

- Umsebenzi makanikwe ixesha elaneleyo azilungiselele ukuxoxwa kwetyala - ukuthi iyure ezi 48; yaye
- Umsebenzi makavunyelwe abenomntu ozakumnceda ezingxoxweni, yaye itoliki, ukuba kuyimfuneko.

Ukugxotha:

Umqeshi angagxotha abasebenzi ngemfuneko yokwenyani yokusebenza. Phambi kokuba umqeshi athathe isigqibo sokugxotha, mabalumane indlebe nabasebenzi kunye nemanyano yabasebenzi yabo ngothotho lwemibuzo (edwelisiweyo kwicandelo 189 le LRA).

Leyo iquka:

- Kutheni umqeshi eceba ukugxotha abasebenzi?



Umqeshi angagxotha ngoku:

• Ziphatha kakubi

Umqeshi unokubonisa ukuba umsebenzi wophule umthetho awaziyo yaye awuqondayo; nokuthi umthetho usetyenziswa ngokulinganayo kubasebenzi bonke, yaye ukugxothwa kufanelekile - ngamanye amagama, ukuthi bekungazufaneleka ukulungisa umsebenzi ngokwe, umzekelo, anikwe isilumkiso.

• Ngomsebenzi awenzayo olambathayo

Umqeshi angabonakalisa ukuba umsebenzi ebesazi ngomgangatho ofunwayo. Umqeshi funeka kwakho anike umsebenzi ithuba elililo lokusebenza kakuhle afikelele kumgangatho.

• Ukungabinako ngenxa yokugula

Kwesi sithuba umqeshi makazame ukunceda umsebenzi, ingakumbi ukuba ukungabinako kokwethutyanana.

Iimfuneko zokugxotha:

Phambi kokugxotha umsebenzi ngokuziphatha kakubi, ngomsebenzi olambathayo okanye ukungabinako, umqeshi makanike umsebenzi ithuba lokubeka imeko yakhe. Umsebenzi makaxelelwe ngokucacileyo yintoni isikhalazo somqeshi, ngolwimi aliqondayo;

- Ingaba ayikho enye indlela ukunqanda ukugxotywa (umzekelo iyure ezimbalwa)?
- Ngabaphi abasebenzi abazakugxothwa? Ingaba oku kuzakwenziwa njani?
- Uzakuba yimalini umvuzo wokuqhawula abasebenzi abagxothiweyo abazakuwufumana?

Emawukwenze xa ugxothwe ngokungalingana: Ukuba ukugxothwa akulunganga (mhlawumbi ngokuba inkqubo ibingenabulungisa, okanye ngokuba bekungekho sizathu sibalulekileyo esayamene nokuziphatha, umsebenzi olambathayo, okanye ukungabinako) umsebenzi angakugqithisela kwa CCMA okanye kwi Bhunga leNgxoxo okungaboni ngasonye apho ogunyazisiweyo anokubuyisela umsebenzi, okanye ayalele umqeshi ahlawule imbuyekeze.

Abaqeshi abanakugxotha abasebenzi ngokusebenzisa amalungelo abo phantsi kwe LRA, okanye ngokuthabatha inxaxheba kwintshukumo zoqhankqalazo ezisemthethweni, ngoku khulelwa okanye nasiphina isizathu esicalucalulayo.

Ukuba bayabagxotha, ukugxothwa ngokuzenzelekayo akulunganga, yaye makubhekiswe kwi Nkundla Zabasebenzi.

Casual Workers' Advice Office (CWAO)

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CWAO
CASUAL WORKERS ADVICE OFFICE

IsiXhosa
Unfair Dismissal

INKQUBO YEMFUNDO

UKUGXOTHWA OKUNGALUNGANGA (Unfair Dismissal)

Lilungelo lomsebenzi nawuphina angagxothwa ngokungalingana. Ngoba ukhuseleko lomsebenzi libalulekile, ukugxothwa kusoloko iyinto yokugqibela; abaqeshi mabazame balungise ingxaki endaweni yokugxotha abasebenzi.

Ukugxothwa akulunganga ukuba:

- umqeshi akalandelanga inkqubo yobulungisa phambi kokugxotha umsebenzi, okanye
- khange kubekho sizathu silungileyo sokugxotha umsebenzi.