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B-BBEE COMMISSION
a member of the dti group

Ufuna ukufaka isikhalazo kuKhomishana i-B-BBEE Commission?

Iyini iKhomishana i-B-BBEE Commission?

I-Broad-Based Black Economic Empowerment Commission isungulwe njengesikhungo esiphethwe uMnyango Wezohwebo, Izimboni Nezokuqhudelana Kwezohwebo ("i-dtic"). IKhomishana Yasungulwa ngokwesigaba 13B soMthetho i-Broad-Based Black Economic Empowerment Act No. 53 of 2003 njengoba uchitshiyelwe kuMthetho i-Broad-Based Black Economic Empowerment Act No. 46 of 2013 ("uMthetho we-B-BBEE"). Umsebenzi wayo ubandakanya ukukala ukuqaliswa koMthetho we-B-BBEE nokulwisana nezenzo zokungalandelwa kwezimiso zoMthetho we-B-BBEE.

Lihamba ibanga elingakanani igunya leKhomishana i-B-BBEE Commission?

Siyinhlangano elawulayo enegunya lokulawula eNingizimu Afrika yonkana, esiphathiswe umthetho ukuthi senze ngokungachemi futhi senze imisebenzi ngaphandle kokwesaba, ukuchema noma ukubandlulula. Akukhathaleki ukuthi isikhalo sivelaphi inqobo nje uma siseNingizimu Afrika.

Sibheka ukwephulwa kwemithetho okwenzeka ngemva komhla zingama-24 kuMfumfu wezi-2014, kodwa lapho kwephulwa khona ngaphambi kwalolu suku, futhi ukuziphatha, ilayisensi, isivumelwano, sisaqhubeka, sinamandla okubhekana nokuphulwa okunjalo.

Ubani ongafaka isikhalo?

Noma yimuphi umuntu osolayo noma owaziyo ngokuphulwa koMthetho, njengokuthi abantu abamnyama basetshenziswa kuphi ukuze kuzuzwe amaphuzu e-B-BBEE, angafaka isikhalo kithi.

Ngokwesibonelo, abasebenzi ebhizinisini bangase bazi ukuthi inkampane yenza i-fronting noma i-tokenism ngokwethula abantu abamnyama njengabanikazi bamasheya noma njengabaphathi ebhizinisini, kuyilapho kungenjalo.

Kuyicala ukuzama ukuba nomthelela ongemuhle ezikhulwini zethu noma ukusiphazamisa ngesikhathi sisebenzisa amandla kanye nokwenza imisebenzi ngaphansi koMthetho.

Iziphi izinkinga ongakhala ngazo?

Noma yimuphi umuntu angakhononda ngemikhuba yokugebenga, echazwe eMthethweni ukuthi isho lezo zinqubo ezibukela phansi noma ezikhungathekisa izinjongo zoMthetho, noma ezithiya ukuqaliswa kwanoma yiziphi izinhlinzeko zoMthetho. Ngakho-ke ukwephulwa kwanoma yikuphi ukunikezwa koMthetho kungabikwa kithi.

Imikhuba yokubandlulula noma yokubeka omunye umuntu phambili ngokuvamile ithatha isimo lapho abantu abamnyama bethulwa njengabaqondisi, abaninimasheya noma abahlomuli enkampanini ukuze inkampane ibukeke sengathi inesimo esifanele se-B-BBEE.

Amabhizinisi avame ukwenza lokhu ukuze athole amaphuzu aphezulu ukuze afanelekele ukuthola ithenda kahulumeni noma ilayisense okudingeka ayithole ukuze asebenze emikhakheni efana nezimayini. Futhi bafaka izicelo zoxhaso lukahulumeni noma izikuthazo, bangase babeke abantu abamnyama phambili ukuze banikeze isithombe sokuthi le nhlangano inika abantu abamnyama amandla, kuyilapho kungenjalo.

Lezi zinqubo ziza ngezindlela eziningi nezimo, futhi ziba nobuciko nsuku zonke. Ngakho-ke izinkomba zisetshenziswa ukuze kutholwe izinqubo ezinjalo, njengokuthi lapho uchwepheshe eyibhizinisi efakwa esakhiweni sakhe njengomnikazi wamasheya noma umphathi enkampanini, kodwa aqhubeke ehola umholo wakhe njengochwepheshe kuphela, noma lapho umuntu omnyama enziwa i-CEO izinqumo ezithathwa ngabanye abantu abangaphansi kwakhe ebhizinisini.

Ayini amandla eKhomishini ye-B-BBEE?

Sinamandla okwamukela nokuthatha isinyathelo ngezikhalazo esizithola emphakathini, noma ukuziqalela uphenyo ngokwethu, bese emva kwalokho senze okutholakele nokungenziwa.

Sinamandla okukhipha imiyalezo zokubiza futhi sibuze noma yimuphi umuntu ofanele ophenyweni, kanye nokuthola imibhalo noma imininingwane ehambisana necala. Singaphinde siye enkantolo ukuze sithole isivimbelo noma umyalelo nganoma yiziphi izici, lapho kudingeka khona.

Lapho sithola khona ukuthi isikhalazo esisiphenyile sibandakanya ikhomishini yecala lobugebengu, kudingeka ukuthi lolu daba siludlulisele kuPhiko Lwezokushushiswa Kukazwelonke noma ophikweni olufanele loPhiko Lwezemisebenzi Yamaphoyisa aseNingizimu Afrika.

Uma uphenyo seluqediwe, lokho esikutholile noma okungenziwa kuzoshicilelwa, ngisho nakwisizindalwazi.

Iyini imiphumela yokwephula uMthetho?

Okutholwe yiKhomishana i-B-BBEE Commission kungaholela ekukhanselweni kwezinkontileka inkampane ephenywayo enazo nohulumeni noma izinhlaka zikahulumeni.

Abathintekayo abatholakala benecala bangahlawuliswa kuze kufike ku-10% wenzuzo yabo yonyaka uma bengabantu bomthetho noma baboshwe iminyaka efinyelela kweyishumi (10) uma bengabantu bemvelo.

Amaqembu angaphinde akhishwe ekwenzeni ibhizinisi nohulumeni nanoma iyiphi inhlangano kahulumeni isikhathi esingafika eminyakeni eyishumi (10).

Izinhlangothi ezephula uMthetho ziphinde zibe sengozini yokulimala okubi kakhulu esithunzini nasesithombeni sazo, okungase kuthinte ukuma nekhono lazo lokuheha abatshali-zimali noma izinkontileka, kanye nokudalulwa kwezomthetho ekumangalelo abanye.

Ungasifaka kanjani isikhalo kuKhomishana i-B-BBEE Commission?

Noma yimuphi umuntu angafaka isikhalazo kithi ngokuletha **i-B-BBEE FOMU 7** eligcwalisiwe futhi asho uhlobo lwesikhalo.

Ngokukhethekile, umuntu udingeka ukuthi anikeze ulwazi olulandelayo kwi-Fomu:

- Incazelo yokuziphatha noma umkhuba okusolwa ukuthi wephula uMthetho;
- Imininingwane yomuntu, umkhakha kahulumeni, inhlangano noma uhlaka lombuso okusolwa ukuthi lwephula uMthetho;
- Igama kanye nemininingwane yokuxhumana yanoma yimuphi umuntu onganikeza ulwazi oluphathelene nesikhalazo kuKhomishani;
- Ulwazi ngezinyathelo ezithathwe ngummangali ukuzama ukuxazulula isikhalazo, okuhlanganisa nezinye izindlela zokuxazulula izingxabano, ngaphambi kokufaka isikhalazo; futhi
- Indlela okungasingathwa ngayo izinsolo zokwephula ngokombono wommangali

Lapho ehambisa Ifomu, ummangali uyacelwa ukuba anamathisele noma yiluphi ulwazi olufanele njengezinkontileka zabanikazi bamasheya, Izitifiketi ze-B-BBEE kanye nezitifiketi zokubhaliswa kwenkampani ukuze usisize sisiqonde kangcono isikhalazo sakho.

Lapho sithola isikhalazo, sizovuma ukuthi sisitholile futhi sinikeze ummangali inombolo yecala zingakapheli izinsuku ezinhlanu (5). Singacela imininingwane eyengeziwe ngokukhipha IFOMU I**-B-BBEE 8**. Ngokwesigaba 13L, umuntu angase athi yonke imininingwane noma ingxenye yalolo lwazi iyimfihlo futhi isicelo kufanele sisekelwe isitatimende esibhaliwe esichaza ukuthi kungani ulwazi luyimfihlo.

Ungaba yini umphumela wesikhalo?

Sihlola zonke izikhalo esizitholayo, futhi sikhipha isaziso sokungaphenyi kummangali **iFOMU B-BBEE 11**, uma sibona ukuthi (a) asinawo amandla okubheka udaba; noma (b) isikhalazo asigunyazi uphenyo.

Lapho kukhona amandla futhi isikhalazo sigunyaza uphenyo, Isaziso Sophenyo sizokhishwa. Uphenyo lungabandakanya ukubizwa kanye nokulalelwa okusemthethweni.

Okutholakele nokungenziwa kuzokwenziwa. Ngakho-ke ukushushiswa kuzolandelwa lapho kudingeka khona.

Uhlelo Lokufaka Isikhalazo – ngokusebenzisa i-B-BBEE Form 7

Step 1 Complain received via email or hand delivered	Isikhalo esitholakale nge-imeyili noma esilethwe bukhoma
Step 2 Pre-screening for relevance to B-BBEE Commission	Ukuhlolwa kokuqala kwesikhalo ukuze kuqinisekiswe ukuxhumana ne-B-BBEE Commission
Step 3 Complaint acknowledged within 5 days with a case number	Isikhalo siyamukelwa kungakapheli izinsuku ezi-5 futhi sinikwe nenombolo yecala
Step 4 Determine the relevance of the case	Ukubhekwa kokuyicala
Step 5 Refer case to enforcement for investigation	Ukudluliselwa kwecala kwabaphenyayo ukuze liphenywe
Step 6 Preliminary assessment and/or call for additional information	Ukuhlolwa kophenyo kanye/noma kucelwe eminye imininingwane eyengeziwe
Step 7 Valid B-BEE case (YES) (NO)	Icala le-B-BEE ngempela (YEBO) (CHA)
Step 8 Issue Non Investigation Notice	Ukukhishwa Kwesaziso Sokuphela Kophenyo
Step 9 Investigation Notice	Isaziso Ngokuqhubeka kophenyo
Step 10 Refer to ADR or Case finalization with findings or refer for prosecution or withdrawal and closure	Ukudluliselwa kwecala nokutholakale ophenyweni ku-ADR noma kwabaphothula icala noma lidluliselwe kubashushisi noma licinywe futhi livalwe
Step 11 End of process	Ukuphela kohlelo lwesikhalo

Ungasithinta kanjani?

Ungabhala, uthumele i-imeyili, ushayele ucingo, uvakashele amahhovisi ethu noma ugcwalise ifomu lesikhalazo nge-inthanethi kusizindalwazi.

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