

Tshiamiso TRUST



UMBIKO OFINGQIWE WEGUNYA LESIKHWAMA SEMALI ESISIWE SE-TSHIAMISO

Sicela wazi ukuthi lo mbiko ofingqiwe Wegunya Lesikhwama Semali Esisiwe se-Tshiamiso senzelve ukusiza abafaka izicelo zokukhokhelwa kanye namanye amaqembu anentshisekelo ngokubuka kafushane igunya lezomthetho Lesikhwama Semali Esisiwe. Lo mbiko ofingqiwe awuyona idokhumenti ebophezela ngokomthetho.

Umlando

Ukukhokhelwa kwesinxephezelu secala eliphathelene ne-silicosis kanye nesifo sofuba kanye neGunya Lesikhwama Semali Esisiwe kwavunyelwana phakathi kwezinkampani zezimayini ezizisithupha nabammeli abamele abasebenzi basezimayini abafuna ukufaka isicelo sesinxephezelu kulezo zinkampani.

Izinkampani ezithintekayo yi-African Rainbow Minerals, i-Anglo American SA, i-AngloGold Ashanti, i-Gold Fields, i-Harmony neSibanye-Stillwater. Abammeli babamangali nguRichard Spoor Inc, u-Abraham Kiewit Inc kanye ne-Legal Resources Centre.

Inhloso Yesikhwama Semali Esisiwe ichazwa ngokuthi **“ukunika amandla iSivumelwano Sokukhokhela Isinxephezelu kanye nokuhluzeka Izinzuzo Kubamangali Abafanelekile (okungabala okumele bahlomule Esikhwameni Semali Esisiwe) ngamanani nasemibhalweni ebekwe kuli Gunya Lesikhwama Semali Esisiwe (Inhloso Yesikhwama Semali Esisiwe) . Imisebenzi Yesikhwama Semali Esisiwe izobhekiswa ngqo kuso, bese iSikhwama Sesikhwama Semali Esisiwe sisetshenziselwe ukulandela, Inhloso Yesikhwama Semali Esisiwe.”**

Amacala okunxeshelwa kanye nezinguquko emihlomulweni

Amacala okunxeshelwa ayishumi abalwe ngezansi. Amanani acacisiwe amanani aphakeme angafunwa ofake isicelo sokukhokhelwa Yesikhwama Semali Esisiwe i-Tshiamiso uma ehlangabezana nayo yonke imibandela.

Imibandela yokufaneleka kanye nezinguquko noma ushintsho Isikhwama Semali Esisiwe i-Tshiamiso edinga ukuzisebenzisa ziyadingeka Egunyeni Lesikhwama Semali Esisiwe.

Lapho ofake isicelo esebenze kuzo zombili izimayini ezifanelekayo eyodwa noma ezingaphezulu kwezingama-83 futhi esebenze nakwezinye izimayini ezingafaneleki futhi esethole i-silicosis noma isifo Sofuba esihlobene nasebenzi, angafanelekela ukuthola ingxenye ye-pro-rata yenani eligcwele lesicelo sokukhokhelwa. Kodwa-ke, noma ngubani osebenze emayini efanelekayo okungenani iminyaka engama-30 ngeke aguqulelwe umhlomulo wakhe ngale ndlela. Okufanayo kuyasebenza kothembele kulowo ofakelwe isicelo sokukhokhelwa oshonile.

Lapho ofake isicelo ofanelekile enze umsebenzi oyingozi emayini efanelekile kodwa hhayi nesikhathi esifanelekile, inzuzo ayikhokhelwe izonchiswisa ibe yi-pro-rata yaleso sikhathi.

Umuntu ofaka isicelo sokukhokhelwa ofanelekile ngathola isinxephezelu sokukhokhelwa esisodwa kuphela senzuzo, nalapho ethole khona kokubili i-silicosis kanye Nesifo Sofuba. Lokhu kusebenza futhi ezimweni lapho isimo sofaka isicelo sokukhokhelwa singadlulela kwesinye isigaba sesifo negunya kokuba imali seyikhokhwe. Uma sebhokhwele, labo bafaki izicelo ngeke besazukwi ukufuna ukukhokhela futhi ngoba isimo sabo sesisibi kakhulu.

Lapho umhlomulo we-ODMWA ngokuphathelene ne-silicosis noma isifo Sofuba imenyazelwa Ezimezelweni zikaHulumeni ngemva komhla ziye-10 kuDisemba 2019, futhi ofaka isicelo ofanelekayo ungelungo ukuthola leli nani elikhuliswe kusuka kuKhomishini Yesinxephezelu Yezifo Ezitholakala Emsebenzini (CCOD), imihlomulo ekhokhwe Ngesikhwama Semali Esisiwe se-Tshiamiso izokwehliswa ngaleyo mali eyengeziwe.

Ngaphansi kwezimo ezithile inkokhelo yomhlomulo ingancishiswa ngesamba esinqunye yi-South African Revenue Service (SARS), kanye naleyoy mali ekhokhwele abakwa-SARS.

Lapho kunofake isicelo othembele kumvukuzi ngaphezulu koyedwa, inani eliphelele elikhokhela labo bafake izicelo sebebonke ngeke leqe inani lomhlomulo okhokhwa ngokuphathelene naleso simo.

Ukuthola abafaka izicelo zokunxeshelwa

Kungumsebenzi Wesikhwama Semali Esisiwe ukuthola abafaki bezicelo abaningi abafanelekile ngangokunokwenzeka eminyakeni eyishumi yokuqala yempilo Yesikhwama Semali Esisiwe.

Ukusiza leyo nqubo:			
1	Abammeli babafake isicelo sokunxeshelwa kudingeka ukuthi banikeze Isikhwama Semali Esisiwe imininigwane yabo bonke labo bamangali abafake icala enkantolo;	3	Yize kungesona isidingo ngokuphathelene Negunya Lesikhwama Semali Esisiwe, izinkampani ezisungulayo ziphinde zathola ulwazi olufanele ku-TEBA mayelana nabasebenzi abaqashewe yibo;
2	Izinkampani ezibambe iqhaza kudingeka zinikeze Isikhwama Semali Esisiwe wonke amarekhodi oqasushwa atholakalayo abasebenzi abenza umsebenzi oyingozi ezimayini ezifanele ngesikhathi esifanelekile;	4	Isikhwama Semali Esisiwe sibuye sibenziselane ne- Medical Bureau for Occupational Diseases (MBOD) ukuthola ulwazi ngabantu abafake isicelo sokunxeshelwa kubo, futhi kuze kube sezingeni lapho kungenzeka khona ukugwema ukuphindaphindeka komsebenzi maqondana nabantu abafanele ukuthola imihlomulo Esikhwameni Semali Esisiwe naku-MBOD.

Kulowo ukukhokhelwa kwesinxephezelu Sesikhwama Semali Esisiwe okusebenza kuye

Isvumelwano sokukhokhelwa isinxephezelu sohla sisebenza cishe kubo bonke abasebenzi basezimayini zogolide abenza umsebenzi wokubeka engcupheni kwenye yezimayini zogolide ezingama-82 zalezi zinkampani ezizisithupha. Umsebenzi obeka engcupheni uchazwa Egunyeni Lesikhwama Semali Esisiwe ngale ndlela elandelayo Isigaba 13 soMthetho Obhekelele Izifo Ezimayini kanye Nasemisebenzini (ODMWA), echaza umuntu njengowenza umsebenzi oyingozi uma yena noma ovuleleke othulini lapho ukwakheka noma ukugxila kuyingoziso noma kungaba yingozi, noma kuma-gas, umpungu, izinto zamakhemikhali, izinto noma izimo zokusebenza eziyingozi noma ezingaba yingozi.

Ezinye zezimayini ezingama-83 zishintshe ubunikazi ngokuhamba kwesikhathi. Isvumelwano sisebenza kulezi zimayini ezifanelekayo kuphela kulezo zikhathi ebeziyingxenye yezinkampani ezizisithupha ezihlanganyela esivumelwaneni sokukhokhela isinxephezelu.

Kusebenza kulabo basebenzi ababenza umsebenzi oyingozi futhi ababesebenza kulezo zimayini esikhathini esiphakathi komhla ziye-12 Mashi 1965 kuya komhla ziye-10 kuDisemba 2019 (usuku olusebenzayo), nalabo abathola i-silicosis esikhathini esidlule noma abatholakala bene-silicosis ngaphambi kukaDisemba 2031, noma ngubani owathola isifo Sofuba ngenkathi esebenza kulezo zimayini noma kungapheli unyaka esukile emayini.

Kodwa-ke, akusebenzi kulabo ababeyingxenye yanoma yikuphi ukukhokhelwa kwe-silicosis, kuhlanganisa Nesikhwama Semali Esisiwe seQhubeka, noma labo abambalwa abakhetha ukuphuma kuleso sinxephezelu sokukhokhelwa ngesikhathi sokuphuma ngasekupheleni kuka-2019.

Abaphatheli Abaqokiwe

Abaphatheli Abaqokiwe abathathu abaqokwa yizinkampani ezibambe iqhaza, ababili ngabammeli babafake isicelo kanti omunye uqokwe nguhulumeni. Usihlalo wokuqala Wesikhwama Semali Esisiwe uphakanyiswe ngokuhlanganyela yizinkampani nabammeli babafake isicelo.

Ikomidi Eliilulekayo Lesikhwama Semali Esisiwe

Isikhwama Semali Esisiwe sigunyazwe ukuthi siqinisekise ukoqokwa kweKomidi Eliiluleka Isikhwama Semali Esisiwe eliqukethe abamele uhulumeni, izinyunyana, abaholi bomphakathi kanye Nezinhlango Ezingekho Ngaphansi Kukahulumeni kanye nabanye abaphatheli abaqokiwe abaqabanga ukuthi bagadlala indima yokweluleka ebalulekile Esikhwameni Semali Esisiwe.

UKUFAKWA KWEZICELO ZOKUKHOKHELWA

Zonke izicelo zokukhokhelwa kumele zifakwe ngabafaka izicelo zokukhokhelwa ngokusebenzisa Isikhulu Sokufaka Isicelo Sokukhokhelwa (Claims Lodgement Officer).

Uma Isikhulu Sokufaka Isicelo Zokukhokhelwa singenisekile ukuthi umfakisicelo unikeze amaphapha adingekayo ukufakazela isimangalo sakho, Isikhulu Sokufaka Isicelo Zokukhokhelwa sizokwazisa ofake isicelo sokukhokhelwa ukuthi yimaphi amadokhumenti esesele futhi, lapho kufanele khona, asize ofake isicelo sokukhokhelwa ukuthola lawo madokhumenti.

Eminye imibhalo, kufaka phakathi amarekhodi oqasushwa, kungathatha isikhathi ukuguqinisekisa ikhululuzazi ngemva yesimo sokugcinwa kwamarekhodi okunganele ikhululuzazi eminyakeni eyedule.

Uma Isikhulu Sokufaka Isicelo Zokukhokhelwa sinelisekile ukuthi amadokhumenti adingekayo ahlinzekwe ngofake isicelo sokukhokhelwa, uma kungukuthi ube ngumvukuzi, kunokuba abe ngobethembele kumvukuzi, ofake isicelo uzothunyelwa kudokotela ogunyaziwe ukuze ayokwenziswa ukutholwa kwezempilo. Lokhu kuhlolwa kwezempilo ngeke kudingeka uma ofaka isicelo sokukhokhelwa engena kunoma yiliphi kula maqogo alandelayo:

1	Uma ofaka isicelo sokukhokhelwa esivele enombiko wezempilo, wona kanye namanye amadokhumenti kumele kufakwe Kuphaneli Yokugunyaza Izitifiketi Zokwelapha;
2	Uma ofaka isicelo sokukhokhelwa evela enesitifiketi esigunyaziwe se-ODMWA esakhishwa ngemva komhla ka-10 Disemba 2019, kumele sifakwe Ekomidini Lokugunyaza Lesikhwama Semali Esisiwe;
3	Uma ofaka isicelo sokukhokhelwa enesitifiketi esigunyaziwe se-ODMWA esakhishwa ngaphambi komhla ka-10 Disemba 2019, ofake isicelo sokukhokhelwa kumele anikezwe ukuzikhethela ukuthi isitifiketi sifakwe Ekomidini Lokugunyaza Lesikhwama Semali Esisiwe, noma ofaka isicelo sokukhokhelwa angakwazi ngokuzikhethela kwakhe ukuthi ahanjwise kokunye ukutholwa kwezempilo okuhlanganisa ukutholwa kokusebenza kwamaphaphu, ukuze kuhlolwe ukuthi ngabe isimo sofaka isicelo sokukhokhelwa sesibe bucali yini kulesi sikhathi.

Uma kuacile ukuthi kumadokhumenti afakiwe ukuthi ofaka isicelo sokukhokhelwa ngeke ngaphansi kwanoma yisiphi isimo akwazi ukuguqinisekiswa njengofaka isicelo ofanelekile, Isikhulu Sokufaka Isicelo Sokukhokhelwa sizokwenza irekhodi langaphakathi lokungafaneleki bese sikhapha Isaziso Sokungafaneleki kulowo ofaka isicelo sokukhokhelwa sichaze iziathu zalesi sinqumo.

Ofaka isicelo sokukhokhelwa kungenzeka acele ukuba kubukezwe Isaziso Sokungafaneleki kungekadluli izinsuku ezingama-30 ngemva kokuba sinikezwe ofaka isicelo sokukhokhelwa.

INQUBO YOKUFAKWA KWESICELO SOKUKHOKHELWA

IZIKHUNGO ZOKUHLOLWA KWEZOKWELAPHA

Isikhwama Semali Esisiwe sinikwe igunya lokuthi sibeke izindawo zokuhlolwa kwezokwelapha ukuze zenze izivivinyo ekunokwethenjelwa kuzo, kuhlanganisa nezivivinyo zokuhlolwa kwesidumbu ukuze kuhlonzwe imbanga yokushona lapho kufanele khona. Abaphatheli Abaqokiwe bazohlunganisa futhi bagcine ukubhaliswa kwezikhungo zezokwelapha ezivunyelwe, izinhlangano kanye nabenza umsebenzi.

UKUHLOLWA KWEZEMPILU

Lapho ofaka isicelo sokukhokhelwa enziwa ukuhlolwa kwezempilo, uma kuvukuthi ofaka isicelo sokukhokhelwa ubenza umsebenzi oyingozi emayini eyodwa noma ngaphezulu efanelekile ngaphezulu kweminyaka emihlanu, Isikhwama Semali Esisiwe sizokhokhela izindleko zokuhlolwa kwezempilo. Lapho ofake isicelo sokukhokhelwa enziwa ukuhlolwa kwezempilo kodwa enze umsebenzi oyingozi iminyaka emincane kuneminyaka emihlanu emayini eyodwa noma ngaphezulu ezimayini ezifanelekile, ofaka isicelo sokukhokhelwa ukuzozikhokhela izindleko zokuhlolwa, kodwa uzobuyiselwa imali yalezo zindleko uma eseqinisekisiwe ngofake isicelo sokukhokhelwa ofanelekile futhi ekhokhelwe umhlomulo.

Ngemva kokuhlolwa umsebenzi oqinisekisiyo (ngokusizwa Yesikhulu Sokufaka Isicelo Zokukhokhelwa) uzofaka umbiko wezempilo kanye namadokhumenti okufaka isicelo sokukhokhelwa Kuphaneli Yokugunyaza Izitifiketi Zokwelapha. Umbiko wezokwelapha ungafaka ama-x-ray nezinye izithombe zokuhlolwa, kanye nemiphumela yokuhlolwa kokusebenza kwamaphaphu.

Iphaneli Yokugunyaza Izitifiketi Zokwelapha izobukeza umbiko wezempilo futhi, uma yenelisekile, izokhipha Isitifiketi Sokutholakele Kwezempilo. Ngaphandle uma Isitifiketi Sokutholakele Kwezempilo sifakazela ukuthi ofaka isicelo sokukhokhelwa ufanekile ngokwezempilo, noma ukuthi umvukuzi osehawona obethembele kuye ofaka isicelo sokukhokhelwa ofanelekile ngokwezempilo, Iphaneli Yokugunyaza Izitifiketi Zokwelapha izofaka Isitifiketi Sokutholakele Kwezempilo kanye namanye amadokhumenti okufaka isicelo sokukhokhelwa Ekomidini Lokugunyaza Lesikhwama Semali Esisiwe.

Uma kwenzeka Isitifiketi Sokutholakele Kwezempilo sikhombisa ukuthi ofaka isicelo sokukhokhelwa (ongeyena othembele kumvukuzi) akafanelekile ngokwezempilo, angafaka isicelo sokukhokhelwa esisodwa (1) – futhi esisodwa kuphela - sokuphinde ofake isicelo sokukhokhelwa bese ekwazi ukuthola esinye Isitifiketi Sokutholakele Kwezempilo okusekelwe komunye umbiko wezempilo. Ofake isicelo sokukhokhelwa uzokhokhela izindleko zokuhlolwa kodwa uzobuyiselwa izindleko uma eqinisekisiwe ukuthi ungofake isicelo sokukhokhelwa ofanelekile futhi ekhokhelwe umhlomulo.

UKUQINISEKISWA

Kuphela uma Ikomidi Lokugunyaza Lesikhwama Semali Esisiwe lingama ukuthi ofaka isicelo sokukhokhelwa akufanele athoe umhlomulo bese likhipha Isaziso Sokungafaneleki. Ikomidi Lokugunyaza Lesikhwama Semali Esisiwe Ilozofaka Isitifiketi ku-Agent emale izinkampani ezasungula ukuze kuqinisekisiwe ukuthi ngabe ulwazi oluphathelene nokusebenza ngokuhlobene nomvukuzi okufakwa isicelo sakhe sokukhokhelwa ngabe kuphelele yini. Ukubukeza kwe-Agent kungathatha izinsuku ezingama-90 esicelweni ngasinye futhi kuzoncika ikhululuzazi ekuzwazini ukutholakala kwamarekhodi athile.

IPHANELI YOKUGUNYAZA IZITIFIKETI ZEZOKWELAPHA

A Iphaneli Egunyaza Izitifiketi Zezokwelapha egukethe ochwepheshe bezifo zamaphaphu ababili kuya kwabathathu abadinga ukuba khona ukuze kuhlolwe umbiko ngamunye wezokwelapha othwele ukuzhaxa izimangalo zesinxephezelu.

OWENGAMELE UKUKHOKHA UZOHELELA UKUKHOKHWA KOMHLOMULO

Uma sekutholakele ku-Agent, onezinzinsuku ezingama-90 ukuze aqedele lo msebenzi, zonke izinqumo eziqinisekisiwe ngempumelelo Yikomidi Lokugunyaza Lesikhwama Semali Esisiwe zifakwa Kowengamele Ukukhokha ozoqinisekisa imininigwane yasebhangwe yofake isicelo sokukhokhelwa esiphumelele bese efaka imali egunyaziwe kuleyo akhawunti yasebhangwe.

Owengamele Ukukhokha uzogcina imibhalo eningiliziwe yokukhokhela kwemihlomulo.

IFOMU LOKUDELELA IMALI

Ofake isicelo sokukhokhelwa kuzudingeka ukuthi asayine ifomu lokudelela imali lapho ezovuma ezindaweni ezahlukene ngokuphathelene nezindleko zesikhathi esizayo Zesikhwama Semali Esisiwe, izinkampani kanye nabammeli bofake isicelo sokukhokhelwa kuye, kanye nelungelo Lesikhwama Semali Esisiwe sokuloleka, ukulingiselela kanye nokuguqinisekisa ukudlulwa kweminye imininigwane ehlonza umuntu.

UHLELO LOKUFUNDISA NGEZIZIMALI

Abaphatheli Abaqokiwe, lapho kwazeka futhi kungenzeka khona, bazosungula uhlelo lokufundisa ngezizimali oluzokweseka abafaka isicelo sokukhokhelwa abathola imihlomulo Esikhwameni Semali Esisiwe ukuze bahlinzekwe ngokufundiswa ngokuphathelene nolwazi ngezimali, oluhlunganisa, lapho kwazi ukwenzeka khona, ukwethembla imihlangano yokucohelelana ngolwazi lwezizimali.

IKOMIDI LOKUGUNYAZA LESIKHWAMA SEMALI ESISIWE

Ikomidi Lokugunyaza Lesikhwama Semali Esisiwe eliqukethe abantu abaqegeshiwe liyadingeka ukuthi lihlole amadokhumenti maqondana nazo zonke izicelo zokukhokhelwa ezithunyelwe ngesiphathimandla sokufaka izicelo zokukhokhelwa kanye Nakuphaneli Yokugunyaza Izitifiketi Zezokwelapha ukuze lingqume ukuthi ngabe isicelo sokukhokhelwa ngasinye sisemthethweni yini.

OWENGAMELE UKUKHOKHA

Owengamele Ukukhokha umesibophu sokuqinisekisa ngokufanele ukuthi wonke umuntu okhokhelwa umhlomulo ukhonjwa ngendlela efanele nangokunembile, ukuqinisekisa ukuthi akukho zimali zezicelo zomgunyathi ezikhokhelwayo.



IZICELO ZOKUKHOKHELWA ZABANTU OKUNGENZEKA UKUTHI BASHONA NGENUMVA “KOSUKU LOKUQALA UKUSEBENZA”

Uma ofaka isicelo sokukhokhelwa wayephila ngomhla ka-10 Disemba 2019 kodwa wadlula emihlabeni ngaphambi kokuba akwazi ukufaka isicelo sokukhokhelwa, umabi wefa lakhe angafaka isicelo sokukhokhelwa.

IMISEBENZI YETRAST

IMISEBENZI YABAPHATHELI ABAQOKIWE

Abaphatheli Abaqokiwe baphoqekele ukuthi bafaze Inhloso Yesikhwama Semali Esisiwe, ekuvukwenza ukuthi kusebenze isivumelwano Sesinxephezelu kanye, ngokusekela kulokhu, bahlinzeko imihlomulo kulabo okumele bahlomule abafanelekile. Kumele sikwenzelwe lokhu ngamanani kanye nokusekela kuzo zonke izinqubo kanye nokudingekile okubekwe Egunyeni Lesikhwama Semali Esisiwe ngokushesha ngendlela okungenzeka ngayo.

Abaphatheli Abaqokiwe baphoqekele ukuthi batshukise uhlelo lwezizimali kanye nokwenzisa umsebenzi lweminyaka yonke ukuze kufezwe inhloso Lesikhwama Semali Esisiwe. Lolu hlelo kumele luhlanganise kodwa alugini kuphela:

- Olwazi lwezokumaketha;
- Ukuthi kuzolandelwa kanjani ukubaluleka kokuthola ukwenzisa ukutholwa kwezempilo kwabandiga ukwenzelwa izicelo;
- Ukusungula nokugcina ukwazi ukwenganela ukutholwa kwezokwelapha;
- Ukusungula nokunakekela izindawo zeZikhulu Zokufakwa Kwezicelo Zokukhokhelwa ukuze zenze umsebenzi wazo;
- Ukusungula nokugcina ubuchwepheshe bolwazi, isabelomali kanye nezinhlelo zokuphatha jikelele.

IZINSIZAKUSEBENZA, IZINHLELO KANYE NABASEBENZI

Abaphatheli Abaqokiwe kudingeka ukuthi basungule futhi bagcine izinhlelo nezinguquko ezidingekayo, kubandakanya nezinhlelo zobuchwepheshe bolwazi, ukunika amandla izikhulu Zokufaka Isicelo Zokukhokhelwa (Claims Lodgement Officers), Ikomidi Lokugunyaza Lesikhwama Semali Esisiwe kanye Nowengamele Ukukhokha ukuthi benze imisebenzi nabo ngokuphathelene Negunya Lesikhwama Semali Esisiwe.

AMA-AKHAWUNTI NEMIBIKO

Abaphatheli Abaqokiwe bazoqinisekisa ukuthi kugcinwa izincwadi namarekhodi ezezimali afanele ngokuphathelene nezindaba Zesikhwama Semali Esisiwe nokwenganyelwa Kwesikhwama Semali Esisiwe okukhombisa ngokweqiniso nangokunembile ukuphatha kwazo kwezindaba nebhizinesi Lesikhwama Semali Esisiwe futhi kuqoqosha ukusetshenziswa kanye nesimo sezizimali Lesikhwama Semali Esisiwe.

UMHLANGANO OKUKHOKHELWA WONYAKA

Abaphatheli abaqokiwe kumele babize okungenani umhlangano ovodwa Wabaphatheli Abaqokiwe kungekadluli izinyanga ezizishumi ngemva kokuphela konyaka wezezimali Wesikhwama Semali Esisiwe.

