo ziinkampani zemigodi ezintandathu kunye namagqwetha amele abasebenzi-mgodi abafana ukufaka amabango okonakalelwa ngokubhekiselele kwezo nkampani.

Iinkampani ezibandakanyekayo yi-African Rainbow Minerals, i-Anglo American SA, i-AngloGold Ashanti, iGold Fields, iHarmony kunye neSibanye-Stillwater. Amagqwetha abafaki-mabango yiRichard Spoor Inc, i-Abrahim Kiewitz Inc kunye ne-Legal Resources Centre.

Injongo yeTrasti ichazwa “njengokuphumeza iSivumelwano seNtlawulo kunye nokunikizela ngeNzuzo kuBafaki-mabango Abafanelekileyo (nabangabo ekumele baxhamle kwiTrasti) ngezixaxaxi mali kunye nangaphantsi kwemimiselo echazwe kule Ncwadi yeSigqibo yeTrasti (Injongo yeTrasti). Imisebenzi yeTrasti iya kujoliswa, kwaye inXowa-mali yeTrasti iya kusetyenziswa ekuphumezeni, inXongo yeTrasti.”



### Kwabo ifaneleke kubo intlawulo yeTrasti

Isvumelwano sentlawulo sifanelekile phantse kubo bonke abasebenzi kwimigodi egolide ababesenza umsebenzi onomgqipekho komnye wemigodi yegolide engama-82 engaphantsi kobunikazi bezinkampani zintandathu. Umsebenzi onomgqipekho uchazwa kwiNcwadi yeSigqibo yeTrasti njengeBendli 13 lomthetho i-Occupational Diseases in Mines and Works Act (ODMWA), nochaza umntu njengowenza umsebenzi onomgqipekho ukuba ngaba ubehlalanga nothuli nolaqulethe okanye ulenuto ekulo enobungozi okanye esenokuba nobungozi, okanye ligesi, imiphunga, izinto zamachiza, iimo okanye iimeko zokusebenza ezinobungozi okanye ezisenokuba nobungozi.

Eminye yale migodi ingama-83 sele yaba nabanye abanikazi ngokuhamba kwexesha. Isivumelwano sityasebenza kule migodi ifanelekileyo kuphela ngalo maxesha imigodi le eyayinxalenye yeqela leenkampani ezintandathu kwisivumelwano sentlawulo.

Sityasebenza kwabo basebenzi ababesenza umsebenzi onomgqipekho nababesenza kulo migodi kwixesha eliphakathi kombila we-12 Matsi 1965 kunye nomhla we-10 Disemba 2019 (umhla wokuqala ukusebenza), kwanabo bathi banesifo ithayisisi mandulo okanye abafunyaniswe ngokulungoku kubana bathayisisi ngaphambi kukaDisemba 2031, okanye abaye banesifo sephepha (i-TB) ngelixa besebenza kulo migodi okanye ungekapheli unyaka emva kokuba bekile apho emgodini.

Nakuba kunjalo, asisebenzi kwabo babeyinxalenye baso nasiphi esinye isivumelwano sethaysiysi, kuquka intlawulo yeQhubeka Trasti, kwakunye nakwabo bambalwa abaketha ukuba bangazibandakanyi kwintlawulo ngelixa lokuzikhuphela ngaphandle ekupheleni kuka-2019.



### Abaphathiswa beTrasti

Iinkampani ezithatha inxaxheba zonjalo abaphathiswa beTrasti abathathu, ababini bonjwala ngamagqwetha abafaki-mabango waze omnye wonyulwa ngurhulumente. Ushlalo wokuqala weTrasti wonyulwa ngokuhlangeneyo ziinkampani kunye namagqwetha abafaki-mabango.



### Ikomiti Yokucebisa yeTrasti

ITrasti inomsebenzi olugunyaziso ngokwasemthethweni wokuqinisekisa ukunzulwa kweKomiti Yokucebisa yeTrasti enabemi bakarhulumente, beemanyano zabasebenzi, abeenkokheli zoluntu nabe-NGOs kunye nabanye abaphathiswa beTrasti abababona njengabanokunika iingcebiso eziluncedo kuTrasti.



### Amaqela entlawulo kunye nokutshintshwa kweenzuzo

Amaqela alishumi adweliswe apha ngezantsi. Izixa-mali ezichaziweyo zezona zixa ziphezulu umfaki-bango anokuzifumana kwiTshiamiso Trasti xa ngaba ezizalisekisa zonke iinqobo.

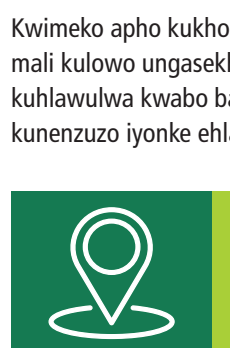
Iinqobo ekufanele zifizekise kunye notshintsho okanye iindlela zokutshintsha ekufanele ukuba izisebenzise iTshiamiso Trasti zezo zidingekayo ngokweNcwadi yeSigqibo yeTrasti.

Kwimeko apho umfaki-bango wayesebenze komnye okanye ngaphezulu umgodi ofanelekileyo kwengama-83 kwaye kananjalo wayesebenze komnye imigodi engeyoyi ofanelekileyo kwaye eye wanethayisisi okanye i-TB enxulumene nosebenzi, usenokufaneleka ukuba afumane kuphela umlinganiselo obalwe ngokwexesha (pro-rata) wesixa esipheleleyo sebango. Nakuba kunjalo, nabanina owayesebenze kumgodi ofanelekileyo iminyaka engama-30 ubucinanane ayisayi kutsshintshwa ngale ndlela inuzo yakho. Oku kuyafana nakulowo owhomekeke ngokwenkxaso yemali kulo mfaki-bango sele wasweleka.

Kwimeko apho inuzo engaphantsi komthetho i-ODMWA yethayisisi okanye i-TB ithe yonysuwa ngokubhengezwa kwiGazethi kaRhulumente emva kombila we-10 Disemba 2019, aze umfaki-bango ofanelekileyo abe selungelweni lokufumana esi sixa-mali somyusiweyo kuXhombishana wezeMbuyekezo weZifo Ezinxulumene Nomsobeni (CCOD), inuzo ehlawulwa yiTshiamiso Trasti iya kwehliswa ngeso sixa singaphezulu.

Ngaphantsi kweemeko ezithile intlawulo eyinzuzo isenokwehliswa ngesixamali esimiselwe yiNkonzo yeRhafu yaseMzantsi Afrika (i-SARS), size eso sixa sihlawulwe e-SARS.

Kwimeko apho kukho umfaki-bango ongumntu owhomekeke ngokwenkxaso-mali kulowo ungasekho ngaphezulu kunomnye, sisonke isixa-mali esiya kuhlawulwa kwabo bafaki-mabango ngokomyinge asisayi kuba ngaphezulu kunenzuzo yonke ehlawulwayo ngokuxulumene nalo meko yesigulo.



### Ukukhangela abafaki-mabango

**Ngumsebenzi weTrasti ukukhangela abafaki-mabango abafanelekileyo abaninzi kangangoko ikwaziyo kwiminyaka elishumi yokuqala ukusuka ekusekweni kwayo iTrasti.**

#### Ukuncedisa kulo nkqubo:

<b>1</b>	Amagqwetha abafaki-mabango kudingeka ukuba angenise kwiTrasti iinkcukacha zabo bonke abo bafaki-mabango asebenza egameni labo kwisimangalo sebango leqela labantu;	<b>3</b>	Nangona nje ingeyomfuneko yeNcwadi yeSigqibo yeTrasti, iinkampani eziseke itrasti nazo zafumana ulwazi olufanelekileyo eTEBA malunga nabasebenzi abaqeshwa zizo;
<b>2</b>	Iinkampani ezithatha inxaxheba kudingeka ukuba zingenise kwiTrasti zonke iirekhodi zengqesho ezikhoyo zabasebenzi ababesenza umsebenzi onomgqipekho kwimigodi ofanelekileyo kumaxesha ofanelekileyo;	<b>4</b>	ITrasti kananjalo isebenzisana ne-Medical Bureau for Occupational Diseases (MBOD) ukufumana ulwazi malunga nabantu abangeniswe amabango embuyekezo kuyo, kwaye kangangoko kunokwenzeka izame ukulimela ukuphindwa-phindwa kombenzenzi ngokubhekiselele kubantu abaselungelweni lokufumana inuzo kuzo zombini iTrasti kunye ne-MBOD.

#### UKUNGENISWA KWAMABANGO

Onke amabango kufanele angeniswe ngabafaki-mabango kwiGosa Lokungeniswa kwaMabango.

Ukuba ngaba iGosa Lokungeniswa kwaMabango alanelisekanga ukuba umfaki-bango ungiseni amaxwebhu adingekayo ukuhhasa ibango lakhe, iGosa Lokungeniswa kwaMabango liya kumazisa umfaki-bango ukuba ngawaphi na amaxwebhu angekhoyo kwaye apho kufanelekileyo, limncediswe umfaki-bango ekufumaneni lo maxwebhu.

Amanye amaxwebhu, kuquka iirekhodi zengqesho, kungathatha ixesha ukuwaqinisekisa kakhulu ngenxa yemeko yokugcinwa kweerekhodi okungekho semgangathweni ngakumbi kwiminyaka engaphambili.

**Ukuba ngaba iGosa Lokungeniswa kwaMabango laneliseke ukuba amaxwebhu adingekayo angeniswe ngumfaki-bango, ukuba ngaba ngumombi-mgodi, ingenguyi umntu owhomekeke ngokwenkxaso-mali kumombi-mgodi, umfaki-bango uya kuthunyelwa kwigcisa lezemphelo eliqinisekisiweyo ukuze enziwe uxilongo lwezempilo. Olu xilongo lwezempilo alusayi kudingeka ukuba ngaba umfaki-bango ukulo naluphi kwezi ndidi zilandelayo:**

<b>1</b>	Ukuba ngaba umfaki-bango sele enayo ingxelo yezonyango, yona kunye namanye amaxwebhu okufaka ibango kufuneka zingeniswe kwiPhaneli yoQinisekiso lwezoNyango;
<b>2</b>	Ukuba ngaba umfaki-bango unesetifikethi esamkelekileyo ngokwe-ODMWA esikuthstwe emva kombila we-10 Disemba 2019, kufuneka singeniswe kwikomiti yoQinisekiso yeTrasti;
<b>3</b>	Ukuba ngaba umfaki-bango unesetifikethi esamkelekileyo ngokwe-ODMWA esikuthstwe ngaphambili kombila we-10 Disemba 2019, umfaki-bango kufuneka akwazi ukukhetha ukuba isetifikethi singeniswe kwikomiti yoQinisekiso yeTrasti, okanye endaweni yoko umfaki-bango ngokukhetha kwakhe unokuthunyelwa ukuba ayokwenza uxilongo olupaphezulu lwezempilo oluquka uvavanyo lokusebenza kwemiphunga, ukuhlola ukuba ingaba umgangatho wemeko yesigulo somfaki-bango wehlile na ngeli xesha.

Ukuba ngaba kukacile kumaxwebhu angeniswayo ukuba umfaki-bango akangekhe nangaphantsi kwazo naziphina iimeko akwazi ukuqinisekiswa njengomfaki-bango ofanelekileyo, iGosa Lokungeniswa kwaMabango liyakwenza iirekhodi yangaphakathi yokungafaneleki lize likhuphe iSaziso Sokungafaneleki esiya kumfaki-bango esichaza izizathu zesigqibo eso.

Umfaki-bango unokucela ukuba siqwalaselwe kwakhona iSaziso Sokungafaneleki zingekapheli iintsuku ezingama-30 emva kokuba sichutshelwe umfaki-bango.

# INKQUBO YAMABANGO

#### AMAZIKO OXILONGO LWEZEMPILO

ITrasti inomsebenzi olugunyaziso ngokwasemthethweni lokumiseka amaziko oxilongo lwezempilo okwenza uxilongo oluthembakelweyo, kuquka ukuxilongwa kwezindimbu ezityandliweyo apho kufanelekileyo. Abaphathiswa beTrasti baya kuqulunga baze bagcine irejistri yamaziko ezempilo avunyiweyo, imibutho kunye neengcali.

#### UXILONGO LWEZEMPILO

Apho umfaki-bango etha wenziwa uxilongo lwezempilo, xa ngaba umfaki-bango wayenze umsebenzi onomgqipekho kumgodi omnye okanye ngaphezulu kuleyo ifanelekileyo isithuba esingaphezulu kweminyaka emihlanu, iTrasti yiyo eyakuthwala iindleko zoxilongo lwezempilo. Apho umfaki-bango etha wenziwa uxilongo lwezempilo kodwa wayenze umsebenzi onomgqipekho iminyaka engaphantsi kwemihlanu kumgodi omnye okanye ngaphezulu kuleyo ifanelekileyo, umfaki-bango nguye oyakuthwala iindleko zoxilongo, kodwa uya kubuyekeza ngezo ndleko ukuba naxa eqinisekisiwe njengomfaki-bango ofanelekileyo kwaye wahlawulwa inuzo.

Kulandela uxilongo, igcisa eliqinisekisiweyo (ngokuncedisa iGosa Lokungeniswa kwaMabango) liya kungenisa ingxelo yezonyango kunye namaxwebhu okungenisa ibango kwiPhaneli yoQinisekiso lwezoNyango. Inxelo yezonyango inokuquka ii-x-reji neminye imifanekiso yokulungela ethawhe ngomatshini, kunye neziphumo zeemvavanyo zokusebenza kwemiphunga.

IPaneli yoQinisekiso lwezoNyango iya kuqwalasela ingxelo yezempilo ize, ukuba yanlesekile, ikhuphe iSetifikethi Sokufunyanisiweyo ngezoNyango. Ngaphandle kokuba iSetifikethi Sokufunyanisiweyo ngezoNyango sigqiba ekubeni umfaki-bango akafanelekanga ngokwezempilo, okanye umombi-mgodi osele wasweleka afaka ibango ngokuxulumene naye lowo owhomekeke kuye ngokwenkxaso yemali akafanelekanga ngokwezempilo, iPhaneli yoQinisekiso lwezoNyango iyakungenisa iSetifikethi Sokufunyanisiweyo ngezoNyango kunye namanye amaxwebhu okungenisa ibango kwiKomiti yoQinisekiso yeTrasti.

Xa ngaba iSetifikethi Sokufunyanisiweyo ngezoNyango sibonisa ukuba umfaki-bango (ongenguyi umntu owhomekeke ngokwenkxaso yemali) akafanelekanga ngokwezempilo, unokungenisa elinye ibango elinye (1) – elinye kuphela – kwaye abenelungelo lokufumana esinye iSetifikethi Sokufunyanisiweyo ngezoNyango ngokusekelwe kwenye ingxelo yezonyango. Umfaki-bango nguye oya kuhlawula iindleko zoxilongo kodwa uya kubuyekeza ngezo ndleko ukuba naxa eqinisekisiwe njengomfaki-bango ofanelekileyo kwaye wahlawulwa inuzo.

#### UQINISEKISO

Ngaphandle kokuba iKomiti yoQinisekiso yeTrasti igqiba ekubeni umfaki-bango akanalo ilungelo lokufumana inuzo kwaye ikhuphe iSaziso Sokungafaneleki, iKomiti yoQinisekiso yeTrasti iya kungenisa Uqinisekiso lwayo kwi-Arhente emele iinkampani eziseke itrasti ukuqinisekisa ukuba ingaba ulwazi lwenkonzo olunxulumene nomombi-mgodi elibhekiselele kuye ibango elingeniswayo luphelele. Uhlolo olwenziwa yi-Arhente lunokuthatha ukuya kutsho kwiintsuku ezingama-90 ngesicelo ngasinye kwaye luya kuxhomekeka ikakhulu ekufumanekeni ngokulula kweerekhodi ezithile.

#### IPHANELI YOQINISEKISO LWEZONYANGO

IPaneli yoQinisekiso lwezoNyango eneengcali ezimbini ukuya kwezintathu zezigulo zemiphunga ezinxulumene nemisebenzi kufuneka imiselwe ukuze ihlole ingxelo yezonyango nganye engeniswe ukuhhasa amabango embuyekezo.

#### UMLAWULI WEENTLAWULO UQUQUZELELA UKUHLAZULWA KWENZUZO

Zakuba zihloliwe yi-Arhente, eneentsuku ezifikelela kwezingama-90 ukugqiba lo msebenzi, zonke izigqibo eziqinisekisiwe ngokwamkelekileyo yiKomiti yoQinisekiso yeTrasti zingeniswa kuMlawuli weNtlawulo noyakuthi aqinisekise i-akhawunti yasebhankini yomfaki-bango ophumeleleyo aze enze intlawulo evunyiweyo kulo akhawunti yasebhankini.

Umlawuli weNtlawulo uya kugcina ii-akhawunti ezineenkukacha ezibanzi zeentlawulo zeenzuzo.

#### IFOMU YOKUKHUPHA

Umfaki-bango kuya kudingeka ukuba atyikithe ifomu yokukhupha nalapho ayakuthi enze iziqinisekiso ezahlukeneyo ngokuxulumene noxanduva lweTrasti, iinkampani kunye namagqwetha omfaki-bango ngakuye kwixesha elizayo, kunye nelungelo lweTrasti lokuqokelela, ukusebenza kunye nokwenza izibhengezo ezithile ngolwazi lokwazisa umntu.

#### INKQUBO YOKUFUNDISA NGEZIZIMALI

Abaphathiswa beTrasti, apho kufanelekileyo futhi kukwaziyo ukwenzeka, baya kungungula inkqubo yokufundisa ngezizimali nayakuthi inikeze ngenkxaso kubafaki-mabango abafumene inuzo kwiTrasti ukuze banikezwe ulwazi lokubafundisa ngezizimali, kuquka, apho kunokwenzeka khona, ukuya kwiintlanganiso zokufundisa ngolwazi lwezizimali.

#### IKOMITI YOQINISEKISO YETRASTI

Kudingeka iKomiti yoQinisekiso yeTrasti enabantu abafanelekileyo ukuhlola amaxwebhu anxulumene nebango ngalinye elingeniswe kwigosa lokungeniswa kwamabango kunye navela kwiPhaneli yoQinisekiso lwezoNyango ukuze kufunyaniswe ukuba ingaba ibango ngalinye lifanelekile na.

#### UMLAWULI WEENTLAWULO

Umlawuli weNtlawulo unomsebenzi wokuqinisekisa ngokukuko ukuba umntu ngamnye ohlawulwa inuzo siqinisekisiwe ngokukoko nangokuchanekileyo isazisi sakhe ukuqinisekisa ukuba akukho mabango anobugqophololo ahlawulwayo.

#### AMABANGO ABANTU EKUNOKWENZKA UKUBA BASWELEKA EMVA “KOMHLA WOKUQALISA”

Ukuba ngaba umfaki-bango wayesaphila ngemihla we-10 Disemba 2019 waze wasweleka ngaphambi kokuba akwazi ukungenisa ibango, umabi-lifa welifa lakhe unokungenisa ibango.

#### INKQUBO YOKUTHINTELA UBUQHOPHOLOLO

Abaphathiswa beTrasti kudingeka ukuba basungule inkqubo yokuthintela ubugqophololo eyenzelwe ukuthintela ukusetyenziswa gwenxa kweenzuzo ezinikezwa yiTrasti.

#### IPHANELI YEENGCEBISO NGEZONYANGO

Abaphathiswa beTrasti banokonyula ipaneli yezonyango, nenamagcisa ezempilo aqegeshiweyo amabini ubucinanane nanezakho kunye namava ukuhlola ukonakala kwendlela yokuphefumla kunye nezifo zemiphunga ezinxulumene nemisebenzi, ukuze ibacebise kuyo nayiphi na imiba enxulumene nezonnyango.

#### IMISEBENZI YABAPHATHISWA BETRASTI

Abaphathiswa beTrasti banesibophelelo sokuzalisekisa iNjongo yeTrasti, nekukuphumeza iSivumelwano seNtlawulo kunye, ngokusekelwe koku, ukunikeza ngeenzuzo kubafaki-mabango abafanelekileyo. Kufuneka ikwenze oku kwizixa-mali kunye nangokusekelwe kuzo zonke iinkqubo neemfundo ezichazwe kwiNcwadi yeSigqibo yeTrasti ngokuhawuleza kangangoko kunokwenzeka.

Abaphathiswa beTrasti banesibophelelo sokulungula isicwangciso sonyaka sezimali nokusebenza ukuphumeza iNjongo yeTrasti. Esi sicwangciso kufuneka sibe nezi zinto kodwa kungaphelanga kuzo:

- Ezen tengiso kunye nolwazi;
- Iindlela ekuza kwenziswa ngayo ukukhokelelwa phambili kokukhangalwa kunye nokwenziswa koxilongo lwezempilo kwayo abasenokuba ngabafaki-mabango;
- Ukusungula nokunikekisa ubukho bezakho ezaneleyo zokwenza uxilongo lwezempilo;
- Ukusungula nokunikekisa ubukho beendawo zokuba amaGosa Okungeniswa kwaMabango akwazi ukwenza imisebenzi yawo;
- Ukusungula nokunikekisa ubukho beebungulo zolwazi ngezobuzisa, ulwabiwo-mali kunye nezizigqibo zolawulo.

#### IMIGODI EFANELEKILEYO KUNYE NAMAXESHA AFANELEKILEYO NGOKUXULUMENE NEMIGODI EFANELEKILEYO

Iinkcukacha ezipheleleyo ngoku zingafumaneka kwiShedyuli F yeNcwadi yeSigqibo yeTrasti.

#### II-AKHAWUNTI NEENGXELO

Abaphathiswa beTrasti baya kuqinisekisa ukuba ngokwama-inkcukado incwadi zezimali kunye neerekhodi ezimalungu nemiba yeTrasti kunye nolawulo lweNkxaso-mali yeTrasti nezobiziso ngokunyanisekileyo nangokuchanekileyo ulawulo lwabo lwemiba noshishino lweTrasti kunye neerekhodi yeentengiselwano nobume bezezimali beTrasti.

#### I-AGM

Abaphathiswa beTrasti kufuneka babize iintlanganiswe enye ubucinanane yaBaphathiswa beTrasti kwinyanga ezintandathu zokuphela konyaka-mali ngamnye weTrasti.