

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 431/05

In the matter between:

SWAZILAND MANUFACTURING AND

ALLIED WORKERS' UNION

APPLICANT

and

ZHENG YONG PTY LTD

RESPONDENT

CORAM

N. NDUMA: PRESIDENT

J. YENDE: MEMBER

N. MANANA: MEMBER

FOR APPLICANT: SABELO MSIMANGO

FOR RESPONDENT: MOSES MSIBI

R U L I N G 12/12/05

The applicant Union has moved an application seeking for an order that the Respondent is to comply with the provisions of S12 of the Wages Regulations Order in place at the undertaking with regard to maternity Leave.

S12 of the Wages Regulation Order reads as follows:

"12 an employee who has completed the probation period should be entitled to 30 days maternity Leave with pay".

This order was a result of collective negotiations in the Industry. This provision is in utter contrast to the provisions of Sections 102 and 103 of the Employment Act No.5 of 1980 which reads as follows:

"102(1) Every female employee whether married or unmarried who has been in the continuous employment of her employer for twelve months or more should be entitled to maternity Leave with at least 2 weeks full pay

In addition, S103 (1) stipulates the duration of maternity Leave as follows :-

103 (1) subject to subsection (2), maternity Leave shall not be less than twelve weeks, so arranged that the employee is allowed:

and/or repealed by the joint negotiations council in place within the Industry,

The application is successful and the following order made;

The Respondent is bound by the Wages Regulations Order in place and shall in terms of Regulation 12 give every employee who has completed probation 30 days maternity Leave with full pay.

No order as to costs. The members agree.

N. NDUMA

PRESIDENT- INDUSTRIAL COURT