



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

VOL. XL]

MBABANE, Friday, JUNE 7th., 2002

[No. 836

CONTENTS

No.

Page

PART C- LEGAL NOTICES

72. The Regulation of Wages (Forestry and Forest Industry) Order, 2002 S1
73. The Regulation of Wages (Hotel and Catering Trades) Order, 2002 S10
74. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order,
2002 S21



PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 72 OF 2002

(THE WAGES ACT, 1964)
(Act No. 16 of 1964)

THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY) ORDER, 2002 (Under Section 11)

In exercise of the powers conferred on him by section 11 of the wages Act, 1964 the Minister for Enterprise And Employment hereby makes the following Order;-

Citation and Commencement.

1. This order may be cited as the Regulation of Wages (Forestry And Forest Industry) Order, 2002 and shall be deemed to have come into effect on 1st July, 2002.

Interpretation.

2. In this order unless context otherwise requires:

“Artisan 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 cooking and issuing of food to other employees;

“cross-cut” 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 vehicles 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 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, or locates fire on or near the project 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 silvi cultural, cleaners, sweepers, loaders and tea servers;

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

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

"indvuna grade B1" means an employee who supervises other employees under his control, and has worked less than two years;

"indvuna grade B2" means an employee who has acquired more than two years with the same employer;

"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;

"security guard" means an employee who is engaged to safeguard 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;

"timber grader" means an employee who grades timber to the required specification; and

"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 the 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) The minimum wage to be paid to employees to whom the order applies shall be calculated at a rate not less than that specified in the First Schedule.

(2) For the purpose 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 and
- (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.

Rations.

5. (1) As a condition of employment, an employer shall supply rations in quantities not less than those specified in the Second Schedule.

(2) With the employees consent, the employer may pay the employee a cash sum in lieu of ration.

(3) Where rations are incorporated into the wages of an employee, such an arrangement shall remain in force unless the (sum of the) actual minimum wage and the (sum of the) value of the rations are not below the requirements stipulated in the First and Second Schedule or what has been agreed upon in writing between the employer and employee.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours spread over a period of 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 week shall consist of seventy-two hours spread over a period of 7 days.

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

Overtime.

7. (1) An employee other than a security guard or a watchman who 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 Regulation 12, 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 Regulation 12. may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual Leave.

8. (1) 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.

(2) When 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 days' wages for each completed month of such period.

Sick Leave.

9. (1) After three months continuous service with an employer and subject to the production of a medical certificate signed by a medical practitioner, registered under the Medical and Dental Practitioners 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-Regulation (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 and
- (ii) a medical certificate issued by a registered nurse shall be accepted in place of a medical certificate under sub-regulation (1) if a medical practitioner is not available.

Compassionate Leave.

10. (1) An employee who has completed the probation period shall be entitled to compassionate leave as follows :

Widows	- 30 working days but only 12 days with full pay, the rest at employers discretion.
Widower	- 7 working days with full pay
Biological Parents	- 7 working days with full pay
Biological Child	- 3 working days with full pay

(2) Entitlement to compassionate leave of any other relative in addition to the above shall be at the discretion of the employer.

Maternity Leave.

11. (i) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave on full pay for a period of not less than two (2) weeks, from two weeks to three (3) months the payment is on employers' discretion:-

- (a) A certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement

or

(b) Such other evidence in support of the entitlement to maternity leave as may be reasonable, having regard to all the circumstances of the case.

(ii) Provided that no employee shall be entitled to maternity leave provided for under sub-regulation (i) for two (2) consecutive years.

Written particulars to be provided.

12. An employer shall on engagement of an employee, give such employee a completed copy of the form at the Third Schedule of this Order.

Continuous Service.

13. (1) Continuous service is service in the employment of the employee interrupted only by the 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.

Public Holidays.

14. (1) The following shall be public holidays with full pay -

New Years day;
Good Friday;
Easter Monday
King's Birthday;
Incwala Day;
Somhlolo Day;
Christmas Day;
Boxing day and
Workers' Day .

(2) This Regulation 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 this Regulation may be exchanged for any other day in lieu thereof.

Protective Clothing.

15. (1) An employer shall supply, free of charge and without payment of a deposit by the employee, the following items.

(a) to employees who are normally exposed in their employment to inclement weather, a water proof cap, overcoat or other suitable protective clothing;

- (b) to drivers and conductors - two dust coats, two overalls or two uniforms per annum; and
- (c) to journeyman/mechanics, assistant mechanics and employees engaged in the loading, unloading, and delivery of goods to or from vehicles, suitable overalls or other protective clothing.

(2) Any clothing supplied to an employee in terms of this regulation shall remain the property of the employer and shall subject to fair wear and tear, be returned to him in good condition on the resignation, retirement or discharge of an employee.

Short Time.

16. (1) If an employer finds it necessary for reasons beyond his control to employ an employee on short time, he may do so subject to the Commissioner of Labour consenting in writing to such arrangement, and on the understanding that the employer intends resuming full time operations within three weeks.

(2) Where an employee has been placed on short time under Sub-Regulation (1) he shall be paid not less than fifty percent of his weekly wages where he is employed for periods which, in aggregate, are equivalent to or less than fifty percent of his normal weekly hours of work.

(3) No reduction shall be made in an employee's earnings where the employee has been placed on short time, and works, in aggregate, more than fifty percent of his normal weekly hours of work during any week he has been placed on short time.

Savings.

17. (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 sub-regulation (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. 25 of 2000.

18 The Regulation of Wages (Forestry and Forest Industry) Order, 2000 is revoked)

FIRST SCHEDULE

(Emalangeni Per Week)

Grade A1	Cleaner	E77.42
	General Labourer	
	Loader	
Grade A2	Artisan's Assistant Cook	E82.95
	Firetower Watchman	
	Forest Guard	
	Forklift Driver	
	Security Guard	
	Tally Clerk	

Grade B1	Chainsaw Operator	E94.01
	Clerk	
	Driver (L.D.V.)	
	Induna (Nursery)	
	Jackhammer Operator	
Grade B2	Switchboard Operator	E105.07
	Tractor Driver	
	Cross-cut Saw Operator	
	Driver (H. D.V.)	
	Induna (Forest)	
Grade B3	Skidder Operator	E132.72
	Timber Grader	
	Blaster	
	Bulldozer Operator	
	Driver (Logging)	
	Driver Instructor	
	Grader Operator	
	Telephone Linesman	

SECOND SCHEDULE

(Regulation 5)

MINIMUM WEEKLY RATION SCALE

Mealie Meal	6.35 kg
Meat	1.36kg
Sugar	0.45kg
Dry beans, Peas or Groundnuts	0.68kg
Fresh vegetables	0.9kg
Salt	0.113kg

Alternatives.

1. The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1;

(a) Mealie Meal:

(For every .9kg of mealie meal - 4.5kg of bread; 34kg. Of rice or .23 kg of cheese.

(b) For the first .23kg of meat - .23kg of offal; or for the first .45kg of fish - .23 of cheese.

(c) For every .45kg of Fresh Vegetables, .45kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables.

Permitted Variations.

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

(Regulation 10)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

1. Name of employer
2. Name of employee
3. Date of employment
4. Wage and method of calculation
5. Intervals 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 National Provident Fund 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

M.E. VILAKATI
Principal Secretary
Ministry of Enterprise & Employment

LEGAL NOTICE NO. 73 OF 2002

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (HOTEL AND CATERING TRADES) ORDER, 2002
(Under Section 11)

In the exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Enterprise and Employment hereby makes the following Order -

Citation and Commencement.

1. This Order may be cited as the Regulation of Wages (Hotel and Catering Trades) Order, 2002 and shall be deemed to have come into effect on the 1st April, 2002

Interpretation.

2. In this Order, unless the context otherwise requires -

“assistant housekeeper” means a person who -

- (a) assists and carries out the instructions of a Housekeeper or the Management particularly in regard to the maintenance of linen, blankets and soft furnishings;
- (b) supervises room maids and similar staff-, and (c) is responsible for the cleaning of such areas of the establishment as are designated by the management;

“Assistant waiter/waitress” means a person who assists a waiter/waitress and carries out the duties of a waiter/waitress under his/her direction;

“barman” means a person other than a junior barman or a cocktail barman who -

- (a) prepares and serves drinks, other than cocktails, to wine stewards, bar stewards, waiters, and guests in a public bar;
- (b) collects and accounts for the payment of the drinks;
- (c) is responsible for O stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings;

“bar steward” means a person who accepts orders for drinks and serves them throughout the establishment;

“basic minimum wage” means the basic minimum wage payable to an employee excluding allowances in cash or in kind and overtime payments;

“banqueting waiter” means a person who sets up and prepares banqueting area for functions, conferences, meetings and banquets, serves food, beverages and cigarettes and clears the room ready for setting up the next function;

“billing clerk” means a person who prepares and controls guests accounts, receives and acts upon reception reports and may also be required to carry out the duties of a receptionist;

“butcher” means a person who prepares and cuts meat, fish and/or poultry in its raw state and carries out associated duties assigned by Head Chef or Assistant Chef,

“cashier” means a person who prepares bills of accounts, operates an accounting machine, cash register or a manual accounting system and is responsible for cash under his control;

“casino waiter” means a person who serves food, beverages and cigarettes etc, ordered by guests, prepares and polishes casino tables, empties ashtrays and assists in setting;

“Chips frier” means a person whose principal responsibility is working as a deep fat frier.

“cleaner” means a person who carries out the cleaning of any area or item required by a supervisor;

“cocktail barman” means a person other than a barman, who -

- (a) prepares and serves cocktails and drinks;
- (b) collects an accounts for the payment of the drinks;
- (c) is responsible for all the stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings.

“continuous service” means service in the employment of an 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;

“chef de partie/cook” means a person who -

- (a) compiles menus in consultation with the management;
- (b) prepares food;
- (c) supervises and allocates work in the kitchen;
- (d) checks the arrival of the foodstuffs and raw materials to be used in the kitchen particularly in regard to weight and quality; and
- (e) is responsible for the cleanliness and general hygiene of the kitchen;

“clerk” means a person who carries out clerical duties and is responsible for all monies and documents under his control;

“driver” means a person who is in possession of a licence to drive a vehicle allocated to him and who cleans the vehicle and carries out simple maintenance tasks on it;

“handyman” means a person who carries out maintenance work, supervises and allocates tasks to employees under his supervision and is responsible for all tools and stores under his control;

“head porter” means a person in charge of the porters’ desk who supervises porters and luggage porters and carries out all duties allocated to him by reception staff or management;

"head waiter" means a person who -

- (a) is in charge of the dining room, and supervises waiters and dining room staff;
- (b) arranges table reservation for individual customers or parties;
- (c) ensures that a high standard of service is maintained and deals with customers' complaints concerning the food or service; and
- (d) may also be required to take customers' orders and pass them to the waiter;

"housekeeper" means a person who -

- (a) is responsible for cleaning bedrooms and public areas in a hotel and for the cleanliness and repair of all linen, blankets and soft furnishings under his control and advising management on the durability and replacement thereof; and
- (b) supervises room maids and other staff;

"labourer" means a person who, under supervision, carries out manual work including irrigation, and who if so required, works as a pump house attendant; "laundry worker" means a person who carries out laundry work involving the use of machinery other than flat irons;

"linen keeper" means a person who is responsible for the control and issue of linen and other stocks and cleaning materials in a linen room;

"lounge/pool waiter/waitress" means a person who serves food, beverages, cigarettes etc and clears/cleans tables in the lounge or pool area;

"luggage porter" means a person who carries out instructions given to him by a head porter, porter or reception staff, or the management and carries luggages;

"porter means a person who -

- (a) carries out the duties allocated to him by reception staff;
- (b) conducts guests to their rooms;
- (c) performs other duties as may be required by the management including the cleaning of shoes, selling newspapers and the collection of mail;

"receptionist" means a person who checks guests into and out of the establishment, and allocates rooms to guests and submits accounts to them for payments;

"room maid" means a person who cleans and prepare rooms for use by guests and who carries out associated duties allocated by the management, a housekeeper or assistant housekeeper;

"room service person" means a person who has knowledge of all items on the room service menu, who sets up room service tray, prepares the room area for service, delivers food and beverage orders to guests' bedrooms and offices, and clears bedrooms, corridors and offices of dirty cookery, cutlery, glasses and trays;

"security guard" means a person with a working knowledge of the laws relating to the sale of liquor and the hotel industry, who is responsible for the security of premises belonging to the establishment in which he is employed and carries out and prepares report on investigations as required by the management;

"short order cook" means a person who is responsible for the preparation and production of short orders and simple food on the instruction of the management or cook;

"stores assistant" means a person who, under instruction, checks and accounts for all items coming into, or being issued from a store and is responsible for the receipt and custody of all stores under his control;

"supervisor" means a person responsible for the supervision of any employees placed under his control by the management;

"telephonist" means a person who operates a Switchboard, who keeps a record of all outgoing calls ensuring that they are correctly charged to the person responsible for their payment and who receives and records guests' messages;

"tractor driver" means a person who operates a tractor and implements assigned to him in order to carry out given tasks and who carries out simple maintenance of the tractor;

"waiter/waitress" means a person who -

- (a) has knowledge of all items on the menu, and receives orders from customers in dining room;
- (b) prepares and serves sandwiches, salads, snacks and other light refreshments throughout the establishment; and
- (c) is responsible for preparation of table and cleaning of the work/working station;

"wine steward" means a person who presents a wine list to guests, and advises on and serves wine and other drinks and serves light refreshments and snacks throughout the establishments;

"valet" means a person who is responsible for ironing, pressing, collection and the delivery of guests' garments;

"watchman" means a person who guards the property of his employer against fire, theft and illegal entry and who watches or guards against any other irregularities.

Application.

3. This Order applies to persons specified in the First and Second Schedule employed in the Hotel and Catering Trades.

Basic minimum wage.

4. The employees specified in the First Schedule shall be paid a basic minimum wage not less than that specified therein, which shall not be reduced by any amount for housing or accommodation.

Rations.

5. (1) At his expense, an employer shall supply weekly rations to an employee in accordance with the scale specified in the Third Schedule.

(2) Notwithstanding sub-regulation (1) an employer, with the consent of the employee and after notifying the Labour Commissioner, may pay the employee in lieu of rations, such allowances as may be approved by the Labour Commissioner from time to time.

Hours of work.

6. The normal working week shall consist of forty-eight hours (which shall exclude six hours duty free for meal breaks) spread over a period of six days.

Overtime.

7. (1) Overtime for all employees, other than those employed on casual basis, shall be paid for time worked in excess of forty-eight hours in any week, at one and half times the normal hourly rate.

(2) The normal hourly rate shall be not less than one over two hundred and thirty fourth ($1/234$) which is total hours per month of the employee's basic minimum wage.

Annual leave.

8. (1) After twelve months' continuous service with an employer, an employee shall be entitled to a minimum of twelve working days paid leave which period shall exclude any public holidays specified in Regulation 12 which occur during that leave -

Provided that -

- (a) after two years of continuous service with an employer an employee shall be entitled to eighteen working days annual leave with full pay; and
- (b) after three years of continuous service with an employer an employee shall be entitled to twenty one working days annual leave with full pay.

(2) Any employee who goes on annual leave, in addition to the payment for that leave, shall be paid an amount in cash equivalent in value to the rations he would have received during the period of his annual leave had he had not taken leave.

(3) 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.

sick Leave.

9. (1) After three consecutive months of continuous service with an employer and subject to the production of a Medical Certificate signed by a Medical Practitioner registered under the Medical and Dental Practitioners 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-Regulation (1)

- (i) An employee shall not be entitled to the benefits provided for under that Sub-Regulation if the sickness or accident causing his absence was caused by his own negligence or misconduct;
- (ii) A certificate issued by a registered nurse shall be accepted in place of a Medical Practitioner's certificate if a Medical Practitioner is not available.

(3) An employee may, on production of evidence that she is about to give birth to a child, take the sick leave provided for in this Regulation as part of maternity leave.

(4) Where an employer grants four or more weeks paid maternity leave, an employee may not take sick leave provided for in this Regulation as part of maternity leave.

Compassionate Leave.

10. An employee who has completed the probation period shall be entitled to compassionate leave with full pay as follows-

widow	37 working days with pay
widower	7 working days with pay
biological parents	7 working days with full pay
biological child	7 working days with full pay

Written particulars to be provided.

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

Retirement Age.

13. An employee may retire at age of 60.

14. Payment of Severance Allowance.

- (i) Severance allowance calculated as outlined in Section 34 of the Employment Act, 1980, shall be payable to an employee who leaves service under the following circumstances:
 - (a) On grounds of age or ill-health, subject to the production of a medical certificate signed by a medical practitioner registered under the Medical and dental Practitioners act, 1970.
 - (b) Resignation after 10 years of continuous service with the same employer;
 - (c) To the employee's beneficiaries, in the case of such employee's death in service.
- (ii) Notwithstanding sub-regulation (i)

the payment of severance allowance under any other circumstances not mentioned in sub-regulation (i) shall be governed by Section 34 of the Employment Act 1980.

Continuous Service.

15. 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.

Paid Public Holidays.

16. The following shall be public holidays with full pay: Christmas Day,.

Christmas Day
Boxing Day
Incwala Day
Umhlanga (Reed Dance) Day
Good Friday

The Kings birthday
National Flag Day;
Somhlolo (independence) Day; and
Workers Day

Rest Day.

17. An employee shall be entitled to either one rest day with full pay in every period of seven days. Provided that with the agreement of his employer, he may accumulate two such rest days in any period of seven days.

Casual Work.

18. A person employed on casual basis shall be paid for each hour worked not less than one two hundredth of the basic minimum wages as specified in First Schedule.

Transport Arrangement.

19. Where an employer does not provide accommodation for an employee and such employee is required to start work on or before 7.00 a.m. or to remain on duty after 5.30 p.m., the employer shall either:-

- (a) provide free transport between the place of work and such other place not exceeding sixteen kilometres and accessible by road, as may be agreed by the employer and the employee concerned; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of public transport between the place of work and such other place as may be agreed by the employer and the employee.

Uniforms.

20. (1) Uniforms shall be provided by the employer to all employees who are handling foodstuffs or drink who are in direct contact with guests, but such uniforms shall remain the property of the employer.

(2) An employee shall, unless otherwise permitted by the employer, wear the supplied uniforms only during working hours.

Inclement weather (field workers only).

21. An employee who reports for work at the normal time, but who is prevented from working by inclement weather, shall receive full basic wages for the first day of such interruption and half basic wage for the subsequent two days of such interruption and thereafter receive no wage for the duration of the interruption if it continues.

Training period.

22. No employee shall be engaged as a trainee for more than six months for jobs appearing in the Second Schedule, which shall also include the probation period of three months.

Revocation of Legal Notice No. 23 of 2000.

23. The Wages Regulation (Hotel and Catering Trades) Order, 2000 is hereby revoked.

FIRST SCHEDULE

(For the purpose of the Schedule)

- Group A** shall mean any undertaking licenced under the Casino Act, 1963 or having 75 or more bedrooms for guests;
- Group B** shall mean any hotel, motel, guesthouse, restaurant, bar or club with or without a liquor licence or which serves food, which is not included in Group A; and which is situated in Mbabane or Manzini urban areas or within 8 km, of the road joining Mbabane and Manzini.
- Group C** shall mean any hotel, bar, motel, restaurant or club with a liquor licence, which is not included in Group A or B.
- Group D** mean any hotel, take-away, motel, restaurant or guesthouse undertaking without a liquor licence and any accommodation establishment or caravan park not included in Group A, B, or C.

	A	B	C	D
Assitant Cook	870.00	681.00	584.00	474.00
Assistant housekeeper	645.00	595.00	581.00	
Bar steward	563.00	453.00	432.00	
Billing Clerk	1165.00	762.00	680.00	
Butcher	1351.00	924.00	702.00	465.00
Cashier	687.00	682.00	664.00	664.00
Chips frier	870.00	681.00	584.00	474.00
Clerk	664.00	609.00	602.00	602.00
Cleaner	494.00	462.00	430.00	430.00
Cocktail Barman	1173.00	887.00	823.00	
Barman	1083.00	798.00	734.00	
Cook/Chef de partie	1351.00	924.00	702.00	465.00
Dressmaker	751.00	604.00	492.00	
Driver	640.00	611.00	589.00	570.00
Head Porter	704.00	682.00	513.00	
Handyman	834.00	605.00	561.00	561.00
Head Waiter	1057.00	605.00	577.00	577.00
Housekeeper	1057.00	670.00	595.00	595.00
Junior Barman	760.00	595.00	560.00	
Labourer	492.00	463.00	430.00	430.00
Laundry Worker	605.00	586.00	430.00	430.00
Banquedug Waiter	618.00	518.00	457.00	
Linen keeper	550.00	536.00	581.00	531.00
Luggage Porter	492.00	463.00	431.00	
Porter	664.00	581.00	480.00	
Receptionist	769.00	708.00	681.00	
Room Maid	492.00	463.00	430.00	430.00
Room Service Person	618.00	518.00	430.00	430.00
Seamstress	564.00	564.00	564.00	
Security Guard	640.00	615.00	584.00	577.00
Short Order Cook	564.00	518.00	453.00	453.00

S18

Storeman	1215.00	929.00	625.00	595.00
Stores Assistant	604.00	606.00	533.00	529.00
Supervisor	581.00	536.00	518.00	518.00
Telephonist	618.00	505.00	457.00	457.00
Tractor Driver	577.00	577.00	581.00	506.00
Waiter/Waitress	608.00	518.00	413.00	474.00
waitress Watchman	604.00	492.00	474.00	474.00
Wine Steward	615.00	518.00	474.00	
Valet	596.00	430.00	430.00	

TRAINING PERIOD
SECOND SCHEDULE (EMALANGENI PER MONTH)

Trainee Assistant Housekeeper	551.00	530.00	519.00	457.00
Trainee Bar Steward	518.00	430.00	430.00	
Trainee Billing Clerk	605.00	564.00	550.00	
Trainee Cashier	589.00	581.00	550.00	
Trainee Handyman	618.00	582.00	500.00	498.00
Trainee Receptionist	609.00	582.00	498.00	498.00
Trainee Telephonist	554.00	463.00	430.00	430.00
Trainee Barman	518.00	430.00	430.00	

THIRD SCHEDULE

(Weekly Ration Scale)

Minimum Ration Scale.

1. Mealie Meal	6.36kg
Meat	1.36kg
sugar	0.45kg
Dry Beans, peas or Groundnuts	0.68kg
Fresh Vegetables	0.90kg
Salt	0.114kg

2. Alternative -

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

(a) Mealie Meal -

For every 9.53 kgs of mealie, 45kgs of Bread, 373 grams of Rice or .23 kgs of Sweet Potatoes:

(b) Meat -

(i) For the First 249 grams of offal; or

(ii) For the .45kgs of Fish or 249 grammes of Cheese

(c) Fresh Vegetables

For every .45kgs of Fresh Vegetables, .45kgs of Fresh Fruit or a proportionate ration of Dehydrated Vegetables;

3. Permitted Variations,

- (a) The Drink known as "Mahewu", or
- (b) A propriately vitanised drink, if either drink is issued in the week to the employee by the Employer.

FOURTH SCHEDULE

(Written Particulars of Employment Form)

1. Name of Employer.....
2. Name of Employer.....
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 Holidays.....
11. Payment During Sickness
12. Maternity Leave (if employee female).....
13. Notice Employee entitled to receive
14. Notice Employee required to give
15. Pensions Scheme (if any, other that NPF Scheme)

16. Any other matter either party wishes to include

17. Accommodation Arrangement

18. Transport Arrangement

19. Agreed Transport delivery

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

Signature: Employer

..... Employee

..... Witness

..... Date

M. E. Vilakati
Principal Secretary
Ministry of Enterprise and Employment

LEGAL NOTICE NO. 74 OF 2002

THE WAGES ACT, 1964
(Act No. 16 of 1964)

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE AND
DISTRIBUTIVE TRADES) ORDER 2002
(Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964 the Minister for Enterprise and Employment hereby makes the following Order.

Citation.

1. This Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order, 2002 and shall be deemed to have come into effect on the 1st April, 2002.

Application.

2. This Order shall apply to all persons employed in the Retail and Wholesale supply of goods or merchandise of any description, beauty- care and hairdressing services and in such operations as ware-housing, storing, packing, clerical or other work which is associated with such Retail or Wholesale supply.

Interpretation.

3. In this Order unless the context otherwise requires -

“blockman” means a person employed in a butcher’s shop whose duties are the cutting, dressing and preparation of meat, and may include attending to customers;

“cashier” means a person responsible for issuing, receiving and checking money and who has been employed as such for a continuous period of more than 6 months;

“senior clerk” means an employee who is the holder of a Senior Certificate of education and who is engaged in general clerical duties and also supervises the Junior Clerk;

“junior clerk” means an employee who is the holder of a Junior Certificate of education who is engaged in general clerical duties;

“copy typist” means an employee wholly or mainly engaged in typing, checking figures and filing, and who is capable of typing a minimum of 25 words per minute;

“deliveryman” means an employee wholly or mainly engaged in the delivery of goods;

“driver (heavy vehicle)” means an employee in charge of a vehicle of over one and one half (1½) tons whose duties include handling to and from the tailboard and daily maintenance and cleaning of such vehicle;

“driver (light vehicle)” means an employee in charge of a vehicle of one and one half (1½) tons or less whose duties include handling of cargo to and from the tailboard and the daily maintenance and cleaning of such vehicle;

"general labourer" includes a person employed as a sweeper, cleaner or shopman;

"Commercial cleaner" includes a person employed as a cleaner in an office, block of offices or private homestead through an establishment engaged in commercial cleaning services.

"heavy duty labourer" means an employee wholly or mainly engaged in the handling, loading and stacking of heavy packages of goods or items of 33.75 kilograms weight or more and who has been specially engaged for such work;

"junior shop assistant" means a person employed in a place, where goods are exhibited for sale to the public and who assists a shop assistant or other person serving customers, including the making up of orders and checking goods inward and who has not acquired 2 years experience in such activities;

"lorryman" means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise whilst in transit, and assisting their loading and unloading and whose duties may be interchangeable with those of general labourer;

"messenger" means an employee wholly or mainly engaged in carrying out errands, delivering or fetching mail, making bank deposits, and carrying out simple routine tasks in the employer's office or shop;

"petrol pump attendant" means a person wholly or mainly employed at a filling station selling fuel, oil and includes cleaning of driveway and forecourt.

"pre-packer" means an employee wholly or mainly employed in the pre-packing of goods for display or for sale to the public from bulk to small parcels;

"hairdresser" means a person who is qualified in scalp treatment, hair texturing, hair relaxing, perm blow outs and styling;

"assistant hairdresser" means a person who shampoos and sets without relaxing and styling who has less than six months experience;

"cashier-salon" means a person who handles cash, keeps records, takes money to the bank and issues receipts to customers;

"hairbraider" means a person who braids hair and makes braid styles;

"barber" means a person who cuts hair;

"beautician" means a person who does skin care, manicure, pedicure, waxing, massaging, plugging, twizzling and make-ups;

"general labourer (salon)" means a person who does general cleaning of floors, windows, rollers, trollers and washing of towels;

"redundancy" means a situation where, due to the operational or financial requirements or circumstances of the employer, the need for workers of a particular kind has ceased or diminished;

"shop assistant" means a person wholly or mainly employed for purposes of transacting business with customers or displaying goods in a place where such goods are exhibited for sale to the public in a supermarket or similar establishment and who has acquired two years experience in such work;

"telephone/switchboard operator" means an employee whose duties consist wholly or mainly in the operation of a telephone switchboard;

"trainee cashier" means a person responsible for issuing and receiving money and who has been employed as such for a continuous period of not more than 6 months; and

"watchman" means an employee who is engaged during the day or night to guard the premises or property of his employer.

Basic Minimum Wage.

4. The basic minimum wage to be paid to the employee specified in the First Schedule shall -

- (i) be calculated at a rate not less than that specified in the schedule;
- (ii) be deemed to include the ration element and
- (iii) not be reduced by any amount for housing or accommodation which may be provided by the employer.

Provided that an employee who at the date of commencement of this Order is in receipt of a higher wage for his particular occupation than the wage prescribed by this Order shall not by reason of this Order suffer reduction in such wage.

Hours of work.

5. (1) Subject to sub-regulations (2) and (3), the normal hours of work for an employee other than a petrol pump attendant and a watchman shall, subject to the provisions of regulation 6, consist of forty-eight hours per week divided into eight and one half per day excluding a rest period of one hour on Monday to Friday inclusive.

(2) The normal hours of work for a petrol pump attendant shall, subject to the provisions of regulation 6, be forty-eight hours of work spread over a period of 6 days.

(3) The normal hours of work for a watchman shall be sixty-six hours per week divided into six shifts each of eleven hours.

Overtime Payment.

6. (1) An employee other than a petrol pump attendant and a watchman, who is required to be on duty and work in excess of the hours specified in regulation 5 shall be paid at one and half times the basic hourly rates.

Provided that overtime worked on Sundays or public Holidays or after 1.00 p.m on Saturday shall be paid at twice the employee's basic hourly rate.

(2) Overtime shall be paid to a petrol pump attendant as follows:

- (i) for all time worked in excess of the normal hours of work (other than on a public holiday) at one and half times the employee's basic hourly rate;
- (ii) for all time worked on a public holiday at twice the employee's basic hourly rate .

(3) For the purpose of calculating the employee's basic hourly rate, the employee's monthly basic rate shall be divided by two hundred and eight hours (48 hours per week x 4.33 weeks per month).

(4) No employee shall be required to work overtime against his will unless it is understood by both parties that such overtime is necessary.

Annual Leave.

7. (1) After twelve consecutive months' service with an employer an employee shall be entitled to twelve working days leave on full pay:

Provided that on completion of three years continuous service with an employer an employee shall be entitled to fifteen working days leave on full pay:

(2) Where employment is terminated after three months' initial service with an employer, or after returning from annual leave as provided for in sub-regulation (1) an employee shall be entitled to one day's pay for each completed month of service following his initial engagement or following his return from leave as the case may be.

Sick leave.

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

(2) Notwithstanding sub-regulation (1),

(i) an employee shall not be entitled to the benefits specified in regulation (1) if the sickness or accident causing his absence was as a result of his own negligence or misconduct;

(ii) a certificate issued by a registered nurse shall be accepted in place of a medical certificate mentioned in sub-regulation (1) if a medical practitioner is not available.

Maternity Leave.

9. (i) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave on full pay for a period not exceeding twelve weeks (84 calendar days) upon delivering to her employer:-

(a) A certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement ; or

(b) such other evidence in support of the entitlement to maternity leave as is reasonable, having regard to all the circumstances of the case.

(ii) Provided that no employee shall be entitled to the maternity leave provided for under sub-regulation (i) for two (2) consecutive years

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.

Public Holidays.

11. (1) The following shall be Public Holidays with full pay -

Christmas Day;
 New Years Day;
 Good Friday;
 Easter Monday;
 Ascension Day;
 King's Birthday;
 Somhlolo Day;
 Reed Dance Day;
 Flag Day;
 Incwala Day;
 July 22nd; and
 Workers' Day (1st May)

(2) Where a public holiday falls on a Sunday, the following day shall be deemed to be a public holiday.

(3) An employee who is absent without leave on the working day before or the working day after a public holiday, shall not be entitled to any payment in respect of that public holiday in terms of this regulation.

Compassionate Leave.

12. (1) An employee who has completed the probation period shall be entitled to compassionate leave as follows -

widows	- 30 working days with full pay;
widower	- 6 working days with full pay;
biological parents	- 3 working days with full pay; and
Biological child	- 3 working days with full pay

(2) Entitlement to compassionate leave of any other relative in addition to the above shall be at the discretion of the employer.

Retirement Age.

13. An employee may retire at age of 60.

Payment of Severance Allowance.

14. (i) Severance allowance calculated as outlined in Section 34 of the Employment Act, 1980, shall be payable to an employee who leaves service under the following circumstances:

(a) On grounds of age or ill-health, subject to the production of a medical certificate signed by a medical practitioner registered under the Medical and dental Practitioners act, 1970.

(b) Resignation after 10 years of continuous service with the same employer;

(c) To the employee's beneficiaries, in the case of such employee's death in service.

(2) Notwithstanding sub-regulation(i)

(i) the payment of severance allowance under any other circumstances not mentioned in sub-regulation (i) shall be governed by Section 34 of the Employment Act 1980.

Casual Work.

15. An employee employed on casual basis shall be paid for each day or shift worked at a rate not less than the basic minimum wage applicable thereto.

Watchman's Clothing and Equipment.

16. (1) The employer of a watchman shall provide him free of charge with two pairs of boots, a police whistle, a club, a hat, and an overcoat or rain coat as is reasonably necessary in prevailing weather conditions.

(2) Any clothing or equipment referred to in sub-regulation (1) shall be of a reasonable quality and shall remain the property of the employer.

Redundancy.

17. When an Employee has been employed for a period of three years or more and his employment is terminated for reasons which are beyond the control of either the employer or the employee he will be paid either:

(a) a redundancy payment equal to two-thirds of his monthly wage multiplied by four; or

(b) severance allowance required by the Employment Act whichever is greater, but he will not be entitled to be paid both severance pay and redundancy pay.

Piece or task work.

18. An employee, engaged on task or piece work shall be entitled to wages and conditions of employment not less than those specified in this Order.

Transport.

19. An employee, who by nature of his employment is required on any day to remain on duty after 6 p.m or is required to start work before 6.30 a.m. shall be provided free of charge with transport between his place of work and his home or such point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Service.

20. (1) Continuous service is service in the employment of the employer interrupted only by the 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.

Protective Clothing.

21. If it is necessary to protect an employee from physical or chemical injury which may arise from the work he is required to do, the employer shall supply that employee with adequate protective clothing and such employee shall use the protective clothing as instructed.

Revocation.

22. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trade) Order, 2000 (Legal Notice No. 158 of 2000) is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE

(EMALANGENI PER MONTH)

(A) Bhunya, Big Bend, Havelock Mine, Luyengo, Matata, Malkerns, Manzini, Mbabane, (including establishment situated along and within 5km on either side of the Mbabane /Manzini main road stretching 20 km from Mbabane); Matsapha Industrial Area, Mhlambanyatsi, Mhlume, Ngwenya, Nhlengano, Piggs Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Nsoko Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lavumisa, Mankayane, Lomahasha Shopping Complex and Hlatikulu.

	A Urban Areas	B All other areas
General Labourer	833.03	726.61
Lorryman	833.03	726.61
Watchman	833.03	726.61
Messenger	833.03	726.61
Deliveryman	833.03	726.61
Heavy Duty Labourer	833.03	726.61
Pre-Packer	833.03	726.61
Commercial Cleaner	833.03	726.61
Junior Clerk	869.32	745.37
Senior Clerk	917.38	778.34
Junior Shop Assistant	833.03	726.61
Telephone Switchboard Operator	833.03	726.61
Copy Typist	833.03	726.61
Driver (Light Vehicle)	869.32	745.37
Petrol Pump Attendant	869.32	745.37
Driver (Heavy Duty)	917.38	778.34
Shop Assistant	917.38	778.34
Blockman	917.38	778.34
Trainee Cashier	833.03	726.61
Cashier	1045.46	825.88
Beautician	1061.83	6902.18

Cashier (salon)	910.15	591.60
Hairdresser	834.31	569.61
Assistant Hair Dresser	682.61	443.70
Hair Braider	682.61	443.70
Barberperson	606.78	394.41

NB: Areas reflected against A above are, for the purposes of this Wages Regulations Order, deemed to be Urban Areas.

SECOND SCHEDULE

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of Employer
2. Name of Employee
3. Date 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 Employee is free to join an industry union which is recognised by the undertaking.
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

M. E. VILAKATI
Principal Secretary
Ministry of Enterprise & Employment