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LEGAL NOTICE NO. 60 OF 2011

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

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE AND DISTRIBUTIVE TRADES INDUSTRY) ORDER, 2011 (Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour & Social Security hereby makes the following Order.

Citation.

1. This Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order, 2011 and shall be deemed to have come into force on the 1st March 2011.

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, beauty care, hairdressing services and wholesale supply.

Interpretation.

- 3. In this Order unless the context otherwise requires -
- "baker" means a person mainly employed to order ingredients, scale ingredients, mix ingredients, other wheat or flour products and make confectionery, pack the finished product for display or sale to customers:
- "blockman" means a person employed in a butcher's shop or butchery 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 in relation to a transaction of sale or the rendering of a service;
- "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 merchandiser or promoter" means a person employed by a merchandising company to, work in a place where goods are exhibited for sale to the public, transact business, display goods, make orders, check incoming goods and who has not acquired two (2) years experience working as such.
- "junior clerk" means an employee who is the holder of a Junior Certificate of education who is engaged in general clerical duties;
- "handyman" means a person who is capable of carrying out elementary tasks in either masonry, plumbing, carpentry or mechanics associated with such work and who has reasonable proficiency and can work without supervision but does not include an Artisan;

"assistant baker" means an employee who assists a baker;

"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 or merchandise;

"driver (heavy vehicle)" means a person who is employed to drive a motor vehicle with a weight of over one and a half (11/2) tons whose duties include the handling of cargo and daily maintenance and cleaning of such vehicle;

"driver (light vehicle)" means a person who is employed to drive a motor vehicle with a weight of one and a half(11/2) 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" means a person employed to perform duties of a sweeper, cleaner, shopman or other general work assigned to him;

"commercial cleaner" means a person who performs duties of a cleaner in an office, block of offices, shops or business establishment or private homestead through an establishment that provides commercial cleaning services;

"hyster/forklift driver" means a person employed to drive a forklift in the establishment or other place as the case may be;

"heavy duty labourer" means an employee wholly or mainly engaged in the handling, loading and stocking 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 of incoming goods 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 and assist in their loading and Unloading and whose duties may also include those of a general labourer;

"merchandiser" means a person employed by a merchandising company to work in a place, where goods are exhibited for promotion or sale to the public, who transacts business with customers

and displays goods, including the making up of orders and checking incoming goods and who has acquired two (2) years experience in such activities;

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

"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 engaged in the pre-packing of goods from bulk to small quantities, for display or for sale to the public;

"hairdresser" means a person who is qualified and for purposes hereof perform work in scalp treatment, hair texturing, hair relaxing, braiding, perm, blowouts and oilier forms of hairstyling;

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

"cashier-salon" means a person who is employed to handle cash, keep records, take money to the bank, receive money from and issues receipts to customers;

"hair braider" means a person who braids hair and makes braid styles in a salon or beauty parlour;

"barber person" means a person who cuts or shaves hair in a salon or beauty parlour;

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

"general labourer (salon)" means a person who does general cleaning of floors, windows, rollers, trolleys 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 a person 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 an employee specified in the First Schedule shall -
 - (i) be calculated at a rate not less than that specified in the schedule;
 - (ii) 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 a half hours 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 rate.

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' 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 as defined in the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave of 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.

Maternity Leave

9. (1) 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.
- (2) Provided that no employee shall be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Written Particulars to be provided

10. Subject to section 22 (2) of the Employment Act, 5 of 1980 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

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

National Secondary election's day

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

- (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

temls of this regulation.

Compassionate Leave.

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

widow - 30 working days with full pay;

widower - 6 working days with full pay;

Biological parent - 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. The retirement age for employees in the industry in respect of which this order applies shall be sixty (60) years.

Casual Work,

14. A casual employee shall be paid at the end of each day or shift worked at a rate not less than the basic minimum wage applicable to the job category in which he\she is working.

Watchman's Clothing and Equipment.

- 15. (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.

- 16. 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 in terms of the Employment Act, 1980 whichever is greater, but he will not be entitled to be paid both severance pay and redundancy pay.

Piece or task work

17. 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. Provided that where the employee has performed work that would entitle him to a wage that is higher than the rates stated in the schedule hereto, the employee shall be paid according to the amount of work he has performed.

Transport

18. An employee, who by nature of his employment is required on any day to remain on duty from 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 place of residence or such point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Employment/Service.

- 19. (1) Continuous employment or service is service in the employment of the employer as defined in section 2 of the Employment Act, 1980. Provided that in the case of discharge, the reengagement of the employee within seven (7) days of such discharge shall not affect continuity of employment or service.
- (2) Where, following upon a sale or takeover of a business of an employer an employee enters the service of a new employer without interruption, his service shall, subject to section 33 bis of the Employment Act, 1980, be deemed to be continuous service in the employment of the new employer.

Protective Clothing.

20. If it is necessary to protect an employee from physical or chemical injury or from any hazardous situation which may arise from the work he is required to do, the employer shall supply, free of charge, that employee with adequate protective clothing and equipment and the employee shall use the protective clothing as instructed.

Revocation of Legal Notice No. 122 of 2009

21. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trade Industry) Order, 2006 (Legal Notice No. 122 of 2009) is hereby revoked.

FIRST SCHEDULE BASIC MINIMUM WAGE (EMALANGENI PER MONTH)

The areas mentioned in (A) below are for purposes hereof regarded as urban areas.

(A) Bhunya, Big Bend, Havelock Mine, Luyengo, Matata, Malkems, Manzini, Mbabane, (including establishments 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, Nhlangano, Piggs Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Nsoko Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lavumisa, Mankayane, Lomahasha Shopping Complex, Ludzeludze, Mhlaleni and Hlatikulu.

	A Urban Areas	B All other areas
General Labourer	E 1155.14	E 1007.93
General Labourer (Salon)	E 841.72	E 547.30
Lonyman	E1155.14	E 1007.93
Watchman	E1155.14	E 1007.93

Messenger	E1155.14	E1007.93
Deliveryman	E1155.14	E1007.93
Heavy duty labourer	E1272.67	E1079.16
Pre-Packer	E1155.14	E1007.93
Commercial cleaner	E1155.l4	E1007.93
Junior clerk	E1206.19	E1035.24
Senior clerk	E1272.67	E1028.11
Junior shop assistant	E1155.14	E1007.93
Junior merchandiser	E1155.14	E1007.93
Switchboard operator	E1155.14	E1007.93
Copy typist	E1155.14	E1007.93
Driver (Light vehicle)	E1206.19	E1007.93
Petrol pump attendant	E1206.19	E1035.23
Driver (Heavy duty)	E1272.67	E1035.23
Shop assistant	E1272.67	E1079.16
Merchandiser or promoter	E1272.67	E1079.16
Blockman	E1421.01	E1209.76
Trainee cashier	E1155.14	E1007.93
Cashier	E1450.76	E1145.65
Beautician	E1473.31	E1168.20
Cashier (saloon)	E1263.18	E 820.35
Hairdresser	E1157.52	E 817.17
Assistant Hairdresser	E 947.38	E 626.23
Hair braider	E 947.38	E 626.23
Baker	E1272.67	E1079.16
Assistant Baker	E1155.14	E1007.93
Hyster/forklift driver	E1272.67	E1079.16
Handyman	E1155.14	E1007.93

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 Holidays
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 S.N.P.F. Scheme)
16.	Any other matter either party wishes to include
Not	tes: (a) An Employee is free to join a union or staff association which is active in the undertaking.
	The address of the Union./ Staff Association 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

(c) When any heading is inapplicable enter nil \$10

Signed	 Employer
	Employee
	Witness
	 Date

P. M. MAMBA HONOURABLE MINISTER MINISTRY OF LABOUR & SOCIAL SECURITY

LEGAL NOTICE NO. 61 OF 2011

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

REGULATION OF WAGES (MANUFACTURING AND PROCESSING INDUSTRY) ORDER, 2011 (Under Section 11)

In the exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security hereby makes the following Order:-

Citation and Commencement

1. This order may be cited as the Regulation of Wages (Manufacturing and Processing Industry) Order, 2011 and shall be deemed to have come into effect on 1st March, 2011

Application

2. This order shall apply to all persons employed in the Manufacturing and Processing Industries including the Manufacture of Bricks, Dry Cleaning and Laundry, Timber Processing, Printing and Weaving who are engaged in the occupations specified in the First Schedule.

Interpretation

- 3. In this Order, unless the context otherwise requires:-
- "aligner" means and employee who aligns a finished product before final inspection with the aid of electronic test equipment;
- "a.j.s Operator" means an employee who operates an automatic junior stitcher sewing machine;
- "artisan" means an employee who is in possession of a Trade Test Certificate signed by a Trade Testing Officer appointed by the Government;
- "assembler soldering" means an employee who solders and assembles components by hand;
- "assembler-bottom components" means an employee who assembles good quality bottom components such as soles and insoles into specific batches according to the box loading plan;
- "assembler-socks" means an employee who assembles good quality socks into batches according to article and size;
- "assembler-upper components" means an employee who assembles good quality upper components such as vamps, quarters etc into specific batches according to the box loading plan;
- "assistant foreman baker" means an employee who is capable of manufacturing bread, adjusting bakery machinery and supervising the workers under his control;
- "assistant foreman confectioner" means an employee who is capable of manufacturing and decorating several lines of confectionery, adjusting bakery machinery and supervising workers under his control:
- "baker assistant" means an employee who assists a baker;

- "backseam-reducer" means an employee who reduces the Beckom, join on leather quarters by means of a machine;
- "binder assistant" means an employee who receives plain or printed matter from the machine for collating, stitching, padding, rounding corners, punching, folding, counting, numbering perforating, stapling, binding and basic guillotining, (although not essential)
- "boiler operator" means an employee who operates a boiler;
- "box folder" means an employee who folds and erects boxes ready for use;
- "box labeller" means an employee who labels boxes with the information required to identify the contents thereof;
- "box preparer" means an employee who collects and prepares boxes accordingly;
- "blower" means an employee who carriers out blowing duties in the manufacture of glassware according to specification;
- "cabinet fitter" means an employee who fits accessories to a television cabinet;
- "canteen assistant" means an employee who assists the canteen supervisor in preparing, cooking and dishing-up food in the employees canteen;
- "carder" means an employee who operates a carder machine and carries out simple lubrication on it:
- "carton sealer" means an employee who seals cartons of finished goods for dispatch to customers;
- "casual labourer" means an employee who is not employed for more than twenty four hours at a time;
- "cattle buyer" means an employee who buys livestock for his employer;
- "charge hand" means an employee who assists a supervisor to supervise employees;
- "chassis fitter" means an employee who fits chassis components to television sets;
- "cementer" means an employee who applies adhesives to a surface by means of either a brush or machine'
- "chef" means an employee who is responsible for the cooking of food for the employees' canteen;
- "checker" means an employee who checks and records outgoing and incoming goods;
- "cleaner" means an employee who is responsible for the cleaning of a factory, offices, toilets and canteen and/or tea-making duties;
- Clerk/storeman (with Senior Certificate)" means an employee who engaged in general clerical duties or storekeeping who holds a Senior Certificate of education;
- "clerk/storeman assistant" means an employee who engaged in general elerical duties or storekeeping duties who holds a Junior Certificate of education;
- "clicker-high frequency" means an employee who cuts and welds high frequency components;

- "clicker-insoles/toe puffs/counters" means an employee who cuts insoles, toe puffs or counters by means of a clicking press;
- "clicker-linings/trims/socks/velcro" means an employee who cuts linings, trims or velcro by means of a clicking press;
- "clicker-textile" means an employee who cuts suede split or textile by means of a clicking press;
- "coilwinder" means an employee mainly engaged in winding coils;
- "components-assembler" means an employee engaged in fitting electronic components on PC boards and includes an employee engaged in pre-assembly work;
- "compositor" means an employee engaged in the setting of type including the operation of typesetting and typecasting machines and putting into position for printing and the make up of formes;
- "confectioner assistant" means an employee who assists a confectioner;
- "cook" means an employee who is engaged in cooking and issuing food to other employees;
- "copy-typist" means an employee who is engaged in typing and is capable of typing a minimum of 25 words per minute, filing, checking and recording incoming mail;
- "counter inserter" means an employee who dips and inserts the counter stiffener into the pocket at the heel of a machine;
- "continuous service" means service in the employment of an employer interrupted only by death, retirement, or discharge of the employee concerned, an employee who is re-engaged within two months of the employee's discharge shall be deemed to be in the continuous service of the employer;
- "counter moulder" means an employee who moulds the newly inserted counter stiffener over a mould by means of a machine;
- "darkroom attendant" means an employee who makes negatives, positives, contacts, spotting and obliteration of all marks and pinholes and including enlarging and reductions on the camera;
- "de-boner" means an employee engaged in dissecting carcass;
- "d-ring inserter" means an employee who inserts D-Rings into the shoe facing prior to being stitched;
- "design draughtsman's assistant" means an employee who assists a draughtsman to design mechanical layouts;
- "dispatch clerk" means an employee who selects and packs goods according to customers' orders;
- "dispatch clerk" (printing) means an employee who selects, checks and packs goods according to instructions from job cards or any other source and assist with deliveries;
- "digital/duplicater (operator)" means an employee engaged in operating a risograph or equivalent digital printer or duplicator;
- "divider operator" means an employee who operates a divider machine and who checks the

weight of dough pieces;

- "dough mixer" means an employee who operates a divider machine and who checks the weight of dough pieces;
- "dough panner" means an employee who places dough pieces into pans:
- "driver (Heavy Duty Vehicle)" means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and one half tons tare weigh whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning o such vehicle;
- "driver (Light Duty Vehicle)" means an employee in possession of an current driving licence who is in charge of a motor vehicle of less than one and one halftons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;
- "driver messenger" means an employee who is mainly engaged in carrying messages, who delivers and collects goods and/or mail by vehicle or motor cycle and performs simple routine tasks in an office:
- "driver salesman" means an employee in possession of a current licence who sells and delivers bread, confectionery or other articles by motor vehicle and who is responsible for accepting written orders for goods and the collection and safe custody of cash for C.O.D Sales, and also canvass for orders;
- "D.T.P operator" means and employee engaged in typesetting and designing of documents on the computer and being able to operate lazer printers, scanners and allied equipment;
- "driver salesman assistant" means and employee who marks components to assist closing department by means of a marking machine;
- "electrical maintenance assistant" means an employee who assists an electrician in improving and repairing electrical installation;
- "engraver" means an employee who engraves, smoothens, polishes the finished glassware, and carries out duties related thereto;
- "engraver assistant" means an employee who engraves, smoothes, polishes the finished glassware and carries out duties given by the engraver;
- "entrepreneur assistant grade I" means and employee who is capable of performing the work of an entrepreneur without the assistance of such and entrepreneur;
- "entrepreneur assistant grade I" means an employee who assists a person who is capable of carrying out the work of the entrepreneur's workshop;
- "final inspector/final tester" means an employee mainly engaged in the final alignment and testing of finished products, using electronic test equipment;
- "final inspector/final tester" means an employee mainly engaged in the final inspection or testing of finished products, if necessary, using electronic equipment;
- "finisher" means an employee who smoothens, trims carpets and makes knots on the fringes to make such carpets adaptable for sale;
- "fitter" means and employee who repairs and maintains machinery;

- "foam attacher" means an employee who attaches foam to the topline of the quarters for collar padding;
- "foam strip cutter" means an employee who cuts foam into strips by means of a machine;
- "folder" means and employee who folds the garment after pressing;
- "flour sifter" means an employee who sifts flour;
- "foreman baker" means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of bread;
- "foreman confectioner" means and employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;
- "forklift operator" means and employee mainly engaged in operating a forklift;
- "general labour" means and employee engaged in unskilled work;
- "grinder" means an employee who grinds, smoothens, and polishes a finished glassware product;
- "guillotine operator (printing)" means and employee engaged in cutting paper/board to be printed and trimming of jobs to finish size for packing including working out paper cuts from full sheets, maintenance of machine and knowledge of paper and board stocks;
- "handyman" means and employee who does not hold a trade test certificate, who carries out simple repairs and supervises and allocates work to subordinate staff under his control;
- "hand trimmer" means and employee who trims by means of a pair of scissors, all excess threads, binding and tapes after all closing operations have been done;
- "heel seat laster" means and employee who lasts the heelpart of a shoe by means of a machine;
- "hole perforator" means an employee who punches holes by means of a press;
- "hole perforator" means and employee who punches holes by means of a machine:
- "hole perforator" means an employee who punches holes by means of a press;
- "hoist perforator" means an employee who operates a dough hoist;
- "insole attacher" means and employee who attaches the insole to the last by means of a tacking machine;
- "insole moulder/stamper" means an employee who moulds to stamp insoles by means of a machine;
- "inspector" means an employee with not less than six months experience as an assembler who inspects the work on a production line;
- "invoice clerk means an employee who prepares and issues invoices and statements to customers for goods supplied;
- "jumper" means an employee who has knowledge of several jobs and who is able to relieve any other worker on a production line;

- "kardex clerk/storeman" means an employee who operates a kardex system of stock control;
- "kiln operator" means an employee who is capable of operating and maintaining a kiln;
- "laboratory assistant" means an employee who generally carries out unskilled work in a laboratory or who assists a laboratory technician;
- "laboratory technician" means an employee qualified to carry out all duties allocated to him in a laboratory;
- "lacer" means an employee who inserts and ties laces for footwear:
- "last preparer" means an employee who prepares and loads lasts onto the conveyor according to the uppers loaded;
- "last transport" means an employee who returns last to last-bins after delasting;
- "layer" means an employee who lays the material for cutting for a garment manufacture;
- "leaner finisher" means an employee who is learning on the job to become a finisher and who has not completed six months in the case of the weaving industry or three months for other industries;
- "learner craftsperson" means an employee who is learning on the job to become a potter, screenprinter, silversmith or any craftwork for a period of not less than three months or more than six months;
- "learner machine operator" means an employee with three months or less continuous service of operating a machine for other industries or not more than six months in the weaving and printing industry;
- "learner machine minder (printing)" means an employee with six months or less continuous service of operating a printing machine;
- "learner spinner" means an employee who is learning on the job to become a weaver and who has not completed six months in the case of the weaving industry or three months for other industries;
- "leather baler" means an employee who bales leather for storage purposes;
- "leather sorter" means and employee who sort leather by means of the point system;
- "line feeder" means and employee mainly engaged in feeding the assembly line with components;
- "loader" means an employee who loads goods on to vehicle by hand;
- "loader/packer" means an employee who packs bread or confectionery into or off a vehicle or who packs finished products into cartons, concluding the transfer of good material form large to smaller containers;
- "lubricator" means an employee who has the responsibility of lubricating and greasing machines;
- "machinist" means an employee who operates an electrical sewing machine to manufacture clothing/garment;
- "machine attendant" means an employee, other than a learner machine operator, who attends and operates a guillotine machine, bending machine, spot welding machine or any other machine

requiring similar skills;

- "machine minder" (printing)" means and employee engaged in operating a printing machine and capable of full colour printing, numbering and perforating, maintenance and cleaning;
- "machine operator" means an employee, other than a learner operator, engaged in operating a machine;
- "master screenprinter" means an employee who is capable of cutting screen, mixing pigments and has thorough knowledge of screenprinting techniques;
- "master potter" means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;
- "master silversmith" means an employee who is capable of working on silver to any specification;
- "mechanical assistant" means and employee mainly engaged in the mechanical assembly of television and radio accessories and placement of products in the appropriate area of assemble or dispatch;
- "melter" means and employee who melts glasses in a glass factory;
- "messenger" means an employee engaged in carrying messages, banking, collecting and delivering mail or carrying out simple tasks in an office;
- "mono caster attendant" means an employee who attends a monotype caster under the supervision of a key board operator;
- "office clerk" means an employee who does general clerical duties;
- "painter" means an employee who cleans and paints equipment, machines and buildings;
- "packer" means an employee who packs garments which are finished into cartons;
- "personnel clerk" means and employee who control and updates personnel records;
- "pc board trimmer" means and employee mainly engaged in trimming axcess components lead on soldered board:
- "photolithographer" means an employee who is capable of doing make-up, imposition and pasting (from artwork provided) darkroom work and plate making,
- "picture tube assembler" means an employee mainly engaged in preparing picture tubes for the assembly line;
- "plant attendant" means an employee mainly in operating a galvanizing plant and if necessary, taking of the plant;
- "plate filer (printing)" means an employee who is responsible for the gumming and filing of printing plates;
- "potter" means and employee who makes pots by hand or on pot wheels;
- "presser attendant" means and employee who operates a pressing machine to iron materials or clothing;

- "printers grade 1, 11, 111" means an employee who is in possession of a trade test certificate signed by a trade testing officer appointed by the government;
- "printing machine minder(junior)" means an machine minder only able to operate printing machines for single or spot colour work;
- "proof controller' means an employee mainly engaged in checking the quality and making reports of finished products;
- "proof reader" means an employee who edits documents before final presentation, checking spelling, grammar an lay-out;
- "quality section controller" means and employee who checks and controls the quality of goods leaving their section;
- "rebate clerk" means an employee who controls the stocks and documentation for a rebate store;
- "receiver-second stock" means an employee who checks, receives and controls the stock of factory seconds;
- "reception clerk (printing)" means an employee who attends to customers, answering calls and queries, acting ad telephonist, filling, opening job-cards, faxing and general office duties;
- "repairs assistant" means an employee with a basic knowledge of electronics mainly engaged in making simple repairs on PC board;
- "recutter" means and employee who arranges re-cuts and repairs poor quality work;
- "riveter/buckler" means and employee who attaches rivets or bucklers;
- "rougher-upper" means and employee who reduces the bumps on the lasting margin by means of roughing machine;
- "rougher-sole margin" means and employee who rough the sole margin on rubber soles;
- "rubber stamp maker" means an employee engaged in the making of rubber stamps;
- "runner" means an employee who performs unskilled duties such as conveying form one point to the other, materials used in garment manufacture;
- "saw sharpener" means an employee who sharpens saws and carries out simple maintenance work on them;
- "salesman" (senior) means an employee who packs erected boxes into cartons and stacks, ready for transportation to the factory;
- "seasonal labourer" means an employee engaged for he duration of a season to carry out unskilled work, canning fruit or vegetables;
- "security guard or watchman" means an employee mainly engaged in the protection and security of his employers premises;
- "senior watchman" means and employee who is in charge of other watchmen;
- "sewer/binder" means a binder capable of doing thread sewn books;

- "sewing machinist I" means and employee who has more than six months experience and turns stitches collars, stiches toecaps, facing, o/s counters, d-rings and attaches bindings;
- "sewing machinist II" means and employee who has more than six months experience and stiches backseams, side flashes, collar toughies, Velcro, brand tags and zig-zags pieces together;
- "screenprinter" means an employee who screenprints by hand pulling a squeegee;
- "semi-skilled kiln hand" means and employee who has limited knowledge in operating kiln and packs it according to specification;
- "silver-smith" means and employee who is capable of working on silver by hand;
- "seasonal labourer" means an employee engaged for the duration of a season to carry out unskilled work, canning fruit and vegetables;
- "side-laster" means and employee who lasts the waist section of shoe by means of a shoe;
- "size painter" means an employee who colour-codes components according to size by means of a brush;
- "skiver-upper/toepuffs" means an employee who skives or reduces the thickness of the edge of components by means of skiving machine;
- "slaughterman" means an employee engaged in stunning, bleeding, skinning eviscerating and splitting livestock;
- "spinner" means and employee who carries out spinning operation of wool or other materials according to specification;
- "soaking attendant" means an employee who operates solder bath, prepares fluxes, and checks solder levels;
- "soaker" means an employee who applied adhesives and inserts socks into finished footwear;
- "sole chlorinator" means an employee who chlorinates or halogenates a sole prior to cement application;
- "sole presser" means an employee who, by means of a press, ensures that there is good bond between sole and upper;
- "sole spotter" means and employee who places the precedented upper and sole accurately together prior to pressing;
- "sorter R" means and employee who sorts goods into racks by item and size ready for dispatch;
- "sorter" means an employee who puts together according to sizes the material, which is to be sewn;
- "shoe boxer" means and employee who packs finished footwear into boxes;
- "shoe repairer" means and employee who repairs subquality footwear:
- "shop assistant" means an employee who assists a shop supervisor in the stock control, displays and selling of products in a retail shop;

- "stonehand" means an employee with the knowledge of composition who places jobs set out by a compositor into steel frames locking them into printing machines ready for printing;
- "stamper" means and employee who stamps logos/information onto components by means of stamping machine;
- "staple extractor" means and employee who removes staples from the insole of a shoe;
- "sticker attacher" means an employee who attaches stickers to indicate size or customer code;
- "stitching machine operator (printing)" means an employee engaged in the operation of an automatic stitching machine including adjustments, changing wire thickeness and maintenance;
- "storeman (printing)" means an employee engaged in storekeeping who holds a senior certificate of education and a recognized certificate in storekeeping and competent knowledge of all printing papers, materials and sundries;
- "string lacer" means an employee who strings uppers for toelasting;
- "strips cutter" means an employee who cuts material into strips by means of a machine;
- "supervisor" means an employee who supervises other employees under his/her control;
- "switchboard operator" means an employee whose duties consist wholly or mainly in the operation of a telephone switchboard;
- "tablehand" means an employee who prepares material and places them on the table for cutting or weaving according to specification;
- "tester" means an employee who tests the function of assembled PC Boards using electronic equipment;
- "toecap positioner" means an employee who precements toecaps into position prior to toecap stitching;
- "toelaster" means an employee who supplies the toelaster with uppers and on completion replaces;
- "toelaster feeder" means an employee who supplies the toelaster with uppers and on completion replaces them back on the conveyer;
- "toepuff positioner" means and employee who positions and presses a toepuff onto the upper by means of a heated press;
- "tool setter" means an employee who fits and sets tools on a machine;
- "unlaster" means an employee who removes the last from the finished shoe;
- "upper brusher" means an employee who brushes finished footwear so as to clean and improve the look of the shoe;
- "upper cleaner" means an employee who cleans finished footwear by means of various cleaning material:
- "upper primer" means an employee who primes the nylon upper at the lasting margin to ensure cement adhesion;

- "upper splitter clerk" means an employee who splits uppers by means of a splitting machines;
- "upper spotter" means and employee who places the correct upper onto the last prior to toelasting;
- "upper/bottom preparer" means and employee who loads the sewn and corresponding bottom components onto the making conveyor;
- "utility" means an employee who has the knowledge of jobs and who is able to relieve other workers on production line;
- "weaver" means an employee who carries out duties either by operating hand loom or other equipment to manufacture the required goods;
- "wage clerk" means and employee who prepares and controls wage payments according to the time worked taken from clock cards or any other source and keeping relevant records related to pay;
- "washer" means an employee who washes and dries material or wool and if necessary, mothproofs to wool:
- "weight clerk" means an employee who weighs cartons of finished goods prior to dispatch;
- "weight clerk" means and employee who weighs cartons of finished goods prior to dispatch;
- "workshop assistant" means an employee who assists to fitter and handyman in general maintenance.

Basic Minimum Wage

- 4. The Basic Minimum wage inclusive of rations or cash in lieu thereof to be paid to employees specified in the First Schedule shall be calculated at a rate not less than that specified therein provided that-
 - (a) an employee who, at the date of commencement of this Order, is in receipt of a higher wage than that prescribed by this Order, shall not suffer any reduction in such wage by reason of this Order;
 - (b) where no definition of an employee duties exists, such employee shall be paid a basic minimum wage not less than that applicable to a general labourer; and
 - (c) nothing in this regulation shall prevent an employer, if he so wishes from-
 - supplying cooked or uncooked food to an employee in addition to his basic wage;
 and
 - (ii) providing free transport or free accommodation to an employee.
 - (d) The basic hourly wage of an employee on a weekly wage shall be calculated by dividing such wage by the number of hours the employee normally works in a week.
 - (e) The basic hourly wage of a casual labourer shall be calculated by dividing his daily wage by eight.

Statement of condition of employment

- 5. (1) The employer shall provide an employee with a written statement at the commencement of his employment, stating whether the employee is employed permanently or seasonally, the conditions of the employee's employment, the starting wage, including the learning period.
 - (2) The learning period referred to in sub-regulation (1) shall be-
 - (a) six months in the case of the weaving industry; and printing industry and;
 - (b) three months in the case of other occupations.

Hours of work

- 6. (1) The normal working week for employees other than security guard and casual labourers shall consists of not more than forty-eight hours of work.
- (2) The normal working week for employees other than security guards shall consist of not more than six shifts of twelve hours each.
 - (3) The normal hours of work for a casual labourer shall consist of eight hours per day.

Overtime

- 7. (1) An employee who is engaged otherwise than on shift work or as a security guard and is required to work in excess of the normal hours specified in regulation 6 shall be paid as follows:-
 - (a) for time worked in excess of the normal hours on a weekday, payment shall be at one and a half times his basic hourly wage; and
 - (b) for time worked on a Sunday or a public holiday specified in regulation 8, payment shall be at twice his hour rate.
- (2) An employee employed on shift work, or as a security guard who is required to work on his rest day or on a public holiday specified in regulation 8, may be paid for such overtime or alternatively, be given an equivalent amount of time off in lieu of overtime payment.

Transport

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

Public Holiday

9.	(1)	The following shall	be public	holidays	with full	pay -
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Incwala;
Good Friday;

Easter;

Ascension Day;

Christmas Day;	Chr	istmas	Day;
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Boxing Day;

Reed Dance Day;

Somhlolo Day;

Kings Birthday;

New year's Day; and

May Day.

- (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.

Annual Leave

- 10. (1) An employee shall have two weeks annual leave with full pay after each period of twelve months continuous employment with the same employer as follows;
 - (a) twelve working days in the case of an employee who works a six day week or;
 - (b) ten working days in the case of an employee who works a five day week.

Provided that in the case of a security guard annual leave shall be twenty-one calendar days with full pay after each period of twelve months continuous service with an employer.

(2) Where the employment of an employee is terminated after a period exceeding three months but 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 pay for each completed month of such period.

Sick Leave

- 11. (1) An employee taken into the employment of the employer shall be considered for payment during his/her absence on sick leave as follows;
 - (a) in the case of an employee who is absent from work for reason of sickness during the first three months of his or her employment and who on return from sick leave produces a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioners Act, 1970, payment shall be at the discretion of the employer;
 - (b) in the case of an employee who has completed three consecutive months of continuous service with the same 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 on in each period of twelve months continuous service.

- (2) Notwithstanding Sub-Regualtion(1) -
- (a) An employee shall not be entitled to the sick leave specified in sub-regulation (1) if the sickness or accident causing his absence was caused by his own negligence or misconduct; and
- (b) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a Medical Practitioner is not available.

Compassionate leave

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

Widow - 30 working days

Widower - 7 working days

Biological Child - 7 working days

Biological parents - 7 working days

- (2) Entitlement to compassionate leave or other relatives in addition to the above shall be at the discretion of the employer.
- (3) Nothing is this Order shall be construed as requiring any employer to pay an employee for any time spent on compassionate leave.

Maternity Leave

13. An employee who has completed the probation period shall be to 30 days maternity leave with full pay.

Written particulars to be provided

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

Continuous service

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

Short Time

- 16. (1) If an employer finds it necessary for reasons beyond the employer's control to employ an employee on short time, the employer may do so subject to the Commissioner of Labour consenting in writing to such an arrangement, having satisfied himself that the employees organization recognized in the undertaking has been fully consulted and is fully aware that the employer intends resuming full time work within three weeks.
- (2) Where an employee has been placed on short time under sub-regulation (1) the employee shall be paid not less than fifty percent of the employee's weekly wages where the employee is employed to periods which, in aggregate, are equivalent to or less than fifty percent of the employee's normal weekly hours of work.

(2) 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 paid placed on short time.

Piece Work

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

Re-imbursement of expenses

18. A salesman, driver or salesman assistant shall be re-imbursed all expenses reasonably incurred on lodging and meals for the period of absence from his place of residence on duty.

Lay-Off

- 19. (1) Due to proved circumstances beyond the employee's control an employer may lay off employees for up to fourteen working days, on condition that no lay-off may be effected without the written consent of the Commissioner of Labour. Such consent shall be granted after the meeting between the employer and the workers or recognized workers or ganization.
- (2) During the period of any lay-off, the employer shall not engage other employees to replace the employees he has laid off.
 - (3) The employer shall give-
 - (a) a permanent employee fourteen days notice before the lay off; and
 - (b) a seasonal employee twenty-four hours notice before the lay-off.
- (3) An employer may apply to the Minister responsible for Labour for a temporary exemption for a specified period according to the circumstance of the enterprise, from the application of regulation 19(3), (a), after negotiating with the employees' organization, for a reduction of the period of notice to be given to employees, before lay-off.

Trade Testing

- 20. (1) An employer shall grant unpaid leave to an employee who requests to undergo a trade test at the Swaziland College of Technology or any similar institution to enable him to take tests.
- (2) An employee undergoing a trade test shall furnish the employer with the results of his examination.

Revocation of Legal Notice No. 5 of 2008

21. The Regulation of Wages (Manufacturing and Processing Industry) Order, 2008 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE

(Emalangeni per week)

Learner Craftsperson Learner Finisher

Learner Spinner Learner Weaver

Casual Employee

Seasonal Labourer

Carder Checker Cleaner Cook

178.61

228.51

241.23

Engraver's Assistant

Entrepreneur's Assistant

Finisher

Grinder

Loader

Potter

Runner

Trimmer

Bagger

Learner Machine Operator

Screenprinter

Semi skilled kiln hand

Silversmith

Spinner

Tablehand

Presser (garment)

Washer Layer

Presser

Folder

Packer

Box folder

Canteen Assistant

Cartoon Sealer

Painter

Dispatch Clerk (Printing)

Upper Printer

Backstream Reducer

D-ring inserter

Foam attacher

Hand trimmer

Lacer

Stacker

Receiver-Second Stock

Sorter

Textile preparer

Toecap positioner

Toelaster feeder

Upper brusher

Workshop assistant

Assemble socks

Box preparer

Cementer

Edward maker

Foam strip cutter

Hole perforator

Lubricator/Riveter/Buckler

Sewing Machinist II

Shoe Boxer

Sole Chlorinator

Stamper

Staple extractor

String lacer

String cutter

Toepuff positioner

Unlaster

Upper cleaner

Plate filer (printer)

Assembler-Button Components

Box labeler

Canteen assistant/Cashier

Insole Moulder/stamper

Last Preparer

Last Transporter

Rougher-sole Margin

Shoe Repairer

Sticker attacher

Upper splitter

Weighs Clerk

Coil Winder

Component Assembler

Copy Typist

Dough Panner

Driver Salesman's Assistant

Entrepreneur's Assistant Grade 1

Flour sifter

General Labourer

Hoist Operator

274.26

269.12

251.42

264.07

Loader/Packer

Messenger

PC Board Trimmer

Plant Assistant

Security Guard/Stonehand

Machinist

Learner Machine Minder (Printing)

Assistant Receptionist

Digital/Duplicator Operator (Riso)

Assembler (soldering)

Binder Assistant

Compositor

De-Boner

Dark Room Attendant

Mechanical Assembler

Proof Reader

AJS Operator

Assembler Upper-Components

Counter inserter

Counter Moulder

Leather Baler

Loader F.O.F

Recutter

Sewing Machinist 1

Shop Assistant

Clerk/Storeman (Printing)

Rubber Stamp maker

Stitching Machine operator (Printing)

Sewer/Binder

Skiver- Upper/toepuffs

Soaker

Slaughter man

Driver/Messenger

Laboratory Assistant

Presser Attendant

Electrical Maintenance Assistant

Office Clerk

Rougher Uppers

Senior Watchman

Sole Presser

Printing Machine Minder (Junior)

Photo lithographer

Reception Clerk (Printing)

Sales Assistant

Wages Clerk

Cabinet Fitter

Chassis Fitter

Clerk/ Stores Assistant

285.15

297.39

Driver (L.D.V) Forklift Operator Picture Tube Assembler Soakline attendant Switchboard Operator Utility D.T.P Operator Printers Grade 111	318.13	
Baker's Assistant Blower Confectioner's Assistant Dough Mixer Engraver Divider Operator	319.89	
Click-High Frequency Clicker- Insolers/ toepuffs/ counters Clicker- Linings/ Trims/ Socks/ Velcro Dispatch Clerk Heelseat Laster Invoice Clerk Leather Sorter Quality Controller Sole Spotter	325.03	
Kiln Operator Melter Saw Sharpener Design Draftsman's Assistant Inspector Machine Operator Machine Attendant Solder Bath Attendant Tester Guillotine Operator (Printing) Machine Minder (Printing)	330.11	
Boiler Driver (H.D.V) Kardex Clerk / Storeman Aligner Final Inspector / Tester	331.22	
Clicker-textile Rebater Controller Repairers' Assistant	342.85	

Liner Feeder Repairer's Assistant	352.96
Baker Confectioner Handy-Man Chef Clicker- Suede Split	370.70
Chargehand Final Aligner and Tester Jumper Plant attendant Tool Setter Fitter Personal Secretary Sewing Mechanic Toelaster	383.44
Printers Grade 11	391.06
Clerk / Storeman Assistant (with Junior certificate) Driver Artisan Grade 111 Cattle buyer Master Screenprinter Master Potter Master Silversmith Salesman	406.30
Salesman (Senior) Storeman (Printing)	386.61
Assistant foreman Confectioner Assistant foreman Baker Clerk/ Storeman (with senior certificate)	492.58
Printers Grade 1	590.77
Artisan Grade 11 Foreman Baker	723.82
Foreman Confectioner	774.49

Artisan Grade 1	1,061.52
Laboratory Technician	1,122.31
Supervisor	25% above the wage to the highest paid employee under his direct supervision

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 and which wages are paid
7.	Short description of employees' work
8.	Probation Period
9.	Annual Leave Entitlement
10.	Paid Public Holiday
11.	Payment during sickness
13.	Notice employee entitled to receive
14.	Notice employer required to give
15.	Pension Scheme (if any, other than N.P.F. Scheme)
16.	Any other matter either party wishes to include.
und	(a) An Employee is free to join an industry union which is recognized by the lertaking.
	The address of the Industry Union is:

(0)	referred to		
		• • • • • • • • • • • • • • • • • • • •	
(c)	When any heading is inapplicable enter nil		
(d)	(d) Please give a copy of this form to the employee after it has been duly signed.		
Signed		Employer	
		Employee	
		Witness	
		Date	

PATRICK M. MAMBA MINISTER FOR LABOUR AND SOCIAL SECURITY