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B-BBEE COMMISSION
a member of the dti group

Ngubani uKhomishana we-B-BBEE?

IKhomishini Yokuhlonyiswa Okubanzi Kwabamnyama Kwezomnotho (“iKhomishana ye-B-BBEE”) iyinhlangano elawulayo esungulwe ngaphakathi kokuphathwa koMnyango Wezohwebo, Izimboni Nokuncintisana (“ i-dtic ”) ngoMthetho Wokuhlonyiswa Okubanzi Kwabamnyama Kwezomnotho wama-53 wonyaka we-2003, njengoba uchitshiyelwe nguMthetho wama-46 wonyaka we-2013 ("uMthetho we-B-BBEE").

Ukugunyazwa kwethu kubandakanya ukwengamela, ukuqapha kanye nokukhuthaza ukulandelwa koMthetho we-B-BBEE ngokuzuzisa umphakathi, ukuphenya imikhuba yokubeka abantu njengabanikazi bamabhizinisi kanye nezinye izinhlelo ezingathobeli umthetho kanye nokwamukela nokuhlaziya imibiko egunyaziwe yaminyaka yonke yokuthotshelwa kwemithetho evela kuzo ezinhlakeni zikahulumeni nezizimele.

Liyini Ikhadi Lamaphuzu Elikhethekile?

Umthetho we-B-BBEE ngokusebenzisa imiThetho Yokuziphatha (Amakhodi) udinga ukuthi izinhlaka ezizimele nezikahulumeni zithobele izici ezichazwe ekhadini lamaphuzu le-B-BBEE. Amakhodi akala 1) ubunikazi, 2) ukulawula kwabaphathi, 3) ukuthuthukiswa kwamakhono, 4) ukuthuthukiswa kwamabhizinisi nabaphakeli kanye 5) nokuthuthukiswa kwenhlalo-mnotho kanye nokuhlinzeka ngekhadi lamaphuzu lalezi zici.

Kodwa-ke, kulezo zinhlangano okungenzeka ukuthi zingekahulumeni noma azinakho ubuninimasheya noma isakhiwo sokulingana esikwazi ukukalwa ngokumelene nezidingo zesici sobunikazi, Amakhodi ahlinzeke ngekhadi lamaphuzu elikhethekile kuSitatimende 004 ukuze liqondise ukukalwa kwazo kwe-B-BBEE.

Ngakho-ke, ikhadi lamaphuzu elikhethekile, yikhadi lamaphuzu le-B-BBEE elingafaki ubunikazi babantu abamnyama esilinganisweni sokunquma ukuthotshelwa koMthetho we-B-BBEE.

Yiziphi izinhlangano okufanele zisebenzise iKhadi Lamaphuzu Elikhethekile?

Uhlobo lwezinhlangano okufanele zisebenzise iKhadi Lamaphuzu Elikhethekile yilezo okungezombuso noma ngokwemvelo ezingenabo ubunikazi obukwazi ukuhlangabezana nezidingo zokukalwa kobunikazi babantu abamnyama, njengezinhlangano ezihlomulisa umphakathi. Ngakho-ke, izinhlaka zikahulumeni, izinhlangano

zikahulumeni kanye namabhizinisi angaphansi kwezinhlaka zikahulumeni, izinkampani ezikhawulelwe ngesiqinisekiso, hhayi izinkampani zenza inzuzo (ezaziyizinkampani ezingaphansi kwesahluko sama-21), izikhungo zemfundo ephakeme zikahulumeni futhi hhayi izinhlangano zenzuzo (ama-NPO) zingawela ngaphansi kweSitatimende 004 njengezinhlangano ezikhethekile ezilingakalwa Ekhadini Lamaphuzu Elikhethekile.

Inhlangano ekhethekile enohlelo olubanzi olusekelwe kubunikazi noma uhlelo lobunikazi bamasheya ingakalwa kusetshenziswa ikhadi lamaphuzu elivamile elibadakanya ubunikazi inqobo nje uma ihlangabezana nokuhlolwa kobunikazi bamalungelo okuvota asebenzisekayo, intshisekelo yezomnotho kanye nokufezwa kwenani lokugcina futhi ngaphezu kwalokho ithobele imithetho yezinhlelo ezibanzi ezisekelwe kubunikazi noma uhlelo lobunikazi bamasheya esisebenzi kumaKhodi. Imibhalo yokuqala uhlelo ifanele icace ukuze ihlukanise uhlelo olubanzi lobunikazi noma uhlelo lobunikazi bamasheya esisebenzi kwinhlangano ekhethekile engakwazi ukuba nobunikazi.

Yiziphi izidingo ze-B-BBEE zeziNhlangano Ezikhethekile?

Izinhlangano ezikhethekile zehlukaniswa ngezigaba ezintathu, okuyibhizinisi elincane (i-EME), ibhizinisi elincane elifanelekayo (i-QSE) kanye nebhizinisi elijwayelekile, ngokususelwa emalini engenayo yonyaka isiyonke (lapho kufanele) noma kwisabelozimali esabiwe noma kokutholakele sekukonke noma kwimali esetshenziswe ngokuzithandela.

I-EME (izigidi eziyi-10 zamaRandi nangaphansi) ifanelekela iSimo se-B-BBEE Sezinga lesi-4 esizenzakalelayo. Kodwa-ke, lapho inama-51% abantu abamnyama njengabahlomulayo bayo, izothuthukiswa ifinyelele ezingeni lesi-2 leSimo se-B-BBEE. Uma inama-75% abantu abamnyama njengabahlomulayo, inhlangano izothuthuka ifinyelele iSimo soku-1 se-B-BBEE. Ama-EME akhethekile adingeka kuphela ukuze bathole i-afidavithi efungelwe ye-B-BBEE yezinhlangano ezikhethekile.

I-QSE (phakathi kwezigidi eziyi-10 zamaRandi kanye nezigidi ezingama-50 zamaRandi) ifanele iqinisekiswe yi-ejensi yokuqinisekisa egunyaziwe noma uchwepheshe (http://www.sanas.co.za) ukuze ithole isitifiketi se-B-BBEE. Kodwa uma inamaphesenti angama-51 abantu abamnyama njengabahlomulayo, izothuthukiswa ngokuzenzakalelayo ibe yizinga lesi-2 lesimo se-B-BBEE, futhi lapho inama-75% abantu abamnyama njengabahlomulayo, izothola ngokuzenzakalelayo izinga loku-1 le-B-BBEE. Ama-QSE akhethekile anezinga elizenzakalelayo loku-1 kanye nezinga elizenzakalelayo le-2 esimo se-B-BBEE adingeka kuphela ukuze athole i-afidavithi efungelwe yama-QSE akhethekile.

Imabizinisi Ajwayelekile (izigidi ezingama-50 nangaphezulu zamaRandi) kudingeka ukuthi aqinisekiswe yi-ejensi yokuqinisekisa egunyaziwe noma uchwepheshe (http://www.sanas.co.za) ukuze athole isitifiketi se-B-BBEE.

Ikhadi lamaphuzu elisetshenziswayo leziNhlangano Ezikhethekile

Inhlangano ekhethekile engaphansi kwenqubo yokuqinisekiswa kwe-B-BBEE yi-ejensi yokuqinisekisa egunyaziwe ye-SANAS noma uchwepheshe izoqinisekiswa kusetshenziswa amakhadi amaphuzu alandelayo:

Ikhadi Lamaphuzu Elikhethekile le-QSE:

Isici se-B-BBEE	**Isisindo**	**Uchungechunge Lamakhodi Ereferensi**
Ukulawula Kokuphatha	Amaphuzu angama-25	602
Ukuthuthukiswa kwamakhono	Amaphuzu angama-30	603
Ukuthuthukiswa Kwebhizinisi Nabaphakeli Bempahla	Amaphuzu angama-30	604
Ukuthuthukiswa Komphakathi Nomnotho	Amaphuzu ayi-15	605

Ikhadi Lamaphuzu Elikhethekile Lamabhzinisi Amakhulu:

Isici se-B-BBEE	**Isisindo**	**Uchungechunge Lamakhodi Ereferensi**
Ukulawula Kokuphatha	Amaphuzu angama-20	200
Ukuthuthukiswa kwamakhono	Amaphuzu angama-25	300
Ukuthuthukiswa Kwebhizinisi Nabaphakeli Bempahla	Amaphuzu angama-50	400
Ukuthuthukiswa Komphakathi Nomnotho	Amaphuzu ama-5	500

Lapho ibhizinisi elikhethekile lisebenza emkhakheni owenganyelwe ikhodi yomkhakha we-B-BBEE, isikalo se-B-BBEE saleyo nhlangano ekhethekile sifanele sihambisane nekhadi lamaphuzu elinikezwe ikhodi yomkhakha othile, ngaphandle uma ikhodi yomkhakha isebenzisa ikhadi lamaphuzu elikhethekile ngokwamaKhodi ajwayelekile njengendawo yokuzenzakalelayo.

Yiziphi izinto ezibalulekile okufanele uziqaphele njengenhlangano elinganisiwe?

Inhlangano ekhethekile inesibopho sokuhlinzeka ubufakazi bekleyimu ngayinye eyenziwe ekhadini lamaphuzu ngesikhathi sezinqubo zokuqinisekisa, ngaleyo ndlela ifanele iqinisekise ukuthi lobo bufakazi buyagcinwa uma kwenzeka budingwa yiKhomishana ye-B-BBEE ophenyweni noma ezinqutshweni zokuthotshelwa umthetho ngokoMthetho we-B-BBEE.

Inhlangano ekhethekile ifanele iqinisekise ukuthi ubufakazi bokuthi iphesenti labahlomuli ababonakala bengabantu abamnyama ngempela abantu abamnyama ngokwencazelo yencazelo yabantu abamnyama eMthethweni we-B-BBEE. Lokhu kusho ubufakazi, obufana nomazisi ukuze kuqinisekiswe ukuthi labo abahlomulayo akubona abokufika noma abanye abantu abangekho nsundu abangafanelekile ukuhlomula ngokoMthetho we-B-BBEE.

Inhlangano ekhethekile ezibiza njengenhlangano ephethwe abantu abamnyama nganoma yisiphi isizathu izobe yenza okuphambene nezinhloso zoMthetho we-B-BBEE, okungahle kufane nomkhuba wokuqamba amanga ngaphezu kokuziphatha kokukhwabanisa okuheha unswinyo lobugebengu. Ngakho-ke, iNkampani Engeyona Yenza Inzuzo (i-NPC) ngeke kuthiwe ngeyabantu abamnyama futhi ngenxa yalokho ayikwazi ukufaka isandla kubunikazi babantu abamnyama banoma iyiphi enye inhlangano ekaliwe.

Inhlangano ekhethekile ingakwazi futhi akufanele ithathwe njengomuntu ohlomulayo ekuthuthukisweni kwebhizinisi nomphakeli (i-ESD), ngoba abahlomulayo be-ESD bangaba kuphela ama-EME nama-QSE okungenani aphethwe abamnyama abangama-51%. Ngakho-ke, lapho inhlangano ekhethekile ifunwa njengohlomulayo we-ESD lokho kungaba ukwephula uMthetho we-B-BBEE. Isikhathi kuphela lapho inhlangano ekhethekile ingabhekwa njengohlomulayo we-ESD, ingoba uma inohlelo olubanzi lobunikazi noma uhlelo lobunikazi bamasheya ezizebenzi oluthobela ngokuphelele isici sobunikazi.

Kodwa-ke, inhlangano ekaliwe ingathola izinsizakalo zenhlangano ekhethekile eziphatha njengengxenye yesithathu noma inhlangano eyenza izinhlelo zebhizinisi ngokugxila ekuqhubekiseni izinhlelo ze-B-BBEE ezifana nokuthuthukiswa kwamakhono, ukuthuthukiswa kwebhizinisi nabahlinzeki kanye nokuthuthukiswa kwenhlalakahle nezomnotho egameni lenhlangano ekaliwe.

Inhlangano ekhethekile ethula kabi ulwazi noma elihlinzeka ngolwazi olungamanga ngesikhathi senqubo yokuqinisekisa nanoma iyiphi enye inqubo edinga ukuthotshelwa kwe-B-BBEE izoba necala lokwethula kabi isimo se -B-BBEE okuyicala ngokoMthetho we-B-BBEE.

Ungafinyelela kithi kanjani?

Siyatholakala ukuze sisize izinhlangano ezikhethekile ukuba zithobele uMthetho we-B-BBEE ngaphandle kwezindleko. Singatholakala nge-imeyili ku-info@beecommission.gov.za noma ngocingo ku-012 394 1535.

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