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SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (FORESTRY & FOREST INDUSTRY)

ORDER, 1986

(Under section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964 the Minister for Labour hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Forestry and Forest Industry) Order, 1986 and shall come into force on 27th June, 1986.

Interpretation.

2. In this Order unless the context otherwise requires—

“artisan’s assistant” means an employee who assists an artisan in a workshop or in carrying out work allocated to an artisan;

“blaster” means an employee who is the holder of a recognised blasting certificate and carries out blasting operations;

“bulldozer operator” means an employee who operates a bulldozer and carries out simple maintenance on it;

“chainsaw operator” means an employee who operates a chainsaw and carries out simple maintenance work on it;

“clerk” means an employee, who is engaged in general clerical duties other than a tally clerk;

“cook” means an employee who is engaged in the cooking and issuing of food to other employees;

“cross-cut saw operator” means an employee who operates a crosscut saw and carries out simple maintenance work on it;

“driver (L.D.V.)” means an employee who drives a vehicle of less than 5 tons tare weight, whose duties include the handling to and from the tailboard and the daily maintenance and cleaning of the vehicle;

“driver (Logging)” means an employee who drives a log carrying truck of over 10 tons tare weight and who is responsible for the daily maintenance and cleaning of the vehicle;

“driver (H.D.V.)” means an employee who drives a vehicle of 5 to 10 tons tare weight and whose duties include handling to and from the tailboard and the daily maintenance and cleaning of the vehicle;

“driving instructor” means an employee who trains other employees to drive a vehicle;

“fire tower watchman” means an employee, who by means of a fire tower, oversees, locates fire on or near the property of his employer and reports the fire to his employer;

“fork-lift driver” means an employee who drives a fork lift and carries out simple maintenance work on it;

“general labourer” means an employee who carries out unskilled work and includes field labourers, cleaners, sweepers, loaders and tea servers;

“grader operator” means an employee who operates a grader and carries out simple maintenance on it;

“juvenile” means a person between fifteen and eighteen years of age;

“indvuna” means an employee who supervises other employees under his control;

“jackhammer operator” means an employee who operates a jackhammer and carries out simple maintenance work on it;

“medical orderly” means an employee who provides medical assistance to out patients in the clinic;

“saw sharpener” means an employee who sharpens saws and carries out simple maintenance work on them;

“security guard” means an employee who is engaged to safeguard the property of his employer;

“skidder operator” means an employee who operates a skidder and carries out simple maintenance on it;

“tally clerk” means a person who collects and records information for further processing;

“telephone linesman” means an employee who checks and carries out repair work for his employer on a telephone communication system;

“timbergrader” means an employee who grades timber to the required specifications;

“tractor driver” means an employee who drives a tractor and carries out simple maintenance work on it;

Application.

3. This Order shall apply to a person employed —
 - (a) in any undertaking having at least 70% of its productive holding under tree development and engaged in the occupation specified in First Schedule; and
 - (b) by a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic minimum wage.

4. (1) Subject to subregulation (3) the basic minimum wage to be paid to employees to whom the Order applies shall be calculated at a rate not less favourable than that specified in the First Schedule.

(2) For purposes of calculating hourly, daily, weekly or monthly rates, the following conversion table shall be used —

- (a) hourly rate — divide basic minimum wage by weekly hours;
 - (b) daily rate — divide basic minimum wage by days to be worked in a week;
 - (c) weekly rate — divide monthly wage by four and one third;
 - (d) monthly rate — multiply weekly wage by four and one third.
- (3) A juvenile general labourer shall receive not less than two-thirds of the rate of pay applicable to an adult general labourer.

Ration.

5. (1) As a condition of employment, an employer shall, supply to each employee receiving less than E1080 per annum, rations, in quantities not less than those specified in the Second Schedule.

(2) With the employee's consent, and after notifying the Labour Commissioner, the employer may pay the employee, in lieu of rations, the cash value of such rations as may be fixed by the Labour Commissioner from time to time.

(3) Upon notification by the Labour Commissioner of an increase in the ration allowances, the new cash value shall be paid not later than the pay day following such notification.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours of not less than five days.

(2) In the case of an employee engaged on shift work his normal weekly hours shall be forty-eight hours over a six day week.

(3) In the case of a watchman or security guard the normal weekly hours shall be seventy-two hours over a six day week.

(4) An employee required to work on a continuous shift system shall have not less than one rest day each seven day period.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work as a security guard or watchman and is required to work in excess of the hours specified under regulation 6 (1) shall be paid overtime as follows —

- (a) for time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;
- (b) for time worked on a rest day, Sunday or Public Holiday specified in the Third Schedule, he shall be paid at twice his hourly rate.

(2) Any employee on shift work, or a security guard who is required to work on a rest day or on a public holiday specified in the Third Schedule, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual leave.

8. On completion of each period of twelve months continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six day week with full pay.

Sick Leave.

9. After three months continuous employment with the same employer, an employee shall be eligible, in each year of employment with that employer, for a maximum of fourteen days sick leave on full pay and a maximum of fourteen days sick leave on half pay.

Provided that no employee shall be eligible for sick leave in respect of any incapacity due to his own neglect or misconduct.

Public holiday.

10. (1) Subject to subsection (3) the public holidays specified in the Third Schedule shall be holidays with full pay.

(2) Subject to the provisions of section 7(1)(b) subsection (1) shall only apply when the employee presents himself for work on the working day immediately before the public holiday and working day immediately following the public holiday, except where the employer has authorised the employee's absence on such working day.

(3) Where an agreement has been reached between an employer and any of his employees' any of the public holidays specified in the Third Schedule may be exchanged for any other day in lieu thereof.

Savings.

11. (1) No employer shall, reduce the wages, ration allowance, annual leave or sick leave, to which an employee was entitled prior to the commencement of this Order.

(2) Any employer who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a maximum fine of fifty Emalangeni or three months imprisonment or both.

Revocation of Legal Notice No. 98 of 1985.

12. The Regulation of Wages (Forestry and Forest Industry) Order, 1985 is revoked.

FIRST SCHEDULE

(Emalangeni per week)

Grade A1	Cleaner)	15.14
	General Labourer)	
	Loader)	
Grade A2	Artisan's Assistant)	16.96
	Cook)	
	Firetower watchman)	
	Forest Guard)	
	Forklift Driver)	
	Security guard)	
	Tally clerk)	
Grade B1	Chainsaw operator)	17.28
	Clerk)	
	Driver (L.D.V.))	
	Induna (nursery))	
	Jackhammer operator)	
	Switchboard operator)	
	Tractor driver)	

Grade B2

Cross-cut saw operator)	
Driver (H.D.V.))	
Induna (Forest))	
Saw sharpener)	22.12
Skidder operator)	
Timber grader)	

Grade B3

Blaster)	
Bulldozer operator)	
Driver (Logging))	
Driver Instructor)	32.89
Grader operator)	
Telephone linesman)	

SECOND SCHEDULE

(Section 5)

MINIMUM WEEKLY RATION SCALE

Mealie Meal.	6.35 kg.
Meat	1.36 kg.
Sugar.45 kg.
Dry Beans, Peas or Groundnuts68 kg.
Fresh Vegetables9 kg.
Salt113 kg.

Alternatives.

2. The following rations may be supplied in lieu of the items of food mentioned in paragraph 1:-

(a) Mealie Meal:-

for every .9 kg of mealie meal — .45 kg. of bread, .34 kg. of rice or .23 kg. of ordinary or sweet potatoes.

(i) for the first .23 kg. of meat — .23 kg. of offal; or

(ii) for the first .45 kg. of fish — .23 kg. of cheese

(b) for every .45kg. of fresh vegetables, .45kg. of fresh fruit or a proportionate ration of dehydrated vegetables.

Permitted Variations.

3. The rations of mealie meal shown in paragraph 2(a) may be reduced by an amount not exceeding 2.72 kg. equivalent to the amount of mealie meal used in the preparation of:-

(a) the drink known as "mahewu" or

(b) a proprietary vitaminized drink, if either drink is issued in a week to the employee by the employer.

THIRD SCHEDULE

(Section 10)

Good Friday

King's Birthday

Incwala Day

Somhlolo Day

Christmas Day

Boxing Day

J.D. MNGOMEZULU

Principal Secretary Ministry of Labour

LEGAL NOTICE NO. 56 OF 1986

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (MINING AND QUARRYING
INDUSTRIES) ORDER, 1986

(Under Section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964 the Minister for Labour hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Regulation of Wages (Mining and Quarrying Industries) Order, 1986 and shall come into force on 27th June, 1986.

Interpretation.

2. In this Order unless the context otherwise requires —

“Clerk A1” means a clerical worker capable of simple reading minimal writing collecting and carrying items, for example, date stamps, keeping calendars up to date, recording times of arrival and departure, receiving and carrying documents and correspondence internally and acting as a messenger;

“Clerk A2” means a clerical worker capable of performing all the functions of a Clerk A1 and writing, copying, simple filing and operating simple office machines, for example, entering petty cash payments and receipts, transcribing information into registers and on to forms and cards without analysis, also sorting mail, photocopying and duplicating;

“Clerk B1” means a clerical worker capable of analysing, accounting, operating office machines, scrutinising and utilising information not directly available but based on past experience, interviewing according to prescribed procedure, interpreting supervising the work of clerks A1 and A2;

“Supervisor” means a person who oversees the work of gangs working in gardens, slimes, dams, lamp rooms, screening plants, siding mills, forests stores, aerial ropeways, conveyors, tipplers construction work and painting;

“Unqualified tradesman” means a person who undertakes such tasks as rough glazing, painting and simple mechanical work on rock drills, locos, pumps, simple vehicle servicing and similar uncomplicated work requiring skill below the artisan’s standard;

“Drivers Grade 1” means drivers of:

- (a) Ambulances;
- (b) Heavy duty vehicles (in excess of five tons capacity);
- (c) Power-driven earth moving equipment; and
- (d) Primary hoists.

"Drivers Grade 2" means drivers of:

- (a) Light duty vehicles other than ambulances;
- (b) Secondary hoists;
- (c) Rocker arm loaders;
- (d) Tractor; and
- (e) Locomotives.

Application.

3. (1) This Order shall apply to all persons other than articulated apprentices employed in any undertaking or any part of an undertaking which carries on one or more of the following activities for gain —

- (a) Mining and quarrying operations;
- (b) Winning of sand and gravel from any source; or
- (c) Ancillary work connected with the running of a mineral extraction operation.

(2) Notwithstanding subsection (1) this Order shall not apply to an employee who is in receipt of a basic remuneration aggregating E500.00 or more per month and who has authority to —

- (a) give orders to employees under his control;
- (b) recommend transfer, suspend, discipline, discharge or promote workers under his control; and
- (c) Adjudge and make recommendations in connection with grievances of employees under his control.

Hours of work.

4. (1) The basic working week shall be a maximum of six days.

(2) Notwithstanding subsection (1) where shifts are maintained, the basic working week shall —

- (a) consist of six twelve-hour shifts in the case of a security guard; and
- (b) six eight-hour shifts in all other cases.

Except that —

- (i) with the consent of his employer, an employee may, extend his daily hours of work by up to one hour in order to reduce the hours of work of his last shift for his own convenience without the entitlement to overtime payment.
- (ii) Subject to Section 10(2) where an employer requires an employee to work in excess of the hours specified in this section, an employee shall be paid for overtime in accordance with the provisions of Section 9.

Work stoppage.

5. (1) In the event of a temporary stoppage of any employer's operations whether partial or complete, occasioned by circumstances beyond the control of the employer or of the employee, but excluding stoppage occasioned by a strike, lockout, sit-in or other form of labour action or dispute, whether concerted or individual, an employee who is present, available, capable and willing to work for the normal period during normal working hours at times appointed by the employer, shall be paid at the full rate applicable to the job —

- (a) in the case of watchman or security guard, for a minimum of 72 hours in any week; and
- (b) in the case of all other employees for a minimum of 48 hours in any week.

Provided that —

- (i) an employee shall perform any task appointed by the employer;
- (ii) such task shall not expose or subject an employee to peculiar risks or substantially more arduous conditions than those pertaining to his original or normal form of employment; and
- (iii) the provisions of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in terms of his normal conditions of employment and in accordance with the law.

(2) Where the employer cannot appoint a productive task and the employee is present, available, capable and willing to work, the employer shall pay the employee full daily wages for two days immediately succeeding the day upon which work was stopped and thereafter pay the employee half his daily rate until work is resumed or his employment is lawfully terminated.

Static and worsening conditions.

6. (1) The rate of pay and other conditions of employment set forth in this Order are the least or minimum permitted by the Government of Swaziland and shall not be represented as otherwise and no part of this Order shall be construed as justifying non advancement or denying advancement to, or freezing the wages of an employee.

(2) No employer affected by this Order shall reduce his rates of remuneration or other conditions of service from those which were applicable to his employee at the effective date of this Order, except where the nature of work has been changed.

Categories of work.

7. Employees affected by this Order shall be graded into categories. A1, A2, B1, B2, B3 and C1 as set out in the Schedule hereto.

Basic minimum wage.

8. (1) The basic minimum wage for the various categories set forth in section 7 shall be in respect of a shift of eight hours except in the case of watchmen, where the shift shall be twelve hours and shall be as set out in the table hereunder.

(2) The basic minimum wage per shift for the categories of employee graded in accordance with section 7 and the Schedule hereto shall be as follows —

A1	A2	B1	B2	B3	C1
6.74	7.82	8.71	9.96	11.56	13.56

Overtime.

9. Overtime shall be paid to daily rated workers at the following rates —

- (a) for time in excess of 15 minutes after the specified hours per shift as specified in Section 4, at one and one half times the basic rate reduced to an hourly rate, except as provided in paragraph (b):

- (b) for time worked on Sundays, where Sunday is not a working day, or on an employee's rest day where Sunday is a normal working day, or on a holiday specified in Section 10, at double the basic wage reduced to an hourly rate.

Public holidays.

10. (1) Subject to section 9(b) the following public holidays shall be regarded as holidays with full pay:

Provided that payment shall not be made to an employee who absents himself from his normal place of work without authority on the days preceding and succeeding the specified holiday;

Christmas Day
Boxing Day
Good Friday
Easter Monday
King's Birthday
Umhlanga (Reed Dance)
Somhlolo National Day
Incwala Day

(2) If so required by his employer, an employee shall work extra shifts at basic rates upon three days to be appointed by the employer for the purpose of maintaining production which the employer may find to have been lost by reason of any three of the holidays set out in subsection (1).

Annual leave.

11. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to annual leave of not less than fifteen working days excluding the public holidays and the employee's rest days with full pay.

Sick leave.

12. An employee who after three months continuous service with his employer becomes ill through no fault of his own and become incapable of performing his duties, shall have one or other of the following sick benefits in respect of each period of twelve months' continuous service on production of a certificate issued by a medical practitioner registered under the Medical and Dental Practitioners Act, 1970 —

- (a) fourteen days leave with full pay and thereafter fourteen days with half pay;
- (b) thirty days leave of which the first three days in any period of sickness shall be without pay and the remainder with pay; or
- (c) thirty days of free hospitalization and medical treatment with free food whilst in hospital and a daily sum of money equivalent to the cash value of any employee's rations as may be approved by the Labour Commissioner from time to time.

Maternity leave.

13. Pregnancy shall entitle an employee to —

- (a) a total of thirty days leave, on full pay in each period of twelve months' continuous service with the same employer in respect of prenatal, confinement and postnatal care; or

- (b) alternatively, at the option of the employer and in lieu of payment referred to in paragraph (a) —
- (i) free pre-natal medical care;
 - (ii) confinement in hospital with free food, free medical treatment including all medicines prescribed by the medical practitioner in charge of her; and
 - (iii) three weeks unpaid leave following delivery.

Redundancy.

14. (1) In the case of redundancy by reason of closure, cassation or curtailment of an employer's operation each affected employee shall receive —

- (a) one month's notice of termination of service or one month's pay in lieu of such notice;
- (b)(i) one month's wage at his latest basic minimum rate where he has been in the employer's continuous service up to 6 months;
- (ii) two months' wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for more than 6 months but less than 12 months; or
- (iii) three months' wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for 12 months or more.

(2) The benefits provided in this section shall be a minimum but shall be deemed to be included in any terminal benefits provided by any written law.

Pay advances.

15. On a day to be appointed by his employer, which day shall be approximately half way through the pay month, an employee whose basic wage exceeds E100.00 per month shall be entitled to draw an advance of his wages to an amount of E20.00:

Provided that —

- (a) there are funds standing to the credit of the employee to meet the amount of the required advance; and
- (b) his acceptance of the advance shall be deemed to be an authorisation to the employer to deduct the full amount advanced to him at the end of the pay month from his monthly salary.

Revocation of Legal Notice No. 123 of 1985.

16. The Regulation of Wages (Mining and Quarrying Industry) Order, 1985 is hereby revoked.

SCHEDULE

Category A1 includes employees whose principal duties comprises any of the following occupations:-

Asbestos Packers
 Beer Makers
 Block Makers
 Belt Maintenance Helpers

Belt Sorters
 Bag Printers
 Blaster's Labourers
 Boiler Attendants
 Chimney Sweepers
 Conveyor Attendants
 Clerks A1
 Cleaners
 Changehouse Attendants
 Coal Cutters Grade 3
 Dracco Plant Attendants
 Fuel Issuers
 Haulage Labourers
 House Maids
 Kitchen Hands
 Lashers
 Laundry Workers
 Messengers
 Siding Labourers
 Sweepers
 Samplers (Supervised)
 Survey Assistants (Grade 2)
 Sanitation Workers
 Stone Sorters
 Tippler Attendants
 Trammers
 Tally Check Tip Attendants
 Tamping Makers
 Ventilation Labourers
 Whitewashers
 Waiters
 Underground Transport Labourers

Category A2 includes employees whose principal duties comprise any of the following occupations:-

Artisan's Assistants
 Battery Charging Attendants
 Blasting Licence Holder's Assistants
 Box Operators
 Clerk A2 (as defined in paragraph 2)
 Cooks
 Compressor Attendants

Coal Samplers
 Drillers' Assistants
 Ellison Feeder Attendants
 Forklift Operators
 First Aid Attendants
 Geological Sampling Assistants (Grade A2)
 Geological Sampling Assistant/Drivers
 Golf Club Attendants
 Greaser
 Jackhammer Operators' Assistants
 Labouratory Attendants (Grade A2)
 Lamproom Attendants (uncertificated)
 Loco Shunters
 Loading Hands
 Nursing Aids
 Onsetters
 Pest Control Workers
 Power Station Maintenance Care (Supervised)
 Portable Saw Operators
 Pump Attendants
 Receptionist
 Roof Bolters
 Rotary and Drifter Helpers
 Shortcrete Nozzlemen
 Sporters
 Scraper Winch Drivers
 Section Rail Workers
 Section Timber Workers
 Section Bar Workers
 Stockpile Attendants
 Sawmill Assistants (Supervised)
 Sample Plant Attendants
 Security Guards/Watchmen
 Survey Helpers (Grade 1)
 Toolroom Attendants
 Tracers
 Torch Cutters
 Lower Dryer Attendants
 Typist (copy)
 Tub Loaders
 Tyre Inspectors
 Water purification Plant Attendants

Winch Operators

X-Ray Orderlies

Category B1 includes employees whose principal duties comprise any of the following occupations:-

Accounting Machine Operator
 Analysts
 Barman
 Boiler Operators (Power Station)
 Blocklayers (without Trade qualification)
 Beer Makers (Chargehands)
 Crusher Shiftsmen
 Clerks (Grade B1)
 Carpenters (without trade qualification)
 Coal Cutter (Grade 2)
 Drivers (Grade 2)
 Domestic Science Instructors
 Dust Samplers
 Electric Drill Operators
 Gardening Supervisors
 Guesthouse Attendants
 Geologists' Assistants (Senior)
 Geological Samplers (other than Coal)
 Gang Bosses (Grade 2 Surface)
 General Gang Supervisors
 Hospital Clerks
 Jack Hammer Operators
 Lampmen (Coal Certificated)
 Plant Operators
 Rock Mechanic Observers
 Rotary/Drifter Operators
 Supervisors (as defined hereunder)
 Service Bay Attendants
 Security Sergeant
 Stenographer Typists
 Switchboard Operators (internal and external)
 Telex Operators
 Theatre Orderlies
 Tradesmen (without formal qualifications)
 Training Instructors
 Welfare Assistants

Category B2 includes employees whose principal duties comprise any of the following occupations:-

Blasting Licence Holder
 Coal Cutters (Grade 1)
 Drillers (Mobile Rig and Core)
 Drivers (earth moving)
 Dyke Gang Supervisors
 Electricians (to 380 volts)
 Gangbosses (Grade 1 surface)
 Gangbosses (Grade 3 underground)
 Laboratory Assistants (asbestos)
 Mechanics (Grade 1)
 Medical Orderlies
 Truck Busters
 Village Administration Clerk
 Welders
 Weighbridge Clerk

Category B3 includes employees whose principal duties comprise of the following occupations:-

Artisan's (Grade 2)
 Blasting Supervisors (Iron Ore)
 Drill Supervisors
 Electricians (to 550 volts)
 Gang bosses (Grade 1 underground)
 Hospital Clerks
 Personnel Assistants
 Section Supervisors
 Section Bosses (Surface/Village Induna)
 Stores/Accounts Clerk
 Transport Controllers
 Washing Supervisors (Iron Ore)
 X-Ray Clerks.

Category C1 includes employees whose principal duties comprise any of the following occupations other than qualified artisans who have served the prescribed period of apprenticeship or passed a Government recognised Trade Test:-

Carpenters
 Mason/Furnance Bricklayers
 Mechanic (Vehicle Maintenance)

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Plumber/Sheet Metal Workers
Ropeway Servicemen
Sewage/Water Supervisors
Section Bosses (Underground)
Storekeepers.

J.D. MNGOMEZULU
Principal Secretary Ministry of Labour

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LEGAL NOTICE NO. 57 OF 1986

THE CIVIL SERVICE ORDER, 1973

APPOINTMENT OF ACTING PRINCIPAL SECRETARY

(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint —

SAMSON JOHN MAGAGULA

to be Acting Principal Secretary in the Ministry of Education with effect from 1st January, 1986 to the 11th February, 1986.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 12TH DAY OF JUNE, 1986.

NTOMBI

**NDLOVUKATI AND REGENT
OF THE KINGDOM OF SWAZILAND**