the dti Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng, 0002
Tel: +27 (12) 394 1535 Fax: +27 (12) 394 2535
Private Bag X84, Pretoria, Gauteng, 0001

Email: RamareM@beecommission.gov.za

B-BBEE COMMISSION
a member of the dti group

1. Singobani?

I-Broad-Based Black Economic Empowerment Commission (“B-BBEE Commission”) isungulwe njengengxenye yezokuphatha eMnyangweni wezoHwebo ezeziMboni NezokuQhudelana Kwezohwebo (**“i-dtic”**) ngaphansi komthetho i-Broad-Based Black Economic Empowerment Act 53 of 2003, njengokuchitshiyelwa ngokomthetho i-Act 46 of 2013 (“i-B-BBEE Act”). Umsebenzi wayo uhlanganisa ukubhekelela ukuqala kokusetshenza kwe-B-BBEE Act nokulwisana nezenzo zokungalandelwa kwezimiso zomthetho i-B-BBEE Act.

2. Ingabe umunxa Wezentuthuko NgokwezeNhlalo-Mnotho uqukethe ni?

Ngokwepharagrafu 7 ye-Statement 000 ye Codes of Good Practice (ama-Codes), omunye weminxa ehlonziwe ukuze kuqhutshwe ukuhlonyiswa kwabantu abamnyama Ngowezentuthuko NgokwezeNhlalo-Mnotho (SED) okuqukethwe kwi-Statement 500.

Yonke inhlangano efanele kudingeka ukuba inikele njalo ngonyaka nge-1% lenzuzo yonke i-Net Profit After Tax (NPAT) noma i-0.1% lesi sabelozimali esibekiwe sonyaka, okuqoqiwe noma izimali ezisetshenziswa ngokuyisibonelelo ezinkampanini ezilawulwa yi-Statement 004 (okwaziwa njengesilinganisomaphuzu esikhathekile), emizamweni ehlose ukuhlomisa abamnyama ukuze bakwazi ukubamba iqhaza kwezomnotho.

Iminikelo ye-SED ihlanganise imali noma okungeyona imali okusetshenziswa ukuze kuhlomule abaqokiwe ngenhloso yokuhlela imisebenzi eletha ingeniso kwabaqokiwe.

Ukuze kwamukeleke, okungenani ama-75% enani leminikelo ye-SED eliphelele kufanele lihlomulise abamnyama ngqo. Uma leli nani lingaphansi kwama-75% enani leminikelo ye-SED leminikelo eliphelele elihlomulisa abamnyama ngqo, kubalwa inani lomnikelo owenziwe liphindaphindwe ngephesenti elihlomulisa abamnyama, elamukelwayo.

3. Ngubani okufanele ukuba abhekelele ukuqala kokusebenza Kwezinhlelo Zezentuthuko NgokwezeNhlalo-Mnotho?

I-Statement 500 kufanele siqale ukusetshenziswa kuzo zonke izinhlaka zombuso nezinkampani zomphakathi, zonke izinkampani ezibamba iqhaza kwezomnotho nezinhlaka zombuso kanye/noma izinkampani, kanye nezinkampani ezisebenzisana

nezinkampani ezifanele ngqo noma ngezinye izindlela.

4. Izibonelo Zezinhlelo ZezeNtuthuko Ngokwezenhlalo-Mnotho

Okungumongo kwi-Statement 500 ukwenziwa kwengeniso emizamweni eyenziwayo. Laphe ngezansi kunohlu olungenamkhawulo lwezinhlelo ezingathathwa njengezihlose ukwakha ingeniso eyamukelekile ngokwe-SED:

(a) Izinhlelo zokuziphilisa eziqhubekayo, ezigxile kwezomnotho kuphela.
(b) Ukuhlinzeka ngamakhono ezokufundela imisebenzi, ukufunda naphathelene nemisebenzi (okuhlanganisa nawokuzisebenza).
(c) Ukuhlinzeka ngamathuba ezemfundo yabadala.
(d) Amakhono kanye nolwazi lokwakha ingeniso.
(e) Ukuphucula izinga lokusebenza, okuhlanganisa nokuzisebenza.
(f) Ukwakha ingeniso ngezindlela zokukhiqiza.
(g) Ukukhulisa amathuba okuqasheka namandla okuzenzela ingeniso.
(h) Ukuhlinzeka ngokuqqeshwa noma ukwelulekwa emiphakathini ehlomulayo. Le minikelo ikaleka ngokubheka izindleko zesikhathi (esingahlanganisi esokuhamba) esichithwa abasebenzi noma abaphathi benhlangano ekwenzeni le misebenzi. Kufanele kube nokwesekela ngokucacile okushiwoyo mayelana nezindleko ezitholakele, okuhambelana nezinga kanye namakhono alowo oqeqeshayo noma ongumeluleki.
(i) Ukugcinwa kophiko lwezentuthuko ngokwezenhlalo-mnotho enkampanini. Ingxenye yemiholo ephathelene nalokhu kuphela ehambelana nesikhathi esisetshenzwe ngabasebenzi, kanye nezinye izindleko eziphathelene nokugqugquzelwa kanye nokuqala kokusebenza kwezokuthuthukiswa kwezenhlalo-mnotho okuthathwa njengeminikelo.

Izinhlelo ezibalulwe engxenyeni (a) kuya ku-(g) ngenhla, isho izinhlelo ezikhulisasa amandla abantu abamnyama abasazithola bengaphandle komnothongangi ukuba bakwazi ukubamba iqhaza kwezomnotho ngendlela eqhubekayo ngokukhuthaza ukuqala kokusebenza kweminikelo yezenhlalo-mnotho exhumene nokwenza ncono isimo sezezimali sabantu abamnyama ukuze kuqedwe ukuthembela njalo ezibonelelweni. Isibonelo, ukuhlinzekwa koxhaso lwezimali emiphakathini, ukuqeqesha noma ukweluleka imiphakathi ethintekayo okuzoyilekelela ukuze ikhulisa amandla ayo ezezimali noma ihlinzekwe ngezindlela zokuthenga eziyesekayo uma ithnga izimpahla noma izidingo.

Eminye Imigomo ku- “Schedule 1 kwezokuqonda Nezincazelo” eyengezwe kulokhu okubalwe ngenhla, ikhombe ukuthi iminikelo ye-SED ingaba ngalezi zindlela:

(a) Izinhlelo zokuthuthukisa abasifazane, intsha nabantu abakhubazekile, abantu abahlala ezindaweni ezisemaphandleni;
(b) Ukwesekwa kwezinhlelo zezempilo neze-HIV/AIDS;

(c) Ukwesekwa kwezinhlelo zokufunda, izinsiza nokuyizidingo emazingeni aphansi, aphezulu naphakeme ezemfundo, kanye nemifundaze noxhaso lwezimali zokufunda;
(d) Ukuqeqeshwa komphakathi, ukuthuthukiswa kwamakhono kubantu abangasebenzi kanye nezemfundo nokuqeqeshwa kwabadala; noma
(e) Sukwesekwa kwezinhlelo zokuthuthukisa ezobuciko, ezamasiko nezemidlalo.

5. Yikuphi okungeke kwamukeleke Njengezokuthuthukiswa Kwezenhlalo-mnotho?

Konke ukwesekwa okubalulwe ku-4 ngenhla, ngokweminikelo ye-SED ngeke kube okuyisibonelelo okulekelela njengeminikelo engahlangene nokwakhiwa kwengeniso. Futhi, i-SED ayilingani nenqubo ye-Corporate Social Investment (CSI).

I-CSI isetshenziselwa ukukhuthaza ubudlelwano obuhle emiphakathini lapho inkampani isebenza khona, kodwa ayihambelani nohlelo lokuvivinywa kwezokhiqizwa kwengeniso. Ivamise ukuba yizipho, isibonelo, iminikelo yemifaniswano yesikole nezincwadi, izipho eziyizijumbana zokudla njll.

Ukukhulumela ukuguqulwa kwezinhlelo ze-CSI zibe iminikelo ye-SED, kuyaye kuthiwe indlela Imithetho ebhaleke ngayo yenza kube lula ukuba kungacaci kahle ukuthi ukuphi umehluko phakathi kwezokuthuthukiswa kwezenhlalo-mnotho kanye nezobudlelwano ngokwezenhlalo.

Noma kunjalo, kufanele kukhunjulwe ukuthi i-SED incike kancane eminikelweni ejwayelekile kodwa ihlose ukuvula amathuba okwakhiwa kwengeniso kulabo abathintekayo ukuze bakwazi ukuzakhela indlela yokufinyelela emnothweni.

Lapha ngezansi kunesibonelo sokuthi inkampani ingawenza kanjani umehluko obonakalayo ngokuhlinzeka ngezinhlelo ezibalulwe kupharagrafu 4 ngenhla:

Izinhlobo zeminikelo ezamukelekile	**Inani Lomnikelo**	**Izinga Lokubonelela**
Iminikelo eyizibonelelo nethintekayo		
Iminikelo eyizibonelelo	Inani lezibonelelo eligcwele	
Izindleko Ngqo ezihambelana nezentuthuko kwezenhlalo-mnotho, izinhlelo ezihambelana nomkhakha ngqo noma okungama-(Approved Socio-Economic Development Contributions)	Izindleko ezilandelekayo (eziyimali noma ezingeyona imali)	100%

Izephulelo ezengeziwe kulokho okuyinqubo ejwayelekile kwezamabhizinisi ekwesekelweni kwezentuthuko yezenhlalo-mnotho, okuqondene nomkhakha ngqo noma	Inani lesaphulelo (ngaphezulu kwesaphulelo sebhizinisi)	100%
Iminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho Egunyaziwe		
Izindleko ezingeziwe ezitholakale ngokweseka ukuthuthukiswa kwezenhlalo-mnotho, eziqondene nomkhakha ngqo noma Iminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho Egunyaziwe	Izindleko ezilandelekayo (eziyimali noma ezingeyona imali)	80%
Iminikelo Ngokwezabasebenzi		
Izidingo ngokwamakhono aqeqeshelwe ezihlinzekwa mahhala ekwesekweni kwezokuthuthukiswa ezenhlalo-mnotho, eziqondene nomkhakha ngqo noma Iminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho Egunyaziwe	Izingasilinganiso ngokwamahora salowo msebenzi	80%
Izidingo ngokwamakhono aqeqeshelwe ahlinzekwe ngesaphulelo ekwesekweni kwezokuthuthukiswa ezenhlalo-mnotho, eziqondene nomkhakha ngqo noma Iminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho Egunyaziwe	Inani lesaphulelo elisuselwe ezingenisilinganiso ngokwamahora salowo msebenzi	80%
Isikhathi sabasebenzi benkampani abasichithe besebenza ngokulekelela labo abahlomulayo kanye nezokuthuthukiswa kwezenhlalo-mnotho, eziqondene nomkhakha ngqo noma Iminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho Egunyaziwe	Umholo wanyangazonke uhlukaniswe nge-160	80%

6. Ukukalwa Keminikelo Yezokuthuthukiswa Kwezenhlalo-mnotho

Ekwamukelweni kweminikelo ye-SED, ongumqinisekisi njengokwesimiso esisebhukwini lezokuhlola le-**dtic** elashicilelwa ngomhla we-18 kuNtulikazi (July) 2008 (elingacitshiyelwa ngezinye izikhathi), kufanele aqinisekise isimo se-B-BBEE senkampani ehlomulayo esebenzisa ubufakazi obanele nobufanele, athole isiqinisekiso enkampanini ehlomulayo noma ababambiqhaza abamnyama ngokuthi iyifezile incazelo “yabantu abamnyama”, futhi nokungukuvuma umnikelo, kanye nesiqinisekiso sokuthi umzamo we-SED sewuqalile ukusebenza futhi usebenze

isikhathi leso esikalwayo esiholele ekwakhekeni kwengeniso kwabahlomulayo.

7. Ukukalwa Kwezinhlelo Zabangaqondene Ngqo

Lapho izinhlelo ze-SED isebenzisa abangaqondene ngqo, umnikelo wenkampani ethintekayo kufanele uqale futhi usebenzele abahlomulayo. Ukunikela ngezimali kwabangaqondene ngqo akuthathwa njengokwamukelekile ngokwamaphuzu e- SED. Futhi, iminikelo eyenziwe emuva kosuku lokukalwa ngeke yamukelwe.

Lapho kukhona ongaqondene ngqo ohlonzwe yinkampani ukuba enze umsebenzi wayo wokunikela we-SED oyi-Non-Profit Organisation (NPO) noma oyi- Public Benefit Organisation (PBO) okuhlanganisa nama-Non-Profit Companies (NPC), le nkampani kufanele ikwazi ukuveza isitifiketi se-B-BBEE noma incwadi efungelwe mayelana nokuhambelana kwayo nemigomo ye-B-BBEE.

Ama-NPO/PBO/NPC abizwa ngezinhlangano ezikhethekile ngokwezindlela zokukala kwe-B-BBEE. Ukugcina kwazo izimiso ze-B-BBEE kukalwa ngokwe-Statement 004 (okubuye kubizwe nge-specialised scorecard).

I-specialised scorecard siklelisa izinhlangano ngokwengeniso yazo yangonyaka, isabelozimali noma imali eyenziwe. Lokhu kusho ukuthi inkampani ekhethekile enengeniso yonyaka engu- R0 nengaphansi kwezi-R10 million ngokwengeniso yonyaka/isabelozimali/imali eyenziwe ithathwa njenge-Exempted Micro Enterprise (EMEs), uma ingeniso yonyaka /isabelozimali/imali eyenziwe ingaphezulu kwezi-R10 million kodwa ingaphansi kwezi-R50 million ibizwa nge-Qualifying Small Enterprise (QSE), kuthi lezo zinkampani ezinengeniso yonyaka/isabelozimali/imali eyenziwe engaphezulu kwezi-R50 million zibizwa ngezinkampani ezinkulu ama-large entities,

Ingatholakala kanjani Incwadi Efungelwe/Isitifiketi se-B-BBEE:

Ama-Specialised EME arnikezwa isigaba 4 kodwa uma enama-51% abahlomulayo abamnyama anikwa isigaba 2, kuthi anabamnyama abahlomulayo abangama-75% inikwe isigaba 1. Ama-EME kufanele ukuba athole incwadi efungelwe kuphela. Beka uhlu olunanyathiselwe ukuze uthole umhlahlandlela.

Ama-Specialised QSE kufanele akalwe ngoqeqeshiwe ogunyaziwe bheka lapha (https://www.sanas.co.za/Pages/index.aspx) ukuze uthole isitifiketi se-B-BBEE. Kodwa uma inabamnyama abahlomulayo abangama-51% izobekwa ezingeni 2 kuthi uma inabamnyama abahlomulayo abangama-75% ibe esigabeni 1. Futhi kufanele ibhale incwadi efungelwe yama-QSE.

Izinkampani ezinkulu kufanele ziqinisekiswe oqeqeshiwe ogunyaziwe.

Indlela yokuxhumana nathi:

B-BBEE Commission
the dtic Campus
77 Mentjies Street
Sunnyside
Pretoria
0002

Ikheli le-**the dtic**
Private Bag X84
Pretoria
0001

Ucingo: (+27) 12 394 1535
I-imeyili: MRamare@beecommission.gov.za
Isizindalwazi:www.bbbeecommission.co.za