BWALO LA ZANTCHITO M'MALAWI

DONGOSOLO LOYENDETSELA MLANDU

KUKHAZIKITSIDWA KWA BWALO LA ZANTCHITO

Bwalo logamula mlandu ya ntchito (industrial Relations Court) linakhazikitsidwa ndime 110(2) a Malamulo a dziko. Bwaloli linapatsidwa mphamvu logamula milandu yokhudzana ndi ntchito motsatizana ndi Malamulo a Zantchito (Labour Relations Act 1996) ndi Malamulo a kayendetsedwe ka bwalo la za ntchito (Industrial Relations Court (Procedure Rules 1999).

MALAMULO A ZANTCHITO
Malamulo a zantchito okhazikitsidwa ndi boma amapezeka mu Malamulo a dziko (constitution) Malawulo a kalembedwe ka ntchito (Employment Act 2000). Malamulo a zantchito (Labour Relations Act 1996) Malamulo Opepesera anthu ovulala pa ntchito (Workers Compensation Act 2000)

NDONDOMEKO YA MILANDU

Choyamba: Nthawi

Wodandaula akuyenera ku kadandaula mosakhalitsa pamene mlandu wabuka ku ofesi a zantchito m'maboma (District Labour Office) pasanathe masiku makumi atatu. Odandaulidwa akuyenera kuziteteza mosakhalitsanso. Aliyense akuyenera kusindikiza ufulu wake.

Chachiwiri: Zokambirana
Mlandu usanatuludwe ku bwalo la za ntchito ukuyenera kukambidwa mwachiweniweni ku ma ofesi a zantchito m'maboma (District Labour Office). Pa nthawi imeneyi maofesala a zantchito (District Labour Officers) amakhala mkhalapakati mkuunikira dandaulo la odandaula ndi cholinga choyanjanitsa mbali zones. Mgwirizano ngati sukhalapo a ofesi a zantchito m'maboma akuyenera kutumiza mlandu ku bwalo la za ntchito masiku makumi atatu asanathe modzela mukalata.

Chachitatu: Ofesi lotula mlandu ku Bwalo la Zantchito

Bweretsani kalata lanu lochokera ku ofesi ya zantchito m'maboma (District Labour Office) ku bwalo la zantchito ku Blantyre, ku Lilongwe ndi Mzuzu kapena kulikonse komwe bwalo la zantchito limayendera. Kumeneku makalaliki a bwaloli akuthandizani kulemba chidandaulo chanu pa Form 1.

Makalata ena omwe mutha kubweretsa ngati muli nawo ndi kalata yokulemberani ntchito, kalata yokuchenjezani pa ntchito, kalata yokusudzulani pa ntchito, kalata yokuchotselani ntchito, kalata yowonetsa malipiro anu ndi kalata ina iliyonse yofunikira pa mlandu wanu.

Chachinayi : Kutumiza Form 1 (FORM 1)
Wodandaula akuyenera kudziwa chithandizo chomwe akufuna akamasuma. Izi ziunikidwe mu form 1 ija monga malipiro,

kubwezeredwa pa ntchito. Wodandaula azapemphedwa ndi kalaliki wa khoti kuti alipire ndalama yokwana makumi asanu ndi imodzi (K60.00) kuti mlandu utsegulidwe. Form 1 ija imatumizidwa pa manja kapena kudzela ku ofesi ya positi kwa wodandaulidwa. Wodandaula akuyenera kudikira masiku khumi ndi anayi kuyembekezera yankho lochokera ku khoti kudziwitsidwa maganizo a wodandaulidwa.

Chachisanu: Chigamulo pamene Wodandaulidwa sanasonyeze maganizo oziteteza

Pakatha masiku makumi ndi anayi wodandaulidwa asanasonyeze maganizo ozitetetza, khoti limapereka chigamulo mosachotsela pempho la wodandaula (default Judgment)

Chisanu ndi Chimodzi: Maganizo a Wadandaulidwa

Pamene Wodandaulidwa walandira chidandaulo cha wodandaula modzela mu fomu 1 (form 1) mosakhalitsa wadandaulidwa akuyenera kepeleka maganizo ake polemba maganizo wo mu fomu 2 (IRC Form 2). Pochita izi, wodandalidwa atha kupita ku bwalo lililonse kuti akamuthandize kulemba maganizo wo mu fomu 2 (form 2). Fomuyi ikuyenera kukapelekedwa ku bwalo la zantchito masiku makumi anayi asanathe kuchokera patsiku lomwe formu 1 inatumizidwa

Chachisanu ndi chiwiri : Zokambirana ku bwalo la zantchito

Pamene Fomu 2 idzalandiridwe ku bwalo la za ntchito mbali zonse za mlandu zimadziwitsidwa za tsiku, malo ndi nthawi ya zokambirana. Patsikulo mkhalapakati wa bwalo amaunikira mlandu uja poyesa kuyanjanitsa mabli zonse za mlandu. Ngati palikusagwirizana, mkhalapakati ndi mbali zonse za mlandu zimagwirizana ndondomeko wa mlandu pounikira nkhani yomwe idzakambidwe pa bwalo, makalata omwe adzagwiritsidwe posimikiza mlandu, mboni zomwe zidza funike ndi zina zotero.

Chachisanu ndi chitatu : Tsiku la mlandu

Mbali zonse za mlandu zimadziwitsidwa za tsiku, malo ndi nthawi ya mlandu modzera mukalata. Patsikulo mlandu umagamulidwa ndi Wamkulu wa khoti, oyimila anthu ogwira ntchito ndi oyimila anthu olemba ntchito. Umboni usanapelekedwe opereka umboni amayenera kulumbira. Kenako mbali inayo imapatsidwa mpata ofunsa mafunso kutsutsa umboni womwe waperekedwa. Potsiliza mboni ija imapereka maganizo modzera mafunso omwe anafunsidwa aja. Mbali za mlandu zimaloledwa kuitana mboni zina ndi kubweretsa makalata otsimikizira mlandu, nthawi zambiri ndondomeko yomwe yafotokozedwa imateenga tsiku limodzi.

Chachisanu ndi chinayi: Chigamulo ndi Apilo

Pokutha massiku makumi awiri ndi limodzi bwalo limapeleka chigamulo. Mbali ya mlandu yomwe siinasangalatsidwe ndi chigamulo itha kukasuma ku bwalo lalikulu la milandu (High Court) modzera mwa apilo masiku makumi atatu asanathe pochokera tsiku lomwe chigamulo chapelekedwa

Oimilila Odandaula Kapena Wodandaulidwa ku Bwalo la Zantchito

Mbali iliyonse ya mlandu itha kubweretsa aliyense kuzathandizira. Katswiri wa Malamulo (Loya) amaloledwa ngati mbali ina yaimilidwa ndi kaswiriyu. Kapenanso ngati odandaula kapena wodandaulidwa ali wakumvetsetsa a malamulo.

Ngati mbali imodzi kulibe kaswiriyu, mbali inayonso sikuyenera kuimilidwa ndi kaswiriyu. Oimira anthu ogwira ntchito (Employeees Union Representative) nsi Oimira anthu olemba Ntchito (Employers Union Representative) amaloledwa kuimira mbali yowauza. Mabungwe ena omwe amatha kuthandiza mbali iliyonse ya mlandu ndi nthambi ya boma yoimira anthu milandu (Legal Aid Department), Bungwe la a Kaswiri a Milandu mdziko (Malawi Law society) Bungwe la Akatswiri a Milandu Achizimayi (Women Lawyers Association) Bungwe Lotsindikiza Ufulu wa anthu (Civil Liberties Committee) CILIC)

Kuti munthu alandire chithandizo kuchokera kumabungwe akuyenera kukhala munthu woti sangathe kulipira katswiri wa milandu

CHIGAMULO

Kwa mbali yomwe mlandu wawakomera bwalo limatha kulamula chimodzi kapena zingapo mwachitsanzo kubwezeretsedwa pa ntchit, kulembadwano ntchito; kupatsidwa peshoni, pulomoshoni, banasi ndi kuphunzitsidwa ntchito mwa zina zaizo; kuwaletsa wolembedwa kapena olemba ntchito kuchita kanthu monga kuchotsa ntchito ndi kupanga stalaka.

Faini kapena kumangidwa ndi zina mwaizo zomwe bwalo limatha kulamula kwa mbali yomwe yatenga mabli pochita zinthu zoletsedwa ndi zaupandu monga kulemba ntchito ana osapitilira msinthu wa khumi ndi zinayi kuti agwire ntchito ya kalavula gaga, kukondera magulu kapena munthu pa ntchito.

Kukhazikitsa Chigamulo

Bwalo la zantchito litha kulamula kuti ndalama za mulingo woyenera zipelekedwa. Pamene ndalamazo sizipelekedwa, wamkulu wokhazikitsa Chigamulo (Sheriff) amatenga mabli poonetsetsa kuti chigamulo cha bwalo chatsatidwa