

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXXI]

MBABANE, Friday, July 2nd, 1993

[No. 962

CONTENTS

No.

Page

PART C - LEGAL NOTICES

106. The Regulation of Wages (Motor Engineering Trades) Order, 1993..... S1

LEGAL NOTICE NO. 106 OF 1993

THE WAGES ACT, NO. 16 OF 1964

THE REGULATION OF WAGES (MOTOR ENGINEERING TRADES) ORDER, 1993
(Under Section 11)

In exercise of the powers conferred on him 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 (Motor Engineering Trades) Order, 1993 and shall be deemed to have come into force on the 1st February, 1993.

Interpretation.

2. In this Order unless the context otherwise requires:

"Artisan" means an employee who has undergone a trade test and obtained a certificate showing his grade;

"Artisan Assistant" means an employee who has been assisting an artisan for three continuous years in the workshop or who can show proof of three years relevant experience with a previous employer;

"Assistant Batteryman" means an employee who assists a batteryman;

"Assistant Greaseman" means an employee who assists a greaseman;

"Assistant Tyreman" means an employee who assists a Tyreman;

"Batteryman" means an employee wholly or mainly engaged in the servicing and maintenance (including charging) of batteries either solely or in charge of the employees;

"Casual labourer" means an employee whose wages are actually paid to him at the end of the day or shift;

"Clerk" means an employee who does not possess a Junior Certificate of education and who is engaged in general clerical duties;

"Junior Clerk" means an employee who is a holder of a junior Certificate of education and who is engaged in general clerical duties;

"Senior Clerk" means an employee who is a holder of a Senior Certificate of education and who is engaged in general clerical duties;

"Driver" means an employee whose duties, in addition to being in charge of a motor vehicle, includes the handling to and from the tailboard, and the daily maintenance and cleaning of the vehicle;

"General labourer" includes a person employed as a sweeper, cleaner, or spannerman;

"Greaseman" means an employee who lubricates vehicles including operating the necessary equipment either solely or in charge of other employees;

"Petrol pump attendant" means a person wholly or mainly employed at a petrol pump selling fuel and oil;

"Semi-skilled labourer" means a person who is employed to perform duties other than sweeping and cleaning;

"Switchboard operator" means an employee whose main duties consists in the operation of telephone switchboard;

"Tyreman" means an employee wholly engaged in repairing tyres and tubes;

"Trainee switchboard operator" means an employee whose main duties consists in the operation of telephone switchboard under training instructions for a period not exceeding three months;

"Watchman" means an employee who is engaged during the day or night guarding and protecting premises, property or other belongings as directed by the employer.

Application.

3. This Order shall apply to all persons employed in any undertaking or part of an undertaking which consists in the carrying on for gain of one or more of the following activities.
 - (1) The retail supply of motor vehicles.
 - (2) The retail supply of agricultural or mobile construction plant.
 - (3) The repair, servicing or assembly or adaptation of such vehicles, machinery or plant on behalf of other persons or undertaking.

Basic Minimum Wage.

4. (1) The basic minimum wage which shall include the ration element to be paid to the employees specified in the First Schedule shall be calculated at a rate not less than that specified in the said Schedule.

(2) Any employee who, at the date of the commencement of this Order is in receipt of a higher wage, or enjoys better conditions of employment than those prescribed by this Order shall not suffer a reduction in such wage or condition by reason of this Order.

(3) The normal weekly hours of work for an employee other than a watchman, shall be deemed to be not less than one hundred and twelve of his monthly wage.

Hours of work.

5. (1) The normal weekly hours of work for an employee other than a watchman, shall not be more than forty-five hours exclusive of meal breaks, spread over five days each of nine hours.
- (2) The normal weekly hours of work for a watchman shall be seventy-two hours spread over six shifts, each of twelve hours.

Overtime.

6. (1) Overtime in excess of the normal hours by employees other than watchman shall be paid at the following rate:-

- (a) Any normal working day on a Saturday before 1.00 p.m. at one and half times the employees normal rate of wages;
- (b) After 1.00 p.m. on Saturdays, or public holidays specified in paragraph 8 at twice the employee's normal wages.

(2) Overtime in excess of the normal hours worked by a watchman shall be paid at one and one half times the employee's normal rate of wages; but where such overtime is worked on a rest day or on a public holiday specified in paragraph 8 the overtime shall be paid at twice the employee's normal rate of wages.

(3) An employee shall not be required to work overtime against his will unless it is understood by both parties that such overtime is necessary.

Annual Leave.

7. (1) An employee shall be entitled after each period of twelve months continuous service with an employer to annual leave for a period totalling 10 working days with full pay.

(2) An employee who has completed 5 years continuous service with the same employer shall be granted 15 working days or 21 calendar days, with full pay.

(3) Where the employment of an employee is terminated after a period exceeding three months from the date of commencement or after a period following his return from annual or sick leave, the employee shall be paid in addition to any other entitlement an amount equal to one day's pay for each month of service during which he has earned, but has not taken annual leave.

Paid Public Holiday.

8. (1) The following shall be public holiday with full pay.

New Year's Day
Good Friday
Easter Monday
King's Birthday
Flag Day
Ascension Day
22nd July (to be named)
Somhlolo Day
Christmas Day
Boxing Day

(2) No employee shall be entitled to payment under sub-Section (1) unless he is available for work on a working day immediately before and after the public holiday.

Sick Leave.

9. (1) After three months' of consecutive service with an employer and subject to the production of a Medical Certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioner Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages in each period of twelve months continuous service.

(2) Notwithstanding Sub-Section (1)

- (i) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct.
- (ii) A certificate issued by a Regional Secretary or registered nurse shall be accepted in place of a Medical certificate if a Medical Practitioner is not available.

Written particulars to be provided.

10. An employer shall on engagement of an employee, give such employee a completed copy of the form in the second Schedule of this Order.

Continuous Service.

11. (1) Continuous service is service in the employment of the employer interrupted only by death, retirement or discharge of the employee concerned.

Provided that an employee who is re-engaged within two months of his discharge shall be deemed to be in the continuous service of that employer.

(2) Where, following upon a change of ownership of an establishment or undertaking an employee enters the service of the new owner without interruption his service shall be deemed to be continuous service in the employment of the new owner.

Subsistence allowance.

12. For period of absence away from his normal place of employment on journey undertaken in the performance of his duties an employee shall be re-imbursed all expenses reasonably incurred of lodging and or meals during each period of such absence on production of receipts covering such expenditure.

Termination of employment after three months.

13. Where the employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of its commencement the employer shall pay to the employee a sum not less than one day's wages for each completed month of such period.

Revocation of Legal Notice No. 24 of 1992.

14. The regulation of wages (Motor Engineering Trades) Order, 1992 is hereby revoked

FIRST SCHEDULE

(Paragraph 4)

Occupational	Rate per hour
Casual Labourer	1.36
General Labourer	1.89
Semi-skilled labourer	2.01
Driver (up to 2 tons pay load	2.01
Driver between 2.5 tons pay Load	2.18
Greaseman	2.08
Asst. Greaseman	2.01
Batteryman	2.01
Asst. Batteryman	1.89
Tyreman	2.01
Asst. Tyreman	1.89
Clerk	1.95
Junior Clerk	2.01
Senior Clerk	2.08
Trainee (Switchboard Operator)	1.84
Switchboard Operator	1.95
Artisan Assistant	1.95
Artisan (Trade tested) Trade iii	2.19
Artisan (Trade Tested) Trade ii	3.10
Artisan (Traded Tested) Grade i	4.71
Watchman per month	E374.11
Petrol pump attendant	E370.61

SECOND SCHEDULE

Section 10

WRITTEN PARTICULARS OF EMPLOYMENT FORM

1. Name of employer.....
2. Name of Employee.....
3. Date of Employment began.....
4. Wage and method of calculation.....
5. Interval at which wages are paid.....
6. Normal hours of work.....
7. Short description of employee's work.....
.....
8. Probation Period.....
9. Annual holiday Entitlement
10. Paid Public Holiday
11. Payment during sickness
12. Maternity Leave (if employee female)
13. Notice employee entitled to receive.....
.....
14. Notice employee required to give.....
.....
15. Pension Scheme (if any, other than N.P.F. Scheme)
16. Any other matter either party wishes to include

- Notes: (a) An Industry Union is recognised by this undertaking any employee is free to join it. The address of the Industry union is:
- (b) The grievance procedure in this undertaking requires that a grievance should be first referred to
- (c) When any heading is inapplicable enter nil.....

Signed: Employer
 Employee
 Witness
 Date

E.J. VILAKAZI
Acting Principal Secretary
Ministry of Labour and Public Service