

GO TLHALOGANYA MOLAOMOTHEO WA GO TSWELELA GA BOEMO JWA DITLAMORAGO TSA GO NNA BENG BA DISHERE GA BANTSHO GO AMOGELESEGE MORAGO GA THEKISO YA DISHERE GA BATSAYAKAROLO BA BANTSHO KGOTSA GO LATLHEGELWA GA BONE KE TSONE

1. Re bo mang

Khomishene ya Go Matlafadiwa Seikonomi ga Bantsho ka Kakaretso (“Khomishene ya B-BBEE”) e tlhomilwe jaaka setlamo se se ikemetseng tlase ga Lefapha la Kgwebo, Madirelo le Kgaisano (Department of Trade, Industry and Competition [“ **the dtic**”]). Khomishene eno e ne ya tlhomiwa go ya ka Molao wa Go Matlafadiwa Seikonomi ga Bantsho ka Kakaretso, wa bo 53, wa 2003 o o tlhabolotsweng ke Molao wa Go Matlafadiwa Seikonomi ga Bantsho ka Kakaretso, wa bo 46 wa 2013 (“Molao wa B-BBEE”). Boikarabelo jwa yone bo akaretsa go okamela go tsenngwa tirisong ga Molao wa B-BBEE le go lwantsha ditiro tsa bonweenwee.

2. Boikaelelo jwa bukana eno

2.1 Boikaelelo jwa bukana eno ke go kaela ka fa batsayakarolo ba B-BBEE le ditlamo di tshwanetseng go tshwara le go sekaseka tshwanelego ya ditokomane tsa semolao tse di buang ka go nna mong wa dishere ga batsayakarolo ba bantsho fa ba sena go di rekisa kgotsa go latlhegelwa ke tsone mo maemong a molaomotho wa go tswela ga boemo jwa ditlamorago.

3. Molaomotho wa go tswela ga boemo jwa ditlamorago o akaretsa eng?

3.1 Boikarabelo jwa Karolo e e amanang le Melawana ya Maitsholo a Badiri mo Kgwebong (Melawana) ke go fitlhelela phetogo e kgolo ka ga batho ba ditso tse di farologaneng ba e nnang beng ba dishere le ba ba direlang mo mafapheng a

taolo a a leng teng le a dikgwebo tse di ntšha. Bosupi jwa karolo eno bo tshwanetse go bontshiwa ke koketsego ya palo ya batho bantsho ba ba nang le matlotlo a a ungwang bao gape ba nang le taolo ya botsamaisi jwa matlotlo a a ntseng jalo.

3.2 Fa, ka ntlha ya mabaka a a utlwalang, Molawana wa Karolo 100 o rotloetsa gore batho bantsho e nne beng ba dishere mmogo le go nna batsamaisi ba dikgwebo tse di ntšha kgotsa tse di ntseng di le teng, o letlelela ditlamo tse go baleletsewng maduo a sone go amogela go nna beng ba dishere ga bantsho morago ga thekiso ya dishere tsa B-BBEE kgotsa go latlhegelwa ke tsone. Karolo eno e bidiwa molaomotho wa go tswelera ga boemo jwa ditlamorago.

3.3 Setlamo se boemo jwa sone bo tlhatlhobilweng se ka solegelwa molemo ke tsweletsopole ya boemo mo kgwebong morago ga go tlogela setlamo, o mo go one tumalano ya go nna mong wa dishere e fitlhelelang dipatlafalo ka botlalo tsa karata ya maduo a go nna mong wa dishere yo o nang le:

- a) Ditshwanelo tsa go bouta. Ditshwanelo tsa mong wa dishere tsa go bouta mo dikopanong kgotsa malebana le ditshwetso tse di theilweng mo palong kgotsa mo diperesenteng tsa dishere tse motho a nang le tsone le ditshwanelo tse di tsamaisanang le setlhopha sa dishere tseo mo setlamong;
- b) Morokotso wa ikonomi. Ditshwanelo tsa mong wa dishere tsa go amogela dipoelomadi le madi a go simolola kgwebo kgotsa go e godisa;
- c) Boleng jotlhe jo bo tshwerweng ke batho bantsho ka ntlha ya go nna le seabe ka tlhamalalo kgotsa ka tsela e e seng ya ka tlhamalalo mo setlamong se boemo jwa sone bo tlhatlhobilweng. Karolo eno e akaretse go busa kadimomadi le go ntshiwa ga dipoelomadi go tlhomamisa gore madi a a busiwang a kadimomadi epe fela e e tserweng ke batsayakarolo ba bantsho ba nna le dishere mo setlamong; le
- d) Fa e le gore motho o nnile mong wa dishere ka go latelelwa ga thulaganyo ya Sekema sa go Nna Beng ba Dishere ga Bantsho ka Kakaretso (Broad-

Based Ownership Scheme [BBOS]) kgotsa Lenaneo la Badiri la Go Nna Beng ba Dishere (Employee Share Ownership Programme [ESOP]) kgotsa Terasete, go nna mong wa dishere go tshwanetse gore gape go tsamaisane le melawana ya Dimametlelelo (B) – (D) ya Polelo 100.

3.4 Ka jalo, setlamo se boemo jwa sone bo tlhatlhobilweng ga se ka ke sa solegelwa molemo ke molaomotho wa go tswela ga boemo jwa ditlamorago fa e le gore tumalano ya go nna beng ba dishere ga bantsho e ne e sa dirwe go ya ka Molao wa B-BBEE go tloga fela kwa tshimologong. Ka sekai, fa e le gore patlafalo nngwe ya tse tharo ya go tshwanelegela go nna beng ba dishere e ne e sa fitlhelelwa, jaaka go fudusetsa morokotso wa ikonomi mo bathong bantsho pele ga ba latlhegelwa ke dishere kgotsa ba di rekisa, setlamo se boemo jwa sone bo tlhatlhobilweng ga se ka ke sa tleleima dintlha tsa B-BBEE ka go dirisa molaomotho wa go tswela ga boemo jwa ditlamorago.

3.5 Molaomotho ono wa tswelatsopole ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo ga o tlhagise maduo otlhe a go nna mong wa dishere mo karateng ya maduo. Go nna le seabe ga bantsho ka ntlha ya kamogelesego e e tswelatang pele ya bone ya go nna mong wa kgwebo ga go ka ke ga thusa ka 40% ya maduo mo karateng ya maduo a go nna mong wa kgwebo – e leng 40% ya dintlha tse 25 tse di leng teng. Fa setlamo se boemo jwa sone bo tlhatlhobilweng se ka eletsa go oketsa dintlha tsa sone tsa go nna beng ba dishere, se tla tshwanelwa ke go tsenela tumalano e nngwe gape ya B-BBEE.

4. Go dirisiwa tshwanelego efe ya go solegelwa molemo ke molaomotho wa go tswela ga boemo jwa ditlamorago?

4.1 Fa go dirisiwa molaomotho wa tswelatsopole ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamogore go amogelwe dintlha tsa B-BBEE, seo se tla laolwa ke ditshwanelego tse di gagametseng tsa Melawana, tse gape di thibelang go itlhokomolosiwa ga molao le go o tlola. Seno se raya gore ga se gore montsho mongwe le mongwe yo e leng mong wa dishere yo o tswang mo setlamong o tla tshwanelega.

4.2 Setlamo se boemo jwa sone bo tthatlhobilweng se ka amogela karolo e nngwe ya go nna beng ba kgwebo ga bantsho fa montsho yo e leng mong wa kgwebo a sena go tswa mo setlamong ka go rekisa dishere kgotsa go latlhegelwa ke tsone fa fela e le gore:

- a) Motsayakarolo wa montsho o feditse bobotlana dingwaga di le 3 e le mong wa dishere;
- b) Bobotlana 40% ya boleng jotlhe jo bo theilweng mo ntlheng ya gore dishere di tshwanetse go fudusediwa mo bathong ba bantsho ngwaga le ngwaga mme seno se tshwanetse go bo se dirilwe nako ya thekiso ya dishere kgotsa ya go latlhegelwa ke tsone; e bile
- c) Go diregile phetogo mo teng ga setlamo se boemo jwa sone bo tthatlhobilweng go dirisiwa maemo a kamogelesego a B-BBEE go simolola ka nako ya go tsena ga batsayakarolo ba bantsho mo go sone go fitlha ka nako e ba tswang mo go sone ka yone.

4.3 Gape go amega melao e e latelang e e oketsegileng:

- a) Tumulano e e kwadilweng ya dikarolo-tharo fa gare ga moadimisani ka madi (fa go kgonega), setlamo se boemo jwa sone bo tthatlhobilweng , le motsayakarolo wa montsho ba tshwanetse go rekota kadimomadi kgotsa thulaganyo ya ka fa go tla ituelwang ka gone fa madi a sa kgone go busiwa, kwantle fa ga setlamo se boemo jwa sone bo tthatlhobilweng se adimane ka madi; mme
- b) Lobaka lwa nako lo lo leele go a feta otlhe lo setlamo se boemo jwa sone bo tthatlhobilweng se ka tleimang dintlha tsa go nna mong wa kgwebo ka lone ka fa tlase ga molaomotho ono, ke lobaka lwa nako lo batsayakarolo ba bantsho ba lo feditseng ba na le dishere ka lone mo setlamong.

5. Setlamo se ka tswelera pele go solegelwa molemo ke molaomotho wa tsweletsopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo ka lobaka lo lo kae ka ntlha ya go latlhegelwa/rekisa dishere ga batsayakarolo ba bantsho?

5.1 Mosola o o bonwang ka ntlha ya molaomotho wa tsweletsopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo ga o ka ke wa tswelera ka dinako tsotlhe ka gonne o tla kgoreletsana le thulaganyo ya go fudusetsa dishere go batsayakarolo ba bantsho. Mo boemong jwa moo, ke thulaganyo ya go tlisa phetogo ya go amogela boemo jwa go nna le dishere jo bo senang molato ope ka nako ya fa batsenela-tumalano ba tsenela tumalano e ntšha.

5.2 Ka jalo, kamogelesego ya go nna mong wa kgwebo ya B-BBEE ka go dirisa molaomotho wa tsweletsopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo e letlelelwa gore e tseye palo ya dingwaga tse mong wa dishere wa montsho a di fetsang a na le dishere, fa fela dipatlafalo tsotlhe tsa dirapa 3.3 le 4.2 fa godimo di fitlheletswe. Seno se raya gore fa motsayakarolo/batsayakarolo ba bantsho ba nnile le dishere lobaka lwa dingwaga di le tlhano (5), setlamo se boemo jwa sone bo tlhatlhobilweng se ka tleleima dintlha tsa go nna le dishere dingwaga di le tlhano (5) fela.

5.3 Lobaka lono lwa nako lwa go amogelesega ga go nna le dishere lo letla setlamo se go boemo jwa sone bo tlhatlhobilweng go akanyetsa go tsenela tumalano e nngwe ya go matlafatsa bantsho ba bangwe ba batsayakarolo kwantle ga go latlhegelwa ke dintlha tsa go nna beng ba dishere. Jaaka fa go tlhalositswe fa godimo, sekema se se neng se sa dirwa sentle kgotsa se sa tsenngwa tirisong sentle ga se ka ke le ka motlha sa tshwanelega ka fa tlase ga molaomotho ono.

6. Dintlha tsa go nna beng ba dishere tse di dirisang molaomotho wa tsweletsopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo di balelelwa jang?

6.1 Dintlha tsa go nna beng ba dishere tse di newang setlamo se boemo jwa sone bo tlhatlhobilweng ka fa tlase ga molaomotho wa tsweletsopele ya boemo jwa

bantsho mo kgwebong morago ga go tlogela setlamo di tla balelelwa ka go atisa dikarolo tse di latelang:

- a) Boleng jwa dishere jo bo tshwerweng ke batsayakarolo ba bantsho jo e leng peresente ya boleng jotlhe jwa dishere tse di leng mo setlamong se boemo jwa sone bo tthatlhobilweng, ka letlha la go rekisiwa ga dishere tseo kgotsa go latlhegelwa ke tsone;
- b) Boemo jwa B-BBEE jwa setlamo se boemo jwa sone bo tthatlhobilweng go ya ka palo ya maduo a a leng mo karateng ya maduo ka letlha la go sekasekwa ga tshwanelego ya setlamo; le
- c) Dintlha tsa go nna beng ba dishere tse di newang setlamo se boemo jwa sone bo tthatlhobilweng ka letlha la go rekisa dishere kgotsa go latlhegelwa ke tsone.

7. Fomula ya go balelela kamogelesego ya go nna beng ba dishere morago ga go rekiswa kgotsa go latlhegelwa ke tsone ga batho bantsho.

7.1 Go balelela dintlha tsa go nna mong wa dishere morago ga gore di rekisiwe ke setlamo se boemo jwa sone bo tthatlhobilweng, go tla dirisiwa fomula e e latelang:

$A = B \times C \times D$
<p>E mo go yone</p> <p>A e leng peresente ya ditshwanelo tsa go nna mong wa dishere tse di tswelolang di le teng morago ga go rekisa dishere ga motsayakarolo wa bantsho kgotsa go latlhegelwa ke tsone mo serapeng 3.8 sa Melawana ya Karolo 100.</p> <p>B ke peresente ya ditshwanelo tsa go nna mong wa dishere tsa nngwe le nngwe ya ditshupo tse di leng mo karateng ya maduo tse di newang motsayakarolo wa montsho ka bonako fela pele a rekisa dishere kgotsa go latlhegelwa ke tsone.</p>

C ke peresente ya boleng jotlhe e go buiwang ka yone go serapa 3 sa Molawana wa Karolo 100 o o diretsweng dishere tse di rekisitsweng ke motsayakarolo wa montsho kgotsa yo o latlhegetsweng ke tsone ka letlha la go di rekisa kgotsa la go latlhegelwa ke tsone. Boleng jwa setlamo bo balelelwa go simolola ka letlha la go rekisiwa ga dishere kgotsa la go latlhegelwa ke tsone.

D ke maemo a bosheng thata a kamogelesego e e tihomilweng a B-BBEE a setlamo se boemo jwa sone bo tlhatlhobilweng (se se tshwanetseng go bo se le ka fa tlase ga lobaka lwa ngwaga e le nngwe (1)) go ya ka dipholo-kakaretso tsa karata ya maduo a sone a dikarolo tsotlhe kwantle ga tshwanelo ya go nna beng ba dishere e e bonwang ka tiriso ya Polelo 000.

7.2 Jaaka go bontshitswe mo lenaanethalong le le fa godimo, leo gape le bontshiwang go serapa 5 sa Mametlelelo 100 (E) ya Molawana wa Karolo 100, ka boikaelelo jwa go balelela dintlha tsa go nna beng ba dishere ka fa tlase ga dintlha tse di amogelesegang tsa tsweliso pele ya boemo mo kgwebong tse di tswelelang pele, ntlha ya “**D**” e bonwa ka go dirisa palo e e setseng ya karata ya maduo kwantle ga go akaretisa dintlha tse di fitlheletsweng tsa go nna mong wa dishere.

8. Molaomotho wa go tswelela ga boemo jwa ditlamorago o netefadiwang?

8.1 Fa go balwa dintlha tsa go nna beng ba dishere go dirisiwa molaomotho wa go tswelela ga boemo jwa ditlamorago, setlamo sa netefatso kgotsa moporofesionale go ya ka fa go laelwang ka gone mo mmanualeng wa netefatso o o ntshitsweng ke **dtic**, o tshwanetse go dirisa mekgwa e e tihomilweng ya netefatso le go tlhotlhomisa gore:

- a) Bantsho ba na le ditshwanelo tsa go bouta;
- b) Morokotso wa ikonomi o kokotlegela bantsho;
- c) Bantsho ba ne ba na le boleng jotlhe;

- d) Fa e le gore go nna mong wa dishere go ne go letlwa ka go latelelwa ga thulaganyo ya Sekema sa go Nna Beng ba Dishere ga Bantsho ka Kakaretso (Broad-Based Ownership Scheme [BBOS]) kgotsa Lenaneo la Badiri la Go Nna Beng ba Dishere (Employee Share Ownership Programme [ESOP]) kgotsa Terasete, go nna mong wa dishere go tshwanetse gore gape go tsamaisane le melawana ya Dimametlelelo (B) – (D) tsa Polelo 100;
- e) Go tlhotlhomisa gore motsayakarolo wa montsho o feditse bobotlana dingwaga di le 3 e le mong wa dishere;
- f) Bobotlana jwa 40% jwa boleng jotle bo theilwe mo ntlheng ya gore dishere di tshwanetse go fudusediwa go batho bantsho ngwaga le ngwaga mme seno se tshwanetse go bo se dirilwe ka nako ya thekiso ya dishere kgotsa ya tatlhegelo ya tsone;
- g) Go tlhotlhomisa gore a go nnile le phetogo mo teng ga setlamo se boemo jwa sone bo tlathlobilweng go dirisiwa maemo a kamogelesego a B-BBEE go simolola ka lobaka lwa go tsena ga batsayakarolo ba bantsho mo go sone go fitlha ka nako e ba tswang mo go sone ka yone;
- h) Fa e le gore dishere di ne di latlhegile, tlathlobang tumalano fa gare ga setlamo se boemo jwa sone bo tlathlobilweng , motsayakarolo wa montsho le moadimisani ka madi go tlhomamisa rekoto ya kadimomadi kgotsa thulaganyo ya ka fa go tla ituelwang ka gone fa madi a sa kgone go busiwa, ntle le fa e le gore setlamo se boemo jwa sone bo tlathlobilweng ke sone moadimisani ka madi le go tlhomamisa gore kamogelesego ga e fete lobaka lo dishere di neng di tshwerwe ka lone;
- i) Go balelela ditshiamelo tsa madi tse di tswelolang pele le go netefatsa gore di ka fa tlase ga 40% ya maduo mo karateng ya maduo a go nna beng ba dishere; mme
- j) Malebana le batsayakarolo ba bantsho bao ba latlhegetsweng ke dishere kgotsa ba ba di rekisitseng, ba tla newa bosupi jwa letlha la go rekwa ga

dishere le letlha leo dishere tseo di neng tsa latlhega kgotsa tsa rekisiwa ka lone.

8.2 Ka jalo, seabe sa setlamo sa netefatso kgotsa sa moporofeshehane ke go dira netefatso ya ditheleimi a le nosi tse di dirilweng ke setlamo se boemo jwa sone bo tthatlhobilweng go ya ka dipatlafalo tse di fa godimo. Seabe seno ga se akaretsa go naya setlamo se boemo jwa sone bo tthatlhobilweng kgakololo ka ga tthaloso ya Molao wa B-BBEE ka gonne go dira jalo go tla koafatsa go ikemela ka nosi go go tlhokwang ke yo o dirang netefatso eo. Go dira jalo e tla nna boitshwaro jo e seng jwa seporofeshane jo bo thulanang le maikaelelo a Molao wa B-BBEE.

8.3 Setlamo sa netefatso kgotsa moporofeshehane ke ba go sa dirweng boikuelo bope mo go bone kgotsa ga ba sekaseke boemo jwa Khomishene ya B-BBEE fa e le gore go dirisiwa ga molaomotho wa tswelisopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo go ne ga tthatlhabiwa kgotsa fa e le gore setlamo se boemo jwa sone bo tthatlhobilweng se ne sa newa kgakololo ka gone.

9. Matshwenyego a a tsogang ka ga Molaomotho wa go Tswelisopele ga Boemo jwa Ditlamorago

9.1 Ka nako ya go diragatsa maikarabelo a yone, Khomishene ya B-BBEE e ne ya tlhagisa matshwenyego a a latelang a go dirisiwa ga molaomotho wa tswelisopele ya boemo jwa bantsho mo kgwebong morago ga go tlogela setlamo wa go amogelwa ga dintlha tsa go nna beng ba dishere tsa B-BBEE:

- a) Go nna beng ba dishere ga bantsho ga go a dirwa sentle go tloga fela kwa tshimologong. Ka sekai, ka nako ya fa terasete kgotsa BBOS e ne e sa dira gore bantsho ba kgone go nna le dishere, terasete kgotsa BBOS e ne ya fapoga maikaelelo a yone a go fudusetse dishere mo diatleng tsa bantsho.

- b) Batho bantsho ba ne ba sa akarediwe mo go tsamaiseng kgwebo le mo dithulaganyong tsa go dira ditshwetso tsa setlamo se boemo jwa sone bo tlhatlhobilweng.
- c) Go lemogwa ga dithulaganyo tse di sa siamang tsa go nna mong wa kgwebo di lemogwa ke setlamo sa netefatso kgotsa ke moporofesene malebana le go nna le dishere.
- d) Batsayakarolo ba bantsho ga ba iponela palogotlhe ya boleng jwa dishere mo nakong yotlhe e ba neng ba tshwere dishere ka yone mo setlamong se boemo jwa sone bo tlhatlhobilweng.
- e) Go lemoga dithulaganyo tse di sa tsamaisaneng le dipatlafalo tsa go nna mong wa dishere go ya ka Polelo 100.

kafa o ka ikgolaganyang le rona ka gone:

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