



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. LXI]

MBABANE, Thursday, AUGUST 10th 2023

[No. 99

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LEGAL NOTICE NO. 197 OF 2023

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (MEDIA INDUSTRY) ORDER, 2023
(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 Regulation -

Citation and Commencement

1. (1) This Regulation may be cited as the Regulation of Wages (Media Industry) Order, 2023.
- (2) This Regulation shall come into force on the date of publication.

Application

2. This Regulation shall apply to all persons employed in mass media, including but not limited to both electronic and print media industry, radio, internet, newspaper, magazine, television etcetera licenced under the Newspapers and Publishing Act, 1964 and any other related legislations.

(1) This Regulation shall not apply to persons employed by the government and her parastatals.

(2) Notwithstanding Regulation 3 below, a managerial position is that which is defined as staff in section 2 of the Industrial Relations Act, 2000 as amended.

Interpretation

3. In this Regulation, unless the context otherwise requires-

“accounts clerk” means an employee who controls cashier services, banking, safe keeping, distribution of company petty cash and other clerical duties;

“advertising clerk” means an employee who is the frontline person in the advertising office for any administration related function in the absence of Sales Representatives;

“cameraman” means an employee who operates a video camera;

“cashier” means an employee who provides cashier services and banking;

“classified sales representative” means an employee who sells classified and displayed advertisements including making out receipts;

“continuity presenter” means an employee who links programmes and updates listeners and viewers on current news, flash news and time;

“circulation clerk” means an employee who prepares circulation wrappers in accordance with the print order and assist in counting returns;

“cleaner” means an employee who cleans company offices including the kitchen, toilets, furniture and utensils. The employee can also be assigned to do any other related duties;

“darkroom operator” means an employee who operates the production and film processor in order to convert raw news material into films. The employee further washes and aligns this processed material into various publication sections ready for printing;

“debtors clerk” means an employee who is employed to do debt collection, debtors receipts posting and maintain a debtors book to acceptable standards;

“driver” means an employee who is engaged to drive company vehicles for transporting employees to various assignments as well as delivery and collection assignments;

“driver salesman” means an employee who is assigned to drive company vehicles for the purpose of distributing the company daily, weekly, monthly and fortnightly publication to assigned outlets and thereafter collect all cash due to the company from all outlets using distribution routes. The driver salesman shall also be responsible for the promotion of the company’s products;

“factory machine cleaner” means an employee who cleans a printing factory premises, printing machinery and receives printing material and consumables;

“graphic designer” means an employee who uses innovation to create design advertise or create websites that are attractive and according to customer specifications and/or expectations;

“lay out artist” means an employee who lays out pages, and refer them to the Su-editor;

“inserter” means an employee who collates/inserts binds and dispatches the different sections of the publication and counts and wraps/seals according to print order;

“invoicing clerk” means an employee who invoices debtors, prints and distribute statements and also safe guards company petty cash where necessary.

“junior technician” means an employee who assists the technician;

“photographer” means an employee who takes pictures of newsworthy and human interest events for publication and also writes captions;

“photo journalist” means an employee who takes pictures of newsworthy and human interest events for publication and also writes captions and stories;

“presenter” means an employee who presents and maintain programmes;

“programme host” means an employee who conducts programmes;

“printer” means an employee who points a news publication for sales and distribution;

“production assistant” means an employee who is the production coordinator who records every item during a production, assists the producer in implementing some of his commands made during a production;

“proof reader” means an employee who provides total quality control by proof-reading news items and other material in all sections of the publication in order to eliminate grammatical errors and libelous statements;

“receptionist” means an employee who receives visitors, incoming calls and forwards them as directed;

“reporter” means a journalist who gathers, investigates and breaks news stories for publication. The report may also write news, feature stories when requested to do so;

“sales representative” means an employee who solicits announcements, advertisements for publication or display in a media house;

“security officer” means an employee who provides protection for staff, clients, organization property, premises and controls access/movement into premises;

“soundman” means an employee who is responsible for operating the sound equipment in a studio or during transmission or in the field;

“sub editor” means an employee who designs, edits, lays out pages using appropriate computer software ensuring that the standards and quality of the publication’s print is attractive to the reader;

“subscription clerk” means an employee who looks for subscription customers, attends to subscription queries, invoices etc;

“technician” means an employee who fixes and identifies faults on broadcast and or information communication technology equipment;

“trainee reporter” means an employee who gathers, investigates and breaks news and takes pictures for publication who has not acquired two (2) years’ experience;

“webmaster” means an employee who provides news from the internet and other sources which can be retrieved through cell phones and also monitors and updates a publications’ Website.

Basic Minimum Wage

4. The basic minimum wage 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 Regulation, is in receipt of a higher wage than that prescribed by this Regulation, shall not suffer any reduction in such wage by reason of this Regulation;

Written particulars to be provided

5. (1) Every employer shall –

- (a) within two (2) calendar months of the appointed day, give each employee in the employer’s employment a completed copy of the form at the Second Schedule;

- (b) give each employee taken into his employment after the appointed day, a completed copy of the form at the Second Schedule within six (6) weeks of the beginning of that employment.

Hours of Work

6. (1) The normal working week for employees other than those mentioned in sub-Regulation (2), (3) and (4) shall consist of not more than forty-eight (48) hours per week spread over six (6) days.

(2) The normal working hours for security officers shall consist of not more twelve (12) hours per day spread over six (6) shifts per week.

(3) The normal working hours of a driver salesman shall consist of not more than five (5) shifts of twelve (12) hours each.

(4) The normal working hours for a casual labourer shall consist of eight (8) hours a day but not more than twenty-one (21) hours per week.

Overtime

7. (1) An employee other than a security officer or watchmen who is required to work in excess of the normal hours specified in regulation 6 (i) shall be paid overtime as follows -

- (a) for time worked in excess of the normal hours in any one day, the employee shall be paid at one and half times his hourly rate; and
- (b) for time worked on a rest day, or public holiday specified in regulation 9, the employee shall be paid twice the employee's hourly rate.
- (c) nothing in this part can prevent an employer to mutually agree with the employee to compensate the overtime payment by giving an equivalent amount of time off in lieu of cash.

(2) An employee employed on shift work, or as a security officer who is required to work on the employee's rest day or public holiday specified in regulation 6, may be paid such overtime calculated as per 7 (b) or alternatively be given an equivalent amount of time-off in lieu of overtime payment.

Transport

8. An employee, who by nature of the employment is required on any day to remain on duty after 7.00pm or is required to start work before 6.30am shall be provided, free of charge, with transport between the employee's place of work and the employee's normal place of residence or such a point on a public road as may be mutually agreed upon between the employer and employee.

Paid Public Holidays

9. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

(2) In this Regulation, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

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

(4) This Regulation shall only apply when the employee avails 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 authorized the employee's absence on such working day.

(5) Where an agreement has been reached between an employer and any of the employees any of the public holidays specified in this Regulation may be exchanged for any two days in lieu thereof.

Annual Leave

10. (1) On completion of each period of twelve (12) months' continuous service with an employer, an employee shall have eighteen (18) working days' leave with full pay.

(2) On completion of each period of ten (10) years continuous service with an employer, the employee shall be entitled to twenty-one (21) working days' leave with full pay.

(3) Where the employment of an employee is terminated after a period exceeding three (3) months but not amounting to the twelve months 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) After three (3) 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 (14) days on full wages and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months' continuous service.

Compassionate Leave

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

- (a) Widow - 30 working days;
- (b) Widower - 7 working days;
- (c) Natural father or mother - 7 working days;
- (d) Biological siblings - 7 working days; and
- (e) Natural child - 7 working days.

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

(3) Nothing in this regulation shall be construed as requiring an employer to pay an employee for any time spent on compassionate leave.

Maternity Leave

13. (1) After twelve (12) months of continuous service with an employer, a female employee, whether married or unmarried, shall be entitled to maternity leave of up to twelve (12) weeks (84 calendar days), on full pay upon delivering to her employer -

- (a) a certificate issued by a Medical Practitioner as defined in the Medical and Dental Practitioners Act, 1970 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.
- (c) No employee shall be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years

Revocation of Legal Notice No. 133 of 2022

14. The Regulation of Wages (Media Industry) Order, 2023 promulgated under Legal Notice No. 133 of 2022 is revoked.

FIRST SCHEDULE

BASIC MINIMUM MONTHLY WAGE
(Under Regulation 4)

For the purpose of this schedule:

Group A shall mean any undertaking both electronic and print media, licenced under the Newspapers and Publishing, Act, 1964 and or any other related legislation involved in the media industry and publishing on daily basis 3000 or more copies and or has a viewership or listenership of 100 000 people or more.

Group B shall mean any undertaking both electronic and print media, licenced under the Newspapers and Publishing Act, 1964 and or any other related legislation involved in the media industry and publishing on weekly basis 3000 or more copies and or has a viewership and listenership of less than 100 000 people.

Group C shall mean any undertaking both electronic and print media, licenced under the Newspapers and Publishing Act, 1964 and or any other related legislation involved in the media industry and publishing fortnightly, monthly and or quarterly basis

Group D shall mean any undertaking licenced under the Newspapers and Publishing Act, 1964 and the Trading Licence Order, 1974 or any other related legislation involved in the internet and other forms of regulated and registered media.

S7

Group A Group B Group C Group D

E3033.94 E2533.52 E2436.06 E2342.34

Driver
General Labourer
Cleaner
Security Officer
Factory Machine Cleaner
Inserter
Printer

E3470.10 E2913.41 E2801.32 E2693.68

Accounts Clerk
Debtor Clerk/Collector
Circulation Clerk
Advertising Clerk
Invoicing Clerk
Receptionist
Cashier
Subscription Clerk
Driver Salesman
Classified Sales Representative
Trainee Reporter
Sales Representative
Photographer

E4014.12 E3350.49 E3221.63 E3097.71

Webmaster
Darkroom Operater
Graphic Designer
Lay-out Artist
Librarian

E4616.16 E3853.08 E3704.80 E3562.24

Journalist/Reporter
Photo Journalist
Presenter
Continuity Presenter
Cameraman
Soundman
Junior/Assistant Technician
Production Assistant
Programme host

Technician
Marketing Officer
Sub Editor
Proof Reader

SECOND SCHEDULE
(Under Regulation 5)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

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. Notice Scheme (if any, other than E.N.P.F Scheme)
-
16. Any other matter either party wishes to include
-

Notes: (a) An Industry Union is recognised by this undertaking any employee is free to join it.

The address of the Industry Union is:

(b) The grievance procedure in this undertaking requires that a grievance should be first referred to

(c) When any heading is inapplicable enter nil.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR AND SOCIAL SECURITY



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LEGAL NOTICE NO. 188 OF 2023

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

THE REGULATION OF WAGES
(BUILDING AND CONSTRUCTION INDUSTRY) ORDER, 2023
(Under section 11)

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

Citation and Commencement

1. (i) This Order may be cited as the Regulation of Wages (Building and Construction Industry) Order 2023.

(ii) This Order shall come into force on the date of publication in the gazette.

Interpretation

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

“artisan” means a skilled employee who has undergone and passed a trade test from a recognized government institution or has served an apprenticeship programme from a recognised employer;

“clerk (without certificate)” means an employee who does not hold a senior certificate of education or equivalent and who is engaged in general clerical duties;

“clerk (with certificate)” means an employee who holds a senior certificate of education and who is engaged in general clerical duties;

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

“crane driver (with certificate)” means an employee who operates a self propelled crane who is in possession of a recognised certificate;

“continuous employment” has the same meaning as provided for in section 2 of the Employment Act, 1980 (as amended);

“driver(light vehicle)” means an employee who holds a light duty driver’s licence whose duties, in addition to being in charge of a motor vehicle of under 5 tons laden weight, include handling of cargo to and from the tailboard and the daily maintenance and cleaning of such vehicle;

“driver (heavy duty)” means an employee who holds a heavy duty driver’s licence and a high up crane certificate whose duties, in addition to being in charge of a motor vehicle of between 5 tons and 10 tons laden weight, include the handling of cargo to and from the tailboard, operating a crane and the daily maintenance and cleaning of such vehicle;

“driver (extra heavy)” means an employee who holds a heavy duty driver’s licence and who is in charge of a vehicle in excess of 10 tons laden weight including articulated vehicles and is responsible for the safety of the load;

“driver (tractor)” means an employee who holds a tractor driver’s licence and who operates a tractor;

“earth mover operator” means an employee who operates an earthmoving machine;

“family” means, in relation to an employee, the spouse and unmarried children under eighteen (18) years of such employee;

“first aider” means an employee who provides adequate first aid support and equipment at employer’s premises including workplaces outside the normal place of work;

“general labourer” means an employee who performs unskilled work;

“general tradesman” means an employee who does not hold a trade test certificate but has recognised ability to perform the duties of any one of the following:

- (a) block layer or plasterer
- (b) brick layer or tiller;
- (c) joiner or cabinet maker;
- (d) shutter hand or carpenter;
- (e) painter or glazier;
- (f) plumber or drain layer;
- (g) welder;
- (h) reinforcement steel fixer;
- (i) electrician;
- (j) wireman;
- (k) mechanic;
- (l) plant fitter;
- (m) structural steel erector;
- (n) boiler maker;
- (o) pipe fitter; and
- (p) scaffolding erector;

“grass cutter” means an employee who is responsible for cutting grass along public, private roads and buildings;

“Housekeeper/cleaner” means an employee who is engaged to routinely clean offices and to prepare refreshments;

“indvuna” means an employee in charge of unskilled employees;

“normal place of work” means a place where an employee reports for duty on a daily basis;

“normal place of engagement” means a work station where an employee was first engaged;

“plant” means any machinery used in the construction industry other than tools held by hands;

“plant operator” means an employee who is in charge of operating either a concrete mixer, concrete dumper, walk-behind roller, plate compactor, power float machine and compressor or any other plant used by the operator;

“registered nurse” means a nurse registered under the Nurses and Midwives Act, 1965 or its successor as the case may be;

“survey and soil technician assistant” means an employee who assists surveyors and soil technicians with surveying earth surfaces, topography and man made structures, underground areas, and prepares maps and charts;

“storeman” means an employee who is responsible for receiving stock, recording and replenishing it;

“steel erector” means an employee who erects a steel structure including scaffolding; and

“watchman” means an employee who is engaged during the day or night to guard the premises, workplace or other property of the employer;

Application

3. (1) Subject to sub-regulation (2) this Order shall apply to employees specified in the First Schedule who are employed in any undertaking or part of an undertaking which carries one or more of the following activities:

- (a) the construction, structural alteration, maintenance of any railway line, siding, public or private road, thoroughfare, airfield, tunnel bridge, viaduct, waterworks, lattice work, or other structure designed solely for the support of electric lines and or earth moving and any building and civil engineering works;
- (b) the construction, structural alteration, maintenance repair or demolition of any building, fencing and preparing or laying the foundation of a building or an intended building;
- (c) the construction, structural alteration, maintenance, repair or demolition of any electrical work, plumbing, fire protection, sewerage reticulation and purification or other services related to structures; and
- (d) the clearing and maintenance of the public or private road.

(2) This Order shall not apply to persons employed in any undertaking or part thereof operated by-

(a) the Government; and

(b) a local authority

Basic Minimum wage

4. (1) The employees specified in the First Schedule shall be paid a basic minimum wage calculated at a rate not less than that specified therein, which shall not be reduced by any amount for housing or accommodation and food supply.

(2) Nothing prevents an employer from paying an employee more than the basic minimum wage stipulated in the First schedule.

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

Normal working hours

5. (1) The normal working week (other than for a watchman) shall be from Monday to Friday and shall consist of forty-five hours made up of nine working hours per twenty-four hour day;

(2) The normal working week for a watchman shall be seventy-two (72) hours spread over six shifts, each of twelve hours, inclusive of meal breaks;

(3) No employee, other than a watchman shall be required to work for more than five hours (5) with no break of thirty minutes.

Public holidays

6. (1) Public holidays shall be observed in line with the Public Holidays Act, 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the following Monday shall be deemed to be a Public Holiday.

Payment of overtime

7. (1) An employee, other than a watchman, shall be paid for overtime worked at the following rates:

(a) during the normal working week for overtime worked before midnight in excess of the normal working hours, at one and one third times the normal hourly rate of wages;

- (b) during the normal working week for overtime worked after midnight in continuation of normal working hours or other overtime worked, at twice his normal hourly rate of wages;
- (c) for any time worked on Saturday before 1.00 pm at one and half times his normal hourly rate of wages; and
- (d) for anytime worked on a public holiday, Sunday or after 1.00 pm on Saturday at twice his normal hourly rate of wages.

(2) Overtime in respect of a watchman shall be calculated at twice the normal hourly rate for all time worked on a public holiday or any time worked in excess of twelve hours on any working day, and that any watchman who has been absent from work during any week without reasonable cause shall not be entitled to overtime in that week until the watchman has completed seventy-two hours of work.

Annual Leave

8. (1) On completion of three (3) months of continuous employment with the same employer, an employee shall be entitled to accrue one day of paid leave per month to a maximum of thirteen(13) days in a twelve month period.

(2) In each year of continuous employment, an employee shall be entitled to eleven (11) days paid leave for eleven (11) months and two (2) days paid leave for the twelfth month of each year of employment.

(3) An employer and its employee(s) may agree, where it appears to them to be suitable, or convenient, on the time or period in which annual leave is to be taken.

(4) Where the employment of an employee is terminated after a period exceeding three (3) months but not amounting to a one (1) year from the date of its commencement the employer shall pay to the employee a sum not less than one (1) day's wages for each completed month of such period.

Sick Leave

9. (1) After three (3) months continuous employment with the same employer, and subject to the production of a medical certificate signed by a Medical Practitioner, as defined under the Medical and Dental Practitioners Act, 1970, an employee shall be eligible, in each year of employment with that employer, for maximum of fourteen (14) days on full wages and thereafter to a maximum of fourteen (14) days on half wages.

(2) Notwithstanding sub-regulation (1) a certificate issued by a registered nurse shall be accepted in place of a medical certificate where a Medical Practitioner is not available.

Maternity Leave

10. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to twelve (12) weeks' maternity leave, so arranged that she gets six (6) weeks before the date of confinement and six (6) weeks after, and only at least thirty (30) working days shall be on full pay upon delivering to her employer-

- (a) a certificate issued by a Medical Practitioner or Midwife setting forth the actual or expected 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) Notwithstanding sub-Regulation (1), a female employee entitled to maternity leave shall be so entitled at least once after the lapse of 24 months from the last maternity leave.

(3) Every female employee shall be entitled to a one hour nursing break with pay per day three months after maternity leave.

Compassionate Leave

11. An employee shall be entitled to a total of one month compassionate leave annually but nothing in this section shall be construed as requiring an employer to pay an employee for any time spent on such leave.

Written Particulars of Employment to be provided

12. (1) Every employer shall-

- (a) within two (2) calendar months of the appointed day, give each employee in his employment a completed copy of the forms at the Second Schedule; and
- (b) give each employee taken into his employment after the appointed day, a completed copy of the form at the Second Schedule within six weeks of the beginning of that employment.

Traveling and Subsistence Allowances

13. (1) Where an employee is temporarily employed at a place which is separated from his normal place of work by a distance of more than five kilometers by road his employer shall provide him with transport free of charge to and from his normal place of work and the place of temporary employment.

(2) An employee required to travel on duty, other than in the circumstances set out in sub-regulation (1), shall be provided either with free transport or be paid by his employer the cost of travel by public transport.

(3) An employee who is absent on duty away from his normal place of employment for longer than twelve hours, and who returns to his normal place of residence without staying overnight shall be paid a subsistence allowance of E 42.30 for each period of twelve hours or part there of such absence.

(4) An employee who is absent on duty overnight away from his normal place of employment shall in respect of each night's absence be provided by his employer with;

- (a) free food and accommodation or night allowance of E77.50 in lieu thereof, or
- (b) free accommodation and an allowance of E46.05 in lieu of food; or
- (c) free food and an allowance which is adequate or suitable to cater for the

accommodation needs of the employee:

(5) An entitlement to free food, accommodation or allowances under sub regulation (4) and (9) shall not cease until the employee is back to his normal place of employment.

(6) An employee entitled to subsistence allowance under sub-regulation (4) shall not be entitled to subsistence allowance under sub-regulation (3) in respect of the same period of absence.

(7) Where an employee is transferred to another project site and such transfer prevents him from returning to his normal place of residence, the employer shall provide him with free accommodation and transfer allowance of E197.30

(8) An employee who is provided by his employer with accommodation at his place of permanent employment in which his family is residing with the consent of the employer shall if so required by his employer to transfer to another place of employment other than for the purpose of seasonal employment, be moved at the expense of that employer

(9) An employee who is absent on duty outside the country for a period not exceeding 5 days at a time shall be provided with free food, accommodation and shall be entitled to out of country allowance of E168.95 a day.

Lay- off

14. (1) where an employer is unable to provide work for any employee due to-
- (a) unavailability of working material; or
 - (b) temporary cessation of work,

the employer may, subject to that employer giving the employee not less than twenty four hours notice, lay-off the employee without pay for a maximum period of thirty (30) calendar days, not more than three times within a period of twelve months, in the circumstances mentioned in (a) and (b).

(2) At the expiry of thirty (30) calendar days the employer shall either provide work for a minimum of 5 days for the employee, or terminate his employment under the provisions of section 40 of the Employment Act, 1980 or its successor.

(3) An employee who is engaged for a duration of a specific project shall upon commencement of work be notified of the date upon which it is estimated the project shall terminate and the notification of such date of termination shall constitute an adequate notice by the employer to the employee of the date of notice of termination of such contract of service.

Lay- off due to weather

15. (1) An employee who reports for work at his place of employment at the normal time but who is unable to start work due to inclement weather, shall be entitled to a minimum of three hours pay for that day.

(2) Where the employer, on consideration of inclement weather, orders an employee not to report for duty for a specific number of days shall reduce such order into writing and the employee shall be entitled to pay as specified under sub-section (1).

(3) An employee who on any day commences work and who in the opinion of his employer is unable to continue work due to inclement weather, shall be paid for the hours he has worked plus an additional one and half hour's wages.

Protective clothing

16. (1) If it is necessary to protect an employee from physical, electrical or chemical injury which may arise from the work he is required to do, the employer shall supply free of charge that employee with adequate protective clothing, equipment and appliances where necessary and such employee shall use the protective clothing or equipment, or appliances as instructed.

(2) The protective clothing referred to above in sub-section (1) shall include a set of two overalls and/or conti suits per year at no cost to the employee.

(3) The employer of a watchman shall provide him free of charge with boots or shoes, a police whistle, a club and a torch, and where the watchman is required to work in inclement weather during the night (from 6pm to 7 am the following day), the employer shall in addition, provide him with a hat, overcoat and raincoat.

(4) An employee other than a watchman who is required to work in direct contact with mass concrete or similar matter which is likely to cause injury to his feet shall be provided by his employer, without charge with a pair of gumboots or safety shoes.

(5) An employee other than a watchman who is required to work outdoors in inclement weather shall be provided by his employer, free of charge with a waterproof coat and cap or similar garment.

(6) The clothing appliance and equipment supplied to the employee under this regulation shall be of high quality and shall remain the property of the employer.

(7) Where protective clothing, supplied to an employee under this regulation is damaged or lost through the negligence of the employee, the employer may deduct the cost thereof, after due consideration of ordinary wear and tear, from wages due to the employee.

(8) Each employee who works on a section of a project where there is overhead activity shall be issued with a hard-hat when the work proceeds into the sections above first floor.

Uniform

17. (1) An employer may issue an employee with two sets of uniform at half the cost price per year.

(2) The issuance of uniform shall not be mandatory to employees.

Retirement

18. An employee may retire at the age of 60 years.

Revocation of Legal Notice No. 253 of 2022

19. The Regulation of Wages (Building and Construction Industry) Order, 2022 promulgated

under Legal Notice No. 253 of 2022 is revoked.

FIRST SCHEDULE
(Regulation 4)

BASIC MINIMUM WAGE
(Emalangenzi per hour)

Artisan Grade III	E12.25
Artisan Grade II.....	E16.71
Artisan Grade I	E24.20
Clerk (without a certificate).....	E11.88
Clerk (with a certificate).....	E12.25
Cook.....	E12.09
Crane driver (mobile with a certificate).....	E23.47
Crane driver (tower with a certificate).....	E21.86
Driver (light duty).....	E12.75
Driver (heavy duty).....	E15.44
Driver (heavy duty with high up crane)	E17.44
Driver (extra heavy).....	E16.76
Earthmover operator.....	E22.89
Grass cutter.....	E12.25
General Labourer.....	E11.88
General Tradesman.....	E12.25
Indvuna.....	E12.89
Reinforcement fixer.....	E12.25
Small Plant operator.....	E12.89
Storeman.....	E12.38
Survey and soil assistant.....	E12.25
Structure steel erector.....	E18.30

Scaffolding erector.....	E12.25
First aider.....	E 12.89
Tractor driver.....	E12.75
Housekeeper/cleaner.....	E11.88
Watchman.....	E104.27 per shift
Watchman supervisor.....	E107.22 per shift

SECOND SCHEDULE

(Written Particulars of Employment Form)
(Regulation 12)

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. Nursing Break Entitlement (for female employee).....
14. Notice employee entitled to receive
15. Notice employer required to give
16. Pension Schedule, Provident Fund Gratuity Schedule etc. (if any, other than ENPF).

17. Any other matter either party wishes to include

Notes:

(a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union of Staff Association is:

(b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.

(c) When any heading is inapplicable enter NIL.

.....
Employer's Signature

.....
Witness

.....
Employee's Signature

.....
Witness

.....
Date

.....
Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY

S12

LEGAL NOTICE NO. 189 OF 2023

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

THE REGULATION OF WAGE
(MINING AND QUARRYING INDUSTRY) ORDER, 2023
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Mining and Quarrying Industry) Order, 2023

(2) This Order shall come into force on the date of publication in the Gazette.

Interpretation

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

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

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

“clerk B1” means a clerical worker capable of analyzing, accounting, operating fax machines, scrutinizing and utilizing information, interviewing according to prescribed procedure, interpreting, supervising the works of clerks A1 and A2;

“driver Grade 1” means a person employed to be a driver of;

(a) an ambulance;

(b) a heavy duty vehicles (in excess of five tons capacity); and

(c) a power-driven earth moving equipment; and primary hoists;

“driver Grade 2” means a person employed to be a driver of-

(a) a light duty vehicles other than ambulance;

(b) a secondary hoists;

(c) a rocker arm loaders;

(d) a tractor; and

(e) locomotives.

“supervisor” means a person who oversees the work of general labourers working in the Mining and Quarrying Industry; and

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

Application

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

(a) mining and quarrying operations;

(b) winning of sand and gravel from any source; or

(c) ancillary work connected with the running of mineral extraction operations but; excluding contractors and suppliers to a mine or quarries.

Written Particulars of Employment to be provided

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

Hours of Work

5. (1) The basic working week shall be forty five hours spread over a maximum period of six days.

(2) Notwithstanding sub-regulation (1), where shifts are maintained, the basic week shall consist of six-twelve hour shifts (72 hours) in the case of a security guard;

(3) With the consent of his employer, an employee may extend his daily hours of work by up to one hour in order to reduce the hours of his last shift for his own convenience without the entitlement to overtime.

(4) Subject to regulation 6 where an employer requires an employee to work in excess of the hours specified in this regulation, an employee shall be paid for overtime in accordance with the provisions of Regulation 6.

Overtime

6. An employee who works in excess of the normal hours of work specified in regulation 5 shall be paid overtime as follows-

- (a) for time worked in excess of 30 minutes after the specified hours per shift as specified in regulation 5, at one and a half times the hourly rate of the employee.
- (b) for time worked on Sundays, where the Sunday is not a working day, or Public Holiday or on an employee's rest day at double the basic hourly rate.

Work Stoppage

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

- (a) in the case of a watchman or security guard, for a minimum of 72 hours in any week; and
- (b) in the case of all other employees for a minimum of 45 hours in any week:
 - (i) an employee shall perform any task as assigned by the employer;
 - (ii) such task shall not expose or subject an employee to peculiar risk or unfavorable conditions than those pertaining to his original or normal form; and
 - (iii) the provision of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in accordance with the law.

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

(3) For purposes of this regulation, work stoppage shall also include instances of cancellation of orders and occupational or industrial accident which warrants temporary cessation of work.

Security of wages and conditions of employment

8. (1) The rates of pay and other conditions of employment set forth in this Order are the basic minimum conditions of service and no part of this Order shall be construed as justifying non advancement or denying advancement to, or freezing the wage of an employee.

(2) No employer affected by this Order shall reduce remuneration or other conditions of service from those which were applicable to his employee at the effective date of this order.

Categories of work

9. Employees affected by this Order shall be graded into categories A1, A2, B1, B2, B3, C1 and C2 as more fully set out in the First Schedule.

Basic Minimum Wage

10. The basic minimum wage for the various categories set out in regulation 9 shall be in respect of a 45 hour week except in the case of a Security Guard, where the shift shall be twelve hours and as set out in the table hereunder

Rates per hour

A1	A2	B1	B2	B3	C1	C2
E11.15	E12.40	E12.74	E14.04	E15.99	E18.13	E20.08

Public Holidays

11 (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be deemed a public holiday.

Annual Leave

12. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to paid annual leave of not less than eighteen working days excluding the public holidays, sick leave and the employee's rest day.

Sick Leave

13. After three (3) months continuous employment with the same employer and subject to the production of a medical certificate signed by a Medical Practitioner as defined by the Medical and Dental Practitioners Act, 1970 or its successor as the case may be, an shall be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and thereafter to sick leave of up to maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service.

Maternity Leave

14. (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 as provided for in the Employment Act, 1980 or its successor 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 evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case.

(2) Notwithstanding subsection (1), a female employee entitled to maternity leave by virtue of subsection (1), shall be so entitled at least once after the lapse of a period of twenty four (24) months from the last maternity leave.

Housing

15. Where an employee is employed in circumstances where it is impracticable, for reasons of distance, for him to return to his home or normal place of residence at the end of his day's work, his employer shall cause such employee to be housed in accordance with section 152 of the Employment Act, 1980 and the Third Schedule.

Feeding of employees

16. (1) An employer, who, by virtue of section 153 of the Employment Act, 1980, is required to supply food to his employees, shall add to the basic wage of his employees such an amount equivalent to the value of the food required to be supplied in terms of the Third Schedule hereto.

(2) Nothing in this section shall be deemed to preclude an employer from supplying rations to any employee in pursuance of a collective agreement.

Redundancy

17. In the case of redundancy by reason of closure, cessation or curtailment of an employer's operation, each affected employee shall receive the benefits provided for by section 33 and 34 of the Employment Act, 1980 or its successor.

Pay Advances

18. (1) On a day to be appointed by his employer, which day shall be approximately half way through the pay month, an employee whose basic wages are in excess of E1000.00 per month shall be entitled to draw an advance from his wages for the current month to an amount not exceeding 40% of his monthly wages, where

(a) there are funds standing to the credit of the employee to meet the amount of the required advance; and

(b) his acceptance of the advance shall be deemed to be an authorization to the employer to deduct the full amount advanced to him at the end of the pay month from his salary.

(2) Any advance to the employee shall bear no interest.

(3) In cases of bereavement, employers shall treat such a request with sympathy and consideration.

Retirement Age

19. The retirement age for this industry shall be 60 years.

Revocation of Legal Notice No. 252 of 2022

20. The Regulation of Wages (Mining and Quarrying Industry) Order, Legal Notice No. 252 of 2022 is revoked.

FIRST SCHEDULE

CATEGORY OF EMPLOYEES

Category A1 includes employees who are employed in any of the following occupations:

Beer Makers
Block Makers
Bell maintenance helper
Belt sorter
Bag printer
Plaster's Labourers
Boiler attendants
Chimney sweepers
Conveyor attendants
Clerk A1
Cleaners
Change-house attendants
Coal cutters Grade 3
Dracco plant attendants
Fuel issuers
Haulage labourers
House maids
Kitchen hands
Lashers
Laundry workers
Messengers
Siding labourers
Sweepers
Sampler (Supervised)
Survey Assistant (Grade 2)
Sanitation workers
Stone sorters
Tippler attendants
Trammers
Tally checker/trip attendant
Ventilation Labourers
Whitewashers
Waiters
Underground transport labourers

Category A2 includes employees who are employed in the following occupations:

Artisan's Assistants
Battery charging attendants
Blasting licence holder's assistants
Box operations
Clerk A2 (as defined in paragraph 2)
Cooks
Compressor attendants
Coal samplers
Driller's assistance
Eleison feeder attendants
Forklift operators
First aid attendants
Geological sapling assistant / drivers
Golf club attendant
Greaser
Jackhammer operator's assistant
Laboratory attendants (Grade A2)
Lamproom attendants (uncertificated)
Loco shunters
Loading hands
Nursing aids
Onsetters
Pest control workers
Power station maintenance
Care (supervised)
Portable saw operators
Pump attendants
Receptionist
Rotary and Drifter helpers
Shortcrete Nozlemen
Sorters
Scraper winch drivers
Section timber workers
Stockpile attendants
Sawmill assistants (supervised)
Sample plant attendants
Security guards/watchman
Toolroom attendants
Tracers
Torch cutters
Tower dryer attendants

Typist (copy)
Tub loaders
Tyre inspectors
Water purification plant attendants
Winch operators
X-Ray orderlies

Category B1 includes employees who are employed in the following occupations:

Accounting machine operator
Analysis
Barman
Boiler operators (Power station)
Blocklayers (without Trade Qualification)
Beer makers (chargehand)
Crusher shiftsmen
Clerk (Grade B1)
Caperters (without Trade Qualification)
Coal Cutter (Grade 2)
Driver (Grade 2)
Domestic Science Instructors
Dust Samplers
Electric drill operators
Gardening Supervisors
Guesthouse attendants
Geological samplers (other than coal)
Gang bosses (Grade 2 surface)
General gang Supervisors
Jack hammer operators

Category B2 includes employees who are employed in the following occupations:

Blasting licence holder
Coal cutters (grade 1)
Drillers (mobile rig and core)
Drivers (Grade 1)
Dyke gang supervisors
Electricians (to 380 volts)
Gangbosses (Grade 1 surface)
Gangbosses (Grade 3 underground)
Laboratory assistants (Asbestos)
Medical orderlies
Truck busters

Village administration clerk
Welders
Weighbridge clerk

Category B3 includes employees who are employed in the following occupations:

Artisans (Grade 2)
Blasting supervisors (Iron ore)
Drill supervisor
Electrician (to 550 volts)
Gang bosses (grade 1 underground)
Hospital clerks
Personnel assistants
Section bosses (surface/village induna)
Stores / Accounts clerk
Transport controllers
Washing supervisors (iron ore)
X-Ray clerk

Category C1 includes employees who are employed in the following occupations other than qualified artisans who have served the period of apprenticeship or a government recognized trade test:

Carpenters
Mason/Fumance bricklayers
Mechanic (maintenance)
Plumber/Sheet metal workers
Ropeway servicemen
Sewage / Water supervisors
Section bosses (underground)
Storekeepers

Category C2 includes employees whom Management considers to have such qualities as to warrant categorization above category C1.

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
- 7. Short description of employees' work
-
-
- 8. Probation Period
- 9. Annual Leave Entitlement
- 10. Paid Public Holiday
- 11. Payment during sickness
- 13. Notice of termination of employment employee entitled to receive
- 14. Notice of termination of employment employer required to give
- 15. Social Security Scheme (if any, other than E.N.P.F. Scheme)
- 16. Any other matter either party wishes to include.....

(a) An Employee is free to join a trade union of his or her own choice.

(b) The grievance procedure in this undertaking requires that a grievance should be first referred to

.....

(c) When any heading is inapplicable enter nil

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

THIRD SCHEDULE

Minimum Ration Payable per Day

The minimum ration payable to each employee shall be E19.75; alternatively the daily rations may be supplied in items of food equivalent to this amount.

Minimum Housing Allowance per Month

The minimum housing allowance payable per month to each employee shall be E300.00; alternatively the employer shall provide the employee with decent housing in the manner and with the amenities required by the Employment Regulations of 1981.

PHILA W. BUTHELEZI
MINISTER OF LABOUR & SOCIAL SECURITY

LEGAL NOTICE NO. 190 OF 2023

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (SECURITY SERVICES INDUSTRY) ORDER, 2023
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Security Services Industry) Order, 2023.

(2) This Notice shall come into force on the date of publication in the Government gazette.

Application

2. (1) This Order shall apply to all persons employed in detective, investigative, cash in transit, patrolling and security services, providing protection against burglary, fire, personal injury and similar services connected with or related to the foregoing.

(2) This Order shall not apply to persons employed by -

(a) The Government; and

(b) A local Authority.

Interpretation

3. In this Order unless the context otherwise requires –

“clerk” means an employee engaged on full time general clerical duties;

“group A” means an employee, other than a patrol supervisor, with three months or less service;

“group B” means an employee with more than three months’ service;

“group C” means a patrol supervisor Grade II; and

“group D” means a patrol supervisor Grade I.

Basic Minimum Wage

4. (1) A basic minimum wage to be paid to an employee shall be calculated at a rate specified in the First Schedule.

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

Hours of work

5. The basic week shall consist of seventy-two (72) hours spread over a period of six (6) days.

Overtime Payment

6. (1) An employee who is required to be on duty and work in excess of the hours specified in Regulation 5 shall be entitled to be paid for such overtime at the rate of one and a half times the employee's normal hourly rate of wages. Payment shall be calculated on the basis of the overtime worked each day in excess of the daily working hours.

(2) Normal hourly rate shall mean the employees' monthly rate of wages divided by three hundred and twelve.

Annual Leave

7. (1) On completion of each period of twelve months' continuous service, an employee shall be entitled to an annual leave of twelve (12) working days with full pay;

(2) An employee with four (4) years or more service with an employer shall be entitled to fifteen (15) working days with full pay;

(3) Twelve (12) days with full pay in compensation for public holidays worked will be added where it was not paid in the month such holidays fall in. These holidays shall not be in lieu of an employee's off-days;

(4) Where employment is terminated after a period exceeding three months but not amounting to one (1) year from the date of its commencement, or after a period of employment following the completion of a year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of such termination, pay to the employee a sum equal to not less than one day's wages for each completed month of such period.

Maternity Leave

8. (1) A female employee, whether married or unmarried, who has been in continuous employment with an employer for twelve months or more shall be entitled to twelve (12) weeks maternity leave, so arranged that she gets six (6) weeks before the date of confinement, the other six (6) weeks' from the date of confinement but only at least two (2) weeks paid; the rest at the discretion of the employer, provided that she produces-

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

(c) a female employee shall not be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Compassionate Leave

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

(a) Widow	-	37 working days with full pay;
(b) Widower	-	9 working days with full pay;
(c) Biological or legally adopted Child	-	6 working days with full pay;
(d) Biological parents	-	6 working days with full pay; and
(e) Married woman's mother-in-law	-	5 working days with full pay or father-in-law

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

(3) Proof by way of birth, marriage, death certificates or a sworn affidavit must be produced to establish the relationship of the deceased family member to the employee

Sick Leave

10. (1) After three (3) consecutive months of continuous service with an employer and subject to the production of a Medical Certificate signed by a Medical Practitioner, as defined under the Medical and Dental Practitioners Act no. 3 of 1970 or its successor, an employee shall be entitled to a maximum of fourteen (14) days with full pay and thereafter to a maximum of fourteen (14) days on half pay in each period of one year.

Written Particulars of employment to be provided

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

Paid Public Holidays

12. (1) Public holidays shall be observed in line with the Public Holidays Act, 1938 or its successor as the case may be.

(2) In this Order, an employee shall be paid a full day's wage on all designated public holidays that falls on his normal working day.

(3) Where a public holiday is on a Sunday, the following days shall be deemed a public holiday.

Day Off

13. (1) An employee shall be entitled to a minimum of one (1) day off each week.

(2) An employee and employer may mutually agree that the day-off be deferred so as to allow the employee to accumulate a minimum of four (4) days off, in each month.

Travelling Expenses

14. (1) An employee of an undertaking who is on duty and is required to be away from their normal place of residence, shall be entitled to be paid before the journey, all travelling, lodging and meal expenses to be incurred, where the employee is to remain away from place of work

for a period of forty eight (48) hours or more.

(2) Where an employee is transferred from place of employment, the payment of expenses under-sub regulation (1) shall not apply and the employer shall provide such employee with suitable accommodation or payment in lieu of for a period of up to three months, to allow the employee obtains alternative accommodation.

Lay-Off

15. (1) A lay-off due to circumstances beyond an employer's control shall not exceed fourteen (14) working days, and such lay-off shall be without pay and at the end of such period the employer shall either re-instate the employee or where the circumstances which led to the lay-off have not been improved, terminate the employee's employment in accordance with the Employment Act, of 1980 or its successor.

(2) During the lay-off period the employer shall not engage any other employee to fill a vacancy of the affected employees.

(3) An employer who intends to lay-off an employee shall give such an employee a notice of not less than twenty-four (24) hours before the lay-off commences.

Pay Day

16. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980 or its successor as the case may be.

Uniforms, Protective Clothing and Equipment

17. (1) The employer of a security guard shall provide such employee free of charge a shirt, trouser, boots (shoes for female security guards) a whistle, a club, torch; and where reasonably required under the prevailing weather conditions, a hat, raincoat or overcoat.

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

(3) A refundable "once-off" uniform, protective clothing and equipment security deposit amounting to eight hundred emalangeni (E800.00) shall be deducted from all employees who receive the same from employer. The deductions shall be made on an employee's wages for a period not exceeding four (4) months and this money shall be refundable on return of the employer's property at the termination of the employment relationship by either party.

Retirement Age

18. The retirement age for an employee shall be sixty (60) years.

Revocation of Legal Notice No. 127 of 2022

19. The Regulation of Wages (Security Services Industry) Order, promulgated under Legal Notice No. 127 of 2022 is revoked.

FIRST SCHEDULE

(Regulation 4)

	Rate per shift
Group A	E80.50
Group B	E103.51
Group C	E106.31
Group D	E126.65
Telephonist	E87.97
Clerk	E126.65
Cash in Transit guard	E113.67
Cash in Transit driver	E126.24

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. Short description of employees' work
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
 - (a) An Employee is free to join a trade union of his or her own choice.

(b) The grievance procedure in this undertaking requires that a grievance should be first referred to

(c) When any heading is inapplicable enter n/a

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI

MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. LXI]

MBABANE, Thursday, AUGUST 10th 2023

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LEGAL NOTICE NO. 191 OF 2023

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (DOMESTIC EMPLOYEES)
ORDER, NOTICE, 2023
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security issues this Order-

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Domestic Employees) Order, 2023

(2) This Order shall come into force on the date of publication in the Gazette.

Interpretation

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

“caregiver” means an employee who provides direct care for children, elderly people and chronically ill or disabled persons;

“primary caregiver” means a house matron who performs all duties of a caregiver;

“assistant house aunt” means an employee who assists in the cleaning of the house during the day and performs duties of a house attendant during her off days;

“casual employee” means an employee the terms of whose engagement provides for the payment at the end of each day and is not engaged for a longer period than twenty four (24) hours at a time;

“children’s nurse” means an employee who takes care of children and oversees their activities, gives them all necessary assistance, carries out other duties in connection with the care of children, including the washing of clothes, as may be required;

“cook” means an employee engaged in the preparations and cooking of meals and may also be required to assist in other household duties;

“domestic work” means work performed in or for a household;

“domestic worker” means an employee who performs domestic work in the home of the employer, this may include -

(a) gardener;

(b) driver of a motor vehicle; or

(c) caretaker of children, the aged, the sick, the frail or the disabled, but shall not include a farm worker;

“driver” means an employee in possession of a valid driver’s licence whose duties include driving of a motor vehicle allocated to him, ensures that it is clean and carries out simple maintenance or service tasks on it.

“gardener” means an employee who carries out all gardening activities including the planting and cultivation of flowers, shrubs and vegetables, maintains lawns and paths, attends to cleanliness of compounds or yards and may be required to carry out other duties such as cleaning vehicles;

“herdsman” means an employee who looks after domestic animals such as goats, cattle, donkeys and may include any other general domestic duties such as cleaning the yard, mending a kraal and carrying out other duties associated with those of a handyman provided the pastures are protected;

“house attendant” means an employee who carries out domestic duties which may include the preparation of food, washing of dishes, cleaning rooms, dusting and polishing furniture, washing windows, washing clothes and textiles by hand and ironing, and making beds;

“laundress” means an employee who is mainly employed to carry out washing of clothing using either a washing machine or by hand and ironing using any kind of iron and packing the clothes;

“night work” means work done by a domestic worker between 18:00hrs and before 06:00hrs the next day, performed only if agreed to in writing and the worker must be compensated by an allowance; and if the domestic worker resides at the workplace or transport is available between the domestic worker’s place of residence and the workplace at the beginning and the end of the domestic worker’s shift;

“part time employee” means an employee, other than a casual employee, who is employed for less than twenty four (24) hours in a week and whose wages are calculated at a rate similar to the hourly scale of a full time employee;

“public holiday” means a public holiday in terms of the Public Holidays Act No. 71 of 1938 or its successor;

“standby” means any agreed period in writing between a domestic worker and the employer between 20:00 hrs and 06:00hrs the next day, where the domestic worker is required to be at the workplace and is permitted to rest or sleep, but be available if necessary at a payment allowance of at least 25% of the daily rate, the engagement shall not be for more than five (5) times per month;

“watchman” means an employee who is responsible for the safeguard of the employer’s property against fire, theft and illegal entry, the employee may carry out other duties similar to a watchman’s responsibilities, as required by the employer.

Application

3. This Order shall apply to employees whose occupation is specified in the First Schedule.

Basic minimum wage

4. (1) The basic minimum wage to be paid to employees shall be calculated at a rate specified in the First Schedule.

(2) The daily and hourly rates specified in the First Schedule shall apply to part time and casual employees.

Written particulars of employment to be provided

5. An employer shall within two (2) calendar months of the appointed date of engagement give an employee a completed copy of the form as specified in the Second Schedule.

Employment records

6. The employer shall inform the employee of the written terms and conditions of employment in appropriate, clear and easily understandable language in accordance with the national laws.

Hours of work

7. (1) A normal working week in this Order, shall consist of forty-eight (48) hours from Monday to Saturday exclusive of meal breaks of one (1) hour may be agreed between the employer and the employee.

(2) The employer shall prepare and co-sign with the employee the attendance register as set out in the Third Schedule.

(3) A signing on sheet shall be made available by the employer to specify the period of disposal of the employee to the employer.

Overtime

8. (1) An employee required to work in excess of the hours specified in Order 7 (1) shall be paid at one and half (1 ½) times the basic hourly rate.

(2) Where the overtime is worked on public Holidays or a rest day the employee shall be paid at twice the basic hourly rate.

Annual leave

9. (1) Where an employee completes twelve (12) months' continuous service with an employer, that employee shall be entitled to annual leave of not less than thirteen (13) working days with full pay, to be taken at a time convenient to both parties.

(2) If an employer terminates the services of an employee after three (3) months' service, the employee shall be paid a pro rata cash payment in respect of leave days earned but not taken

(3) The pro rata cash payment in sub-order (2) shall be equal to not less than one (1) day's wage for each month during which leave had been earned but not taken by the employee.

Sick leave

10. (1) Subject to sub-order (3), an employee shall be entitled to sick leave after three (3) consecutive months of continuous service.

(2) The sick leave in terms of sub-order (1) shall be a maximum of fourteen (14) days on full wages and after that a maximum of fourteen (14) days on half wages in each period of twelve (12) months continuous service.

(3) An employee before the grant of sick leave, shall produce to the employee a medical certificate signed by a registered nurse or Medical Practitioner.

Public holidays

11. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on his normal working day.

(3) Where a Public Holiday falls on a Sunday, the following Monday shall be deemed to be a Public Holiday.

Transport arrangement

12. Where an employee is required to start work on or before 7.00am and remain on duty after 5.30pm without accommodation, the employer shall -

- (a) provide transport for travel up to sixteen (16) kilometers from the place of work, accessible by road, as may be agreed by the employer and employee; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of payment for transport for sixteen (16) kilometers from the place of work of the employee.

Maternity leave

13. (1) Subject to sub-order (2), an expectant mother in continuous employment for twelve (12) months or more shall be entitled to maternity leave.

(2) The maternity leave shall be for a period not exceeding twelve (12) weeks (84 calendar days) of which thirty (30) days' shall be on full pay, upon delivering to the employer-

- (a) a medical certificate issued by a registered nurse or Medical Practitioner setting out the expected or actual date of confinement; or
- (b) other evidence in support of the entitlement to maternity leave as is reasonably necessary, having regard to all the circumstance of the case.

(3) A maternity leave shall be in addition to the sick leave of an employee as provided for in regulation 10.

(4) An employee shall not be entitled to maternity leave for two (2) consecutive calendar years.

(5) The female shall on return from maternity leave, be entitled to a one hour nursing break with pay per day for a period of three (3) months.

Uniforms, protective clothing and equipment

14. (1) An employer shall provide an employee with two (2) pairs of a suitable quality uniform or protective clothing, in every two (2) year period.

Compassionate leave

15. (1) An employer after three (3) months' of continuous service to an employer, shall be entitled to compassionate leave with full pay as follows-

- (a) Widows - Thirty-Seven (37) working days;
- (b) Widower - Ten (10) working days;
- (c) Natural father or mother - Seven (7) working days;
- (d) Natural child - Ten (10) working days; or
- (e) Mother or father in-law - Seven (7) working days.

Rest day

16. The employer shall grant the employee one (1) rest day each week, to be fixed by mutual agreement between the parties.

Accommodation

17. If an employer offers an employee accommodation as part of the conditions of employment, the accommodation shall be free of charge.

Revocation of Legal Notice No. 338 of 2022

18. The Regulation of Wages (Domestic Employees) Order, 2022, promulgated under Legal Notice No. 338 of 2022 is hereby revoked.

FIRST SCHEDULE
(Under Order 4)

BASIC MINIMUM WAGE

	Monthly	Daily	Hourly
Cook	E1391.00	E79.60	E12.84
Caregiver	E1605.00	E101.65	E16.05
Driver	E1605.00	E101.65	E16.05
Gardner	E1358.14	E76.00	E11.34
House Attendant	E1358.14	E76.00	E11.34
Laundress	E1358.14	E76.00	E11.34
Children's nurse	E1358.14	E76.00	E11.34
Herdsmen	E1358.14	E76.00	E11.34
House Mother	E1800.00	E81.00	E11.34
House Aunt	E1600.00	E72.72	E11.34

**** An employee who earns more than the basic minimum wage shall on commencement of this Order be entitled to 10% wage increase.

**** A Watchman shall be paid in terms of Regulation of Wages (Security Services Industry) Order.

****The monthly rate specified in the first column of the above Schedule shall be the basic minimum wage for employees engaged on a monthly basis.

****The daily rate specified in the second column of the Schedule shall be the basic minimum wage for part time employees engaged on a daily contract.

****The hourly rate specified in the third column of the Schedule shall be the basic minimum wage for casual employees paid on an hour.

****An additional 28% shall be added in each job category to the employee's wages if the employee is made to work more than one job as specified in the job categories.

SECOND SCHEDULE
(Under Order 5)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

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

- (a) An Employee is free to join a trade union of his or her own choice.
- (b) The grievance procedure in this undertaking requires that a grievance should be first referred to.....
- (c) When any heading is inapplicable enter nil.
- (d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

LEGAL NOTICE NO. 200 OF 2023

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

REGULATION OF WAGES (TEXTILE AND APPAREL INDUSTRY)
ORDER, 2023
(Under Section 11)

In 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. (1) This Order may be cited as the Regulation of Wages (Textile and Apparel Industry) Order, 2023.

(2) This Order shall come into force on the date of publication.

Application

1. This Order shall apply to all persons employed in the Textile and Apparel Industry including establishments whose businesses are engaged in the occupations specified in the First Schedule.

Interpretation

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

“blaster” means an employee who operates a sand blasting machine or spray gun to sand blast or spray finished garments according to customer requirements;

“blaster assistant” means an employee who assists a blaster operator in the operation of a sand blasting machine or spray gun to sand blast finished garments according to customer requirements;

“boiler operator/attendant” means an employee who operates a boiler machine;

“boiler assistant” means an employee who assists a boiler operator in the operation of a boiler machine;

“casual employee” means an employee who is employed for not more than twenty four hours at a time;

“cleaner” means an employee who is responsible for the cleaning of a factory, offices, toilets and canteen and who also performs tea making duties;

“continuous employment” has the same meaning as provided for in the Employment Act, 1980 (as amended) or its successor as the case may be;

“cutter” means an employee who is engaged in cutting material by means of a machine in a factory;

“dispatch clerk” means an employee who selects and packs goods according to customers’ orders;

“driver messenger” means an employee in possession of a valid driver’s license who is mainly engaged in conveying messages, delivers and collects goods or mail using a vehicle and also performs simple routine tasks in an office;

“factory clerk” means an employee who is employed in the production area and who is wholly or mainly responsible for the recording of attendance and/or production data which may require further processing by office administration;

“final presser” means an employee who is employed to press completed garments;

“fusers” means an employee who irons pieces of materials through a fusing machine in the preparation section of clothing manufacture;

“handyman” means an employee who carries out different jobs, including simple structural repairs, supervising and allocating work to subordinate staff under his control;

“hand trimmer” means an employee who trims by means of a clipper all excess threads, binding and tapes after all closing operations have been done;

“inline examiner” means an employee who examines the uncompleted garments or parts for flaws or sewing defects;

“inline presser” means an employee who is employed to press parts of garments during the manufacturing process;

“learner sewing machinist A” means an employee with less than three (3) months on the job training to be a sewing machinist;

“learner sewing machinist B” means an employee with more than 3 months but less than 6 months training to be a sewing machinist;

“learner mechanic A” means an employee who has less than three months on the job training engaged in mechanical repairing and assembly of machinery;

“learner mechanic B” means an employee with three (3) months or more on the job training but less than 6 months’ experience engaged in mechanical repairing and assembly of machinery;

“labourer” means an employee engaged in one or more of the following duties: cleaning and tidying premises, loading or unloading goods, carrying and/or stacking goods, removing refuse and the arrangement and organization of materials;

“layer-up” means an employee who is engaged in the laying of material in one or more thicknesses on the cutting tables and may include the duty of slicing the ends;

“learner” means an employee who is serving probation and is learning on the job to become a machinist, folder, packer, presser, soberer, quality controller, or any unskilled job for a period not exceeding six (6) months. The probation period of three (3) months shall run concurrently with the learning period;

“mechanic I” means an employee who has more than twelve months experience engaged in mechanical repairing and assembly of machinery;

“mechanic II” means an employee who has more than six (6) months but less than twelve (12) months experience engaged in mechanical, repairing and assembly of machinery;

“office / computer clerk” means an employee who does general clerical duties including invoicing, data capturing and generally works on a computer in the office;

“quality checker” means an employee who is responsible for the activities which ensures that products and services are fit for employer’s quality standards and who is able to identify the specific below standard outcome and to give advice on solution(s) for improvement;

“quality checker finished garments” means an employee who is engaged in checking completed garments to required standards;

“quality auditor” means an employee who is mainly engaged in checking the quality of finished garments and makes 2.5 or 4.0 audit quality level reports on finished products;

“re-cutter” means an employee who is engaged in the cutting out and/or marking-in of materials for replacing damaged or missing parts of a garment;

“supervisor” means an employee who under general supervision is responsible for the efficient performance of the duties of the employees or a section of the employee’s in a factory;

“sewing machinist/rivet” means an employee engaged to operate a sewing machine using a needle and a thread, or an employee operating a rivet machine;

“soberer” means an employee who stamps information on to material or pieces of material by means of a sober gun;

“sorter” means an employee performing the sorting out of garments or parts of garments;

“screen printer” means an employee who is engaged to print designs on a garment by applying ink through a silk screen;

“washer” means an employee engaged to load or unload garments into a washing or drying machine;

Basic Minimum Wage:

3. 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 -

(1) 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.

(2) where no definition of an employee’s duties exists, such employee shall be paid a basic minimum wage applicable to ancillary or similar occupations; and

(3) nothing in this regulation shall prevent an employer if he so wishes from -

- (a) supplying cooked or uncooked food to an employee in addition to his basic wage; and
- (b) providing free transport to an employee who works from 6.00a.m to 5.30p.m or free accommodation to its employees.

Statement of condition of Employment

4. (1) The employer shall provide an employee with a written statement at the commencement of his employment, stating whether the employee is employed for an indefinite duration or on a fixed term and or seasonal period, the conditions of the employment, the minimum salary and the validity of the learning period.

- (a) The learning period referred to in sub-regulation (1) shall be –
- (b) six (6) months in the case of the weaving industry, textile and apparel industry, printing industry; and
- (c) three (3) months in the case of other occupations.

(2) For the written statement of employment, the employer shall use the details as specified in the Second Schedule hereto.

Hours of work

5. (1) The normal working week for employees other than security guards and casual employees shall consist of not more that forty-five (45) hours of work spread over a period of five (5) days in a week, from Monday to Friday, exclusive of 45 minutes' meal breaks per day.

(2)The normal working week for a casual employee shall consist of not more than twenty four hours at a time.

Overtime

6. (1) An employee who is engaged other than on shift work or as a security guard and is required to work in excess of the normal daily hours shall be paid overtime as follows -

- (a) for time worked in excess of the normal hours per working day, payment shall be at one and half times the basic hourly wage; and
- (b) For time worked on a Saturday, payment of overtime shall be at one and half times the basic hourly wage;
- (c) for time worked on a Sunday, payment shall be twice his hourly rate; and
- (d) for time worked on a paid public holiday, payment shall be two times or double the hourly rate for each hour worked plus the normal rate applicable to all other employees whether at work or not on that paid public holiday.

(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, shall be paid for such overtime or alternatively subject to the written consent of the employee be given an equivalent amount of time off in lieu of overtime payment.

(3) For purposes of calculating overtime, the basic hourly wage for an employee who is paid on weekly intervals shall be calculated on dividing such wage by the number of hours the employee normally works in a week.

(4) The basic hourly wage of casual employees shall be calculated by dividing his daily wage by eight hours.

Public Holiday

7. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that fall on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the following Monday shall be deemed to be a Public Holiday.

Annual Holiday

8. (1) An employee, other than a security guard, shall be entitled to fifteen (15) working days annual leave with full pay after each period of twelve (12) months' continuous employment with an employer.

(2) A security guard shall be entitled to twenty- one calendar days' annual leave with full pay after each period of twelve (12) months continuous employment with an employer.

Sick Leave

9. (1) After three (3) consecutive months of continuous employment 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 up to a maximum of fourteen (14) days on full wages and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months continuous service.

(2) A certificate issued by a registered Nurse shall be accepted in place of a medical certificate if the Medical Practitioner is not available. Such certificate shall bear the name, qualifications and employment or official address of the nurse issuing it.

Compassionate Leave

10. (1) An employee shall be entitled to compassionate leave as follows:

- (a) Widow - thirty (30) days
- (b) Widower - seven (7) working days
- (c) Child - seven (7) working days
- (d) Natural Parents - seven (7) working days

(2) Payment for compassionate leave shall be at the discretion of the employer.

Maternity Leave

11. (1) Every female employee, whether married or unmarried, who has completed probation shall be entitled to maternity leave of up to twelve weeks (84 calendar days), with at least two (2) weeks full pay upon delivering to her employer-

- (a) a certificate issued by a medical practitioner or a midwife setting forth the expected date of her confinement;
- (b) a certificate issued by a medical practitioner or a midwife setting forth the actual date of her confinement; or
- (c) such other evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case

(2) Notwithstanding subsection (1), a female employee entitled to maternity leave by virtue of subsection (1), shall be so entitled at least once after the lapse of a period of twenty-four (24) moths from the last maternity leave

(3) A female employee shall be entitled to one (1) hour nursing break with pay for three (3) months after maternity leave, which break shall be taken by the employee in agreement with the employer, either in the morning or in the afternoon.

Continuous employment

12. Where, following the sale or takeover of the business of the employer and where the previous employer has not paid the terminal benefits and other applicable dues to its employees an employee enters the service of a new employer without interruption, his service shall be deemed to be continuous service in the employ of the new employer and the business shall be deemed to have been sold or taken over as a going concern.

Short Time

13. (1) If an employer finds it necessary for reasons beyond his 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 aware that the employer intends resuming full time work within three (3) weeks. Where no employee organization is recognized in the establishment the employer shall consult the employees directly.

(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.

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

Piece Work

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

Re-imbusement of expenses

15. 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 or duty.

Lay-Off

16. (1) By reasons or circumstances beyond the employer's control an employer may lay off employees for up to fourteen (14) working days, without pay-

Provided that at the end of this period the employer shall either re-employ the employees in their original jobs or give them notice of termination of service in accordance with the provisions of the Employment Act, 1980 (as amended) or its successor.

(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) an employee engaged on an indefinite contract of employment, fourteen (14) days' notice before the lay-off and the employer organization recognized in the undertaking if any shall be consulted and informed before the lay-off; and

(b) a seasonal employee, twenty-four (24) hours notice before the lay-off.

(3) After consultation with an employee's organization if any, an employer may apply to the Minister for a temporary exemption for a specified period according to the circumstance of the employer, from the application of regulation 17(3) (a) for a reduction of the period of notice to be given to employees, before lay-off.

Trade Testing

17. (1) An employer shall grant unpaid leave to an employee who requests to undergo a trade test in a government recognized institution to enable him to take the tests.

(2) An employee who has undergone a trade test shall furnish the employer with the results of his examination.

Protective Clothing

18. An employer shall provide, free of charge, adequate an appropriate personal protective appliance, equipment and clothing to an employee who is performing activities or processes which expose such an employee to wet, dusty or noisy conditions, extreme heat or extreme cold, or to any poisonous, corrosive or injurious substance or material liable to affect the employee's safety and health or cause undue damage to the employee's clothing.

Revocation

19. The Regulation of Wages (Textile and Apparel Industry) Order, 2022 promulgated under, Legal Notice No. 398 of 2022 is hereby revoked.

FIRST SCHEDULE**BASIC MINIMUM WAGE**

(Emalangeneni per week)

For the purpose of this Schedule:

Group A shall mean any undertaking that has employed twenty or less number of people (Small Medium Enterprises).

Group B shall mean any textile company that has employs people under the Cut, Make and Trim category (CMT).

Group C; shall mean any textile company that has employed people under Free On Board category (FOB).

Category 1	A-SME's	B- CMT's	C-FOB's
Casual Labourer Learner Learner Mechanic A Learner Sewing Machinist A	393.50	403.07	410.40
Category 2 Cleaner Learner Mechanic B Fusers Labourer Hand Trimmer Inline Examiner Layer-up Packer Inline Presser Sorter Screen Printer Washer Soberer Learner Sewing Machinist B	526.29	539.08	548.88
Category 3 Blaster Factory / Dispatch Clerk Final Presser Quality Checker Re-Cutter Sewing Machinist Boiler Assistant	579.99	594.08	604.88

Category 4 Cutter Driver Mechanic 2 Office/Computer Clerk	652.72	668.59	680.74
Category 5 Quality Auditor	714.36	731.73	745.03
Category 6 Handyman Planer Boiler Operator	765.26	833.65	848.80
Category 7 Mechanic 1	842.35	862.82	878.51

***Set or team Leader or Assistant Supervisor shall earn not less than 20% above the sewing Machinist rate of pay.

***Supervisor shall earn not less than 25% above the Sewing Machinist rate of pay.

***The learning period shall be deemed to be not more than six (6) months. Any employee being trained outside of the production line environment, i.e. training school, will be excluded from this Schedule and his/her progress into the schedule shall be based on merit.

***An Employee who at the time of publication of this Order earns higher than the group he/she is categorized under shall be entitled to a 10% increment on his/her current pay.

***A security guard shall be paid as per the Regulation of Wages for Security Industry

SECOND SCHEDULE

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of employer
2. Name of employee
3. Date of Employment began
4. Wage and method of calculation
5. Interval at which wages are paid

- 6. Normal hours of work
- 7. Short description of employee's work
- 8. Probation Period
- 9. Annual Holiday Entitlement
- 10. Paid Public Holidays
- 11. Payment during sickness
- 12. Maternity Leave (if employee female)
- 13. Notice employee entitled to receive
- 14. Notice employee required to give
- 15. Notice Scheme (if any, other than E.N.P.F. Scheme).....
- 16. Any other matter either party wishes to include

(a) An Employee is free to join an industry union which is recognized 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.

Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY

LEGAL NOTICE NO. 193 OF 2023

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

THE REGULATION OF WAGES (HOTEL, ACCOMMODATION, CATERING AND
FAST FOODS TRADES) ORDER, NOTICE 2023
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Hotel, Accommodation, Catering, and Fast Foods Trades) Order, 2023.

(2) This Notice shall come into force on the date of publication in the Government gazette.

Application

2. This Order shall apply to all persons specified in the First Schedule who are employed in the Hotel, Accommodation, Catering, Casino, Fast Foods, Bed & Breakfast, and Game Reserves industries or trades.

Interpretation

1. In this Order unless the context otherwise requires -

“assistant housekeeper” means a person who -

- (a) assists and carries out instructions of a Housekeeper or the Management of his employer 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;

“cook” means a person who is involved in planning meals, preparing and cooking foodstuff, and performing various other tasks related to the preparation and cooking of food.

“attendant” means a person working in a casino and who is responsible for assisting clients when playing gambling machines, serve beverages and is responsible for the cleanliness of the gambling area.

“barman or bar lady” means a person who -

- (a) prepares and serves drinks other than cocktails, to wine stewards, bar stewards, waiters, and guests in a public bar;
- (b) collects payment for the beverages;

(c) is responsible for stocks and monies under his control; and

(d) is responsible for the cleanliness of the bar and its surroundings;

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

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

“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 the Head Chef or Assistant Chef;

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

“casino administration clerk” means a person responsible for daily banking and other clerical duties;

“casino cashier” means a person who issues smart cards and makes payments to clients and is responsible for a casino computer program, data, and any related accounting duties;

“casino waitron” means a person who serves food, beverages, and cigarettes and related duties ordered by guests, prepares and polishes casino tables, empties ashtrays and assists in the setting of tables;

“Chef de partie” 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 foodstuff and raw materials to be used in the kitchen, particularly regarding 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;

“chips fryer” means a person whose principal responsibility is working as a deep fat fryer;

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

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

- (a) prepares and serves cocktails and drinks;
- (b) collects payments for 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 employment” has the same meaning as ascribed to it in the Employment Act, No. 5 of 1980 (as amended) or its successor.

“count accounts” means a person responsible for counting money and gambling chips;

“dealer or croupier” means a person who deals with cards, gambling chips, and spinning wheels in a casino and has acquired more than six (6) months of experience;

“driver” means a person, who has a valid driver’s license to drive a vehicle, and ensures that it is clean and carries out simple maintenance or service tasks on it;

“gaming floor security” means a person working in the casino that is responsible for the handling of keys and cleaning of the machines;

“guest relations officer” means a person working at a casino front desk, assisting customers, marketing casino promotions, and maintaining the database;

“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 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 waitron” means a person who-

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

“housekeeper” means a person who-

- (e) is responsible for cleaning bedrooms and public areas in a hotel or other accommodation establishment 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
- (f) supervises room maids and other staff;

“Junior tour or field guide” means a person who guides and helps guests and provides interpretation to tourists and visitors;

“kitchen assistant” means an unskilled person employed to assist in a kitchen;

“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 or pool waiter or waitress” means a person who serves food, beverages, cigarettes and etc, and clears or 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 luggage for customers;

“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 cleaning shoes, selling newspapers, and collecting mail;

“receptionist” means a person who checks guests in and out of the establishment, allocates rooms to guests and submits accounts to them for payment;

“room maid” means a person who cleans and prepares 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 knows all items on the room service menu, who sets up room service trays, 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 working knowledge of the laws relating to the sale of liquor and the industry, who is responsible for the security of premises belonging to the establishment in which he is employed and carries out the investigation, and prepares reports 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 instructions of management or a cook;

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

“supervisor” means a person responsible for the supervision of employees placed under the control of such supervisor by management;

“surveillance officer” means a person responsible for monitoring security cameras in the control room;

“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;

“tour guide or field guide” means a person responsible for guiding and providing information to tourists and visitors;

“tractor driver” means a person who operates a tractor, carries out other given tasks, and also carries out simple maintenance of the tractor;

“trainee dealer or croupier” means a person who deals with cards and spinning wheels in a casino and who has less than six months ‘of experience;

“trainee tour or field guide” means a person who is responsible for guiding and providing information to tourists and has less than one-year experience;

“trainee technician” means a person who has less than six months of experience and is responsible for repairing machines;

“Inspector” means a person who works in the casino and oversees the dealers or croupiers;

“waitron” means a person who –

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

“valet” means a person who is responsible for ironing, pressing, collecting, and the delivery of guests’ garments;

“security officer” means a person who guards the property of the employer against fire, theft, and illegal entry and who watches or guards against any other irregularities;

Basic minimum wage

4. (1) 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.

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

Rations

5. (1) At the employer’s expense, an employer shall supply weekly rations in accordance with the scale specified in the Third Schedule and this may be in a form of a daily balanced meal to

an employee who is on duty.

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

Hours of work

6. The normal working week shall consist of forty-eight (48) hours (which shall exclude six (6) hours duty-free for meal breaks) spread over a period of six (6) days.

Overtime payment

7. (1) Overtime pay for all employees, other than those employed on a casual basis, shall be paid for time worked more than forty-eight (48) hours in any week, at one and half times the normal hourly rate.

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

(3) Where an employee has worked on a public holiday under Regulation 16 or on an off day, shall be paid double the normal hourly rate.

Night Shift Allowance

8. An employee on duty at night between eleven (11) pm and six (6) am, shall during that period ("night shift") be remunerated at a rate of one and a half times (1.5x) their normal hourly rate.

Annual leave

9. (1) After twelve months' continuous service with an employer, an employee shall be entitled to a minimum of fifteen (15) working days paid leave which period shall exclude public holidays specified in Regulation 16 and sick leave which occurs during that leave.

Provided that-

- (a) after two years of continuous service with an employer, an employee shall be entitled to twenty-one (21) 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-three (23) working days of annual leave with full pay.

(2) An employee who goes on annual leave shall, in addition to the payment for the leave, be paid an amount in cash equivalent in value to the rations that would have been received during the period of the annual leave had it been not taken. Where the employer supplies meals instead of rations, employees on annual leave shall be entitled to the same, to be consumed at their place of work for the duration of such annual 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 employment, or after a period of employment following the completion of a year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of such termination, pay to the employee a sum equal to one (1) day's wages for each completed month of such period.

Sick Leave

10. (1) After three consecutive months of service with an employer and subject to the production of a medical certificate signed by a Medical Practitioner as defined under the Medical and Dental Practitioners Act, 1970 or its successor, an employee shall be entitled to sick leave of up to a maximum of fourteen (14) days on full pay, and thereafter to a maximum of twenty-one (21) days on half pay in each period of twelve months' continuous service.

(2) Notwithstanding Sub- Regulation (1) a certificate issued by a registered nurse shall be accepted in place of a Medical Practitioner's certificate where not available.

Maternity Leave

11. (1) A female employee, whether married or unmarried, who has been in continuous employment with the employer for twelve (12) months or more shall be entitled to twelve (12) weeks maternity leave, so arranged as she desires that she gets six (12) weeks before the date of confinement, the other six (6) weeks from the date of confinement.

(2) An employee on maternity leave shall be paid at least thirty (30) days pay and the rest shall be at the discretion of the employer, provided -

- (a) a certificate issued by a Medical Practitioner or a midwife setting the expected or actual date of confinement is submitted; 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;
- (c) a female employee shall not be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Compassionate Leave

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

Widow	- thirty seven (37) working days;
Widower	- seven (7) working days;
Biological or legally adopted Child	- seven (7) working days;
Biological parents	- seven (7) working days;

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

Written Particulars of employment are to be provided

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

Retirement Age

14. An employee shall retire at the age of sixty (60) but may take early retirement at the age of fifty (50).

Payment of Severance

15. Severance allowance shall be paid to an employee as per section 34 of the Employment Act No 5 of 1980 as amended or its successor.

Continuous service/ Business takeover or sale or transfer of an undertaking

16. Where, following a sale, transfer, or takeover of the business or undertaking an employee enters the service of a new employer without interruption, his services shall be deemed to be continuous service in the employment of the new employer.

Paid Public Holidays

17. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on their normal working days.

(3) Where a Public Holiday falls on a Sunday, the following day shall be deemed to be a Public Holiday.

Day off or Rest day

18. An employee shall be entitled to a minimum of one (1) day off with full pay in every period of seven (7) days. An employee may in agreement with the employer accumulate two (2) such rest days in any period of seven (7) days.

Casual work

19. A person employed on a casual basis shall be paid for each hour worked not less than one over two hundred (1/200) of the basic minimum wage specified in the First Schedule.

Transport arrangement

20. Where an employer does not provide accommodation for an employee (including casuals) and such employee is required to start work on or before 7.00 am or to remain on duty after 5:30 pm, the employer shall either; -

- (a) provide free transport between the place of work and such other place not exceeding sixteen kilometers 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 a local private taxi.

Uniforms

21. (1) Uniforms shall be provided by the employer to all employees who are handling foodstuffs or drinks and 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)

22. 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 interruption where it continues.

Training period

23. An employee shall not be engaged as a trainee for more than six (6) months, inclusive of probation, for jobs appearing in the Second Schedule.

Revocation of Legal Notice No. 248 of 2022

24. The Regulation of Wages (Hotel, Accommodation, Catering, and Fast Foods Trades) Order, promulgated under Legal Notice No. 248 of 2022 is hereby revoked.

FIRST SCHEDULE A

BASIC MINIMUM WAGE

For this schedule:

Group A shall mean any undertaking licensed under the Casino Act, 1963 or its successor, involved in gambling or having seventy five (75) or more bedrooms for guests.

Group B shall mean any hotel, motel, guesthouse, bed & breakfast, lodge, restaurant, bar, or club with or without a liquor license or which serves food and beverages, which is not included in Group A; and which is situated in Mbabane or Manzini urban areas or within 8km, of the road joining Mbabane and Manzini.

Group C shall mean any hotel, lodge, bar, motel, bed & breakfast, restaurant, or club with or without a liquor license and include a take-away, any accommodation establishment or caravan park not included in Group A, B

(Emalangen per Month)

	A	B	C
Cook	E2,155.05	E1,650.00	E1,430.00
Asst. Housekeeper	E1,980.00	E1,650.00	E1,430.00
Attendant Officer	E2,410.57	-	-
Billing Clerk	E2,894.22	E1,909.60	E1,737.76
Butcher	E3,355.44	E2,296.46	E1,794.02
Casino Admin Clerk	E3,214.40		
Casino Cashier	E3,214.40	-	-
Cashier	E1,980.00	E1,650.00	E1,696.52
Chips Fryer	E2,163.05	E1,650.00	E1,430.00
Clerk	E1,980.00	E1,650.00	E1,537.90
Cleaner	E1,980.00	E1,650.00	E1,430.00
Count Account	E2,410.84	-	-
Barman	E2,690.18	E2,001.04	E1,873.83
Chef de Partie	E3,355.74	E2,318.54	E1,817.30
Dealer/Croupier	E3,213.79	-	-
Dressmaker	E1,980.00	E1,650.00	E1,430.00
Driver	E1,980.00	E1,650.00	E1,501.87
Field Guide	E1,980.00	-	-
Gaming Floor Security	E3,214.40	-	-
Guest Relations Officer	E2,892.65		
Head Porter	E1,980.00	E1,650.00	E1,430.00
Handyman	E1,980.00	E1,650.00	E1,430.00
Head Waitron	E2,625.25	E1,650.00	E1,430.00
Housekeeper Inspector	E2,625.25	E1,650.00	E1,519.82
Junior Field guide	E1,980.00	-	-
Kitchen Assistant	E1,980.00	E1,650.00	E1,430.00
Labourer	E1,980.00	E1,650.00	E1,430.00
Laundry Worker	E1,980.00	E1,650.00	E1,430.00
Banquet Waitron	E1,980.00	E1,650.00	E1,430.00
Linnen Keeper	E1,980.00	E1,650.00	E1,430.00
Luggage Porter	E1,980.00	E1,650.00	E1,430.00
Porter	E1,980.00	E1,650.00	E1,430.00
Receptionist	E1,980.00	E1,778.50	E1,741.64
Room Maid	E1,980.00	E1,650.00	-

Room Service Person	E1,980.00	E1,650.00	E1,430.00
Seamstress	E1,980.00	E1,650.00	E1,430.00
Security Guard	E1,980.00	E1,650.00	E1,430.00
Short Order Cook	E1,980.00	E1,650.00	E1,430.00
Storeman	E3,017.81	E2,328.72	E1,596.83
Stores Assistant	E1,980.00	E1,650.00	E1,430.00
Supervisor	E1,980.00	E1,650.00	E1,430.00
Surveillance Officer	E3,213.91	-	-
Telephonist	E1,980.00	E1,650.00	E1,430.00
Tractor Driver	E1,980.00	E1,650.00	E1,430.00
Waitron	E1,980.00	E1,650.00	E1,430.00
Security Officer	E1,980.00	E1,650.00	E1,430.00
Valet	E1,980.00	E1,650.00	E1,430.00
Trainee Asst. Housekeeper	E1,980.00	E1,650.00	E1,430.00
Trainee Billing Clerk	E1,980.00	E1,650.00	E1,430.00
Trainee Cashier	E1,980.00	E1,650.00	E1,430.00
Trainee dealer/Croupier	E2,481.66	-	-
Trainee Field Guide	E1,980.00	-	-
Trainee Handyman	E1,980.00	E1,650.00	E1,430.00
Trainee Receptionist	E1,980.00	E1,650.00	E1,430.00
Trainee Technician	E2,433.68	-	-
Trainee Telephonist	E1,980.00	E1,650.00	E1,430.00
Trainee Barman	E1,980.00	E1,650.00	E1,430.00

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
Oil	0.75kg

2. Alternative -

The following weekly rations may be supplied instead of the items of food mentioned in paragraphs 1 -

(a) Mealie Meal

9.53kg of mealie, 4.5kg of Bread, 373 Grams of rice or 0.23 kg of Sweet Potatoes;

(b) Meat

(i) 249 grams of offal; or

(ii) 0.45kg of Fish or 249 grams of Cheese

(c) Fresh Vegetables

0.45kg of Fresh Vegetables 0.45kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables;

3. Permitted Variations

(a) The Drink is known as “Mahewu”, or

(b) Appropriately victimized drink, if either drink is issued in the week to the employee by the Employer.

~~SECOND SCHEDULE~~

(Regulation 11)

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. Nursing break entitlement (for female employee)

- 14. Notice of termination of employment employee entitled to receive
- 15. Notice of termination of employment employer required to give
- 16. Pension Scheme, Provident Fund Gratuity Scheme, etc. (if any, other than E.N.P.F. Scheme)
-
- 17. Nominated beneficiary
- 18. Any other matter either party wishes to include
-

Notes: (a) An Employee is free to join a union or staff association, of his/her own choice.

(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

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. LXI]

MBABANE, Thursday, AUGUST 10th 2023

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PART C - LEGAL NOTICE

196. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades Industry) Order, 2023 S1

LEGAL NOTICE NO. 196 OF 2023

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

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE AND
DISTRIBUTIVE TRADES INDUSTRY) ORDER, 2023
(Under section 11)

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

Citation

1. (1) This Regulation may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale, and Distributive Trades Industry) Order, 2023.

(2) This Notice shall come into force on the date of publication of the Gazette.

Interpretation

2. In this Regulation unless the context otherwise requires-

“assistant baker” means an employee who assists a baker;

“assistant hairdresser” means a person who prepares, shampoos, and sets hair in a salon without relaxing and styling who has less than six (6) months of experience;

“baker” means a person mainly employed to order ingredients, scale ingredients, mix ingredients, other than wheat or flour products and make confectionery, pack the finished product for display or sale to customers;

“barber man” means a person mainly employed to cut, or shave hair in a saloon, beauty parlor, and, or hairdressing services;

“beautician” means a person who does skincare, manicure, pedicure, waxing, massaging, plugging, tweezing, and make-up;

“block man” 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 receiving, issuing, and checking money about a transaction of sale or the rendering of a service;

“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;

“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;

“commercial cleaner” means a person who performs the 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;

“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 (1 1/2) 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 (1 1/2) tons or less, whose duties include handling cargo to and from the tailboard and the daily maintenance and cleaning of such vehicle;

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

“general labourer” means a person employed to perform duties of a sweeper, cleaner, shopman, or other general work assigned to him;

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

“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;

“fork lift driver” means a person employed to drive a forklift in the establishment or other place as the case may be;

“hairdresser” means a qualified person who and for purposes here of performs work in scalp treatment, hair texturing, hair relaxing, braiding, perm, blow-out, and other forms of hairstyling;

“Heavy duty labourers” 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;

“trainee 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 one (1) year 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;

“trainee 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 (1) year experience in such activities;

“lorry man” means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise and assisting 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 one (1) year 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 and oil including 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 for sale to the public;

“redundancy” shall have the same meaning as provided in the Employment Act, 1980 or any other law that may succeed it;

“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;

“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 one (1) year experience in such work;

“telephone or switchboard operator” means a person whose duties consist wholly or mainly of 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 six (6) months; and

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

“supervisor” means an employee other than staff who is appointed by the employer after 12 months of service to supervise other employees directly, and coordinate and delegate tasks to ensure efficiency.

Application

3. This Regulation 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 warehousing, storing, packing, clerical or other work which is associated with such retail services, beauty care, hairdressing services, and wholesale supply.

Basic Minimum Wage

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

- (a) be calculated at a rate not less than that specified in the Schedule;

- (b) not to 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 receives a higher wage for the particular occupation than the wage prescribed by this Order, shall not suffer a reduction in such wage.

Hours of work

5. (1) Subject to sub-regulation (2) and (3) and order 6, the normal hours of work for an employee other than a petrol pump attendant and a watchman shall be 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, both days being inclusive.

(2) The normal hours of work for a petrol pump attendant shall, subject to the provisions of order 6, be forty-eight hours 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 more than the hours specified in order 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 Saturdays shall be paid at twice the employee's basic hourly rate.

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

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

- (b) for all time worked on a public holiday at twice the employee's basic hourly rate.

(3) when 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) An employee shall not be required to work overtime unless the parties consent that such overtime is necessary.

Annual Leave

7. (1) An employee after twelve (12) consecutive months of service with, an employer shall be entitled to twelve working days leave on full pay:

(2) The employee on completion of three (3) years' continuous service with an employer an employee shall be entitled to fifteen working days leave on full pay;

(3) The employee on completion of eight (years of continuous service with an employer an employee shall be entitled to eighteen working days leave on full pay.

(4) Where employment is terminated after three months' service with an employer or after returning from annual leave order an employee shall be entitled to one day's pay for each completed month of service initial engagement or on return from leave as the case may be.

Sick leave

8. An employee shall after three consecutive months of continuous service with an employer, and on the production of a medical certificate signed by a medical practitioner as defined in the Medical and Dental Practitioners Act, 1970 or its successor, be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and thereafter to sick leave up to a maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service.

Maternity Leave

9. (1) An employee, who has been in the continuous employment for twelve months or more shall be entitled to maternity leave as provided for in the Employment Act, 1980 or its successor, upon submission to the employer-

- (a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement; or
- (b) such evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case.

(2) Notwithstanding subsection (1), an employee entitled to maternity leave by virtue of sub-order (1), shall be so entitled at least once after the lapse of a period of twenty-four (24) months from the last maternity leave.

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) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Regulation, employees shall be paid full days' wage on all designated public holidays that fall on a normal working day.

(3) Where a public holiday falls on a Sunday, the following Monday shall be a public holiday.

Compassionate Leave

12. (1) An employee who has signed a contract of employment whether a permanent or fixed-term contract, shall be entitled to compassionate leave as follows;

- (a) Widow - thirty (30) working days with full pay;
- (b) Widower - seven (7) working days with full pay;

- (c) Biological parent - four (4) working days with full pay; and
- (d) Biological child - five (5) working days with full pay

2) The entitlement to compassionate leave of any other relative not provided for in this order shall be at the discretion of the employer.

Retirement Age

13. The retirement age for employees in this industry 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.

Watchman's Clothing and Equipment.

15. (1) A watchman shall be provided with, free of charge, two pairs of safety boots, a police whistle, a club, a hat, and an overcoat or raincoat as is reasonably necessary in prevailing weather conditions.

(2) The clothing or equipment to be provided to the employee shall be of reasonable quality and remain the property of the employer.

Redundancy

16. Where an employee has been employed for a period of two (2) years or more and whose employment is terminated for reasons of redundancy shall be paid severance allowance in terms of the Employment Act, 1980, or its successor.

Piece or task work

17. An employee engaged in task or piece work shall be entitled to wages and conditions of employment not less than those specified in this Regulation, provided that where the employee has performed work that would entitle such employee to a wage that is higher than the rates stated in the Schedule, the employee shall be paid according to the amount of work performed.

Transport

18. An employee who, by the nature of the employment, is required on any day to remain on duty from 6p.m. or is required to start work before 6.00 a.m. shall be provided, free of charge, with transport between the place of work and the place of residence or such point on a public road as may be mutually agreed upon between the parties.

Continuous Employment

19. Employment shall be deemed to be continuous so long as the employee continues to be employed in the undertaking and shall be deemed not to be discontinued by the termination of any contract of employment entered into by the employee, if within a period of seven days of such termination such employee is re-engaged in the same undertaking.

Protective Clothing

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

Revocation of Legal Notice

21. The Regulation of Wages (Retail, Hairdressing, Wholesale, and Distributive Trades Industry) Order, promulgated under Legal Notice No. 254 of 2022 is hereby revoked.

FIRST SCHEDULE
**BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)**

The areas mentioned in (A) below are for purposes of this order regarded as urban areas.

(A) Bhunya, Big Bend, Havelock Mine, Luyengo, Matata, Malkerns, 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, Nhlanguano, Pigg's Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Mankayane, Lavumisa, Hlathikhulu and Siphofaneni, Nsoko Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lomahasha Shopping Complex, situated along and including 5km on either side of the complex and stretching 3km.

Ludzeludze, Mhlaleni, situated along and including 5km either side of the road and stretching 3km.

	A Urban Areas	B All other areas
General Labourer	E1964.74	E1714.68
General Labourer (Salon)	E1964.74	E1714.68
Lorry man	E1964.74	E1714.68
Watchman	E1964.74	E1714.68
Messenger	E1964.74	E1714.68
Deliveryman	E1964.74	E1714.68
Heavy duty labourer	E2023.35	E1835.44
Pre-Packer	E1964.74	E1714.68
Commercial cleaner	E2025.15	E1714.73
Junior clerk	E1917.28	E1761.02

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Senior clerk	E2023.35	E1749.49
Junior shop assistant	E1964.74	E1714.68
Junior merchandiser	E1964.74	E1714.68
Switchboard operator	E1964.74	E1714.68
Copy typist	E1964.74	E1714.68
Driver (Light Vehicle)	E2051.70	E1714.68
Petrol pump attendant	E2051.70	E1714.68
Driver (Heavy Duty)	E2164.96	E1768.99
Supervisor	E2500.00	E2000.00
Shop assistant	E2164.96	E1768.99
Merchandiser or promoter	E2164.96	E1768.99
Blockman	E2417.28	E2058.49
Trainee cashier	E1964.74	E1834.79
Cashier	E2467.94	E1948.96
Beautician	E2506.16	E1948.96
Cashier (saloon)	E2148.05	E1395.46
Hairdresser	E1968.19	E1391.04
Assistant Hairdresser	E1611.59	E1086.37
Hair braider	E1611.59	E1086.37
Baker	E2166.37	E1835.69
Assistant Baker	E1964.74	E1714.68
Forklift driver	E2165.09	E1835.69
Handyman	E2023.48	E1714.68
Barber man	E1470.25	E955.57

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. Short description of employees' work
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
 - (a) An Employee is free to join a trade union of his or her own choice.
 - (b) The grievance procedure in this undertaking requires that a grievance should be first referred to
 - (c) When any heading is inapplicable enter nil.
 - (d) Please give a copy of this form to the employee after it has been duly signed.

S10

Signed..... Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

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MBABANE, Thursday, AUGUST 10th 2023

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PART C - LEGAL NOTICE

201. The Regulation of Wages (Agricultural Industry) Order, 2023 S1

LEGAL NOTICE NO. 201 OF 2023

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (INDUSTRY) ORDER, 2023
(Under section 11)

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

Citation

1. (1) This Regulation may be cited as the Regulation of Wages (Agricultural Industry) Order, 2023
- (2) This Notice shall come into force on the date of publication in the Gazette.

Interpretation

2. In this Regulation, unless the context otherwise requires;

“artisan” means a skilled employee who has undergone and passed a trade test from a recognized government institution or who has served an apprenticeship programme from a recognized employer;

“basic minimum wage” means the wage provided for in Regulation 4 payable to an employee on the commencement of this Order;

“basic wage” means the hourly, weekly or monthly wages determined by the hours of work or number of days worked paid to an employee excluding benefits;

“casual employee” means an employee the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty-four hours at a time;

“heavy duty driver” means an employee who is employed to drive a motor vehicle and be in charge of a vehicle which is over four tons’ tare weight, and the duties shall also include handling cargo to and from the tailboard, and daily maintenance and cleaning of such vehicle;

“farm clerk or storeman” means an employee whose duties include keeping all relevant records in a storeroom or farm office;

“field indvuna” means an employee who is in charge of a number of general workers of any category;

“general worker” means an employee who is employed to carry out non-specific tasks;

“handyman” means a person who is capable of carrying out elementary tasks in either masonry, plumbing, carpentry or mechanics associated with such work on a farm with reasonable proficiency and without supervision but does not include an artisan;

“irrigator” means an employee involved in the application of water on field crops and work

associated with irrigation;

“light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver and who is in charge of a motor vehicle and its daily care;

“normal pay” means the remuneration received by an employee when carrying out the main job or task;

“plant or pump attendant” means an employee who attends stationary plant and equipment and is also responsible for operating pumps;

“seasonal worker” means an employee who is employed for a period of which cannot be pre-determined, for a particular season or in connection with a specific project or activity;

“stockman” means an employee who attends or herds animals and work associated with the keeping or rearing of cattle;

“tractor driver” means an employee who is in possession of a valid driver’s licence and drives a tractor and is able to take complete charge of the tractor, operate it and all its associated implements, to complete a given task without supervision and carry out daily care of the tractor;

“task-work” means any piece work to be done by a worker or group of workers, at a given time;

“watchman” means an employee who is engaged during the day or night guarding and protecting premises or property as directed by his employer;

Application

3. (1) This Regulation shall apply to all persons employed in any undertaking carrying one or more of the following activities for gain –

- (a) cultivation of land and the use of land (irrigated or otherwise) for the purpose of animal husbandry, horticulture, silvi-culture, fruit growing, dairy farming, livestock and poultry keeping or breeding, and the growth or production of seed;
- (b) the use of land and grazing or meadowlands, market gardens, nursery grounds;
- (c) all handling and processing normally carried out on a farm or estate including crop cleaning, winnowing, drying, sacking, cantoning, livestock food preparation; or
- (d) the construction, maintenance and repair of a farm building or construction works including irrigation canals and installation machinery, plant equipment, the running of irrigation scheme and the keeping of farm or estate accounts.

Basic Minimum Wage

4. (1) The basic minimum wage to be paid to any employee specified in the First Schedule shall not be less than that specified therein for the employee concerned.

(2) An employee who at the date of commencement of this Regulation is in receipt of a higher wage for the employee’s occupation than the wage prescribed in the First Schedule, shall not suffer any reduction in such wage by the commencement of this Regulation.

Hours of work

5. (1) The normal hours of work shall, subject to the provision of Regulation 6 be fifty-four hours of work spread over a period of six days in a week exclusive one-hour rest period per day;

(2) The normal hours of work for watchman, stockmen, irrigators, plant and pump house attendants shall be sixty hours per week.

(3) An employee on duty shall be entitled to twenty minutes' tea break per day to be taken at his work station.

Overtime

6. (1) An employee who is required to work in excess of the normal working hours specified in Regulation 5 or perform an extra task work than what is specified under Regulation 17 shall be paid overtime as follows:

(a) for time or task work worked in excess of the normal hours or task target from Monday to Saturday, he shall be paid at one and half time the basic hourly rate or task rate for such time or task; and

(b) for the time worked on a rest day and Sunday, where the Sunday is not a working day and Public Holiday, the employee shall be paid at twice the employee's basic hourly rate or task rate.

Public Holidays

7 (1) Public holidays shall be observed in accordance with the Public Holidays Act No. 71 of 1938 or its successor.

(2) In this Regulation, employees shall be paid a full day's wage on all designated public holidays that fall on a normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be a public holiday.

Annual Leave

8. (1) On completion of twelve months' continuous service with an employer, an employee shall, at a time convenient to the employer and the employee, be entitled to annual leave of not less than 12 working days.

(2) On completion of five (5) years continuous service with an employer, an employee shall, at a time convenient to the employer and the employee, be entitled to annual leave of 14 working days.

(3) An employee whose services is terminated after three months' service with an employer but not amounting to a year from the date of commencement shall be entitled to one day's pay for each completed month of service following the engagement or following the return from leave as the case may be.

Compassionate Leave

9. (1) An employee who has completed probation shall be entitled to compassionate leave as follows:-

- (a) Widows - 30 calendar days (8 days on full pay)
- (b) Widower - 7 calendar days
- (c) Natural father or mother - 7 calendar days
- (d) Natural child/Legally adopted child - 7 calendar days

(2) In sub-regulation (1) except for widows only 6 days will be on full pay and the rest will be at the discretion of the employer.

(3) The entitlement to compassionate leave of any other relative in addition to ones provided in this Order shall be at the discretion of the employer.

Sick Leave

10. (1) After three months of continuous service with an employer and subject to the production of a medical certificate signed by a Medical Practitioner, as defined by the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to minimum of fourteen (14) days on full pay and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months.

(2) Notwithstanding sub-order (1) –

- (i) A certificate of incapacity issued by a registered nurse shall be accepted in place of a Medical Certificate if a Medical Practitioner is not available.

Maternity Leave

11. (1) An employee, who has been in continuous employment for twelve months or more shall be entitled to twelve (12) week's maternity leave, so arranged that the employee gets six weeks before the date of confinement, the other six weeks after delivery but only six weeks on full pay and the rest at the discretion of the employer.

(2) For purposes of sub-order (1) an employee shall produce:

- (a) a certificate issued by a Medical Practitioner or a midwife setting the expected or actual date of 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.

(3) An employee shall be entitled to the maternity leave at least once after the lapse of 24 months from the last maternity leave.

Written particulars to be provided

12. An employer shall within two calendar months from the day of appointment, give the employee a completed copy of the Form in the Second Schedule to this Order.

Continuous service

13. Where after the sale, transfer or takeover of a business or undertaking and an employee enters the service of a new employer without interruption, the service shall be deemed to be continuous service in the employment of the new employer unless otherwise agreed in writing by all the parties.

Task and ticket contracts

14. In this Regulation nothing shall prevent an employer and employee from agreeing to the substitution of a task for the normal hours of work in any day or hour.

Equal empowerment and remuneration

15. Employees shall be paid the same wage in a similar capacity and for work of equal value.

Employment of children and young persons

16. The employment of children person shall be in accordance with Part X of the Employment Act, 1980 as amended or its successor as the case may be.

Task work

17. Where task work is being performed the rate of payment shall be the same for all persons engaged in the task, irrespective of age or gender, but payment is to be calculated in respect of the volume of work done or proportionate to the amount of task completed.

Payment during inclement weather

18. (1) An employee available for work but unable to work during a continuous period of wet or inclement weather shall be entitled to his basic wage up to the third day of such wet or inclement weather and thereafter at the discretion of the employer for the rest of the duration of such condition.

(2) Temperatures from 39 degrees Celsius and above shall be regarded as inclement weather.

Lay-Off due to other reasons other than inclement weather

19. Where an employee is available for work, but the employer cannot provide normal work due to any reasons valid at law other than inclement weather, the employer shall -

(a) through consent of the employee, provide the employee with task work and pay the normal pay for the first three days and thereafter at the rate of that task work the employee is assigned.

(b) pay the employee the normal pay for the first three days, and not pay thereafter if the employee does not agree to the task work until the situation normalizes.

Transport arrangement

20. (1) Where an employee is required to start work on or before 6.00 am and remain on duty after 6.00 pm without accommodation, the employer shall-

- (a) provide transport for travel up to 5 (five) kilometers from the place of work, accessible by road, as may be agreed by the employer and employee; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of payment for transport for 5 (five) kilometers from the place of work of the employee

(2) Where the employer provides accommodation for the employee and the employee is required to start work on or before 6. 30 am and remain on duty after 5.30 pm, the employer shall ensure that he provides transport for the employee to his place of abode.

Protective clothing

21. (1) An employer shall annually provide, free of charge, adequate and appropriate personal protective appliances, equipment and clothing to an employee who is performing activities or involved in processes which may expose such employee to wet, dusty or noisy conditions, extreme heat or extreme cold, or to any other poisonous, corrosive or injurious substance or material liable to affect the employee's safety and health or cause undue damage to the employee's clothing.

(2) The protective clothing appliances and equipment shall be supplied in the following manner;

- (a) Security Guards and firefighters who are normally exposed in their employment to inclement weather; water proof cap, overcoat, suitable coats for cold weather or other suitable protective clothing.
- (b) to drivers and assistants- a minimum of two dust coats, two overalls or two uniforms per annum.
- (c) to mechanics, assistant mechanics and employees engaged in the loading, unloading and delivery of goods to and from vehicles, suitable overalls or other protective clothing.
- (d) to employees who are normally exposed in their employment to cold weather, a minimum of a suitable coat for cold weather.
- (e) to employees normally required to use overalls and safety shoes, a minimum of two pairs of overalls and one pair of safety shoes annually.

(3) Save for clothing provided in terms of Order 21 (2) (d) any clothing supplied to an employee in terms of this Regulation shall remain the property of the employer and subject to fair wear and tear, may be returned to him in good condition on resignation.

Rations

22. (1) Subject to the provisions of Section 153 of the Employment Act, 1980, as amended, an employee who was in receipt of rations or meals or cash allowance in lieu of rations shall

continue to receive such rations or such cash allowance.

(2) If the provision of a ration is a condition of employment, an employer shall supply rations in quantities not less than those specified in the Third Schedule of this Order.

Housing

23. Where an employee is employed in circumstances where it is impracticable, for reasons of distance, for the employee to return home or normal place of residence at the end of the day's work, the employer shall cause the employee to be housed in such a manner as may be prescribed.

General health measures

24. (1) Every Employers shall ensure that every workroom or place in which persons are employed is kept in a clean and sanitary condition and that in each workroom or place-

- (a) the employee is provided with not less than 400 cubic feet of air space and not less 35 square feet of floor space;
- (b) there is adequate ventilation and circulation of fresh air; and
- (c) there is adequate and suitable lighting, and that windows and fanlights are kept clean and free from obstruction.

(2) The employer shall ensure that-

- (a) there is adequate supply of wholesome drinking water for the employees at the work place;
- (b) sufficient and suitable sanitary conveniences are available for the employees at or near work place and that-
 - (i) the conveniences are adequately lit and ventilated;
 - (ii) the conveniences are kept in clean condition; and
 - (iii) where applicable, and where more than six (6) persons are employed, separate conveniences are provided for male and female employees

(3) An employer shall ensure that, where a substantial proportion of the work is being carried out by the employees seated, provide suitable seating for such employees.

First aid equipment and medical aid

25. (1) An employer shall provide at each place of employment-

- (a) adequate first aid facilities for the treatment of accidents; and
- (b) one or more suitably stocked first aid boxes in the care and control of a responsible person which shall be readily available during working hours.

(2) The locality of every first aid box and the name of the person in charge of it shall be

prominently displayed.

(3) Employers shall at their own expense provide for employees and members of their families residence at the employees property essential first aid facilities in accordance with such scales as may be prescribed.

(4) If an employer has reasonable cause for believing that an employee or any of their dependants living on the employer's property, is suffering from any serious injury or ailment, that employee shall take all reasonable measures to obtain skilled medical aid for that person without undue delay and if required to do so by the Commissioner of Labour, or any labour inspector or medical officer, or in case of danger to life or serious illness, transport that person as soon as reasonably practicable to the nearest hospital where such skilled medical attention is available.

(5) An employer shall not be liable for any medical or hospital fees charged for any treatment provided for the dependants of any employee under sub-regulation (4) unless the employer specifically assumes liability, or unless the liability forms part of the employment condition.

Savings

26. An employee that enjoys more favourable terms and conditions of employment and better benefits than provided by this Regulation shall not be disadvantaged or suffer any reduction by the coming into effect of this Regulation.

Revocation of Legal Notice

27. The Regulation of Wages (Agricultural Industry) Order, Notice 2022 promulgated under Legal Notice No. 247 of 2022 is hereby revoked;

FIRST SCHEDULE

(Regulation 4)

BASIC MINIMUM WAGE PER DAY

General Worker	E69.30
Seasonal Worker	E69.30
Stockman	E69.30
Watchperson	E103.85
Irrigator	E72.05
Plant or Pump House Attendant	E72.05
Field Induna	E102.85
Handyman	E87.15
Tractor Driver	E92.15

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Farm Clerk/ Storeman	E107.85
Heavy Machine Operator	E123.85
Artisan	E162.05
Driver (Light duty)	E92.95
Driver (heavy duty)	E123.85

SECOND SCHEDULE
(Regulation 12)

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. Nursing Break Entitlement (for female employee)
14. Notice employee entitled to receive
15. Notice employer required to give
16. Pension Schedule, Provident Fund Gratuity Schedule etc. (if any, other than ENPF).

Alternatives

2. The following rations may be supplied in lieu of the items of food mentioned above;
 - (a) Mealie Meal:
(For every 9kg (nine kilograms) of mealie meal it shall be 4.5kg (four point five kilograms) of bread; 3.4kg (three point four kilograms) of rice or 0.23kg (zero point two three kilograms) of cheese.
 - (b) For the first 2.3kg (two point three kilograms) of meat it shall be 2.3kg (two point three kilograms) of offal; or for the first 0.45kg (zero point four five kilograms) of fish it shall be 0.23kg (zero point two three kilograms) of cheese.
 - (c) For every 0.46kg (zero point four six kilograms) of fresh vegetables, 0.45kg (zero point four five kilograms) of fresh fruit or a proportionate ration of dehydrated vegetables.

Permitted Variations

3. The rations of mealie meal shown in paragraph (2) (a) may be reduced by an amount not exceeding 2.72 kg (two point seven two kilograms) 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 is issued in a week to the employee by the employer.

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



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LEGAL NOTICE NO. 198 OF 2023

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER, 2023
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Forestry and Forest Industry) Order, 2023.

(2) This Order shall come into force on the date of publication in the gazette.

Interpretation

2. In this Order unless the context otherwise requires -

“artisan” means skilled employee who has undergone and passed a trade test from a recognized government institution or who has served an apprenticeship programme from a recognized employer;

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

“blaster” means an employee who is the holder of a recognized Blasting Certificate and carries out blasting operations;

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

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

“driver (L.D.V)” means an employee who is in possession of a valid driver’s licence who drives a vehicle of less than 5 tons’ tare weight, whose duties include the transportation of cargo and the daily maintenance and cleaning of the vehicle;

“driver (logging)” means an employee who is in possession of a valid driver’s licence and drives a log carrying truck of over 10 tons tare weight and is responsible for daily maintenance and cleaning of the vehicle;

“driver (H.D.V)” means an employee who is in possession of a valid driver’s licence and drives a vehicle of 5 to 10 tons’ tare weight and whose duties include handling of cargo and the daily maintenance and cleaning of the vehicle;

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

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

“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;

“fire watcher” means an employee who monitors any anomalies in as far as fire is concerned and report to the control tower;

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

“forest monitor” means an employee who is engaged to safeguard the forest of the employer;

“general worker” means an employee who carries out unskilled work that includes silvicultural activity, cleaning, sweeping, loading and tea serving;

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

“young person” means a person who has attained the age of fifteen years but is under the age of eighteen years;

“loader or machine operator” means an employee who operates a machine in a sawmill and carries out simple maintenance work of it;

“indvuna grade B1” means an employee who supervises other employees, and has two years or less work experience;

“indvuna grade B2” means an employee who supervises other employees under his control, and has acquired more than two years working experience with the same employer;

“jack hammer 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;

“normal place of residence” means a place where an employee normally resides when at work;

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

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

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

“skilled medical aid” means an assistance administered by a Medical Practitioner, who is qualified in terms of the Medical and Dental Practitioner’s Act, 1970 or its successor;

“tally clerk” means an employee 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;

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

“workshop assistant” means an employee who assists an artisan and works in a workshop carrying out simple maintenance work;

Application

3. This Regulation shall apply to persons employed -

- (a) in any undertaking having at least 70% of its productive holding under tree development, not including orchard and flower development and engaged in the occupation specified in the First Schedule; and
- (b) to a person engaged in the clearing, felling, stripping or maintenance of trees in a forest area.

Basic Minimum Wage

4. (1) The basic minimum wage to be paid to employees to whom this regulation 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 young person who is employed as a general worker shall receive not Less than the rate of pay applicable to other general workers.

(4) An employee who is paid a wage through the bank shall receive cash payment in lieu of transport and bank charges equivalent to an amount not less than forty three emalangeni (E43.00) per month.

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) An employer may pay a cash sum of E40.81 in lieu of rations or where such payment is required by a valid collective agreement between the employer and a representative employee organization.

(3) The request for the payment of cash in lieu of rations shall, after the parties have deliberated on it, be forwarded to the Commissioner of Labour for approval.

(4) Where rations are incorporated into the wages of an employee, such 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.

shall consist of seventy-two hours spread over a period of six (6) days.

Hours of work

6. (1) The normal working week shall consist of forty-eight (48) hours spread over a period of five (5) days or it shall consist of the agreed task work over a period of a week.

(2) In the case of an employee engaged on shift work, his normal working week shall be forty-eight (48) hours spread over a period of six (6) days or it shall consist of the agreed task work over a period of a week.

(3) In the case of a watchman or security guard, the normal working week shall consist of seventy-two hours spread over a period of six (6) days.

(4) An employee required to work on a continuous shift system shall have not less than one (1) rest day in each seven-day (7) period.

(5) In case of a forest monitor, the normal week shall consist of forty-eight (48) hours spread over six (6) days.

Overtime

7. (1) An employee other than a security guard or a watchman who is required to work in excess of the hours or task work specified under regulation 6 shall be paid overtime as follows -

(a) for the time or task work worked in excess of the normal hours or task target in any one (1) day, shall be paid at one and half times his hourly or task rate;

(b) for time worked on a rest day, Sunday, where the Sunday is not a working day Public Holiday, he shall be paid at twice his hourly rate or task work rate.

(2) An employee on shift work, or a Security Guard who is required to work on a rest day, shall be paid double the hourly rate for such overtime or alternately given time off equivalent, in lieu of overtime payment.

Standby Allowance

8. An employee who is required to be on standby at normal place of residence shall be paid an allowance equal to a day's wage for each seven (7)-day stand by period.

Annual Leave

9. (1) On completion of each period of twelve (12) 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 (5) day week and not less than twelve (12) working days for a six (6) day week with full pay.

(2) On completion of each period of five (5) years continuous service with an employer, an employee shall be entitled to an annual leave of two (2) days in excess of what is provided under subsection (1) with full pay.

(3) Where employment of an employee is terminated after a period exceeding three (3) months but not amounting to one (1) year from the date of its commencement, or after a period of employment following the completion of one (1) year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of such termination, pay to the employee a sum equal to not less than one day's wages for each completed month of such period.

Sick Leave

10. (1) After three (3) months' continuous service with the same employer, and subject to the production of a medical certificate signed by a medical practitioner, as defined by the Medical and Dental Practitioners Act, 1970 or its successor, an employee shall be eligible, in each year of employment, for a maximum of fourteen (14) days sick leave on full pay and a maximum of fourteen (14) days sick leave on half pay.

(2) Notwithstanding sub-Regulation (1) –

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

(b) An employee on sick leave shall be entitled to rations and other allowances as the case may be;

(3) In the event the employer operates a medical facility within the vicinity of his business, an employee who is sick shall utilize the services of the facility unless referred to another facility by the medical practitioner or registered nurse at the clinic.

Compassionate Leave

11. (1) An employee who has completed probation shall be entitled to compassionate leave with full pay as follows:

(a) Widows - 30 working days

(b) Widower - 10 working days

(c) Biological mother	-	10 working days
(d) Biological Father	-	10 working days
(e) Biological and legally adopted Child	-	7 working days
(f) Father or mother-in-law	-	7 working days

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

(3) An employee shall be entitled to compassionate leave subject to the production of a death certificate of the deceased and or any other proof of relationship between the employee and the deceased.

Maternity Leave

12. (1) Every female employee, whether married or unmarried, who has been in the continuous employment for twelve months or more shall be entitled to twelve (12) weeks' maternity leave, so arranged that she gets six (6) weeks before the date of confinement and six (6) weeks after confinement upon delivering to employer -

- (a) A certificate issued by a medical practitioner or a midwife setting out the expected or actual date of her confinement or;
- (b) Such other evidence in support of the entitlement of maternity leave as is reasonable, having regard to all the circumstances of the case.

(2) No employee shall be entitled to maternity leave provided for under Sub- Regulation (1) for two (2) consecutive years.

(3) An employee who is on maternity leave shall be paid twelve (12) weeks on half pay and the rest at the discretion of the employer.

Written particulars to be provided

13. An employer shall on engagement of an employee, give such employee a completed copy of the form in the Third Schedule of this Order and a written and detailed job description.

Continuous Service

14. Continuous service shall have the same meaning as provided for in the Employment Act, 1980 (as amended) or its successor as the case may be.

Public holidays

15. (1) Public holidays shall be observed in line with the Public Holiday Act No. 71 of 1938 or its successor as the case may be.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be deemed a public holiday.

Protective Clothing

16. (1) An employer shall provide, free of charge, adequate and appropriate personal protective appliances, equipment and clothing to an employee who is performing activities or involved in processes which expose such employee to wet, dusty or noisy conditions, extreme heat or extreme cold, or to any other poisonous, corrosive or injurious substance or material liable to affect the employee's life, safety and health or cause undue damage to the employees clothing.

(2) Protective clothing, appliances and equipment shall be supplied annually in the following manner;

- (a) to security guards, fire tower watchmen and fire fighters who are normally exposed in their employment to inclement weather; water proof cap, overcoat, suitable coats for cold weather or other suitable protective clothing.
- (b) to drivers and assistants - two dust coats, two overalls or two uniforms per annum.
- (c) to mechanics, assistant mechanics and employees engaged in the loading, unloading, and delivery of goods to or from vehicles, suitable overalls or other protective clothing.
- (d) to employees who are normally exposed in their employment to cold weather, suitable coats for cold weather.
- (e) to employees normally required to use overalls and safety shoes, two-pairs of overalls and one pair of safety shoes annually, which shall be non-returnable after twelve (12) months.

(3) Save for clothing provided in terms of Regulation 16 (1) (e) 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 the employer in good condition on resignation.

Short Time

17. (1) Where 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, after consultation with employee organizations or representatives active in the undertaking 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 to an employee's earnings where the employee has been placed on short time, and work, in aggregate, more than fifty percent of his normal weekly hours of work during any week he has been placed on short time.

General health measures

18. (1) Every employer shall ensure that every workroom or place in which persons are employed by him is kept in a clean and sanitary condition and that in each workroom or place-

- (a) each employee is provided with not less than 400 cubic feet of air space and not less than 35 square feet of floor space;
- (b) there is adequate ventilation and circulation of fresh air;
- (c) there is adequate and suitable lighting and that windows and fanlights are kept clean and free from obstruction;

(2) Every employer shall ensure that-

- (a) there is adequate supply of wholesome drinking water for his employees at their place of work;
- (b) sufficient and suitable sanitary conveniences are available for his employees at or near their place of work and that-
 - (i) the conveniences are adequately lit and ventilated;
 - (ii) the conveniences are kept in clean condition; and
 - (iii) where applicable, and where more than six persons are employed, separate conveniences are provided for male and female employees.

(3) Every employer shall, where a substantial proportion of the work being carried out by his employees can be carried out sitting, provide suitable seating for such employees.

First aid equipment and medical aid

19. (1) Every employer shall provide at each place of employment-

- (a) adequate first aid facilities for the treatment of accidents;
- (b) one or more suitably stocked first aid boxes in the care and control of a responsible person which shall be readily available during working hours.

(2) The locality of the first aid box and the name of the person in charge of it shall be prominently displayed.

(3) An employer shall at own expense provide for his employees and members of their families living with them on employer's property essential first aid facilities in accordance with such scales as may be prescribed by applicable laws on safety and health in the workplace.

(4) Where an employer has reasonable cause for believing that any of the employees or any of their dependants living on the employer's property, is suffering from any serious injury or ailment, shall take all reasonable measures to obtain skilled medical aid for such person without undue delay and where required to do so by the Commissioner of Labour, or any labour inspector or medical officer, or in case of danger to life or serious illness, the employer, shall transport the said person as soon as reasonably practicable to the nearest hospital where such skilled medical attention is available.

(5) An employer shall not be liable for any medical or hospital fees charged for any treatment provided for the dependants of any employee under subsection (4) unless the employer specifically assumes liability or unless such liability is part of the conditions under which the employee is employed.

Savings

20. An employee who enjoys more favourable terms and conditions of employment and better benefits than are provided by this Order shall not be disadvantaged or suffer any reduction by its coming into effect.

Revocation

21. The Regulation of Wages (Forestry and Forest industry) Order, 2022 promulgated under Legal Notice No. 255 of 2022 is revoked.

FIRST SCHEDULE

(Regulation 4)

BASIC MINIMUM WAGE

(Emalangeni per week)

Grade A1	E313.02
Cleaner General Labourer Loader	
Grade A2	E317.54
Artisan Assistant Fire tower Watchman Firewatchers/ Forest Monitors Forest Guard Forklift Driver Tally Clerk Cook	
Grade B1	E323.26
Chainsaw Operator Clerk Driver (L.D.V) Excavator Operator Induna (Nursery) Jackhammer Operator Loading/ Loader Operator Machine Operator Security guard	

S10

Switchboard Operator
Tractor Driver

Grade B2 E345.50

Cross-cut Saw Operator
Driver (H.D.V)
Induna (Forest)
Saw Sharpener
Skidder Operator
Timber Grader
Workshop Assistant

GradeB3 E413.78

Blaster
Bulldozer Operator
Driver (Logging)
Driver Instructor
Grader Operator
Telephone Linesman
Saw doctor

Artisan Grade III E677.91

Artisan Grade II E1207.73

Artisan Grade I E1771.40

SECOND SCHEDULE
(Regulation 5)

MINIMUM MONTHLY RATIONS S CALE

1. Mealie Meal.....	25kg
Meat.....	5.5kg
Sugar.....	5kg
Dry Beans, Peas or Groundnuts.....	3kg
Peanut Butter.....	1kg
Fresh Vegetables (interchangeable with fruits)	9kg
Salt.....	500grams
Vegetable oil.....	2litres

Alternatives

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

(a) Mealie Meal:

For every 0.9kg Mealie Meal it shall be 4.5 kg of bread; 34kg of rice or 0.23kg of cheese.

(b) For the first 23kg of meat it shall be 23kg of offal; or for the first 0.45kg of fish it shall be 0.23kg of cheese.

For every 0.46kg of fresh vegetables it shall be 0.45kg of fresh fruit or a proportionate ration of dehydrated vegetables.

Permitted Variations

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

(a) The drink known as Mahewu or

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

THIRD SCHEDULE
(Regulation 13)

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 employer required to give.....
- 15. Pension Scheme (if any, other than Eswatini 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 addresses 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

PHILA W. BUTHELEZI
MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 199 OF 2023

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

THE REGULATION OF WAGES (PRE-SCHOOLS AND DAY-CARE CENTRES
INDUSTRY) ORDER, 2023
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Pre-Schools and Day-care Centres Industry) Order, 2023.

(2) This Notice shall come into force on the date of publication in the gazette.

Application

2. This Order shall apply to all persons employed in Pre-Schools and Day-care centres in respect of the basic conditions of employment.

Interpretation

3. In this Order unless the context otherwise requires -

“assistant early childhood carer” means a person who has an early childhood carer certificate and assists an early childhood carer in performing her duties;

“assistant teacher” means an employee who is engaged as such, and is in possession of a Junior Certificate or O’Level Certificate of Education and or a Pre-school Teacher’s Certificate, who may be in charge of a class in the absence of the class teacher;

“continuous employment” has the same meaning as ascribed to it in the Employment Act No 5 of 1980 or its successor.

“cleaner” means an employee who performs cleaning duties other than those of a labourer;

“clerk” means an employee who is a holder of a Junior Certificate or O’level certificate, who is engaged in secretarial or other general clerical duties;

“cook” means an employee who is engaged to prepare meals in Pre-schools or Day-Care Centres;

“early childhood carer” means a person who takes care of children who are from 0 to 3 years of age and who holds an Early Childhood Carer certificate;

“labourer” means an employee who performs duties pertaining to the tidying of the grounds of the school;

“maintenance worker” means an employee who is engaged to service electrical appliances, furniture, do painting and perform other such duties which involve maintenance of existing infrastructure, fittings and simple machinery or appliances used in the school;

“teacher” means an employee who is engaged to teach in the pre-school, and is in possession of a Junior Certificate or O’Level Certificate or a Pre-School Teachers Certificate;

Basic Minimum Wage

4. (1) The basic minimum wage to be paid to the employees specified in the First Schedule shall -

- (a) be calculated at a rate not less than that specified in the Schedule;
- (b) Not be reduced by any amount for housing or accommodation or transport which the employer may provide.

(2) Where a cleaner also performs the duties of a labourer, he shall be paid, in addition to his wage, half the wage payable to a labourer.

Hours of work

5. (1) The normal hours of work for an employee, other than a day-care employee, shall be from 0700Hrs to 1330hrs, inclusive of a lunch break of one hour, from Monday to Friday for Pre-school employees.

(2) The hours of work for Day-Care Centre employees shall be from 0700Hrs to 1700Hrs (ten hours), inclusive of a lunch break of one hour from Monday to Friday.

Overtime

6. (1) An employee of a Pre-school, other than a Day-care Centre employee, who is required to work in excess of the hours specified in regulation 5, shall be paid at one and half the basic hourly rate.

(2) Overtime worked on Sundays or Public Holidays shall be paid at twice the employee’s basic hourly rate.

(3) An employer shall consult with the employee to work overtime and such employee may not unreasonable refuse, except where, the employee’s written contract of employment provides that the employee shall avail himself for overtime work as and when required to do so.

Annual Leave

7. (1) An employee of a Pre-school shall be entitled to paid annual leave during the days when schools are closed as per the school calendar. Annual leave applied for and to be taken during the period when schools are opened may be at the discretion of the employer.

(2) An employee of Day-care Centre which closes when schools close, shall be entitled to annual leave as in sub-regulation (1) above. An employee of Day-care Centre that does not close when schools close shall be entitled to paid annual leave by the employer as follows -

- (a) An employee who has worked for less than twelve (12) months, leave shall be one day per each completed month;
- (b) An employee who has worked for twelve (12) months but less than three (3) years, annual leave shall be fifteen (15) days;
- (c) An employee who has worked for more than three (3) years, annual leave shall be eighteen (18) days.

Provided that the days on which schools are closed or on break shall be included in the computation periods referred to in this paragraph.

(3) Where employment is terminated after three (3) months' service with an employer, an employee shall be entitled to one (1) day's pay in lieu of untaken leave for each completed month of service following that employee's initial engagement.

Sick Leave

8. (1) After three (3) consecutive months of continuous service with an employer, and subject to the submission of a Medical Certificate signed by a Medical Practitioner as defined under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen (14) days on full pay and thereafter to a maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service.

(2) Notwithstanding sub-regulation (1), a certificate issued by a registered Nurse shall be acceptable in the place of a Medical Certificate mentioned in sub-regulation (1) if, at the time the employee goes for medical treatment or examination, a Medical Practitioner is not available.

Maternity Leave

9. (1) A 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 for a period not exceeding twelve (12) weeks (84 calendar days) with only six (6) weeks on full pay. Payment of wages for the rest of the period shall be at the discretion of the employer. The employee shall furnish the employer with a certificate signed by a Medical Practitioner or a Midwife, stating the expected or actual date of her confinement.

(2) An employee shall not be entitled to maternity leave provided for under sub-regulation (a) for two (2) consecutive years.

(3) An employee who has been on maternity leave shall be entitled, on return from such leave, to a paid nursing break of one (1) hour for a period not exceeding three (3) months. Such nursing break shall not be in lieu of such employee's lunch break.

Written Particulars of employment to be provided

10. An employer shall give an employee a completed copy of the form in the Second Schedule of this Order, in the manner required by the Employment Act, 1980 or its successor.

Public Holidays

11. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the Monday shall be deemed to be a Public Holiday.

Compassionate Leave

11 (1) An employee who has successfully completed a probation period shall be entitled to compassionate leave as follows:

- Widow - 37 calendar days with full pay;
- Widower - 15 calendar days with full pay;
- Biological parents - 10 calendar days with full pay; and
- Biological child - 10 calendar days with full pay

(2) Entitlement to compassionate leave in respect of any other immediate family in addition to the above shall be in terms of the Employment Act, 1980 or its successor.

Retirement Age

12. The retirement age for an employee shall be sixty (60) years.

Casual Work

13. An employee engaged on casual basis as envisaged in the Employment Act of 1980 or its successor shall be paid for each day or shift worked at the end of each day's work.

Redundancy

14. An employee who has served the same employer continuously for a period of two (2) years or more and whose employment is terminated for reasons of redundancy shall be paid severance allowance in terms the Employment Act, 1980, or its successor.

Transport

15. An employee who, by the nature of employment is required on any day to remain on duty after 17.30 Hours or is required to start work before 06.00 Hours, shall be provided by the employer, with transport between the place of work and home or place of residence as the case may be or at such point on a public road as may be mutually agreed between the employer and the employee.

Protective Clothing

16. The employer shall supply an employee, free of charge with appropriate clothing to protect the employee from occupational injuries and diseases and other risks associated with such employment.

Existing Conditions of Employment

17. At the commencement of this Order an employee who has been enjoying better terms and conditions of employment than those provided for in this Order, shall not suffer any reduction or unfavourable variation in such terms and conditions as a result of coming into force of this Order.

Revocation of Legal Notice No.251 of 2022

18. The Regulation of Wages (Pre-Schools and Day Care Centres Industry) Order, promulgated under Legal Notice No. 251 of 2022 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, Malkerns, 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 Ngonini, Ebuhleni, Lavumisa, Mankayane, Lomahasha, Ludzeludze, Siphofaneni, Luve, Mhlaleni and Hlatikulu.

	A Urban areas	B All other areas
Teacher	E2458.71	E2048.91
Assistant Teacher	E2130.92	E1775.83
Maintenance Employee	E1967.05	E1639.19
Cleaner or Labourer	E1639.19	E1366.02
Clerk	E2294.96	E1912.46
Cook	E1967.05	E1639.19
Early Childhood Carer	E1899.39	E1639.19
Assistant Early Childhood Carer	E1639.19	E1366.02

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. Short description of employees' work
-
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
 - (a) An Employee is free to join a trade union of own choice.
 - (b) The grievance procedure in this undertaking requires that a grievance should be first referred to
.....
.....
 - (c) When any heading is inapplicable enter nil
 - (d) Please give a copy of this form to the employee after it has been duly signed.

S19

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 200 OF 2023

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (FUNERAL UNDERTAKERS INDUSTRY)

ORDER, 2023

(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, the Minister of Labour and Social Security issues this Regulation -

Citation and Commencement

1. (1) This Regulation may be cited as the Regulation of Wages (Funeral Undertakers) Industry Order, 2023.

(2) This Regulation shall come into force on the date of publication of the Gazette.

Interpretation

2. In this Regulation, unless the context otherwise requires –

“funeral attendant” means an employee whose duties include cleaning and maintaining funeral facilities and equipment, washing and dressing deceased bodies, preparing items such as tents, chairs, and trimmings of coffins, receiving and releasing human and deceased bodies from the mortuary and any other related duties which do not require any formal training;

“continuous service” means service in the employment of the employer interrupted only by the death, retirement, or discharge of the employee concerned;

“driver” means an employee who performs the duties of a funeral attendant and also drives and maintains vehicles;

“Junior clerk” means an employee engaged in performing clerical tasks, including filing, operation of duplicating machines, sorting and registration of incoming mail, assisting in the checking and preparation of invoices, and may be required to do other duties as management may determine;

“Senior Clerk” means an employee, whose duties include clerical duties, receiving money from clients, supervision of company operations, and any other related duties allocated by management.

“Watchman” means an employee who is engaged during the day or night to guard the premises or property of the employer.

Application

3. This Order shall apply to all persons employed by Funeral Undertakers, Funeral Directors, Burial Societies, and Funeral Retailers.

Basic minimum wage

4. (1) The basic minimum wage to be paid to employees whose occupation is specified in the First Schedule shall be-

(a) calculated at a rate not less than that specified in the Schedule:

(b) deemed to include the rations element; and

(c) not reduced by any amount for housing or accommodation which may be provided by the employer.

(2) An employee in receipt of a higher wage than the prescribed wage in this Regulation shall not suffer a reduction in wages by the publication of this Regulation.

Hours of work

5. (1) Subject to sub-regulation (3) and (4), the normal hours of work for an employee other than a watchman shall be forty-eight (48) hours per week.

(2) An employee shall not work for a consecutive period of more than five (5) hours per day without a one (1) hour rest period.

(3) The working days for an employee in this Regulation shall be from Monday to Sunday, with an entitlement of at least one (1) day off each week.

(4) Where necessary an employer may require and negotiate with an employee to work overtime after giving a twenty- four (24) hours' notice of the requirement and the employee shall not unreasonably refuse.

(5) The normal hours of work and wages that apply to a watchman, shall be provided under the Regulation of Wages Order of the Security Industry.

Overtime payment

6. (1) An employee other than a watchman required to be on duty and work more than the hours specified in Order 5, shall be paid at one and a half the basic hourly rate.

(2) The overtime worked by an employee other than a watchman in this Order on a rest day or public holiday shall be paid at double the normal hourly rate.

(3) A watchman's overtime shall be paid in terms of the Regulation of Wages Order of the Security Services Industry.

(4) The payment of overtime worked by an employee in this Order shall be paid the same month during which the overtime was worked.

Allowances

7. (1) An employee who is required to travel out of the country on duty and return on the same day shall be paid one hundred and seventy emalangeni (E170.00) as meal allowance and a further one hundred and fifty emalangeni (E150.00) as inconvenience allowance.

(2) An employee who is on duty and is required to spend a night outside the country shall be provided free accommodation and meals by the employer.

(3) An employee who is on duty during a funeral shall be entitled to meal allowance per funeral as follows;

(a) fifty emalangeni (E50.00) for a full time driver and full time funeral attendant; and

(b) seventy emalangeni (E70.00) for a part time driver and part time funeral attendant.

Annual leave

8. (1) An employee who has completed twelve (12) months of continuous service with an employer shall be entitled to annual leave of twelve (12) working days' leave on full pay.

(2) After the completion of three (3) years of continuous service with an employer the employee shall be entitled to annual leave of fifteen (15) working days' leave on full pay.

(3) An employee with more than five (5) years of continuous service with an employer shall be entitled to twenty-one (21) working days' leave on full pay.

(4) Where the employment is terminated after three (3) months' service with an employer or after returning from annual leave, an employee shall be entitled to one (1) day's pay in each completed month of service.

Sick leave

9. (1) Subject to sub-regulation (2), an employee after three (3) consecutive months of continuous service with an employer, shall be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and after that up to a maximum of fourteen (14) days on half ($\frac{1}{2}$) pay in each period of twelve (12) months continuous service.

(2) An employee on sick leave shall be expected to produce to an employer a medical certificate signed by a registered nurse and or a Medical Practitioner.

Maternity leave

10. (1) An expectant mother in continuous employment for twelve (12) months or more shall be entitled to maternity leave for a period not exceeding twelve (12) weeks (84 calendar days).

(2) The employee on maternity leave shall be on full pay for one (1) month and the remaining months paid at the discretion of the employer upon delivery to the employer the following-

(a) certificate issued by a Medical Practitioner or Midwife setting forth the expected date of confinement;

(b) certificate issued by a Medical Practitioner or Midwife setting forth the actual date of confinement;

(c) other evidence in support of the entitlement to maternity leave as is reasonably necessary, having regard to all the circumstances of the case.

(3) An employee shall not be entitled to maternity leave for two (2) consecutive years.

Compassionate leave

11. (1) An employee who has completed probation shall be entitled to compassionate leave with full pay as follows -

- (a) Widow - thirty (30) days from the date of death;
- (b) Widower - fourteen (14) days from the date of death of the first wife and seven (7) days from the death of any other wife;
- (c) Biological parent or child - seven (7) days from the date of death.

(2) The entitlement to compassionate leave in respect of any other relative and the granting of longer periods than those specified in this Regulation, shall be at the discretion of the employer.

(3) The employee shall not suffer any loss of pay due to bereavement.

(4) An employee shall be entitled to compassionate leave subject to the production of a death certificate of the deceased and or any other proof of relationship between the employee and the deceased.

Public holidays

12. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Regulation, employees shall be paid full days' wage on all designated public holidays that falls on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the following Monday shall be deemed to be a Public Holiday.

Retirement Age

13. The retirement age of an employee in terms of this Regulation, shall be sixty (60) years.

Casual work

14. (1) A casual employee shall be paid for each day or shift worked at a rate not less than the basic minimum wage specified in this Regulation.

(2) The continuous employment of an employee for a period over one week shall not be considered casual work.

Watchman's protective clothing and equipment

15. The employer shall provide a watchman, free of charge with two (2) pairs of boots, a police whistle, club, hat, and an overcoat as is reasonably necessary to effectively carry out a

watchman's duties.

Redundancy

16. Where an employee has served the same employer continuously for a period of at least two (2) years and the employment is terminated for reasons of redundancy, the employee shall be paid severance allowance in terms of the Employment Act of 1980 as amended

Transport

17. Where the nature of employment requires the employee on any day to remain on duty after 6:00 pm or to start work before 6:00 a.m., the employee shall be provided, free of charge with transport between the place of work and reasonable point on a public road as may be mutually agreed upon between the parties.

Continuous service

18. (1) Subject to sub-order (2), if an employee is re-engaged within three (3) months of discharge from employment, that employee shall be deemed to be in continuous service.

Protective clothing and equipment

19. An employer shall provide free of charge to both full time and part time employees the following protective clothing and equipment-

- | | |
|-----------------------------------|---|
| (a) for mortuary work | - dust coats, aprons, gumboots, theatre hats, gloves; |
| (b) for funeral services | - prescription by the employer; and |
| (c) for exhumation and tombstones | - safety shoes, masks, gloves, two-piece dust coat suits. |

Written particulars to be provided

20. The employer shall on the engagement of an employee, give to the employee a completed copy of the form set out in the Second Schedule of this Regulation.

Existing conditions of employment

21. An employee who, at the commencement of this Regulation, is in receipt of a higher wage for his particular occupation than the wage prescribed by this Regulation shall not by reason of publication of this Regulation suffer a reduction in such wage.

Revocation of Legal Notice No. 257 of 2022

22. The Regulation of Wages (Funeral Undertakers Industry) Order promulgated under Legal Notice No. 257 of 2022 is hereby revoked.

FIRST SCHEDULE

**BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)**

Funeral Attendant	E 2218.70
Driver	E 2773.35
Junior clerk	E 2535.65
Senior clerk	E 3090.30
Watchman	to be paid according to the Security Services Industry Wages Regulations Order.

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. Short description of employees' work
-
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include

(a) An Employee is free to join a trade union of his or her own choice.

(b) The grievance procedure in this undertaking requires that a grievance should be first referred to

.....

(c) When any heading is inapplicable enter nil.

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. LXI]

MBABANE, Thursday, AUGUST 10th 2023

[No. 102

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LEGAL NOTICE NO. 202 OF 2023

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

THE REGULATION OF WAGES (MANUFACTURE AND SALE OF HANDICRAFT
INDUSTRY) ORDER, 2023
(Under Section 11)

In 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. (1) This Order may be cited as the Regulation of Wages (Manufacture and Sale of Handicraft Industry) Order, 2023.

(2) This Order shall come into force on the date of publication in the gazette.

Application

2. This Order shall apply to persons employed in any undertaking which consists wholly or mainly in the carrying of one or more of the following activities-

(a) the manufacture, primarily by hand and with minimal use of powered machines of spinning, glass-work, grass-plaiting, weaving, knitting, sewing, batic-work, carving, dyeing, casting, forging, pottery, tanning, painting, screenprinting, candle-making, moulding and drawing, of goods to be sold as handcraft.

(b) The sale of handcraft in establishments responsible for or associated with or part of undertakings for the manufacture of goods described in the preceding paragraph(a)

(c) This Order shall not apply to persons employed by -

(i) the Government of Eswatini;

(ii) a local authority; and

(iii) such charitable, or religious organization or medical institution declared in writing by the Ministry to be exempt from the provisions of these Regulations.

Interpretation

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

“bobbin winder” means an employee who winds yarn into a bobbin in preparation for weaving with hand;

“candle-maker” means an employee who performs one or more of the operations in making candles;

“carder” means an employee who cards by hand or machine;

“casual employee” shall have the same meaning as that ascribed in the Employment Act, 1980 or its successor;

“checker” means an employee who checks the receipt of unfinished goods and raw materials or the batch of finished goods or unfinished goods and checks quality and quantity;

“cleaner” means an employee who performs cleaning duties other than those of a labourer.

“Clerk or storeman” means an employee who undertakes clerical duties, correspondence preparation, filing and dispatch, keeping stores and stock control, invoicing and the handling of petty cash;

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

“craftsman” means a person who, after completing a six (6) months period as a trainee craftsman, grass plaiting is appointed to be craftsman in spinning, weaving, knitting, sewing, carving, casting, grass wok, forging, moulding, pottery, tanning, painting, drawing bating, candle-making or in whatever other aspect of handicraft he may be assigned to exercise his skill or skills;

“driver (L.D.V)” means an employee in possession of a current driver’s licence who drives a vehicle of not more than 3 tons tare weight, and whose responsibilities include the care and cleanliness of the vehicle, simple maintenance, the handling of cargo to and from the vehicle and such other duties as may from time to time, be assigned to him;

“dyer” means an employee who prepares dyes, mixes and supervises the dyeing of materials;

“engraver assistant” means an employee who engraves, soothes, polishes finished glassware and carries out duties given by the engraver;

“engraver” means an employee who engraves smooths, polishes finished glassware and carries out duties related thereto;

“finisher” means a person who is employed to complete the manufacture of any article and makes final preparations for its sale or display;

“general labourer” means a person employed to perform tasks not requiring the exercise of particular skills or scholastic attainment;

“handyman” means an employee who does not hold a trade test certificate but who carries out simple repairs and supervises and allocates work to subordinates under his control;

“machine operator” means an employee, other than a learner machine operator, engaged in operating a machine;

“machinist” means an employee who operates an electrical sewing machine to manufacture clothing or garment;

“machinist assistant” 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’

“maintenance worker” means an employee who fixes and keeps buildings, shops, machinery or equipment in good order;

“master screen printer” means an employee who is capable of cutting screen mixing pigments and has thorough knowledge of screen printing techniques;

“master porter” means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;

“master weaver” means a person who knows all aspects of weaving both frame and loom weaving , preparing of warps and warping materials and production of woven articles to specification;

“master silversmith” means an employee who is capable of working silver to any specification;

“melter” means an employee who melts glass in a glass factory;

“office clerk” means an employee who does general clerical duties including typing and answering the telephone;

“packer” means an employee who is mainly engaged in packing of goods in the storeroom or for display and for sale to the public;

“piece worker” means a person whose payment is calculated by the amount of work performed, irrespective of the time utilized in its performance;

“porter” means an employee who makes pots by hand or pot wheels;

“screen-printer” means an employee who screen-prints by hand using a squeegee;

“security guard” or “watchman” shall mean a person employed to protect his employer’s premises and property and generally, to safe guard the lives of the employer’s workforce;

“semi- skilled kiln hand” means an employee who has limited knowledge in operating kiln and packs it according to specification;

“shop assistant “means a person employed to sell goods to the public, to transact business with customers, to display goods that are for sale, to prepare invoices and receipts, to receive and disburse cash remittances, to pack goods purchased by customers and to ensure the cleanliness and good appearance of the sales premises;

“silversmith” means an employee who is capable of working silver by hand;

“spinner” means an employee who carries out spinning operations of wool or other material according to specification;

“supervisor” means a person employed to oversee the work, quality of work and productivity of the personnel place in his charge and who is responsible for their conduct and discipline;

“trainee craftsman” means a person who, after successful completion of the probationary period has been appointed to be a trainee craftsman” and who serves in that capacity in whatever skill or craft he may be assigned for a period, not exceeding 6 months from the date of appointment;

“weaver” means an employee who carries out duties either by operating hand loom or other equipment to manufacture the required goods;

“washer” means an employee who washes and dries material or wool and if necessary moth-proof the wool.

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 wage higher than that prescribed by the Order, shall not suffer any reduction in such wages by reason of this Order; and

(b) where a particular employee does not fall in any of the jobs defined in this Regulation, such employee shall be paid a basic wage not less than that applicable to a general labourer.

Written Particulars of employment to be provided

5. An employer shall on engagement of an employee, give such employee a completed copy of the Form in the Second Schedule of this Order.

Hours of Work

6. The normal working hours of employees, other than those engaged as outworkers, pieceworkers and casual labourers and subject to the provisions of regulation 6 of this Order shall be -

- (a) for those engaged, other than as watchman or casual labourers, forty five (45) hours spread over a period of six days a week; and
- (b) for those engaged as security guards or watchman, sixty (60) hours in five shifts of twelve hours each in a week.

Overtime

7. (1) An employee required to work hours in excess of the daily hours specified in regulation 6 shall be remunerated as follows for any hours so worked -

- (a) for hours worked on a day, other than Sunday or a public holiday specified in regulation 8 in excess of those specified in regulation 6 of this order shall be at the rate of one and a half times the hourly rate; and
- (b) for hours worked on a Sundays or public holiday specified in regulation 8, in excess of those specified in regulation 6(a) payment shall be two times or double the hourly rate for each hour worked plus the normal rate applicable to all other employees whether at work or not on that paid public holiday.

(2) An employee engaged as a security guard or watchman required to work hours in excess of those specified in regulation 6(b) or who is required to work on a public holiday specified in regulation 8 shall be remunerated for the hours so worked at twice the hourly rate or, by agreement between the employee and the employer, be granted an equivalent amount of time off in lieu thereof;

(3) The basic hourly rate of wages shall be calculated -

- (a) in respect of employees whose hours are specified in regulation 6(a) by dividing the monthly or weekly rate of wages specified in the First Schedule by one hundred and ninety three hours and half an hour (193.5 hours) and;
- (b) in respect of employees whose hours are specified in regulation 6(b), by dividing the monthly or weekly rate of wages specified in the First Schedule by two hundred and ten hours (210 hours).

Public Holidays

8. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the Monday shall be deemed to be a Public Holiday.

Annual Leave

8. (1) An employee who has worked for twelve months (12) months shall be entitled to fourteen (14) working days leave on full pay, accumulated at a rate of 1.16 days per month.

(2) An employee who has worked for twenty-four (24) months and more, leave shall be fifteen (15) working days accumulated at a rate of 1.25 days per month.

(3) Where employment of an employee is terminated after a period exceeding three (3) months but not amounting to one year from the date of its commencement, the employer shall pay to the employee an amount not less than one (1) day's wage for each completed month of such period.

Sick Leave

9. After three (3) 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 up to fourteen (14) days on full wages and thereafter to a maximum of fourteen (14) days on half wages in each period of twelvemonths continuous service.

Maternity leave

10. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave as provided for by the Employment Act 1980 or its successor upon delivering to employer -

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

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

(2) An employer shall only be liable to pay the employee wages for 22 days during maternity leave.

(3) A female employee whether married or unmarried, on returning from maternity leave shall be entitled to an hour's nursing break daily for three months as per the provisions of the Employment Act of 1980.

Compassionate Leave

11. (1) After three (3) months of continuous service, an employee shall be entitled to compassionate leave with full pay as follows:

(a) Widow - 37 calendar days;

(b) Widower - 12 Calendar days;

(c) Biological Child - 7 Calendar days; and

(d) Biological Parents - 7 calendar days.

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

Change of business ownership

12 Where, following upon of ownership of an establishment, business or undertaking, an employee enters the service of a new owner without interruption, section 33 *bis* of the Employment Act of 1980 or its successor, shall apply.

Protective Clothing, equipment or appliances

13. Where it is necessary to protect an employee from physical or chemical injury which may arise from the work the employee is required to do, after every 12 months, the employer shall supply the employee, free of charge with protective clothing, equipment or appliances, as the case may be and such employee shall use the protective clothing as instructed.

Lay-Off

14. (1) Where an employer is unable to provide work for any employee due to-

- (a) unavailability of working material;
- (b) temporary cessation of work, or
- (c) any other occurrence, not of the employer's making, which renders continued employment during the subsistence of such occurrence or its effects, he may, subject to him giving the employee not less than twenty four hours' notice, lay-off the employee, without pay, for a maximum period of fifteen working days in the circumstances mentioned in sub- regulation (a) and for a maximum period of thirty working days in the circumstances mentioned in sub- regulation (b) or (c).

(2) At the expiry of fifteen (15) working days or thirty (30) working days as may be applicable, the employer shall either provide work for the employee, or terminate the employment of the employee subject the provisions of the Employment Act, 1980 or its successor.

(3) An employee, who is engaged for a specific project or in connection with such project, shall upon commencement of work be informed of the date upon which it is estimated the project will be completed.

(4) Where the date of the completion is specified, the employer may not give an employee notice of termination of employment.

Piece Work

15. An employee engaged on a piece work shall be remunerated at a rate not less than that specified in the First Schedule, in relation to the type of work the employee performs.

Revocation of the Regulation of Wages (Manufacture and Sale of Handicrafts) Order, 2022

2. The Regulation of Wages (Manufacture and Sale of Handicrafts) Order promulgated under Legal Notice No. 251 of 2022 is revoked.

FIRST SCHEDULE
(Under Regulation 4)

BASIC MINIMUM WAGE
(Emalangeni per week)

General Labourer	
Cleaner	
Trainee Craftsman	E324.90
Piece Worker	
Washer Cook	
Casual Labourer	

Carder	
Bobbin Winder	
Spinner	
Handyman	
Finisher	
Melter	E413.70
Engraver Assistant	
Machinist Assistant	
Semi-skilled Kiln hand	
Security Guard	
Packer	

Office Clerk	
Shop Assistant	
Machine Operator	
Machinist	E494.20
Weaver	
Engraver	
Craftsman	
Potter	
Screen printer	
Silversmith	
Dyer	
Candle-Maker	
Maintenance	

Master Potter	
Master Weaver	
Master Silversmith	E728.50
Master Screen printer Clerk	
Storeman Driver	

(L.D.V.) Checker
Supervisor 25% above the wage of 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 at which wages are paid
6. Short description of employees' work
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
 - (a) An Employee is free to join a trade union of his or her own choice.
 - (b) The grievance procedure in this undertaking requires that agrievance should be first referred to
 - (c) When any heading is inapplicable enter nil.

S10

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY

LEGAL NOTICE NO. 203 OF 2023

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

THE REGULATION OF WAGES (MICRO-MONEY LENDERS)
INDUSTRY ORDER, 2023
(Under Section 11)

In the exercise of powers conferred by Section 11 of the Wages Act, the Minister for Labour and Social Security issues this Order -

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Micro-Money Lenders) Industry Order, 2023.

(2) This Order shall come into force on the date of publication in the Gazette.

Interpretation

2. In this Order unless the context otherwise requires -

“cleaner” means an employee who performs cleaning duties and may be called upon in some organizations to also serve refreshments to clients on condition that this latter function is not routine or regular;

“continuous employment” means the continuous employment of an employee in an undertaking and the employment is deemed not to be discontinued by the termination of a contract of employment entered into by the employee if within a period of seven (7) days of the termination the employee is re-engaged in the same undertaking;

“debt collector” means an employee who performs field duties of physical visits to clients, collecting debts, or giving reminders to debtors;

“Junior clerk” means an employee that performs general clerical duties;

“Medical Practitioner” means medical practitioner as defined under the Medical and Dental Practitioners Act, 1970;

“messenger” means a person employed to convey messages, parcels, carry out elementary office jobs and other related duties;

“micro-money lender” means a licensed person or institution that lends out between E001 .00 up to E5 000 or any higher amounts;

“office assistant or administrator” means an employee engaged in carrying out simple routine tasks in the employer’s office;

“receptionist” means an employee who -

- (i) receives people coming into an establishment, interviews them, and directs them accordingly;

(ii) greets the caller and ascertains wants;

(iii) supplies information or announces the arrival of visitors and directs them to a person called upon; deals with telephone calls requesting information or appointments; and

(iv) keep records of callers and may perform other limited clerical duties; and

“senior clerk” means an employee who performs more senior clerical duties.

Application

3. (1) This Order shall apply to persons employed in the micro-money lending industry in respect of basic employment conditions.

(2) Where this Order is silent on basic employment conditions, the provisions of the relevant legislation shall apply.

Basic minimum wage

4. (1) The basic minimum wage to be paid to an employee in terms of this Order shall be at a rate specified in the First Schedule.

(2) The rate specified in the First Schedule shall not be reduced by any amount for housing, meal allowance, accommodation, or transport, which the employer may provide

(3) Where an employee at the date of commencement of this Order is in receipt of a higher wage or enjoys better employment conditions than those prescribed by this Order, that employee shall not suffer a reduction in wages or condition.

Hours of work

5. (1) An employee shall work forty-five (45) hours a week, spread over six (6) days and this is inclusive of meal breaks.

(2) Where there is a need to vary the hours in Regulation (1), the employer and employee may agree on the variation.

Overtime payment

6. (1) An employee who is required to work in excess of the hours of work specified under Regulation 5 shall be paid overtime as follows -

(a) For time worked in excess of the normal hours of work in any day, shall be paid at one and half times his hourly rate.

(b) For time worked on a rest day, Sunday, where the Sunday is not a working day and public holiday, the employee shall be paid at twice the employee’s hourly rate.

(2) If an employee consents to work overtime, the time worked shall not exceed eight (8) hours in total per week.

Annual leave

7. (1) An employee shall be entitled to an annual leave of eighteen (18) working days with full pay, upon completion of twelve (12) months of continuous service.

(2) Where the employment contract is terminated after three (3) months from the date of commencement or after completion of a year's undertaking in respect of which the paid annual holiday has been taken, the employer shall on or before the date of the termination pay to the employee a sum equal to not less than one (1) day's wages for each completed month of the period.

Sick leave

8. (1) After three (3) consecutive months of continuous employment 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 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) A certificate issued by a registered Nurse shall be accepted in place of a medical certificate if the Medical Practitioner is not available. Such certificate shall bear the name, qualifications and employment or official address of the nurse issuing it.

Maternity leave

9. (1) An expectant employee, who has been in continuous employment for twelve (12) months or more, shall be entitled to maternity leave of at least four (4) weeks, with full pay upon delivery.

(2) The employee in this Order shall produce to the employer -

- (a) a certificate issued by a registered Medical Practitioner or midwife setting forth the expected date of confinement.
- (b) a certificate issued by a Medical Practitioner or midwife setting forth the actual date of confinement; or
- (c) any other evidence in support of the entitlement to maternity leave as is reasonable.

(2) Notwithstanding subsection (1), maternity leave shall be at least once after the lapse of a period of twenty-four (24) months from the last maternity leave.

Compassionate leave

10. (1) An employee that has completed the probation period, shall be entitled to compassionate leave with full pay as follows -

- (a) Widow - 30 working days;
- (b) Widower - 15 working days;
- (c) Biological or legally adopted child - 7 working days;

- | | | |
|-------------------------|---|--------------------|
| (d) Biological parents | - | 7 working days; or |
| (e) Biological siblings | - | 7 working days. |

(2) The entitlement to compassionate leave for employees that have not completed the probation period and in respect of any other relatives shall be at the discretion of the employer.

Written particulars of employment to be provided

11. An employer shall within two calendar months of engagement, give each employee a completed copy of the form in the Second Schedule of this Order.

Paid public holidays

12. (1) Public holiday shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

(2) In this Order, employees shall be paid full days' wage on all designated public holidays that falls on their normal working day.

(3) Where a Public Holiday falls on a Sunday, the following day shall be deemed to be a Public Holiday.

Retirement age

12. (1) The retirement age for an employee in this Order shall be fifty-five (55) years.

(2) An employee in this Order may apply for early retirement at the age of forty-five (45) years.

Payday

14. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980.

Transport

13. An employee who by nature of the employment is required to be on duty after 6 pm or is required to start work before 6:30 am, shall be provided free of charge with transport between the place of work and residence, or at any point on a public road as may be mutually agreed upon between the employer and the employee.

Revocation of Legal Notice No. 245 of 2022

16. The Regulation of Wages (Micro and Money Lenders) Industry Order promulgated under Legal Notice No. 245 of 2022 is revoked.

**FIRST SCHEDULE
(Under Regulation 4)**

**BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)**

Cleaner	E2830.36
Messenger	E2830.36
Receptionist	E2798.86
Office Assistant /Administrator	E 3396.51
Junior Clerk	E 4811.68
Senior Clerk	E 8490.95
Debt Collector	E 5662.93

SECOND SCHEDULE

(Under Regulation 11)

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. Short description of employees' work
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive

- 12. Notice of termination of employment employer required to give
- 13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
- 14. Any other matter either party wishes to include
- (a) An Employee is free to join a trade union of their own choice.
- (b) The grievance procedure in this undertaking requires that a grievance should be first referred to
.....
- (c) When any heading is inapplicable enter nil.
- (d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer
..... Employee
..... Witness
..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
EXTRAORDINARY

VOL. LXI]

MBABANE, Thursday, AUGUST 10th 2023

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LEGAL NOTICE NO. 195 OF 2023

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (MOTOR ENGINEERING TRADES)
ORDER, 2023
(Under section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security issues this Regulation -

Citation and Commencement

1. (1) This Regulation may be cited as the regulation of Wages (Motor Engineering Trades) Order, 2023.

(2) This Regulation shall come into force on the date of publication in the Gazette.

Interpretation

2. In this Regulation, unless the context otherwise requires: -

“artisan” means a skilled employee who has undergone and passed a trade test from a recognised government institution or has served an apprenticeship programme from a recognised employer;

“artisan assistant” means an employee who assists an artisan in performing tasks and has not acquired three (3) years’ experience in artisan activities;

“assistant battery man” means an employee with less than six (6) months’ experience who assists a battery man in performing required tasks;

“assistant greaseman” means an employee with less than six (6) months’ experience who assists greaseman in performing required tasks;

“assistant tyreman” means an employee with less than six (6) months’ experience who assists a tyreman in performing required tasks;

“batteryman” means an employee engaged in the servicing and maintenance (including charging) of batteries;

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

“clerk” means an employee who is a holder of a junior certificate of education with two years’ relevant experience engaged in general clerical duties and supervises the junior clerk;

“senior clerk” means an employee who is the holder of O’level or IGCSE certificate of education, engaged in general clerical duties and supervises the clerk and junior clerk;

“continuous employment” has the same meaning as defined in the Employment Act, 1980 or its successor;

“continuous service” means where following upon a change of ownership of an establishment or undertaking, an employee enters the service of the owner without interruption, the service shall be deemed to be continuous service in the employment of the new owner;

“Light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver, who is in charge of a motor vehicle and its daily care;

“general worker” means an employee who is employed to carry out non-specific tasks including being a sweeper, cleaner or spanner man;

“heavy duty driver” means an employee who is employed to drive a motor vehicle which is over four tons’ tare weight, and the duties shall also include handling of cargo, daily maintenance and cleaning of the vehicle;

“grease man” means an employee who lubricates vehicles including operating the necessary equipment when lubricating the vehicle;

“petrol pump attendant” means an employee engaged to fill up petrol, diesel or oil and includes cleaning of the driveway;

“sales representative” means an employee who solicits customers for the employer by demonstrating or displaying the company’s product or goods, assists customers in providing the necessary services and can also travel around a particular area selling the company’s goods or products;

“semi-skilled worker” means a person who is employed to perform duties other than sweeping and cleaning;

“storeman” means an employee who is responsible for taking care of goods that are stored in the storeroom;

“switchboard or telephone operator” means an employee whose duties include the operation of a telephone switchboard;

“tyreman” means an employee wholly engaged in repairing, fitting, rethreading of tyres and tubes;

“trainee switchboard” means an employee whose duties include the operation of telephone switchboard and is under training for a period not exceeding three (3) months; and

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

Application

3. This Regulation shall apply to all employees whose specific occupation appears in the First Schedule.

Basic minimum wage

4. (1) The basic minimum wage per hour in this Regulation shall be not less than the rate specified in the First Schedule.

(2) The specified rate per hour in the First Schedule shall not be reduced by any amount for housing, accommodation or food supplied.

(3) An employee who, at the date of the commencement of this Regulation earns a higher wage or enjoys better employment conditions than those prescribed by this Regulation, shall not suffer any reduction in wages or employment conditions.

Hours of work

5. (1) The normal weekly hours of work for an employee in this Regulation other than a watchman or petrol pump attendant, shall not be more than forty-five (45) hours, exclusive of one (1) hour meal breaks per day, spread over five and a half (5 ½) days.

(2) Where the employee is a watchman or petrol pump attendant, the hours of work shall be as follows-

(a) watchman - seventy-two (72) hours per week spread over six shifts, each of twelve (12) hours; or

(b) petrol pump attendant -forty-eight (48) hours spread over a period of six (6) days

Overtime payment

6. (1) An employee who is required to be on duty and work in excess of the hours specified in Order 5, shall be paid overtime in the following manner-

(a) any normal working day and on a Saturday before 1.00 p.m. at one and a half (1½) times the employee's basic hourly rate; or

(b) after 1.00 p.m. on Saturdays, public holiday and during rest day of an employee twice the basic hourly rate.

(2) An employee shall not be compelled to work overtime, provided the employer and employee are in agreement that the overtime is necessary.

Annual leave

7. (1) Where an employee, has completed twelve (12) months' of continuous service with the employer, the annual leave shall be fourteen (14) working days' on full pay.

(2) If the period of continuous service with the employer is for five (5) years', the annual leave shall be seventeen (17) working days' or 22 calendar days', on full pay.

(3) Where the employment contract is terminated after three (3) months from the date of commencement or after a year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of the termination, pay the employee a sum equal to not less than one (1) day's wage for each completed month of the period.

Public holidays

8. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

- (c) Child – 14 working days, only 3 working days on full pay; and
- (d) Natural parents – 14 working days, only 3 working days on full pay

(2) The entitlement to compassionate leave for other relatives not in sub-regulation (1), shall be at the discretion of the employer.

Written particulars of employment

13. (1) The employer shall, within six (6) weeks' of the commencement of employment give the employee a completed copy of the form in the Second Schedule.

Protective clothing

14. (1) The employer shall, on annual basis supply free of charge and without payment of any deposit to the employee, give protective clothing material in respect of the occupation to promote health and safety in the work place.

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

Trade testing

16. (1) An employer shall grant paid leave to an employee that requests to undergo a trade test at the Directorate of Industrial and Vocational Training or any recognised training institution.

(2) Where an employee undergoes a trade test, the employee shall on return furnish the employer with the results of the examination.

Subsistence allowance

17. (1) An employee that is away from the normal place of work, shall be paid the following subsistence allowance-

- (a) fifty three emalangenani fifty cents (E53.50) a day, if the employer provides suitable accommodation and food;
- (b) eighty five emalangenani fifty cents (E85.50) per day, where the employer does not provide food but provides suitable accommodation or where the accommodation is available on the vehicle being driven; or
- (c) one hundred and seventeen emalangenani fifteen cents (E117.15) a day, if the employer provides neither food nor accommodation.

(2) Notwithstanding sub-regulation (1), an employee who is on duty outside the normal station or principal place of employment for a continuous period of twelve (12) hours up to a maximum of six (6) days, shall be paid sleep out allowance amounting to forty two emalangenani sixty cents (E42.60) per night.

Revocation of Legal Notice

18. The Regulation of Wages (Motor Engineering Trade) Order promulgated under Legal Notice No. 256 of 2022 is hereby revoked.

FIRST SCHEDULE
(Order 4)

BASIC MINIMUM WAGE
(Emalangenzi per hour)

Occupation	Rate
Office Attendant	15.87
Casual Labourer	15.87
General Worker	15.87
Semi-skilled Labourer	18.14
Light duty driver	18.14
Heavy duty driver	18.90
Driver operator	21.30
Grease man	21.30
Assistant Grease man	18.14
Battery man	18.14
Assistant Battery man	15.87
Tyreman	23.92
Assistant Tyreman	15.87
Clerk	18.14
Junior Clerk	17.38
Senior Clerk	18.68
Trainee (Switchboard Operator)	15.87
Switchboard/telephone operator	17.38
Storemen	18.03
Sales Representative	18.03

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Artisan Assistant	17.38
Artisan (Trade Tested) Grade III	20.95
Artisan (Trade Tested) Grade II	24.64
Artisan (Trade Tested) Grade I	42.34

*****Watchman to be as per the Regulation of Wages (Security Industry), Order.

*****Petrol pump attendant to be paid as per Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades), Order.

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
6. Short description of employees' work
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice employee entitled to receive
12. Notice employer required to give
13. Pension Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....

(a) An Employee is free to join an industry union which is recognized 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.

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed Employer

..... Employee

..... Witness

..... Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY



ESWATINI
GOVERNMENT GAZETTE
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194.	The Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2023	S1

LEGAL NOTICE NO. 194 OF 2023

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

THE REGULATION OF WAGES
(SUPPORT EMPLOYEES IN SCHOOLS AND EDUCATIONAL INSTITUTIONS)
ORDER, 2023
(Under section 11)

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

Citation and Commencement

1. (1) This Regulation may be cited as the Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2023.

(2) This Regulation shall come into force on the date of publication in the Government gazette.

Application

2. (1) This Regulation shall apply to all persons whose occupation is listed in the First Schedule and employed in public or private schools and other educational institutions, in respect of wages and other basic conditions of employment.

(2) This Regulation shall not apply to persons employed by the government.

Interpretation

3. In this Regulation unless the context otherwise requires -

“accounts officer or bursar” means an employee who is employed to perform accounting duties for a school or for an educational institution;

“boarding matron or master” means an employee who supervises pupils or students and people employed to work in hostels facilities;

“bookshop assistant” means an employee who distributes books, stationery and school uniform in the school’s bookshop and is responsible for stocktaking and maintaining cleanliness and hygiene in the book shop.

“casual employee” means an employee the terms of whose engagement provides for his payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time;

“computer instructor” means an employee who equips students with basic computer skills;

“cook” means an employee who performs cooking duties in the school or educational institution;

“extracurricular activities coach” is an employee who serves to teach or train students in

swimming, music or other extracurricular activities or sports, either on a fulltime or part-time basis;

“farming assistant” means an employee responsible for agricultural activities of the school.

“general worker” means an employee who performs duties related to the cleaning and tidying of the premises of the undertaking, and also performing any other duties that are not so different in nature from those pertaining to cleaning and tidying the ground;

“handyman” means a person who is capable of carrying out elementary tasks in either masonry, plumbing, carpentry or mechanics associated with such work on a school or educational institution with reasonable proficiency and without supervision but does not include an artisan;

“hostel cook” means an employee who performs cooking duties in the hostel of a school or educational institution;

“heavy duty driver” means an employee who is employed to drive a tractor and also a motor vehicle which is over 4 tons’ tare weight, and his duties shall also include handling of cargo, transporting students, daily maintenance and cleaning of the vehicle;

“herdsman” means an employee who attends or herds livestock and performs tasks associated with the keeping or rearing of livestock;

“kitchen matron” means an employee who supervises the kitchen in a hostel and prepares the daily menu for the students or pupils;

“laboratory technician” means an employee who assists a science teacher in the laboratory in assembling scientific equipment and chemical re-agents and maintains them;

“librarian” means an employee who is in charge of or works in the library by organizing, developing and maintaining systematic collections of books and other recorded materials and making them available to the library users;

“light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver, who is in charge of the motor vehicle and whose duties include, collecting and dropping cargo, mail and transportation of staff and students. He shall also ensure that the vehicle is serviced and clean;

“normal place of residence” means a place where an employee normally resides when at work;

“receptionist” means an employee who receives clients, helps and directs them and also handles incoming and outgoing telephone calls;

“redundancy” has the same meaning as provided in the Employment Act of 1980 or its successor as the case may be;

“secretary” means an employee who types and processes official documents for his/her employer, keeps a diary of official appointments and activities of the head teacher of the school or institution or administration. He also issues receipts and receives bank deposits slips and where necessary handles all incoming and outgoing calls and also fill the analysis book;

“storeman” means an employee who keeps record of stock at the stores of the school or educational institution and he is also responsible for maintaining inventory;

“temporary employee” means an employee who is engaged on a temporary basis, for instance to relieve an employee who is off-sick, or on maternity or annual leave;

“tuck-shop attendant” means an employee who sells wares, serves customers at the school’s tuck-shop, and is responsible for buying as well as taking stock and maintaining cleanliness and hygiene in the tuck-shop; and

“watchman” means an employee who is engaged during the day or night to guard the premises or property of the school or institution against fire, burglary, personal injury to staff and or pupils and similar services connected with or related to the foregoing;

Hours of Work

4. (1) The normal hours of work for all employees provided for in this regulation, except for employees provided for in regulation (2) and (3), shall be eight hours per day, from Monday to Friday.

(2) The normal hours of work for a watchman, shall be seventy two hours per week spread over a period of six (6) days.

(3) The normal working hours for a boarding master or matron and hostel cook shall be seventy two hours per week spread over a period of six (6) days.

Overtime Payment

5. (1) An employee other than a watchman or boarding master or matron, hostel cook and hostel cleaner who is required to work in excess of the normal hours specified in Order 4 (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; and

(b) for time worked on a rest day, Sunday or Public Holiday specified in regulation 12, shall be paid at twice the hourly rate.

(2) A watchman, boarding master or matron, hostel cook and hostel cleaner who is required to be on duty and work in excess of the hours specified in regulation 4 (2) and (3), shall be entitled to be paid for such overtime at the rate of one and half times his normal rate of wages and two times the normal rate where the employee is required to be on duty on an day off.

(3) An employee shall not be compelled to work overtime.

(4) School’s holidays according to the Ministry of Education and Training’s calendar shall be normal working days for employees regulated by this regulation except where such employees are on leave or there has been a mutual agreement between the employees and the school that the employees may not work.

Annual Leave

6. (1) An employee shall be entitled to leave day as follows, -

(a) for an employee who has worked for less than twelve (12) months, leave shall be one day for each completed month;

(b) for an employee who has worked for twelve(12) months and more, but less than 3 years leave shall be eighteen (18)working days;

(c) for an employee who has worked for more than three (3) years, leave shall be twenty five (25) working days.

(2) A watchmen shall in addition to annual leave, specified in regulation 6 (1) be entitled to eleven (11) days with full pay in compensation for a public holiday worked where the employee was not paid in that month the holiday was designated.

(3) A public holiday shall not be in lieu of an employee's off-day.

(4)Where the employment of an employee is terminated after a period exceeding three (3) months but not amounting to one (1) year from the date of its commencement, or after a period of employment following the completion of one (1) year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of such termination, pay to the employee a sum equal to not less than one (1) day's wage for each completed month of such period.

Sick Leave

7. An employee after three months (3) continuous employment with the same employer and subject to the production of a medical certificate signed by a Medical Practitioner as defined by the Medical and Dental Practitioners Act, 1970 or its successor, the employee shall be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and thereafter to sick leave of up to maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service.

Maternity Leave

8. (1) A employee, shall be entitled to twelve (12) weeks maternity leave, six (6) weeks of which on full pay upon delivering to the employer-

(a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of such 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) An employee shall be entitled to maternity leave at least once after the lapse of 24 months from the last maternity leave.

(3) An employee who has been on maternity leave resulting to the birth of a child, shall be entitled, on return from such leave, to a paid nursing break of one (1)hour for a period not exceeding three (3) months.

(4) The nursing break shall not run concurrently with the employee's lunch or break.

Compassionate Leave

9. (1) An employee that has completed probation shall be entitled to compassionate leave with full pay as follows -

- (a) Widow - 30 working days;
- (b) Widower - 10 working days;
- (c) Biological parents - 7 working days;
- (d) Biological child - 7 working days; and
- (e) Father/mother in law - 7 working days

(2) The entitlement to compassionate leave in respect of any other relative other than those provided in this regulation shall be at the discretion of the employer.

Retirement Age

10. The retirement age shall be sixty (60) years.

Employment Conditions

11. (1) The employer shall within two calendar months of the date of appointment, give an employee a completed copy of the form in the Second Schedule to this order.

(2) The employer shall explicitly state the conditions of the employment, including the starting wage, and the probation period.

(3) A probationary period shall, except in the case of employees engaged on supervisory, technical or confidential work, not extend beyond three (3) months.

Public Holidays

12. (1) A public holiday shall be observed in accordance with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

(2) In this regulation, employees shall be paid a full day's wage on all designated public holidays that fall on their normal working day.

(3) Where a public holiday is on a Sunday, the following days shall be a public holiday

Casual Work

13. (1) 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.

(2) If an employee who is continuously employed by an employer for a period longer than three (3) months that employee shall not be considered as a casual employee.

Protective Clothing

14. (1) The employer of a watchman shall, on annual basis provide such employee free of charge with two pairs of boots, a police whistle, a club, a torch and batteries and an overcoat or raincoat as is reasonably necessary in prevailing weather conditions.

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

(3) Protective clothing and necessary equipment shall be provided to cooks, cleaners, labourers, grounds men and laboratory technicians.

Transport

15. An employee who by nature of the employment is required to remain on duty after 17.00 hrs hours or is required to start work before 6:30 hrs shall be provided free of charge with transport between the place of work and residence of such employee or such point on a public road as may be mutually agreed upon between the parties.

Continuous Service

16. (1) For purposes of this regulation continuous service is unbroken service with the same employer interrupted only by the death, retirement or discharge of the employee concerned, provided that an employee who is re-engaged within two (2) months of such discharge shall be deemed to be in the continuous service of that employer.

(2) Where, there is a change of ownership of an establishment or undertaking, an employee enters the service of the new employer, section 33bis of the employment of 1980 or successor shall apply.

Employment Protection

17. An employee who at the commencement of this regulation enjoys better employment conditions than those provided in this regulation that employee shall not suffer any reduction in such terms by the coming into force of this regulation.

Revocation of Legal Notice

19. The Regulation of Wages (Support Employees in Schools and Educational Institutions) regulation, promulgated under Legal Notice No. 250 of 2022 is hereby revoked.

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FIRST SCHEDULE

BASIC MINIMUM WAGE

(EMALANGENI PER HOUR)

Accounts Officer /Bursar	E 24.50
Boarding Master or Matron	E 24.50
Bookshop assistant	E12.05
Cleaner	E 7.05
Computer instructor	E 24.50
Cook	E 9.00
Extracurricular Activities Coach	E12.32
Farming assistant	E12.05
General Worker	E 8.65
Handyman	E8.65
Heavy duty driver	E12.05
Herdsmen	E12.05
Hostel cook	E9.00
Kitchen Matron	E12.32
Laboratory Technician	E 9.95
Librarian	E 13.16
Light duty driver	E9.00
Receptionist	E 12.05
Storeman	E12.05
Secretary or Clerk	E15.78
Tuck-shop Attendant	E12.05
Watchman	E 5.67

****An employees to whom this Order is applicable, as listed in the First Schedule above, who at the time of its publication are being remunerated at rates higher than those stipulated

in this Order, shall also be awarded an increment to be determined by both the employer and employee.

***An employee who performs duties of another employee as classified in the First Schedule where the school has no such employee shall be remunerated at the higher rate of the two. For instance, a Secretary or Clerk who also performs duties of that of Accounts Officer where the school has no such employee shall be remunerated at a rate of Accounts Officer.

***Temporary employees are to be remunerated according to the position they hold temporarily as provided for in the First Schedule.

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. Nursing Break Entitlement (for female employee).....
14. Notice employee entitled to receive
15. Notice employer required to give
16. Pension Schedule, Provident Fund Gratuity Schedule etc. (if any, other than ENPF)
.....
17. Any other matter either party wishes to include
-
-

Notes:

- (a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union of Staff Association is

- (b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.

.....
.....

- (c) When any heading is inapplicable enter NIL.

..... Employer's Signature Witness
..... Employee's Signature Witness
..... Date Date

PHILA W. BUTHELEZI
MINISTER FOR LABOUR & SOCIAL SECURITY

