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LEGAL NOTICE NO. 122 OF 2021

THE WAGES ACT 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (MICRO-MONEY LENDERS)
INDUSTRY ORDER, 2021
(Under Section 11)

In exercise of powers conferred by Section 11 of the Wages Act, 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 (Micro-Money Lenders Industry) Order, 2021.

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

Application

2. (1) This Order shall apply to all persons employed in the Micro-Money Lending sector in respect of basic conditions of employment and where such order is silent, the provisions of relevant legislation shall be applicable.

(2) In terms of this order a Micro-Money Lender means a person or institution lending money to another between E001.00 up to E5 000 or any higher amounts as the case may be.

Interpretation

3. 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 provided that this latter function is not routine or regular;

“Continuous Employment” shall be deemed to continue 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.

“debt collector” means an employee who performs field duties of physical visits to clients, for the purpose of collecting debts or giving reminders to debtors;

“junior clerk” means an employee who is engaged in general clerical duties;

“messenger” means a person who is employed to convey messages and parcels and carry out elementary office jobs and such other related duties;

“office assistant/administrator” means an employee engaged in carrying out simple routine tasks in the employer’s office;

“redundancy” shall have the same meaning as in the Employment Act, 1980 (as amended) or its successor.

“receptionist” means an employee who receives people coming into an establishment, ascertains their wants and directs them accordingly; greets caller and ascertains wants; supplies information or announces arrival and direct visitors to person called upon; deals with telephone calls requesting information or appointments; keep records of callers and may perform other limited clerical duties.

“senior clerk” means an employee who is engaged in more senior clerical duties;

Basic Minimum Wage

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

- (i) be calculated at a rate not less than that specified in the schedule; and
- (ii) not be reduced by any amount for housing, meal allowance, accommodation or transport which the employer may provide.

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

Hours of Work

5. An employee shall work forty-five (45) hours a week, spread over six (6) days inclusive of meal breaks. Where there is need for variation of these hours, such must be agreed upon between the employer and employee.

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, provided that time worked on Saturdays after normal time, shall be paid at one and half times the hourly rate, and on Sundays and public holidays shall be paid at twice the employee's basic hourly rate.

(2) No employee shall be required to work overtime against the employee's will unless it is understood by both parties that such overtime is necessary. Such overtime worked, may not exceed eight (8) hours a week.

Annual Leave

7. (1) On completion of twelve months' continuous service, an employee shall be entitled to an annual leave of eighteen (18) working days with full pay;

(2) Where employment of an employee is terminated after a period exceeding three months but not amounting to one 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.

Sick Leave

8. (1) After three months of continuous employment and subject to production 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 of up to a maximum of fourteen (14) days on full pay and thereafter to sick leave of up to a maximum of fourteen (14) days on half pay in every period of twelve months continuous service.

(2) Notwithstanding sub-regulation (1)

- (i) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a medical practitioner is not available.
- (ii) sick leave for an employee who has less than three months continuous service shall be at the discretion of the employer.

Maternity Leave

9. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave with at least two 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 the 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 24 months from the last maternity leave.

Compassionate Leave

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

- (a) Widow - 30 working days with full pay;
- (b) Widower - 15 working days with full pay;
- (c) Biological / legally adopted child - 4 working days with full pay;
- (d) Biological parents - 4 working days with full pay;
- (e) Biological siblings - 4 working days with full pay

(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 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) The following shall be public holidays with full pay

- (a) Ascension Day;
- (b) Christmas Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Incwala Day;
- (f) King's Birthday;
- (g) Somhlolo Day;
- (h) Umhlanga Day;
- (i) National Flag Day;
- (j) Workers Day;
- (k) Somhlolo Day;
- (l) New Year's Day; and
- (m) National Secondary Election's Day

(2) Where a public holiday falls on a Sunday, the following day shall be deemed to be a public holiday, not unless it is gazetted otherwise.

Retirement Age

13. The retirement age for an employee shall be fifty five (55) years. However, an employee may apply for early retirement at the age of forty five (45) years.

Payment of Severance Allowance

14. Severance allowance shall be paid in appropriate cases to an employee in terms of section 34 of the Employment Act, 1980 or as its successor.

Pay Day

15. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980.

Redundancy

16. When an employee has been employed for a period of two years or more and the employee's employment is terminated for reasons beyond the control of either the employer or the employee, the employee's will be paid in terms of the Employment Act, 1980 or as its successor.

Transport

17. An employee who by nature of the employee's employment is required to be on duty on any day after 6 pm or is required to start work before 6.30 am shall be provided, free of charge, with transport between the employee's place of work and the employee's place of residence or such point on a public road as may be mutually agreed upon between the employer and the employee.

Revocation of Legal Notice No. 49 of 2018

18. The Regulation of Wages (Micro and Money Lenders) Industry Order, 2018 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)

	Rate per month
Cleaner	E2567.21
Messenger	E2567.21
Receptionist	E2567.21
Office Assistant/Administrator	E3080.73
Junior Clerk	E4364.33
Senior Clerk	E7701.54
Debt Collector	E5136.44

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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 123 OF 2021

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

THE REGULATION OF WAGES (PRE-SCHOOLS AND DAY-CARE CENTRES
INDUSTRY) ORDER, 2021
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister of Labour and Social Security hereby 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, 2021.

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

Application

2. This Order shall apply to all persons employed in Pre-Schools and Day-care Centres in respect of 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;

“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;

“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; and

“Teacher” means an employee who is engaged as such, 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 wages, half the wages as a cleaner, and half the wages 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 seek the consent of an employee to work overtime, except where the employee’s written contract of employment provides that the employee shall avail himself for overtime work as and when required by the employer.

Annual Leave

7. (1) Employees of Pre-schools 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) Employees of Day-care Centres which close when schools close, shall be entitled to annual leave as in (1) above. Employees of Day-care Centres that do not close when schools close shall be entitled to paid annual leave by the employer as follows:

- (a) for an employee who has worked for less than 12 months, leave shall be one day per each completed month;
- (b) for an employee who has worked for 12 months but less than 3 years, annual leave shall be 15 days;

- (c) for an employee who has worked for more than 3 years, annual leave shall be 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 months' service with an employer, an employee shall be entitled to one 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 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 days on full pay and thereafter to a maximum of fourteen 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 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) 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 for a period not exceeding twelve weeks (84 calendar days) with only 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) No employee shall 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 hour for a period not exceeding three 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) The following are Public Holidays with full pay:

- (a) Christmas Day;
- (b) Boxing Day;
- (c) New Year's Day;
- (d) Good Friday;

- (e) Easter Monday;
- (f) Ascension Day;
- (g) King's Birthday;
- (h) Somhlolo Day;
- (i) Secondary National Elections Day;
- (j) Reed Dance Day;
- (k) National Flag Day;
- (l) Incwala Day;
- (m) National Holiday (22 July); and
- (n) Workers' Day (1st May).

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

Compassionate Leave

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

- (a) Widow - 37 working days with full pay;
- (b) Widower - 10 working days with full pay;
- (c) Biological parents - 10 working days with full pay; and
- (d) Biological child - 10 working 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

13. The retirement age for an employee shall be 60 years.

Payment of Severance Allowance

14. Severance allowance calculated as outlined in the Employment Act of 1980, shall be payable to an employee in accordance to the Act or its successor.

Casual Work:

15. An employee engaged on casual basis as envisaged in the Employment Act of 1980 shall be paid for each day or shift worked at the end of each day's work.

Redundancy

16. 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

17. An employee who, by the nature of the 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 such point on a public road as may be mutually agreed between the employer and the employee.

Continuous Employment

18. For purposes hereof, “continuous employment” shall have the same meaning as in the Employment Act of 1980, or its successor.

Protective Clothing

19. 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 his employment.

Existing Conditions of Employment

20. At the commencement of this Order an employee who has been enjoying better terms and conditions of employment than those provided for herein, 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. 163 of 2018

21. The Regulation of Wages (Pre-Schools and Day Care Centres Industry) Order, Legal Notice No.163 of 2018 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 Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lavumisa, Mankayane, Lomahasha Shopping Complex , Ludzeludze , Mhlaleni and Hlatikulu.

	A Urban areas	B All other areas
Teacher	E2108.13	E1756.77
Assistant Teacher	E1827.07	E1522.61
Maintenance Employee	E1686.57	E1405.46
Cleaner/Labourer	E1405.46	E1171.25
Clerk	E1967.73	E1639.77
Cook	E1686.57	E1405.46
Early Childhood Carer	E1686.57	E1405.46
Assistant Early Childhood Carer	E1405.46	E1171.25

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. 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 124 OF 2021

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

THE REGULATION OF WAGES (AGRICULTURAL INDUSTRY)
ORDER, NOTICE, 2021
(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 Order may be cited as the Regulation of Wages (Agricultural Industry) Order, 2021.

(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 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 limited duration and for a specific season, or for work to be done on 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 Order 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;
- (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 Order 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 Order.

Hours of work

5. (1) The normal hours of work shall, subject to the provision of regulation 6 be fifty-four (54) 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 the employee's 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, Sunday or Public Holiday specified in Regulation 7, he shall be paid at twice the employee's basic hourly rate or task rate.

Public Holidays

7. (1) The following shall be Public Holidays with full pay:

(a) New Year's Day;

(b) Good Friday;

(c) King's Birthday;

(c) Somhlolo Day;

(d) Christmas Day;

(e) Easter Monday;

(f) Boxing Day;

(g) Incwala Day;

(h) May Day;

(j) Umhlanga/ Reed dance Day; and

(k) National Secondary Parliamentary Election's day

(2) Where any such day falls on a Sunday the following Monday shall be deemed to 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 twelve (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 fourteen (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 its commencement shall be entitled to one day's pay for each completed month of service following his engagement or following his 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 (7 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 all the above cases except for widows only five (5) days will be on full pay and the rest will be at the discretion of the employer.

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

Sick Leave

10. (1) 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 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 months.

(2) Notwithstanding sub-regulation (1), 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) Every female employee, whether married or unmarried, who has been in continuous employment of her employer for twelve months or more shall be entitled to twelve (12) week's maternity leave, so arranged that she gets six weeks before the date of confinement, the other six (6) weeks after delivery but only five (5) weeks on full pay and the rest at the discretion of the employer.

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

Written particulars to be provided

12. An employer shall within two (2) calendar months from the day of appointment, give the employee a completed copy of the Form in the Second Schedule of this Order.

Continuous service

13. Where following the sale, transfer or takeover of a business or undertaking and an employee enters the service of a new employer without interruption, his 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. Nothing in this Order 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.

Employment of women

15. A female employee shall be paid the same wage payable to as an adult male employee employed in a similar capacity and for work of equal value.

Employment of children and young persons

16. Employment of children and young 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. Provided that 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 sex, but payment shall 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 who is available for work but does not work during a continuous period of wet or inclement weather shall be entitled to the 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. An employee who is available for work, but the employer cannot provide him with his 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 him his normal pay for the first three days and thereafter at the rate of that task work he is assigned.
- (b) pay the employee his normal pay for the first three days, and nothing thereafter if the employee does not agree to the task work until the situation normalizes.

Protective clothing

20. (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) 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 Regulation 20 (2) (v) 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 the employer in good condition on resignation.

Rations

21. (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) As a condition of employment, an employer shall supply rations in quantities not less than those specified in the Third Schedule of this Order.

Housing

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

General health measures

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

(a) each employee is provided with not less than four hundred (400) cubic feet of air space and not less thirty-five (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 the 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 the employees can be carried out sitting, provide suitable seating for such employees.

First aid equipment and medical aid

24. (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 every first aid box and the name of the person in charge of it shall be prominently displayed.

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

(4) Where an employer has reasonable cause for believing that any of his employees or any of their dependants living on the employer's property, is suffering from any serious injury or ailment the employer 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) Any 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 thereof or unless such liability is part of the conditions under which the employee is employed.

Savings

25. 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 of the Regulation of Wages (Agricultural Industry), Order, Notice, 2018

26. The Regulation of Wages (Agricultural Industry) Order, Notice 2018 promulgated under Legal Notice No. 11 of 2018 is hereby revoked;

FIRST SCHEDULE (Regulation 4)

BASIC MINIMUM WAGE PER DAY

General Worker	E60.47
Seasonal Worker	E60.47
Stockman	E60.47
Watchperson	E90.48
Irrigator	E61.70
Plant or Pump House Attendant	E61.70
Field Induna	E90.48
Handyman	E75.34
Tractor Driver	E79.64
Farm Clerk/ Storeman	E93.98

Heavy Machine Operator	E107.96
Artisan	E141.23
Driver	E79.64
Driver (heavy duty)	E107.94

SECOND SCHEDULE
(Regulation 12)

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 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 SNPF).
17. Any other matter either party wishes to include
-

(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.

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 125 OF 2021

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

THE REGULATION OF WAGES (FUNERAL UNDERTAKERS) INDUSTRY
ORDER, 2021
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Funeral Undertakers) Industry Order, 2021.

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

Application

2. This Order shall apply to all persons employed by the Funeral Undertakers, Funeral Directors, Burial Societies and Funeral Retailers in respect of basic conditions of employment.

Interpretation

3. In this order, unless the context otherwise requires –

“Funeral Consultant” means an employee whose duties include cleaning and maintaining of facilities and equipment, washing and dressing of deceased bodies, prepare items such as tents, chairs, etc, trimmings of coffins, receiving and releasing of human and deceased bodies from mortuary and any other related duties which do not require any formal training.

“Driver” means an employee who performs the duties of a funeral consultant and also drives and maintains vehicles.

“Junior Clerk” means an employee whose duties include cleaning of departments: such as; reception, sales area, offices, clerical work and other duties than those of a funeral consultant, driver, and watchman.

“Senior Clerk” means an employee whose duties include clerical duties, receiving money from clients and supervision of operations, and any other duties allocated by management.

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

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) be deemed to include the rations element; and
- (c) not be reduced by any amount for housing or accommodation which may be provided by the employer.

(2) An employee who at the date of commencement of this Order is in receipt of a higher wage for that employee's particular occupation that the wage prescribed by this Order shall not, by reason of this Order, suffer reduction in such wage.

Hours of Work

5. (1) Subject to sub-regulation (2) and (3), the normal hours of work for an employee other than a watchman shall consist of 48 hours (forty-eight hours) per week provided that an employee may not be required to work for a consecutive period of more than five hours per day without a rest period of not less than an hour.

(2) The working days for an employee in this industry shall be from Monday to Sunday except Public Holidays as outlined in Regulation 12. Provided that an employee shall be entitled to at least one (1) day off each week.

(3) The normal hours of work and wages for a watchman shall be provided under the Regulation of Wages Order of the Security Industry.

Overtime Payment

6. (1) Subject to the provisions of Regulation 5, an employer may require an employee to work overtime, in which case, the employer shall give the employee twenty four (24) hours' notice of such requirement. An employee shall not unreasonably refuse to work overtime.

(2) An employee other than a watchman, who is required to be on duty and work in excess of the hours specified in regulation 5, shall be paid at time and a half the basic hourly rate.

(3) Overtime worked on a rest day or public holiday shall be paid at double the normal hourly rate.

(4) Overtime shall be paid to a watchman in terms of the Regulation of Wages Order of Security Services Industry.

(5) The payment of overtime worked by an employee shall be paid in the same month during which such overtime was worked.

(6) Overtime work shall be negotiated and agreed upon between the employer and employee, and no employee shall be required to work overtime against his will. Provided that an employee shall not unreasonably refuse to work overtime.

Travel allowance

7. (1) Where an employee is required to travel out of the country on duty but return on the same day the employee shall be paid a sum of E150.00 food allowance and a further E150.00 inconvenience allowance.

(2) An employee who is on duty and required to spend a night outside the country shall be provided with free accommodation by the employer.

Annual Leave

8. (1) After twelve (12) consecutive months of service an employee shall be entitled to twelve working days leave on full pay.

(2) On completion of three (3) years continuous service with an employer, an employee shall be granted fifteen (15) working days leave on full pay.

(3) On completion of five (5) years continuous service with an employer, an employee shall be granted twenty-one (21) working days leave on full pay.

(4) Where employment is terminated after three (3) months' service with an employer, or after returning from annual leave as provided for in sub-regulation (1) and (2), an employee shall be entitled to one day's pay in each completed month of service.

Sick Leave

9. (1) After three consecutive months of continuous service with an employer, and subject to the production of a medical certificate signed by a Medical Practitioner, registered under Medical and Dental Practitioner Act, No. 3 of 1970, an employee shall 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 months continuous service.

(2) Notwithstanding sub-regulation (1) a certificate issued by a registered Nurse shall be acceptable in place of a Medical Certificate mentioned in sub-regulation (1) if 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 maternity leave for a period not exceeding twelve weeks (84 calendar days) except that one month shall be on full pay and the remaining months paid at the discretion of the employer upon delivery to the employer of:

- (a) a certificate issued by a Medical Practitioner or Midwife setting forth the expected date of the employee's confinement;
- (b) a certificate issued by a Medical Practitioner or Midwife setting forth the actual date of her confinement;
- (c) such other evidence in support of the entitlement to maternity leave as is reasonable, having regard to all the circumstances of the case.

(2) No employee shall be entitled to the maternity leave under sub-regulation (1) for two (2) consecutive years.

Compassionate Leave

11. (1) In case of death, compassionate leave on full pay shall be granted to an employee who has completed probation under the following circumstances-

- (a) in case of a widow, thirty (30) days from the date of death.
- (b) in case of a widower, fourteen (14) days from the date of death of first wife and 7 days from the date of death of any other wife; or
- (c) in case of the death of the employee's biological parent or child, seven (7) days from date of death.

(2) Nothing in this regulation shall prevent an employer from granting an employee a longer period of compassionate leave than specified herein.

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

(4) An employee prevented by the employer from working on return to work after such employee's bereavement shall not suffer any loss of pay.

Public holidays

12. (1) the following shall be public holidays with full pay:

- (a) Christmas Day;
- (b) Boxing Day;
- (c) New Year's Day;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Ascension Day;
- (g) King's Birthday;
- (h) Somhlolo Day;
- (i) Umhlanga (Reed Dance) Day;
- (j) Incwala Day;
- (k) Worker's Day (1st May); and
- (l) National Secondary Election's Day

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

Retirement Age

13. The retirement age of an employee shall be sixty (60) years.

Payment of Severance Allowance

14. (1) Severance allowance calculated as outlined in section 34 of the Employment Act, No. 5 of 1980 or as it may be amended, shall be payable to an employee who leaves service under the following circumstances:

- (a) Retirement;
- (b) ill-health, subject to the production of a medical certificate signed by Medical Practitioner registered under the Medical and Dental Practitioner Act No. 3 of 1970 or as it may be amended; or
- (c) redundancy

(2) Save as provided for in this Order, the payment of severance allowance under any other circumstances not mentioned in sub-regulation (1) shall be governed by Section 34 of the Employment Act No. 5 of 1980 or as it may be amended.

Casual work

15. (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 thereto.

(2) Continuous employment of an employee for a period in excess of one (1) week shall not be considered as casual work.

Watchman's Protective Clothing and Equipment

16. A watchman shall be provided by the employer, free of charge, two pairs of boots, a police whistle, a club, a hat, and an overcoat as is reasonable and necessary in prevailing weather conditions.

Redundancy

17. An employee who has served the same employer continuously for a period of at least two years and whose employment is terminated for reasons of redundancy shall be paid either;

- (a) a redundancy payment equal to two-thirds of his monthly wage multiplied by four; or
- (b) severance allowance in terms of the Employment Act, 1980 or its successor whichever is greater.

Transport

18. An employee, who by nature of the employment is required on any day to remain on duty after 6:00pm 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 home or such a point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Service

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

(2) An employee who is re-engaged within two months of discharge from employment shall be deemed to be in continuous service. Provided that where the employee was paid severance allowance at the time of discharge, the employee shall be entitled of payment of severance allowance calculated from the date of re-engagement.

(3) Where upon a change of ownership of an establishment or undertaking an employee enters the service of a new employer without interruption, the employee's service shall be deemed to be continuous service in employment of the new employer.

(4) In cases of continuous service, an employee shall enjoy conditions that are not less favourable than those enjoyed in the service of the previous owner.

Protective Clothing and Equipment

20. An employer shall be required to provide an employee, free of charge, appropriate protective clothing and equipment, which shall remain the property of the employer in the following manner:-

- (a) Mortuary: dust coats, aprons, gumboots, theatre hats, gloves;
- (b) Funeral service: prescription by service provider;
- (c) Pauper exhumations: safety shoes, masks, gloves, two piece dust coat suits.

Written Particulars to be provided

21. An employer shall, on engagement of an employee, give such employee a completed copy of the form in the Second Schedule of this Order. Whether or not an employee was issued with the form in the Second Schedule, any variation of an existing condition of employment which result in the loss of favourable terms and conditions may be reported by the employee in line with Section 26 of the Employment Act, 1980 or as it may be amended.

Revocation of Legal Notice No. 50 of 2018

22. The Regulation of Wages (Funeral Undertakers Industry) Order, Legal Notice No. 50 of 2018 is hereby revoked.

Existing Conditions of Employment

23. At the commencement of this Order, an employee who has been enjoying better conditions of employment than those provided for herein shall not suffer any reduction on the coming into force of this order.

FIRST SCHEDULE

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

Funeral Attendant	E1817.08
Driver	E2271.36
Junior clerk	E2076.67
Senior clerk	E2530.94
Watchmen	In line with applicable Regulation of Wages (Security Industry) Order.

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. 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 126 OF 2021

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

THE REGULATION OF WAGES (HOTEL, ACCOMMODATION, CATERING
AND FAST FOODS TRADES) ORDER, 2021
(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. This Order may be cited as the Regulation of Wages (Hotel, Accommodation, Catering and Fast Foods Trades) Order, 2021.

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

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.

3. In this Order unless the context otherwise requires -

“assistant house keeper” 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 food stuffs and performs 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 cleanliness of the gambling area.

“barman/ 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 in 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 the next function;

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

“butcher” means a person who prepares and cuts meat, fish and or poultry in its raw state and carries out associated duties assigned by 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 casino computer programme, data and any related accounting duties;

“casino waitron” means a person who serves food, beverages and cigarettes e.t.c ordered by guests, prepares and polishes casino tables, empties ashtrays and assists in 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 food stuffs and raw material to be used in the kitchen particularly in regard to weight and quality; and

(e) is responsible for the cleanliness and general hygiene of the kitchen;

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

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

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

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

- (a) prepares and serves cocktails and drinks;
- (b) collects 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 service” means that an employment service shall be deemed to continue 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, where within a period of seven (7) days of such termination such employee is re-engaged in the same undertaking;

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

“dealer/ croupier” means a person who deals with cards, gambling clips, spinning wheels in a casino and has acquired more than six months experience;

“driver” means a person who is in possession of a valid driver’s licence to drive a vehicle allocated to him, 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 who is responsible for handling of keys and cleaning of the machines;

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

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

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

“head waitron” means a person who-

- (a) is in charge of the dining room, and supervises waiter, waitresses and dining room staff;
- (b) arrange table reservation 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;

“house keeper” means a person who-

- (a) 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

(b) supervises room maids and other staff;

“junior tour/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/ pool waiter/ waitress” means a person who serves food, beverages, cigarettes e.t.c and clears/ cleans tables in the lounge or pool area;

“luggage porter” means a person who carries out instructions given to him by a head porter, porter or reception staff, or the management and carries luggage for customers;

“porter” means a person who-

(a) carries out the duties allocated to that person by reception staff;

(b) conducts guests to their room;

(c) performs other duties as may be required by the management including the cleaning of shoes, selling newspapers and the collection of mail;

“receptionist” means a person who checks guests in and out of the establishment, and 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 has knowledge of 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 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 any employees placed under his control by management;

“surveillance officer” means a person responsible for monitoring security camera 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/field guide” means a person responsible for guiding and providing information to tourist 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/ croupier” means a person who deals with cards and spinning wheels in a casino and who has less than six months experience;

“trainee tour/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 (6) months experience and is responsible for repairing machines;

“inspector” means a person who works in the casino and oversees the dealers/ croupiers;

“waitron” means a person who –

- (a) has knowledge of 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 preparation of tables and cleaning of the work/working station;

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

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

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

Rations

5. (1) At the employer's expense, an employer shall supply weekly rations to an employee in accordance with the scale specified in the Third Schedule. This may also be in the form of meals supplied while the employee 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/ 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 casual basis, shall be paid for time worked in excess of forty-eight hours in any week, at one and half times the normal hourly rate.

(2) The normal hourly rate shall 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 his off day he shall be paid double the normal hourly rate.

Annual leave

8. (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 any public holidays specified in Regulation 16 and sick leave which occur 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 annual leave with full pay.

(2) Any 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 he would have received during the period of his annual leave had he not taken leave. Where employers supply meals instead of rations, employees on annual leave will be entitled to the same, to be consumed at their place of work for the duration of such annual leave.

(3) Where 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 day's wages for each completed month of such period.

Sick Leave

9. (1) After three (3) 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, an employee shall be entitled to sick leave of up to a maximum of fourteen days on full wages, and thereafter to a maximum of twenty one days on half wages 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 if he is not available.

Maternity Leave

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

(2) An employee on maternity leave shall be paid at least thirty days wages, the rest of which 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

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

- | | | |
|---------------------------------------|---|------------------|
| (a) Widow | - | 37 working days; |
| (b) Widower | - | 7 working days; |
| (c) Biological/ legally adopted Child | - | 7 working days; |
| (d) Biological parents | - | 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 to be provided

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

Retirement Age

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

Payment of Severance

14. Severance allowance shall be paid to an employee as per section 34 of the Employment Act, 1980 as amended or its successor.

Continuous service

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

Paid Public Holidays

16. (1) The following shall be public holidays with double the hourly rate of pay –

Boxing Day;

Christmas day;

Good Friday;

Incwala day;

King's birthday;

Somhlolo day;

Umhlanga day;

National Flag day;

Worker's day; and

National Secondary Election's day

Day off/ Rest day.

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

Casual work

18. A person employed on 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.

19. 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 kilometres and accessible by road, as may be agreed by the employer and the employee concerned, or,
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of public transport between the place of work and such other places as may be agreed by the employer and the employee.

Uniforms

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

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

Inclement weather (field workers only)

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

Training period

22. No employee shall be engaged as trainee for more than six (6) months, inclusive of probation, for jobs appearing in the Second Schedule.

Revocation of Legal Notice No. 9 of 2018

23. The Regulation of Wages (Hotel, Accommodation, Catering and Fast Foods Trades) Order, Legal Notice No. 9 of 2018 is hereby revoked..

FIRST SCHEDULE

BASIC MINIMUM WAGE

For the purpose of this schedule:

Group A shall mean any undertaking licenced under the Casino Act, 1963, involved in gambling or having 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 licence or which serve 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 liquor licence and include a take-away, any accommodation establishment or caravan park not included in Group A, B

(Emalangeni per Month)

	A	B	C
Cook	1865.85	1486.07	1292.97
Assistant housekeeper	1500.00	1300.00	1278.70
Attendant officer	2087.08		
Billing Clerk	2505.82	1653.33	1504.55
Butcher	2905.14	1988.28	1553.27
Casino Admin Clerk	2783.03		
Casino Cashier	2783.03		
Cashier	1500.00	1480.61	1468.84
Chips frier	1872.78	1480.61	1292.24
Clerk	1500.00	1300.00	1331.51
Cleaner	1500.00	1300.00	1100.00
Count Account	2087.30		
Barman	2329.16	1732.50	1622.36
Chef de partie	2905.40	2007.39	1573.42
Dealer/ croupier	2782.50		
Dressmaker	1616.06	1300.00	1100.00
Driver	1500.00	1300.00	1300.32
Field Guide	1684.73		
Gaming floor security	2783.03		
Guest Relations Officer	2504.46		
Head Porter	1500.00	1481.08	1100.00
Handyman	1795.40	1300.00	1240.16
Head Waitron	2272.94	1300.00	1275.96
Housekeeper	2272.94	1456.98	1315.86
Inspector	4869.70		
Junior field guide	1500.00		
Kitchen Assistant	1614.90	1300.00	1204.51
Labourer	1500.00	1300.00	1100.00
Laundry Worker	1500.00	1300.00	
Banquet Waitron	1500.00	1300.00	1100.00
Linen Keeper	1500.00	1300.00	1183.67
Luggage Porter	1500.00	1300.00	1100.00
Porter	1500.00	1300.00	1100.00
Receptionist	1500.00	1539.83	1507.91
Room Maid	1500.00	1300.00	1100.00
Room Service Person	1500.00	1300.00	1100.00
Seamstress	1500.00	1300.00	1247.72
Security Guard	1500.00	1300.00	1292.76
Short Order Cook	1500.00	1300.00	1100.00
Storeman	2612.82	2016.21	1382.53
Stores Assistant	1500.00	1300.00	1178.26
Supervisor	1500.00	1300.00	1100.00
Surveillance officer	2782.61		
Telephonist	1500.00	1300.00	1100.00
Tractor Driver	1500.00	1300.00	1272.97

Waitron	1500.00	1300.00	1100.00
Security Officer	1500.00	1300.00	1100.00
Valet	1500.00	1300.00	1100.00

TRAINING PERIOD

SECOND SCHEDULE
(EMALANGENI PER MONTH)

Trainee Assistant Housekeeper	1500.00	1300.00	1100.00
Trainee Billing Clerk	1500.00	1300.00	1100.00
Trainee Cashier	1500.00	1300.00	1216.53
Trainee dealer/croupier	2148.62		
Trainee field guide	1500.00		
Trainee Handyman	1500.00	1300.00	1100.00
Trainee Receptionist	1500.00	1300.00	1100.00
Trainee Technician	2107.09		
Trainee Telephonist	1500.00	1300.00	1100.00
Trainee Barman	1500.00	1300.00	1100.00

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 in lieu of the items of food mentioned in paragraph 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 known as “Mahewu”, or

(b) Appropriately vitamised 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 of Employment began
4. Wage and method of calculation
5. Interval at which wages are paid
6. Normal hours of work
7. Short description of employee’s work
8. Probation period
9. Annual Holiday Entitlement
10. Paid public Holiday
11. Payment during sickness
12. Maternity Leave (if employee female)
13. 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 127 OF 2021

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

THE REGULATION OF WAGES (SECURITY SERVICES INDUSTRY)
ORDER, 2021
(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, 2021.

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

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 (3) months or less service;

“group B” means an employee with more than three (3) months’ service;

“group C” means a patrol supervisor Grade II;

“group D” means a patrol supervisor Grade I.

Basic Minimum Wage

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

(2) Any employee who, at the date of the commencement of this Order is in receipt of a higher wage, or enjoys better conditions of employment than those prescribed by 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) Employees with 4 years or more service with an employer shall be entitled to fifteen (15) working days with full pay;

(3) Twelve days (12) with full pay in compensation for public holidays worked will be added if 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 of an employee is terminated after a period exceeding three (3) months but not amounting to one 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) Every female employee, whether married or unmarried, who has been in 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 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/ legally adopted Child | - | 6 working days with full pay; |
| d. Biological parents | - | 6 working days with full pay; |
| e. Married woman's mother-in-law
or father-in-law | - | 5 working days with full pay. |

(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, an employee shall be entitled to a maximum of fourteen days with full pay and thereafter to a maximum of fourteen days on half pay in each period of one (1) 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) The following shall be public holidays with full pay –

- i. Ascension Day;
- ii. Boxing Day;
- iii. Christmas day;
- iv. Good Friday;
- v. Easter Monday;
- vi. Incwala day;
- vii. King's birthday;

- viii. Somhlolo day;
- ix. Umhlanga day;
- x. National Flag day;
- xi. Workers day;
- xii. New years day and;
- xiii. National Secondary Election's day

Day Off

13. (1) An employee shall be entitled to a minimum of one 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 days off, in each month.

Travelling Expenses

14. (1) An employee who undertakes on duty travelling and remains away from his place of residence shall be paid before the journey all travelling, lodging and meal expenses to be incurred, where the employee is to remain away from the place of work for a period of forty-eight (48) hours or more.

(2) Where an employee is transferred from the employee's place of employment the payment of expenses under-sub regulation (1) shall not apply and the employer shall therefore provide such employee with suitable accommodation or payment in lieu thereof for a period of three months, to allow the employee obtain 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, 1980.

(2) During the lay-off the employer shall not engage any other employee to fill a vacancy created by the lay-off.

(3) The employer shall give a lay-off notice of not less than twenty-four hours to an employee before the lay-off.

Pay Day

16. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980.

Uniforms, Protective Clothing and Equipment

17. (1) The employer of a security guard shall provide such employee free of charge with,

(a) boots (shoes for female security guards) a whistle, a club, torch; and

(b) when 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 four hundred (E400.00) shall be deducted from all employees who receive the same from employers. Deductions will be made on employee wages over a two (2) month period. The security deposit is refundable on return of the employer’s property at the termination of the employment relationship by either party.

Revocation of Legal Notice No. 85 of 2018

18. The Regulation of Wages (Security Services Industry) Order, Legal Notice No. 85 of 2018 is hereby revoked.

FIRST SCHEDULE

(Regulation 4)

Rate per shift

Group A	E71.66
Group B	E92.14
Group C	E94.64
Group D	E112.74
Telephonist	E78.31
Clerk	E112.74
Cash in Transit guard	E101.19
Cash in Transit driver	E112.37

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. 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 128 OF 2021

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

THE REGULATION OF WAGES (SUPPORT EMPLOYEES IN SCHOOLS
AND EDUCATIONAL INSTITUTIONS) ORDER, 2021
(Under Section 11)

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

Citation and Commencement

1. (1) This order may be cited as the Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2021.

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

Application

2. (1) This Order shall apply to all persons 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 Order shall not apply to persons employed by the government.

Interpretation

3. In this Order unless the context otherwise requires -

“Accounts Officer” 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;

“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 Teacher” means an employee who teaches students basic computer skills.

“Cook” means an employee who performs cooking duties in the school or educational institution;

“Driver” means an employee who is in possession of a valid driver’s license employed to drive a 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;

“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;

“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;

“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;

“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 Principal 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;

“Stockman” means an employee who attends or herds livestock and performs tasks associated with the keeping or rearing of livestock;

“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 and the temporary employee is to be remunerated according to the position held temporarily as provided for in the first schedule;

“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;

“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 covered by this Order, subject to subsection (2) below, shall be eight (8) hours per day, from Monday to Friday.

(2) The normal hours of work for a watchman, shall be seventy two (72) hours per week spread over a period of six (6) days.

Overtime Payment

5. (1) An employee other than a watchman who is required to work in excess of the normal hours specified in regulation 4 (1) 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 the hourly rate;

(b) for time worked on a rest day, Sunday or Public Holiday specified in regulation 12, the employee shall be paid at twice the hourly rate.

(2) A watchman who is required to be on duty and work in excess of the hours specified in regulation 4 (2) shall be entitled to be paid for such overtime at the rate of one and half times his normal rate of wages.

(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 covered by this Order except when they are on leave or there has been a mutual agreement not to work between the employees and the school.

Annual Leave

6. (1) On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to annual leave as follows -

(a) for an employee who has worked for less than 12 months, leave shall be one day for each completed month;

(b) for an employee who has worked for 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 public holidays worked if it was not paid in the month such holidays fall.

(3) The holidays 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 months but not amounting to one 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 wage for each completed month of such period.

Sick Leave

7. After three 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, an employee shall be entitled to sick leave of up to a maximum of fourteen 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 female employee, whether married or unmarried, shall be entitled to twelve weeks maternity leave, six (6) weeks of which on full pay upon delivering to her employer -

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

(2) No employee shall be entitled to maternity leave for two consecutive years.

(3) A female 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 hour for a period not exceeding three months. Such nursing break shall not run concurrently with such employee's lunch or break.

Compassionate Leave

9. (1) An employee who 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; and
- (d) Biological child - 7 working days

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

Retirement Age

10. The retirement age shall be sixty (60) years.

Written Particulars of Employment to be provided

11. (1) The employer shall within two calendar months of the date of appointment, give an employee a completed copy of the form at the Second Schedule. The employer shall explicitly state the conditions of the employee's employment, the starting wage, including the probation period.

(2) The probationary period referred to in sub-regulation (1) shall, except in the case of employees engaged on supervisory, technical or confidential work, not extend beyond three months.

Public Holidays

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

- (a) Christmas Day;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Ascension Day;
- (f) King's Birthday;
- (g) Somhlolo day;
- (h) Reed Dance Day;
- (i) National Flag Day;
- (j) Incwala Day;
- (k) Workers Day (1st May);
- (l) July 22; and
- (m) National Secondary Parliamentary Elections day

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

Casual Work

13. An employee employed on casual basis shall be paid for each day or shift worked at a rate not less than the basic minimum wage applicable thereto. An employee who is continuously employed by an employer for a period longer than three months 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 shall remain the property of the employer.

(3) Protective clothing and necessary equipment must be provided to cooks, cleaners, labourers, grounds men and laboratory technicians.

Redundancy / Retrenchment or Voluntary Exit Schemes

15. When an employee has been employed for a period of three years or more and the employee's employment is terminated for reasons of redundancy, the employee will be paid either.

- (a) For purposes of a voluntary exit exercise, a redundancy payment equal to two-thirds of his monthly wage multiplied by four; or
- (b) Severance allowance in terms of section 34 of the Employment Act 1980 or its successor as the case may be.

Transport

16. An employee who by nature of the employment is required on any day 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 home of such employee or such point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Service

17. (1) 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 months of such discharge shall be deemed to be in the continuous service of that employer.

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

Employment Protection

18. An employee who at the commencement of this Order has been enjoying better conditions of employment than those provided in this Order shall not suffer any reduction in such terms by the coming into force of this Order.

Revocation of Legal Notice No. 20 of 2017

19. The Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2017 promulgated under Legal Notice No. 20 of 2017 is revoked.

PART A**FIRST SCHEDULE**

BASIC MINIMUM WAGE

(EMALANGENI PER HOUR)

Accounts Officer	E 22.33
Boarding Master/ Matron	E 22.33
Cleaner	E 6.30
Computer Teacher	E 22.33
Cook	E 7.68
Driver	E 8.04
Extracurricular Activities Coach	E11.24
General Worker	E 7.74
Handyman	E 7.74
Kitchen Matron	E 11.24
Laboratory Technician	E 8.89
Librarian	E 12.00
Receptionist	E 10.96
Stockman	E 7.74
Storeman	E 9.05
Secretary / Clerk	E14.40
Tuck-shop Attendant	E10.96
Watchman	E 4.60

PART B

1. 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 herein, shall be awarded a 5% adjustment to their wages.
2. An Employee performing the employee's duties and those 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, Secretary/ Clerk performing both his/her duties

and that of Accounts Officer where the school has no such employee shall be remunerated at a rate of Accounts Officer.

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 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 SNPF).....
.....
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 or Staff Association is:
.....

LEGAL NOTICE NO. 129 OF 2021

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

THE REGULATION OF WAGES (MANUFACTURE AND SALE OF HANDICRAFT
INDUSTRY) ORDER, 2021
(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 (Manufacture and Sale of Handicraft Industry) Order, 2021.

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

Application

2. This Order shall apply to all persons employed in any undertaking which consists wholly or mainly in the carrying out 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, screen printing, candle-making, moulding and drawing, of goods to be sold as handcraft;
- (b) the sale of handicraft in establishments responsible for or associated with or part of undertakings for the manufacture of goods described in the preceding paragraph(a)
- (c) Provided that 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 labourer” 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/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 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 driving 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 dying 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, smoothes, 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 subordinate staff under the handyman’s 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 portter” means an employee who is skilled in making pots to any specification, and 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;

“potter” 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 the employer’s premises and property and generally, to safeguard 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 placed in the supervisor’s 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, piece workers and casual labourers and subject to the provisions of regulation 6 of this Order shall be -

- (a) for those engaged, other than as watchmen or casual labourers, forty five (45) hours spread over a period of six (6) days a week; and
- (b) for those engaged as security guards or watchmen, sixty (6) hours in five shifts of twelve (12) 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 Sundays or public holiday specified in regulation 8, in excess of those specified in regulation 6(a) payment shall be at a rate which is twice the hourly rate.

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

New Year's Day;

Good Friday;

Easter Monday;

King's Birthday (19th April);

Umhlanga / reed dance day;

Secondary Elections' day;

Incwala Day;

Somhlolo Day;

Christmas Day;

Boxing Day; and

Workers' Day (1st May)

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

Annual Leave

9. (1) An employee shall be entitled to fourteen (14) working days leave on full pay in respect of each year worked, accumulated at a rate of 1.16 days per month of continuous service.

(2) 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 a sum not less than one day's wages for each completed month of such period.

Sick Leave

10. 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 days on half wages in each period of twelve (12) months continuous service.

Maternity leave

11. (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 by 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.
- (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 twenty-two 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

12. (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 | - | 7 Calendar days |
| (c) Biological Child | - | 7 Calendar days |
| (d) Natural 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

13. Where, following upon a change of ownership of an establishment, business or undertaking, an employee enters the service of a new owner without interruption, section 33bis of the Employment Act of 1980 or its successor, shall apply.

Protective Clothing, equipment or appliances

14. 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, 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

15. (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, the employer may, subject to 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 working days or thirty working days as may be applicable, the employer shall either provide work for the employee, or terminate the employees employment subject to 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.

16. An employee engaged on 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's performs.

Revocation of the Regulation of Wages (Manufacture and Sale of Handicrafts) Order, 2018

17. The Regulation of Wages (Manufacture and Sale of Handicrafts) Order, Legal Notice No. 129 of 2018 is hereby revoked.

FIRST SCHEDULE
(Regulation 4)

BASIC MINIMUM WAGE
(Emalangi per week)

General Labourer
Cleaner
Trainee Craftsman
Piece Worker
Washer

E 275.99

Cook

 Casual Labourer

Carder

Bobbin Winder

Spinner

Handyman

Finisher

Melter

E353.05

Engraver Assistant

Machinist Assistant

Semi- skilled Kiln hand

Security Guard

Packer

 Office Clerk

Shop Assistant

Machine Operator

Machinist

E423.69

Weaver

Engraver

Craftsman

Potter

Screenprinter

Silversmith

Dyer

Candle-Maker

Maintenance

 Master Potter

Master Weaver

Master Silversmith

E627.73

Master Screenprinter

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 of 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 130 OF 2021

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

THE REGULATION OF WAGES (MINING AND QUARRYING INDUSTRY)
ORDER, 2021
(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, 2021.

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

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 the 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) ambulances;
- (b) heavy duty vehicles (in excess of five tons capacity);
- (c) power-driven earth moving equipment and primary hoists.

“driver Grade 2” means drivers of-

- (a) light duty vehicles other than ambulances;
- (b) secondary hoists;
- (c) rocker arm loaders;

- (d) tractor; and
- (e) locomotives.

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

“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 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 (45) 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 (1) hour in order to reduce the hours of the employee’s last shift for the employee’s own convenience without the entitlement to overtime.

(4) Subject to regulation 10 (1) 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 10.

Work Stoppage

6. (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 seventy two (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 unfavourable conditions than those pertaining to his original or normal form;
 - (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.

Security of wages and conditions of employment.

7. (1) The rates of payment 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

8. 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

9. The basic minimum wage for the various categories set out in regulation 8 shall be in respect of a 45 hour week except in the case of a Security Guard, where the shift shall be twelve (12) hours and as set out in the table hereunder

Rates per hour

A1	A2	B1	B2	B3	C1	C2
E9.41	E10.46	E10.85	E11.96	E13.62	E15.66	E17.34

Overtime.

10. Overtime shall be paid to daily rated workers at the following rate-

- (a) for time worked in excess of fifteen (15) 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 Sunday is not a working day, or on an employee's rest day where Sunday is a normal working day, or on a holiday specified in regulation 11, at double the basic hourly rate of the employee.

Public Holidays.

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

- (a) Christmas Day;
- (b) Boxing Day;
- (c) New Year's Day;
- (d) Workers' Day;
- (e) Good Friday;
- (f) Easter Monday;
- (g) Ascension Day;
- (h) King's Birthday;
- (i) National Holiday (22 July);
- (j) Somhlolo Day;
- (k) National Flag Day;
- (l) Reed Dance Day (Umhlanga);
- (m) Incwala Day; and
- (n) National Secondary Elections' Day.

Annual Leave.

12. On completion of each period of twelve (12) months' continuous service with an employer, an employee shall be entitled to paid annual leave of not less than eighteen (18) working days excluding the public holidays, sick leave and the employee's rest day.

Sick Leave.

13. An employee who, after three (3) months' continuous service with an employer becomes ill through no fault of the own and becomes incapable of performing the duties, shall have fourteen (14) days sick leave on full pay and thereafter fourteen (14) days on half pay, on production of a certificate issued by a Medical Practitioner as defined in the Medical and Dental Practitioner's Act, 1970.

Maternity Leave.

14. (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 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, to return to the employee's home or normal place of residence at the end of his day's work, the 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 the employer's employees, shall add to the basic wage of the 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 an 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 the employee's wages for the current month to an amount not exceeding 40% of the employees monthly wages, if

- (a) there are funds standing to the credit of the employee to meet the amount of the required advance; and
- (b) the employee's 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.

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

(2) 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. 48 of 2018

20. The Regulation of Wages (Mining and Quarrying Industry) Order, Legal Notice No. 48 of 2018 is hereby revoked.

FIRST SCHEDULE
(Under Regulation 8)

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 S.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 E15.00; 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 E250.00; alternatively the employer shall provide the employee with decent housing in the manner and with the amenities required by the Employment Regulations of 1981.

FORTH SCHEDULE (Under Regulation 9)

Rates per hour

A1	A2	B1	B2	B3	C1	C2
E9.41	E10.46	E10.85	E11.96	E13.62	E15.66	E17.34

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 131 OF 2021

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

REGULATION OF WAGES (TEXTILE AND APPAREL INDUSTRY)
ORDER, 2021
(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 (Textile and Apparel Industry) Order, 2021.

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

Application

2. 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

3. 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 the handyman’s 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 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 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 6 months. The probation period of 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 months but less than 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 employees 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:

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 -

(1) an employee who, at the date of commencement of this Order, is in receipt of a high 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 the basic wage; and

- b) providing free transport to an employee who works from 6:00a.m to 5:30p.m or free accommodation.

Statement of condition of Employment

5. (1) The employer shall provide an employee with a written statement at the commencement of 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.

(2) The learning period referred to in sub-regulation (1) shall be –

- (i) six months in the case of the weaving industry, textile and apparel industry, printing industry; and
- (ii) three months in the case of other occupations.

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

Hours of work

6. (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 5 days in a week, from Monday to Friday.

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

Overtime

7. (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 on a weekday, payment shall be at one and half times the basic hourly wage; and
- b) for time worked on a Sunday, payment shall be twice the hourly rate; and
- c) 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 a 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 the casual employee's daily wage by eight hours.

Public Holiday

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

- (a) Incwala day;
- (b) Good Friday;
- (c) Easter Monday;
- (d) Christmas Day;
- (e) Boxing Day;
- (f) Umhlanga (Reed Dance) Day;
- (g) Somhlolo Day;
- (h) King's Birthday;
- (i) New Year's Day;
- (j) May Day / Labour Day;
- (k) Ascension Day; and
- (l) National Secondary Parliamentary election's day.

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

Annual Holiday

9. (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 (21) calendar days' annual leave with full pay after each period of twelve (12) months continuous employment with an employer.

Sick Leave

10. (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 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 where 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

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

- | | | |
|--------------------|---|----------------|
| a. Widow | - | 30 days |
| b. Widower | - | 7 working days |
| c. Child | - | 7 working days |
| d. Natural Parents | - | 7 working days |

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

Maternity Leave

12. (1) Every female employee, whether married or unmarried, who has completed probation shall be entitled to maternity leave of up to twelve (12) weeks (84 calendar days), with at least two 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) months from the last maternity leave.

(3) A female employee shall be entitled to one 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

13. 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, the employee's 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

14. (1) If an employer finds it necessary for reasons beyond the employer's control to employ an employee on short time, the employer may do so subject to the Commissioner of Labour consenting in writing to such an arrangement, having been 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 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 the employee's normal weekly hours of work during any week that the employee has been placed on short time.

Piece Work

15. 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

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

Lay-Off

17. (1) By reasons or circumstances beyond the employer's control an employer may lay off employees for up to fourteen 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 being 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.

(4) 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

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

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

Protective Clothing

19. An employer shall provide, free of charge, adequate an appropriate personal protective appliances, 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 of the Regulation of Wages (Textile & Apparel Industry) Order Notice, 2018

20. The Regulation of Wages (Textile and Apparel Industry) Order, 2018 promulgated under Legal Notice No. 51 of 2018 is hereby revoked.

FIRST SCHEDULE
BASIC MINIMUM WAGE
 (Emalangeneni per week)
Category 1**Rate: E 331.71**

Casual Labourer
 Learner
 Learner Mechanic A
 Learner Sewing Machinist A

Category 2**Rate: E 443.64**

Cleaner
 Learner Mechanic B
 Fusers
 Labourer
 Hand Trimmer
 Inline Examiner
 Layer-up
 Packer
 Inline Presser
 Sorter
 Screen printer
 Washer
 Soberer
 Learner Sewing Machinist B

Category 3**Rate: E488.90**

Blaster
 Factory / Dispatch Clerk
 Final Presser
 Quality Checker
 Re-Cutter
 Sewing Machinist
 Boiler assistant

Category 4 **Rate: E550.21**

Cutter
Driver
Mechanic 2
Office/Computer Clerk

Category 5 **Rate: E602.17**

Quality Auditor

Category 6 **Rate: E686.06**

Handyman
Planer
Boiler operator

Category 7 **Rate: E 710.07**

Mechanic 1

***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 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 and which wages are paid
7. Short description of employees' work

- 8. Probation Period
- 9. Annual Leave Entitlement
- 10. Paid Public Holiday
- 11. Payment during sickness
- 13. Notice employee entitled to receive
- 14. Notice employer required to give
- 15. Pension Scheme (if any, other than 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

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

Signed Employer

..... Employee

..... Witness

..... Date

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 132 OF 2021

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

THE REGULATION OF WAGES (BUILDING AND CONSTRUCTION)
INDUSTRY ORDER, 2021
(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. This Order may be cited as the Regulation of Wages (Building and Construction Industry) Order 2021.
2. This Order shall come into force on the date of publication in the gazette.

Interpretation

3. 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;

“crane driver (without certificate)” means an employee who operates a self propelled crane but does not have a 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;

“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;

“induna” 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;

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

“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;

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

“typist” means an employee mainly engaged in typing, checking figures and filing, and who is capable of typing a minimum of thirty (30) words per minute;

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

Application

4. (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;

(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

5. (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

6. (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 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 with no break of thirty minutes.

Public holidays

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

(a) Ascension day;

(b) Independence (Somhlolo) day;

(c) Good Friday;

(d) Christmas day;

(e) Umhlanga (Reed Dance) day;

(f) King's birthday;

(g) Incwala day;

(h) Easter Monday;

- (i) May/Worker's day;
- (j) National Secondary Elections' day;
- (k) National Flag day;
- (l) New Year's day: and
- (m) Public holiday (22nd July)

(2) Where a public holiday, specified in sub regulation (1) falls on a Sunday, the following day shall be deemed to be a public holiday.

Payment of overtime

8. (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 the normal hourly rate of wages;
- (c) for any time worked on Saturday before 1.00 pm at one and half times the normal hourly rate of wages;
- (d) for anytime worked on a public holiday specified in regulation 6 (1), Sunday or after 1.00 pm on Saturday at twice the 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 specified in regulation 6 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

9. (1) On completion of three 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 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

10. (1) After three 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 if a Medical Practitioner is not available.

Maternity Leave

11. (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 twelve weeks' maternity leave, so arranged that she gets six weeks before the date of confinement and six 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;
- (b) a certificate issued by a medical practitioner or a midwife setting forth the date of her confinement; or
- (c) 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

12. 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

13. (1) Every employer shall-

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

- (b) give each employee taken into the employer's 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

14. (1) Where an employee is temporarily employed at a place which is separated from the employee's normal place of work by a distance of more than five kilometers by road the 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 the normal place of employment for longer than twelve hours, and who returns to the 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;
- (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 the 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 the employee from returning to the employer's 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

15. (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

16. (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 one and one half 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 hours wages.

Protective clothing

17. (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 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 the watchman with a hat, overcoat and rain coat.

(3) 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 the employee's feet shall be provided by the employer, without charge with a pair of gumboots or safety shoes.

(4) 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.

(5) 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.

(6) 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.

(7) 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 or non-protective clothing

18. (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

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

Revocation of Legal Notice No. 161 of 2018

20. The Regulation of Wages (Building and Construction Industry) Order, 2018 promulgated under Legal Notice No. 161 of 2018 is hereby revoked.

FIRST SCHEDULE

(Regulation 4)

BASIC MINIMUM WAGE

(Emalangeni per hour)

Artisan Grade III	E9.60
Artisan Grade II.....	E13.57
Artisan Grade I	E20.27
Clerk (without a certificate).....	E9.31
Clerk (with a certificate).....	E9.60
Cook.....	E9.48
Crane driver (mobile without a certificate).....	E17.93
Crane driver (mobile with a certificate).....	E19.67

Crane driver (tower without a certificate).....	E16.57
Crane driver (tower with a certificate).....	E18.31
Driver (light duty).....	E10.13
Driver (heavy duty).....	E12.53
Driver (heavy duty with high up crane).....	E14.17
Driver (extra heavy).....	E13.62
Earthmover operator.....	E19.18
Grass cutter.....	E 9.60
General Labourer.....	E 9.31
General Trademan.....	E 9.60
Induna.....	E10.24
Reinforcement fixer.....	E 9.60
Small Plant operator.....	E10.24
Storeman.....	E 9.70
Survey and soil assistant.....	E 9.60
Structure steel erector.....	E14.86
Scaffolding erector.....	E 9.60
Safety & Health officer.....	E10.24
Tractor driver.....	E10.13
Tea maker/ cleaner.....	E 9.31
Typist.....	E 8.80
Watchman.....	E81.69 per shift
Watchman supervisor.....	E84.03 per shift

SECOND SCHEDULE

(Written Particulars of Employment Form)
(Regulation 12)

- 1. Name of Employer
- 2. Name of Employee
- 3. Date of Employment began
- 4. Wage and method of calculation
- 5. Interval at which wages are paid
- 6. Normal hours of work
- 7. Short description of employee's work.....
- 8. Probation Period
- 9. Annual Holiday Entitlement
- 10. Paid Public Holiday
- 11. Payment during sickness
- 12. Maternity Leave (if employee female)
- 13. 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 SNPF)
- 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.

S101

.....
Employer's Signature

.....
Witness

.....
Employee's Signature

.....
Witness

.....
Date

.....
Date

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 133 OF 2021

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

THE REGULATION OF WAGES (MEDIA INDUSTRY) ORDER,
2021
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Media Industry) Order, 2021.
(2) This Order shall come into force on the date of publication.

Application

2. This Order 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 Order 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 Order, 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/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 and may 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 and 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 and 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 his innovation to creatively design advertisements and or 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;

“insertor” 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. He can 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 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;

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 employment of the employer a completed copy of the form at the Second Schedule;
- (b) give each employee taken into the employment of the employer after the appointed day, a completed copy of the form at the Second Schedule within six 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 days;

(2) the normal working hours for security officers shall consist of not more twelve 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 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 the employee's hourly rate:
- (b) for time worked on a rest day, or public holiday specified in regulation 9, the employee shall be paid twice the 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 his 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 the nature of the employment is required on any day to remain on duty after 7.00pm or is required to start work before 6.30 am shall be provided, free of charge, with transport between the place of work and his 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) The following shall be public holidays with full pay:-

- (a) Easter Monday;
- (b) Good Friday;
- (c) Incwala Day;
- (d) King's Birthday;
- (e) Umhlanga (Reed Dance) Day;

- (f) Somhlolo Day;
- (g) Christmas Day;
- (h) Boxing Day;
- (i) New Year's Day;
- (j) May Day; and
- (k) National Secondary Elections Day.

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

(3) This Regulation shall only apply where the employee available 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.

(4) Where an agreement has been reached between an employer and any of his employees any of the public holidays specified in this Regulation may be exchanged for any 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 (12) 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 days on half wages in each period of twelve months' continuous service.

Compassionate Leave

12. (1) An employee who has completed probation, 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 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. 177 of 2016.

14. The Regulation of Wages (Media Industry) Order, 2016 promulgated under Legal Notice No. 177 of 2020 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM MONTHLY WAGE (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.

	Group A	Group B	Group C	Group D
	E2394.20	E2303.20	E2214.60	E2129.40
Driver				
General Labourer				
Cleaner				
Security Officer				
Factory Machine Cleaner				
Insertor				
Printer				
	E2738.40	E2648.55	E2546.65	E2448.80
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				
	E3167.70	E3045.90	E2928.75	E2816.10
Webmaster				
Darkroom Operater				
Graphic Designer				
Lay-out Artist				
Librarian				
	E3642.80	E3502.80	E3368.00	E3238.40
Journalist/Reporter				
Photo Journalist				
Presenter				
Continuity Presenter				
Camerman				
Soundman				
Junior/Assistant Technician				
Production Assistant				
Programme host				

E4189.30 E4028.20 E3873.30 E3724.30

Technician
Marketing Officer
Sub Editor
Proof Reader

SECOND SCHEDULE
(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 S.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 Employee

..... Employer

..... Witness

..... Date

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 134 OF 2021

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

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE
AND DISTRIBUTIVE TRADES INDUSTRY) ORDER, 2021
(Under Section 11)

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

Citation.

1. This Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades Industry) Order, 2021 and shall be deemed to have come into force on date of publication.

Application.

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

Interpretation.

3. In this Order unless the context otherwise requires; “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 months 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 parlour and or hairdressing services;

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

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

“cashier” means a person responsible for receiving, issuing and checking money in relation to 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 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 (11/2) tons whose duties include the handling of cargo and daily maintenance and cleaning of such vehicle;

“driver (light vehicle)” means a person who is employed to drive a motor vehicle with a weight of one and a half (11/2) tons or less, whose duties include handling of cargo to and from the tailboard and the daily maintenance and cleaning of such vehicle;

“general labourer (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;

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

“hairdresser” means a person who is qualified and for purposes hereof perform work in scalp treatment, hair texturing, hair relaxing, braiding, perm, blow outs and other forms of hairstyling;

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

“junior merchandiser or promoter” means a person employed by a merchandising company to: work in a place where goods are exhibited for sale to the public, transact business, display goods, make orders, check incoming goods and who has not acquired two (2) years’ experience working as such.;

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

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

“lorryman” means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise and assist in their loading and unloading and whose duties may also include those of a general labourer;

“merchandiser” means a person employed by a merchandising company to work in a place, where goods are exhibited for promotion or sale to the public, who transacts business with customers and displays goods, including the making up of orders and checking incoming goods and who has acquired two (2) years experience in such activities;

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

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

“pre-packer” means an employee wholly or mainly engaged in the pre-packing of goods from bulk to small quantities, for display or for sale to the public;

“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 two years experience in such work;

“telephone/switchboard operator” means a person whose duties consist wholly or mainly in the operation of a telephone switchboard;

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

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

Basic Minimum Wage.

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

- (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 which may be provided by the employer.

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

Hours of work.

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

(2) The normal hours of work for a petrol pump attendant shall, subject to the provisions of regulation 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 in excess of the hours specified in regulation 5 shall be paid at one and half times the basic hourly rate.

Provided that overtime worked on Sundays or public Holidays or after 1.00 p.m. on 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 in excess of the normal hours of work (other than on a public holiday) at one and half times the employee's basic hourly rate;
- (b) for all time worked on a public holiday at twice the employee's basic hourly rate.

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

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

Annual Leave.

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

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

(3) On completion of eight years' 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 as provided for in sub-regulation (1) an employee shall be entitled to one day's pay for each completed month of service following his initial engagement or following his return from leave as the case may be.

Sick leave.

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

Maternity Leave

9. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave 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 24 months from the last maternity leave.

Written Particulars to be provided

10. Subject to section 22 (2) of the Employment Act, No. 5 of 1980, (as amended) an employer shall on engagement of an employee, give such employee a completed copy of the form in the Second Schedule of this Order.

Public Holidays

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

- (a) Christmas Day;
- (b) Boxing Day;
- (c) New Year's Day;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Ascension Day;
- (g) King's Birthday;
- (h) Somhlolo Day;
- (i) Umhlanga (Reed Dance) Day;
- (j) Flag Day;

- (k) Incwala Day;
- (l) National Holiday (22July);
- (m) Workers' Day; and
- (n) National Secondary election's day

(2) Where a public holiday falls on a Sunday, the following day shall be deemed to 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 - 30 working days with full pay;
- (b) Widower - 7 working days with full pay;
- (c) Biological parent - 4 working days with full pay; and
- (d) Biological child - 5 working days with full pay

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

Retirement Age

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

Casual Work

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

Watchman's Clothing and Equipment.

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

(2) Any clothing or equipment referred to in sub-regulation (1) shall be of a reasonable quality

Redundancy

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

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

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

Piece or task work

17. An employee engaged on task or piece work shall be entitled to wages and conditions of employment not less than those specified in this Order. Provided that where the employee has performed work that would entitle him to a wage that is higher than the rates stated in the schedule hereto, the employee shall be paid according to the amount of work he has performed.

Transport

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

Continuous Employment / Service

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

Revocation of Legal Notice No. 33 of 2018

21. The Regulation of Wages (Retail, Hairdressing, wholesale and Distributive Trades Industry) Order, Legal Notice No. 33 of 2018 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 Shopping Complex, Ngonini Shopping Complex, Ebuheni Shopping Complex, Lavumisa, Mankayane, Lomahasha Shopping Complex , Ludzeludze , Mhlaheni and Hlatikulu.

	A Urban Areas	B All other areas
General Labourer	E1654.24	E1443.70
General Labourer (Salon)	E1654.24	E1443.70
Lorry man	E1654.24	E1443.70
Watchman	E1654.24	E1443.70
Messenger	E1654.24	E1443.70
Deliveryman	E1654.24	E1443.70
Heavy duty labourer	E1703.59	E1545.37
Pre-Packer	E1654.24	E1443.70
Commercial cleaner	E1705.10	E1443.74
Junior clerk	E1614.28	E1482.73
Senior clerk	E1703.59	E1473.01
Junior shop assistant	E1654.24	E1443.70
Junior merchandiser	E1654.24	E1443.70
Switchboard operator	E1654.24	E1443.70
Copy typist	E1654.24	E1443.70
Driver (Light vehicle)	E1727.46	E1443.70
Petrol pump attendant	E1727.46	E1443.69
Driver (Heavy duty)	E1822.82	E1489.43
Shop assistant	E1822.82	E1489.43
Merchandiser or promoter	E1822.82	E1489.43
Blockman	E2035.26	E1733.18
Trainee cashier	E1654.61	E1544.83
Cashier	E2077.92	E1640.95
Beautician	E2110.10	E1640.95
Cashier (saloon)	E 1809.22	E1174.93

S119

Hairdresser	E1657.15	E1171.21
Assistant Hairdresser	E1356.91	E914.76
Hair braider	E1356.91	E914.76
Baker	E1824.01	E1545.59
Assistant Baker	E1654.24	E1443.69
Hyster / forklift driver	E1822.93	E1545.59
Handyman	E1703.70	E1443.69
Barber man	E1237.90	E804.60

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. 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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 135 OF 2021

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

THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER, NOTICE, 2021
(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 (Forestry and Forest Industry) Order, 2021.

(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 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;

“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/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 jack hammer 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;

“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 Order 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 Order applies shall be calculated at a rate not less than that specified in the First Schedule.

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

- (a) hourly rate, divide basic minimum wage by weekly hours;
- (b) daily rate, divide basic minimum wage by days to be worked in a week;
- (c) weekly rate, divide monthly wage by four and one third; and
- (d) monthly rate, multiply weekly wage by four and one third.

(3) A young person who is employed as a general worker shall receive not less than the rate of pay applicable to other general workers.

(4) Any employee who is paid his wage through the bank shall receive cash payment in lieu of transport and bank charges equivalent to an amount not less than forty Emalangi (E40.00) 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 thirty-five Emalangeni E35 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.

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 (72) 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 rest day in each seven (7) day period.

(5) In case of a forest monitor, the normal week shall consist of forty-eight hours spread over six 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 day, he shall be paid at one and half times his hourly or task rate;

(b) for time worked on a rest day, Sunday or public holiday specified in Regulation 15, he shall be paid at twice his hourly rate or task work rate.

(2) Any employee on shift work, or a Security Guard who is required to work on a rest day or on a public holiday specified in Regulation 15, 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 his normal place of residence shall be paid an allowance equal to a day's wage for each seven (7) day standby period.

Annual Leave

9. (1) On completion of each period of twelve months continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six (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 the employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of its commencement, 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.

Sick Leave

10. (1) After three 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, an employee shall be eligible, in each year of employment, for a maximum of fourteen 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) if a medical practitioner is not available.
- (b) An employee on sick leave shall be entitled to rations and other allowances as the case maybe;

(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 - 7 working days

- | | | |
|--|---|----------------|
| (d) Biological Father | - | 7 working days |
| (e) Biological and legally adopted Child | - | 7 working days |
| (f) Father/mother in law | - | 5 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 of their employer for twelve (12) months or more shall be entitled to twelve (12) weeks' maternity leave, so arranged that that employee gets six (6) weeks before the date of confinement and six (6) weeks after confinement upon delivering to her employer: -

- (a) A certificate issued by a medical practitioner or a midwife setting out the expected or actual date of the employees 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) The following shall be public holidays with full pay: -

- (a) New Years' Day;
- (b) Good Friday;
- (c) Easter Monday;
- (d) King's Birthday;

- (e) Ascension Day
- (f) Incwala Day;
- (g) Somhlolo Day
- (h) Christmas Day;
- (i) Boxing Day;
- (j) Workers' Day;
- (k) National Secondary Parliamentary Election's day; and
- (l) Umhlanga/ Reed dance day

(2) Where any such day falls on a Sunday the following Monday shall be deemed to be 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 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 him in good condition on resignation.

Short Time

17. (1) Where an employer finds it necessary for reasons beyond the control to employ an employee on short time, the employer 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 employed for periods which in aggregate, are equivalent to or less than fifty percent of the 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 the employee 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 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 the employees at their place of work;
- (b) sufficient and suitable sanitary conveniences are available for the 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 the 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 every first aid box and the name of the person in charge of it shall be prominently displayed.

(3) Every employer shall at his own expense provide for the employees and members of their families living with them on the 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 his employees or any of their dependants living on the employer's property, is suffering from any serious injury or ailment he shall take all reasonable measures to obtain skilled medical aid for such 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, the employer shall transport the said person as soon as reasonably practicable to the nearest hospital where such skilled medical attention is available.

(5) Any 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 thereof 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 of The Regulation of Wages (Forestry and Forest Industry) Order, Notice 2018

21. The Regulation of Wages (Forestry and Forest industry) Order, 2018 promulgated under Legal Notice No. 10 of 2018 is hereby revoked.

FIRST SCHEDULE

(Regulation 4)

BASIC MINIMUM WAGE

(Emalangenzi per week)

Grade A1

Cleaner	
General Labourer	E265.90
Loader	

Grade A2

Artisan Assistant	E269.75
Fire tower Watchman	
Firewatchers/ Forest Monitors	
Forest Guard	

Forklift Driver
Tally Clerk
Cook

Grade B1

Chainsaw Operator	E274.60
Clerk	
Driver (L.D.V)	
Excavator Operator	
Induna (Nursery)	
Jackhammer Operator	
Loading/ Loader Operator	
Machine Operator	
Security guard	
Switchboard Operator	
Tractor Driver	

Grade B2

Cross-cut Saw Operator	E293.50
Driver (H.D.V)	
Induna (Forest)	
Saw Sharpener	
Skidder Operator	
Timber Grader	
Workshop Assistant	

GradeB3

Blaster	E351.50
Bulldozer Operator	
Driver (Logging)	
Driver Instructor	
Grader Operator	
Telephone Linesman	
Saw doctor	

Artisan Grade III	E575.87
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Artisan Grade II	E1025.92
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Artisan Grade III	E1504.73
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SECOND SCHEDULE
(Regulation 5)

MINIMUM MONTHLY RATIONS SCALE

1. Mealie Meal.....	25kg
Meat.....	5.5kg
Sugar.....	5kg
Dry Beans, Peas or Groundnuts.....	3kg
Peanut Butter.....	1 kg
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 Swazi 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

When any heading is inapplicable enter Nil

.....

Signed Employer
..... Employee
..... Witness
..... Date

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 136 OF 2021

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

THE REGULATION OF WAGES (MOTOR ENGINEERING TRADES) ORDER, 2021
(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 (Motor Engineering Trades) Order, 2021.

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

Application

2. (1) This Order shall apply to all persons specified in the First Schedule who are employed in any undertaking or part of an undertaking carrying one or more of the following activities for gain-

- a) the retail, supply of motor vehicles, fuel and oil;
- b) the retail, supply of agricultural or mobile construction plant;
- c) the repair, servicing and assembly of such vehicles, machinery or plant on behalf of other persons or undertaking;
- d) the winding of motors and transformers; and
- e) the repair, fitting, rethreading and sale of tyres.

Interpretation

3. In this Order, 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 their task and has not acquired 3 years’ experience in such activities;

“assistant battery man” means an employee with less than six months’ experience who assists a battery man in performing their task;

“assistant greaseman” means an employee with less than six months’ experience who assists greaseman in performing their task;

“assistant tyreman” means an employee with less than six months’ experience who assists a tyreman in performing their task;

“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 and who is engaged in general clerical duties and also supervises both the clerk and junior clerk;

“continuous employment” has the same meaning as defined in section 2 of the Employment Act, 1980 (as amended) or its successor as the case may be;

“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;

“general worker” means an employee who is employed to carry out non-specific tasks including but not limited to being a sweeper, cleaner or spanner man;

“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 of cargo, daily maintenance and cleaning of such vehicle;

“grease man” means an employee who lubricates vehicles including operating the necessary equipment when lubricating such vehicles;

“petrol pump attendant” means an employee wholly or mainly employed to fill up petrol/diesel and 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/ goods. The employee also assists customers in providing the necessary services and can also travel around a particular area selling the company’s goods;

“semi-skilled worker” means a person who is employed to perform duties other than sweeping and cleaning;

“storemen” means an employee who is responsible for taking care of goods that are stored in the storeroom;

“switchboard/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 months;

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

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 and food supplied.

(2) An employee who, at the date of the 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.

Hours of work

5. (1) Subject to sub-Regulation (2) and (3), the normal weekly hours of work for an employee other than a watchman and a petrol pump attendant shall not be more than forty-five (45) hours exclusive of one-hour meal breaks per day, spread over five and a half days.

(2) The normal weekly hours of work for a watchman shall be seventy-two (72) hours spread over six (6) shifts, each of twelve (12) hours.

(3) The normal hours of work for a petrol pump attendant shall subject to the provisions of Regulation 6 be forty-eight (48) hours spread over a period of six 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 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 times the employee’s basic hourly rate.
- (b) after 1.00 p.m. Saturdays, rest day or public holidays specified in Regulation 8 at twice the employee’s basic hourly rate.

(2) An employee shall not be compelled to work overtime unless it is understood by both parties that such overtime is necessary.

Annual Leave

7. (1) On completion of twelve months of continuous service with an employer, an employee shall be entitled to annual leave of up to Fourteen (14) working days on full pay.

(2) An employee who has completed five (5) years’ continuous service with an employer shall be granted seventeen (17) working days’ annual leave or twenty two (22) calendar days, on full pay.

(3) Where the employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of its commencement, 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 the employee a sum equal to not less than one day’s wage for each completed month of such period.

Public Holidays

8. (1) The following shall be Public Holidays with full pay-
- (a) Christmas Day;
 - (b) Boxing Day;
 - (c) New Year's Day;
 - (d) Good Friday;
 - (e) Easter Monday;
 - (f) Ascension Day;
 - (g) King's Birthday;
 - (h) Somhlolo/ Independence Day;
 - (i) Umhlanga (Reed Dance) Day;
 - (j) Incwala Day;
 - (k) Worker's Day; and
 - (l) National Secondary Parliamentary election's day

(2) Any such day that falls on a Sunday the following Monday shall be observed as a Public Holiday.

Retirement Age

9. An employee may retire at the age of sixty (60) years.

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 in the Medical and Dental Practitioner Act No. 3 of 1970, an employee shall be entitled to sick leave 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 (1) year.

(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 and qualifications or official address of the Nurse issuing it.

Maternity Leave

11. (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, only at least three (3) weeks 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.

(2) Notwithstanding sub-Regulation (1), a female employee entitled to maternity leave shall be so entitled at least once after the lapse of twenty four (24) months from the last maternity leave

(3) Every female employee shall be entitled to a one (1) hour nursing break with pay per day for a period of three (3) months after maternity leave.

Compassionate Leave

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

- (a) Widow - 30 working days, only 7 working days on full pay;
- (b) Widower - 7 working days, only 3 working days on full pay;
- (c) Child - 7 working days, only 3 working days on full pay; and
- (d) Natural parents - 7 working days, only 3 working days on full pay

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

Written Particulars of Employment

13. (1) Every employer shall-

- (a) within two calendar months from the date of engagement, give each employee in the employment a completed copy of the forms at the Second Schedule; and
- (b) give each employee taken into his employment, a completed copy of the Form at the Second Schedule within six weeks of the beginning of that employment.

Continuous Service

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

Protective Clothing

15. (1) Subject to sub-regulation (2), an employer shall on annual basis, supply free of charge and without payment of any deposit to the employee, the following items:

- (a) in the case of employees who are normally exposed in their employment to inclement weather, 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, the employer shall provide adequate and appropriate personal protective appliances, equipment and clothing.

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

(2) Any clothing supplied to an employee in terms of this regulation shall remain the property of the employer and shall subject to fair wear and tear, be returned to 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 who requests to undergo a trade test at the Directorate of Industrial & Vocational Training or any recognised training institution to enable him to undergo the test.

(2) An employee who was undergoing a trade test shall on return furnish the employer with the results of his examination.

Subsistence allowance

17. (1) An employee who is away from his normal place of work shall be paid the following subsistence allowance:

- (a) fifty emalangeni a day (E50.00) where the employer provides suitable accommodation and food;
- (b) eighty emalangeni a day (E80.00) where the employer does not provide food but provides suitable accommodation or where the accommodation is available on the vehicle being driven;
- (c) one hundred and ten emalangeni a day (E110.00) where 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 emalangeni (E40.00) per night.

Revocation of the Regulation of Wages (Motor Engineering Trades) Order, 2018

18. The Regulation of Wages (Motor Engineering Trade) Order, 2018 promulgated under Legal Notice No. 12 of 2018 is hereby revoked.

FIRST SCHEDULE
(Regulation 4)

BASIC MINIMUM WAGE
(Emalangenzi per hour)

Occupation	Rate
Office Attendant	13.90
Casual Labourer	13.90
General Worker	13.90
Semi-skilled Labourer	15.90
Light duty driver	15.90
Heavy duty driver	16.60
Driver operator	18.80
Grease man	18.80
Assistant Grease man	15.90
Battery man	15.90
Assistant Battery man	13.90
Tyreman	21.00
Assistant Tyreman	13.90
Clerk	15.90
Junior Clerk	15.30
Senior Clerk	16.40
Trainee (Switchboard Operator)	13.90
Switchboard/telephone operator	15.30
Storemen	15.90
Sales Representative	15.90
Artisan Assistant	15.30
Artisan (Trade Tested) Grade III	18.40
Artisan (Trade Tested) Grade II	21.60
Artisan (Trade Tested) Grade I	37.20

*****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 S.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

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 137 OF 2021

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

THE REGULATION OF WAGES (DOMESTIC EMPLOYEES) ORDER, 2021
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Domestic Employees) Order, 2021.

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

Interpretation

2. In this Order shall come into force on the date of publication.

“casual employee” means any 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;

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

“cook” means a person who is capable of, and is mainly engaged in, preparing and cooking meals suitable to the dietary and other requirements of the household in which the cook is employed and who may be required to assist in other household duties;

“domestic employee” means any person employed in or about any private household or part thereof in the capacity of cook, house attendant, waiter, butler, children’s nurse, valet, groom, gardener, herdsman, laundress, or watchman;

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

“herdsman” means a person who looks after domestic animals such as goats, cattle, donkeys etc. 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 a person who carries out domestic duties including the preparation of food, washing of dishes, cleaning rooms, dusting and polishing furniture, washing windows, washing clothes and textiles by hand and ironing them, making beds etc;

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

“night work” means a period between 18:00 and before 06:00 the next day worked only if agreed to in writing and must be compensated by an allowance; and if the domestic 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 any week and whose wages are wages calculated at a rate similar to the hourly scale of a full time employee;

“public holiday” means a public holiday mentioned in regulation 10 (1);

“standby” means any period between 20:00 and 06:00 the next day when a domestic worker is required to be at the workplace and is permitted to rest or sleep but must be available where necessary may only be done where it is agreed in writing and not more than five times per month and must be compensated by the payment of an allowance of at least 25% of daily rate;

“watchman” means a person who is responsible for the safeguard of his employer’s property against fire, theft and illegal entry and may carries out such other duties as are similar to these responsibilities, as required by his employer.

Application

3. This Order shall apply to all persons employed as domestic employees may be specified in the First Schedule.

Basic Minimum Wage

4. (1) 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.

(2) The daily and hourly rates specified in the First Schedule shall be the basic minimum wage applicable to part time and casual employees only.

Written particulars of employment to be provided

5. An employer shall within two (2) calendar months of the appointed day of employment, give the employee in the employment a completed copy of the form on the Second Schedule

Hours of Work

6. (1) The normal working week shall consist of forty-eight (48) hours, exclusive of meal breaks, spread over six (6) days. Consider each comprising eight (8) hours or as may be agreed between the employer and the employee.

(2) A signing-on sheet shall be included, which shall specify the period the employee has been at the disposal of the employer. In this regard, the employer shall prepare and co-sign with the employer the attendance register attached in the Third Schedule.

Overtime

7. (1) An employee required to be on duty and work in excess of the hours specified in regulation 6 shall be paid at one and half times the basic hourly rate.

(2) Provided that overtime worked on public holidays or a rest day shall be paid at twice the employee's basic hourly rate.

Annual Leave

8. (1) On completion of twelve (12) months continuous service with an employer, an employee shall be entitled to annual leave of not less than thirteen (13) working days with full pay and which may be taken at a time convenient to both parties.

(2) Any employee whose services are terminated after three (3) month's service shall be paid at the time of termination pro rata cash payment in respect of leave earned but not taken and such pro rata cash payment shall be equal to not less than one (1) day's wage for each month during which leave had been earned but not taken.

Sick Leave

9. (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, registered 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 wages and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months continuous service.

(2) Notwithstanding sub-regulation (1), an employee shall not be entitled to the benefits provided for under sub-regulation (1) if the sickness or accident causing the absence of that employee was as a result of negligence of that employee or misconduct.

Paid Public Holidays

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

- (a) Ascension day;
- (b) Easter Monday;
- (c) Good Friday;
- (d) Incwala Day;
- (e) King's Birthday;
- (f) Umhlanga (Reed Dance) Day;
- (g) Somhlolo Independence Day;
- (h) Christmas Day;
- (i) Boxing Day;

- (j) New Year's Day;
- (k) National Flag Day;
- (l) May Day; and
- (m) National Secondary Elections.

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

Transport arrangement

11. Where an employer does not provide accommodation for an employee (including casual employee) and such employee is required to start work on or before 7.00am and remain on duty after 5.30pm, the employer shall either-

- (a) Provide transport between the place of work and such other place not exceeding sixteen (16) kilometres and accessible by road, as may be agreed by the employer and employee concerned, or;
- (b) Pay to the employee in addition to wages, an amount equivalent to the cost of public transport between the place of work and such other places as may be agreed by the employer and employee.

Maternity Leave

12. (1) Every female employee, whether married or unmarried, who has been in continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave for a period not exceeding twelve (12) weeks (84 calendar days), thirty (30) days of which shall be full pay, upon delivering to her employer-

- (a) A certificate issued by a medical practitioner or registered nurse 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 the circumstance of the case.

(2) Such leave shall be in addition to any sick leave to which the employee may be entitled under Regulation 9.

(3) An employee shall not be entitled to maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Uniforms, Protective Clothing and Equipment

13. (1) An employer shall provide an employee with a suitable uniform or protective clothing and such uniform shall remain the property of the employer.

(2) The clothing shall be two (2) pairs of reasonable quality in every period of two (2) years.

Compassionate Leave

14. (1) After three months of continuous service, an employee shall be entitled to compassionate leave with full pay as follows:

Widows	-	37 working days
Widower	-	7 working days
Natural father or mother	-	7 working days
Natural child	-	7 working days
Married woman's mother-in-law or father-in-law	-	7 working days

Rest Day

15. Every employee shall be granted one (1) rest day each week; such day to be fixed by mutual agreement between the employee and his employer.

Accommodation

16. Where an employer requires an employee to occupy accommodation provided by the employer as part of his conditions of employment, such accommodation shall be provided free of charge to the employee.

Revocation of Legal Notice No. 47 of 2018

17. Legal Notice No. 47 of 2018 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE

	Monthly	Daily	Hourly
Cook.....	E1059.20	E62.00	E9.95
Gardner.....	E1038.20	E59.20	E8.85
House Attendant.....	E1038.20	E59.20	E8.85
Laundress.....	E1038.20	E59.20	E8.85
Children's nurse.....	E1038.20	E59.20	E8.85
Herdsmen.....	E1038.20	E59.20	E8.85

Watchman to be paid as provided under the 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 contract.

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 hourly basis.

An additional 25% 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

(Regulation 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 S.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

FOURTH SCHEDULE
(Regulation 18)

Payslip

Name of employer					
Address					
Postal Code					
Name of employee					
Occupation/type of work					
	From		To		
Pay Period					
Basic salary/wage					
	Hourly	Daily	Weekly	Forth-nightly	Monthly
Manner of Payment					
Identity Number of Employee					
	Rate			No. of Hours	E
Ordinary hours					
Overtime worked					
Sunday time worked					
Public Holiday time worked					
Allowances (specify)					
Allowances (specify)					
	Sub-total				
Deductions: PAYE					
Graded Tax					
Union					
Other (full details)					
	Sub-total				
	Total amount due				
Net pay					

PHOLILE P. SHAKANTU
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 138 OF 2021

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

THE REGULATION OF WAGES (MANUFACTURING AND PROCESSING
INDUSTRY) ORDER, 2020
(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 and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Manufacturing and Processing Industry) Order, 2021.

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

Application

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

Interpretation

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

“aligner” means an employee who aligns a finished product before final inspection with the aid of electronic test equipment;

“a.j.s Operator” means an employee who operates an automatic junior sewing machine;

“artisan” means an employee who is in possession of a Trade Test Certificate signed by a Trade Testing Officer appointed by the Government;

“assembler soldering” means an employee who solders and assembles components by hand;

“assembler-bottom components” means an employee who assembles good quality bottom components such as soles and insoles into specific batches according to the box loading plan;

“assembler-socks” means an employee who assembles good quality socks into batches according to article and size;

“assembler-upper components” means an employee who assembles good quality upper components such as vamps, quarters etcetera into specific batches according to the box loading plan;

“assistant foreman baker” means an employee who is capable of manufacturing confectionery, adjusting bakery machinery and supervising the workers under his control;

“assistant foreman confectioner” means an employee who is capable of manufacturing and decorating several lines of confectionery, adjusting bakery machinery and supervising workers under his control;

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

“backseam-reducer” means an employee, who reduces the beckon, join on leather quarters by means of a machine;

“binder assistant” means an employee who receive plain or printed material from the machine for collating, stitching, padding, rounding corners, punching, folding, counting, numbering perforating, stapling, binding and basic guillotining.

“boiler operator” means an employee who operates a boiler;

“box folder” means an employee who folds and erect boxes ready for use;

“box labeler” means an employee who labels boxes with the information required to identify the contents thereof;

“box preparer” means an employee who collect and prepares boxes accordingly;

“blower” means an employee who carriers out blowing duties in the manufacture of glassware according to specification;

“cabinet fitter” means an employee who fits accessories to a television cabinet;

“canteen assistant” means an employee who assists the canteen supervisor in preparing, cooking and dishing-up food in the employees’ canteen;

“carder” means an employee who operate a carder machine and carries out simple lubrication on it;

“carton sealer” means an employee who seals cartons of finished goods for dispatch to customers;

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

“cattle buyer” means an employee who buys livestock for his employer;

“charge hand” means an employee who assists a supervisor to supervise employees;

“chassis fitter” means an employee who fits chassis components to television sets;

“cementer” means an employee who applies adhesive to a surface by means of either a brush or machine’

“chef” means an employee who is responsible for the cooking of food for the employees’ canteen;

“checker” means an employee who check and record outgoing and incoming goods;

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

“clerk/storeman (with Senior Certificate)” means an employee who is engaged in general clerical duties or storekeeping who holds a Senior Certificate of education;

“clerk/storeman assistant” means an employee who is engaged in general clerical duties or storekeeping duties and he is in possession of a Junior Certificate;

“clicker-high frequency” means an employee who cuts and welds high frequency components;

“clicker-insoles/toe puffs/counters” means an employee who cuts insoles, toe puffs or counters by means of a clicking press;

“clicker-linings/trims/socks/Velcro” means an employee who cuts linings, trims or velcro by means of a clicking press;

“clicker-textile” means an employee who cuts suede split or textile by means of a clicking press;

“coil winder” means an employee mainly engaged in winding coils;

“components-assembler” means an employee engaged in fitting electronic components on PC boards and include an employee engaged in pre-assembly work;

“compositor” means an employee engaged in the setting of type including the operation of typesetting and typesetting machines and putting into position for printing and the make up of forms;

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

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

“copy-typist” means an employee who is engaged in typing and is capable of typing a minimum of 25 words per minute, filing, checking and recording incoming mail;

“counter inserter” means an employee who dips and inserts the counter stiffener into the pocket at the heel of a machine;

“continuous service” means service in the employment of the employee interrupted only by death, retirement, completion on discharge of the employee concerned and an employee who is re-engaged within two months of his discharge shall be deemed to be in the continuous service of that employer;

“counter moulder” means an employee who moulds the newly inserted counter stiffener over a mould by means of a machine;

“darkroom attendant” means an employee who make negatives, positives, contacts, spotting and obliteration of all marks and pinholes and including enlarging and reductions on the camera;

“de-boner” means an employee engaged in dissecting carcass;

“d-ring inserter” means an employee who inserts D-Rings into the shoe facing prior to being stitched;

“design draughtsman’s assistant” means an employee who assists a draughtsman to design mechanical layouts;

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

“dispatch clerk” (printing) means an employee who selects, checks and packs goods according to instructions from job cards or any other source and assist with deliveries;

“digital/duplicator (operator)” means an employee engaged in operating a risograph or equivalent digital printer or duplicator;

“divider operator” means an employee who operates a divider machine and who checks the weight of dough pieces;

“dough mixer” means an employee who operates a divider machine and who checks the weight of dough pieces;

“dough panner” means an employee who places dough pieces into pans;

“driver (Heavy Duty Vehicle)” means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

“driver (Light Duty Vehicle)” means an employee in possession of a valid driving licence who is in charge of a motor vehicle of less than one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

“driver messenger” means an employee who is mainly engaged in carrying messages, who delivers and collects goods and/or mail by vehicle or motor cycle and performs simple routine tasks in an office;

“driver salesman” means an employee in possession of a current licence who sells and delivers bread, confectionery or other articles by motor vehicle and who is responsible for accepting written orders for goods and the collection and safe custody of cash for C.O.D Sales, and also canvass for orders;

“D.T.P operator” means an employee engaged in typesetting and designing of documents on the computer and being able to operate lazer printers, scanners and allied equipment;

“driver salesman assistant” means an employee who marks components to assist closing department by means of a marking machine;

“electrical maintenance assistant” means an employee who assists an electrician in improving and repairing electrical installation;

“engraver” means an employee who engraves, smoothens, polishes the finished glassware, and carries out duties related thereto;

“engraver assistant” means an employee who engraves, smoothes, polishes the finished glassware and carries out duties given by the engraver;

“entrepreneur assistant grade I” means an employee who is capable of performing the work of an entrepreneur without the assistance of such an entrepreneur;

“entrepreneur assistant grade II” means an employee who assists a person who is capable of carrying out the work of the entrepreneur’s workshop;

“fabric drying/dewatering machine operator” means an employee mainly engaged in loading fabric into machine, setting temperatures, time and monitoring operations. He/she is also responsible for removing fabric when operation is finished;

“fabric dying machine operator” means an employee who mix or add dye, water, detergents, or chemicals to tanks to dilute or strengthen solutions. He/she mounts roll of cloth on machine, using hoist or places textile goods in machines or pieces of equipment

“final inspector/final tester” means an employee mainly engaged in the final alignment and testing of finished products, using electronic test equipment;

“final inspector/final tester” means an employee mainly engaged in the final inspection or testing of finished products, if necessary, using electronic equipment;

“finisher” means an employee who smoothens, trims carpets and makes knots on the fringes to make such carpets adaptable for sale;

“fitter” means an employee who repairs and maintains machinery;

“foam attacher” means an employee who attaches foam to the top line of the quarters for collar padding;

“foam strip cutter” means an employee who cuts foam into strips by means of a machine;

“folder” means an employee who folds the garment after pressing;

“flour sifter” means an employee who sifts flour;

“foreman baker” means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

“foreman confectioner” means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

“forklift operator” means an employee mainly engaged in operating a forklift;

“general labour” means an employee engaged in unskilled work;

“glazier” means an employee who cut, fit and set glass in windows, doors, shop fronts and other frames;

“grinder” means an employee who grinds, smoothens, and polishes a finished glassware product;

“guillotine operator (printing)” means an employee engaged in cutting paper/board to be printed and trimming of jobs to finish size for packing including working out paper cuts from full sheets, maintenance of machine and knowledge of paper and board stocks;

“handyman” means an employee who does not hold a trade test certificate, who carries out simple repairs and supervises and allocates work to subordinate staff under his control;

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

“heel seat laster” means an employee who lasts the heel part of a shoe by means of a machine;

“hole perforator” means an employee who punches holes by means of a press;

“hole perforator” means an employee who punches holes by means of a press machine;

“hoist perforator” means an employee who operates a dough hoist;

“insole attacher” means an employee who attaches the insole to the last by means of a tacking machine;

“insole moulder/stamper” means an employee who moulds to stamp insoles by means of a machine;

“inspector” means an employee with not less than six months experience as an assembler who inspects the work on a production line;

“invoice clerk” means an employee who prepares and issues invoices and statements to customers for goods supplied;

“jumper” means an employee who has knowledge of several jobs and who is able to relieve any other worker on a production line;

“kardex clerk/storeman” means an employee who operates a kardex system of stock control;

“kiln operator” means an employee who is capable of operating and maintaining a kiln;

“knitting operator” means an employee who threads twine from bobbins and spools through guides and rollers. He/she monitors the fabric and also performs routine cleaning of the machine;

“laboratory assistant” means an employee who generally carries out unskilled work in a laboratory or who assists a laboratory technician;

“laboratory technician” means an employee qualified to carry out all duties allocated to him in a laboratory;

“lacer” means an employee who inserts and ties laces for footwear;

“last preparer” means an employee who prepares and loads lasts onto the conveyor according to the uppers loaded;

“last transport” means an employee who returns last to last-bins after delasting;

“layer” means an employee who lays the material for cutting for a garment manufacture;

“leaner finisher” means an employee who is learning on the job to become a finisher and who has not completed six months in the case of the weaving industry or three months for other industries;

“learner craftsperson” means an employee who is learning on the job to become a potter, screen printer, silversmith or any craftwork for a period of not less than three months;

“learner machine operator” means an employee with three months or less continuous service of operating a machine for other industries or not more than six months in the weaving and printing industry;

“learner machine minder (printing)” means an employee with six months or less continuous service of operating a printing machine;

“learner spinner” means an employee who is learning on the job to become a weaver and who has not completed six months in the case of the weaving industry or three months for other industries;

“leather baler” means an employee who bales leather for storage purposes;

“leather sorter” means an employee who sort leather by means of the point system;

“line feeder” means an employee mainly engaged in feeding the assembly line with components;

“loader” means an employee who loads goods on to vehicle by hand;

“loader/packer” means an employee who packs bread or confectionery into or off a vehicle or who packs finished products into cartons;

“lubricator” means an employee who has the responsibility of lubricating and greasing machines;

“machinist” means an employee who operates an electrical sewing machine to manufacture clothing/garment;

“machine attendant” means an employee, other than a learner machine operator, who attends and operates a guillotine machine, bending machine, spot welding machine or any other machine requiring similar skills;

“machine minder” (printing)” means an employee engaged in operating a printing machine and capable of full colour printing, numbering and perforating, maintenance and cleaning;

“machine operator” means an employee, other than a learner operator, engaged in operating a machine;

“master screen printer” means an employee who is capable of cutting screen, mixing pigments and has thorough knowledge of screen printing techniques;

“master potter” means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;

“master silversmith” means an employee who is capable of working on silver to any specification;

“mechanical assistant” means an employee mainly engaged in the mechanical assembly of television and radio accessories and placement of products in the appropriate area of assemble or dispatch;

“melter” means an employee who melts glasses in a glass factory;

“messenger” means an employee engaged in carrying messages, banking, collecting and delivering mail or carrying out simple tasks in an office;

“mono caster attendant” means an employee who attends a monotype caster under the supervision of a key board operator;

“office clerk” means an employee who does general clerical duties;

“painter” means an employee who cleans and paints equipment, machines and buildings;

“packer” means an employee who packs garments which are finished into cartons;

“personnel clerk” means an employee who control and updates personnel records;

“pc board trimmer” means an employee mainly engaged in trimming excess components lead on soldered board;

“photo lithographer” means an employee who is capable of doing make-up, imposition and pasting (from artwork provided) darkroom work and plate making;

“picture tube assembler” means an employee mainly engaged in preparing picture tubes for the assembly line;

“plant attendant” means an employee mainly in operating a galvanizing plant and if necessary, taking of the plant;

“plate filer (printing)” means an employee who is responsible for the gumming and filing of printing plates;

“potter” means an employee who makes pots by hand or on pot wheels;

“presser attendant” means an employee who operates a pressing machine to iron materials or clothing;

“printers grade 1, 2 and 3” means an employee who is in possession of a trade test certificate signed by a trade testing officer appointed by the government;

“printing machine minder(junior)” means an machine minder only able to operate printing machines for single or spot colour work;

“proof controller” means an employee mainly engaged in checking the quality and making reports of finished products;

“proof reader” means an employee who edits documents before final presentation, checking spelling , grammar and lay-out;

“quality section controller” means an employee who checks and controls the quality of goods leaving their section;

“rebate clerk” means an employee who controls the stocks and documentation for a rebate store;

“receiver-second stock” means an employee who checks, receives and controls the stock of factory seconds;

“reception clerk (printing)” means an employee who attends to customers, answering calls and queries, acting as a telephonist, filing, opening job-cards, faxing and general office duties;

“repairs assistant” means an employee with a basic knowledge of electronics mainly engaged in making simple repairs on PC board;

“re-cutter” means an employee who arranges, re-cuts and repairs poor quality work;

“riveter/buckler” means an employee who attaches rivets or bucklers;

“rougher-upper” means an employee who reduces the bumps on the lasting margin by means of roughing machine;

“rougher-sole margin” means an employee who roughs the sole margin on rubber soles;

“rubber stamp maker” means an employee engaged in the making of rubber stamps;

“runner” means an employee who performs unskilled duties such as conveying from one point to the other, materials and knitted fabric;

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

“salesman” (senior) means an employee who packs erected boxes into cartons and stacks, ready for transportation to the factory;

“seasonal labourer” means an employee engaged for the duration of a season to carry out unskilled work, canning fruit or vegetables;

“security guard or watchman” means an employee mainly engaged in the protection and security of his employer’s premises;

“senior watchman” means an employee who supervises watchmen or security guard;

“sewer/binder” means a binder capable of doing thread sewn books;

“sewing machinist I” means an employee who has more than six months experience in sewing and turns stitches collars, stitches toecaps, facing, o/s counters, d-rings and attaches bindings;

“sewing machinist II” means an employee who has more than six months experience in sewing and stitches back seams, side flashes, collar toughies, Velcro, brand tags and zigzags pieces together;

“screen printer” means an employee who screen prints by hand pulling a squeegee;

“semi-skilled kiln hand” means an employee who has limited knowledge in operating kiln and packs it according to specification;

“silver-smith” means an employee who is capable of working on silver by hand;

“seasonal labourer” means an employee engaged for the duration of a season to carry out unskilled work, canning fruit and vegetables;

“side-laster” means an employee who lasts the waist section of shoe by means of a shoe;

“size painter” means an employee who colour-codes components according to size by means of a brush;

“skiver-upper/toepuffs” means an employee who skives or reduces the thickness of the edge of components by means of skiving machine;

“slaughter man” means an employee engaged in stunning, bleeding, skinning eviscerating and splitting livestock;

“slitting machine operator” means an employee who operates a slitting machine to remove excess water after dyeing process, open tube fabric and crease freeing fabric in preparation for stenter processing;

“spinner” means an employee who carries out spinning operation of wool or other materials according to specification;

“soaking attendant” means an employee who operates solder bath, prepares fluxes, and checks solder levels;

“soaker” means an employee who applied adhesives and inserts socks into finished footwear;

“sole chlorinator” means an employee who chlorinates or halogenates a sole prior to cement application;

“sole presser” means an employee who, by means of a press, ensures that there is good bond between sole and upper;

“sole spotter” means an employee who places the precedent upper and sole accurately together prior to pressing;

“sorter R” means an employee who sorts goods into racks by item and size ready for dispatch;

“sorter” means an employee who puts together according to sizes the material, which is to be sewn;

“shoe boxer” means an employee who packs finished footwear into boxes;

“shoe repairer” means an employee who repairs sub quality footwear;

“shop assistant” means an employee who assists a shop supervisor in the stock control, displays and selling of products in a retail shop;

“stone hand” means an employee with the knowledge of composition who places jobs set out by a compositor into steel frames locking them into printing machines ready for printing;

“stamper” means an employee who stamps logos/information onto components by means of stamping machine;

“staple extractor” means an employee who removes staples from the insole of a shoe;

“stenter operator” means an employee who apply finishing chemicals into the padding mangle, set heat and speed as per the type of fabric specification and also observes any defects of fabric before or during the process;

“stenter layer/feeder” means an employee who stiches fabric in preparations for feeding it into the stenter;

“stenter quality controller” means an employee who ensures that fabric width is in proportion;

“sticker attacher” means an employee who attaches stickers to indicate size or customer code;

“stitching machine operator (printing)” means an employee engaged in the operation of an automatic stitching machine including adjustments, changing wire thickness and maintenance;

“storeman (printing)” means an employee engaged in storekeeping who holds a senior certificate of education and a recognized certificate in storekeeping and competent knowledge of all printing papers, materials and sundries;

“string lacer” means an employee who strings uppers for toe lasting;

“strips cutter” means an employee who cuts material into strips by means of a machine;

“supervisor” means an employee who supervises other employees under his/her control;

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

“tablehand” means an employee who prepares material and places them on the table for cutting or weaving according to specification;

“tester” means an employee who tests the function of assembled PC Boards using electronic equipment;

“toecap positioner” means an employee who precements toecaps into position prior to toecap stitching;

“toelaster” means an employee who supplies the toelaster with uppers;

“toelaster feeder” means an employee who supplies the toelaster with uppers and on completion replaces them back on the conveyer;

“toepuff positioner” means an employee who positions and presses a toepuff onto the upper by means of a heated press;

“tool setter” means an employee who fits and sets tools on a machine;

“unlaster” means an employee who removes the last from the finished shoe;

“upper brusher” means an employee who brushes finished footwear so as to clean and improve the look of the shoe;

“upper cleaner” means an employee who cleans finished footwear by means of various cleaning material;

“upper primer” means an employee who primes the nylon upper at the lasting margin to ensure cement adhesion;

“upper splitter clerk” means an employee who splits uppers by means of a splitting machines;

“upper spotter” means an employee who places the correct upper onto the last prior to toelasting;

“upper/bottom preparer” means an employee who loads the sewn and corresponding bottom components onto the making conveyor;

“utility” means an employee who has the knowledge of jobs and who is able to relieve other workers on production line;

“weaver” means an employee who carries out duties either by operating hand loom or other equipment to manufacture the required goods;

“wage clerk” means an employee who prepares and controls wage payments according to the time worked taken from clock cards or any other source and keeping relevant records related to pay;

“washer” means an employee who washes and dries material or wool and where necessary, mothproofs to wool;

“weight clerk” means an employee who weighs cartons of finished goods prior to dispatch;

“workshop assistant” means an employee who assists to fitter and handyman in general maintenance.

“yarn loader” means an employee who places and replaces spools of twine on machine spindles and inserts wound bobbins in shuttle containers; and

“yarn dewatering/drying machine operator” means an employee who loads yarn into the machine and set time and temperatures. He/she monitors operation of the machine.

Basic Minimum Wage

4. The Basic Minimum wage inclusive of rations or cash in lieu thereof to be paid to employees specified in the First Schedule shall be calculated at a rate not less than that specified therein provided that-

- (a) an employee who, at the date of commencement of this Order, is in receipt of a higher wage than that prescribed by this Order, shall not suffer any reduction in such wage by reason of this Order;
- (b) where no definition of an employee duties exists, such employee shall be paid a basic minimum wage not less than that applicable to a general labourer; and
- (c) nothing in this regulation shall prevent an employer, where the employer so wishes from-

- (i) supplying cooked or uncooked food to an employee in addition to his basic wage; and
 - (ii) providing free transport or free accommodation to an employee.
- (d) The basic hourly wage of an employee on a weekly wage shall be calculated by dividing such wage by the number of hours the employee normally works in a week.
- (e) The basic hourly wage of a casual labourer shall be calculated by dividing his daily wage by eight.

Written Particulars of Employment to be provided

5. (1) The employer shall within two (2) calendar months of appointed day, give an employee a completed copy of the form at the Second Schedule. The employer shall explicitly state the conditions of the employee's employment, the starting wage, including the learning period.

(2) The learning period referred to in sub-regulation (1) shall not exceed three (3) months.

Hours of work

6. (1) The normal working week for employees other than security guards and casual labourers shall consist of not more than forty-eight (48) hours of work spread over six days.

(2) The normal working week for security guards shall consist of not more than six (6) shifts of twelve hours each.

(3) The normal hours of work for a casual labourer shall consist of eight (8) hours per day.

Overtime

7. (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 hours specified in regulation 6 shall be paid as follows-

- (a) for time worked in excess of the normal hours on a weekday, payment shall be at one and a half times his basic hourly wage; and
- (b) for time worked on an off-day or a public holiday specified in regulation 9, payment shall be at twice his hourly rate.
- (c) for time worked on a paid public holiday, payment shall be two times or double the hourly rate for each hour worked.

(2) An employee employed as a security guard who is required to work on his rest day or on a public holiday specified in regulation 9, may be paid for such overtime or alternatively, be given an equivalent amount of time off in lieu of overtime payment.

(3) An employee shall not be required to work overtime unless it is understood and agreed between the employee and the employer that such overtime is necessary.

Transport

8. An employee, who by the nature the employment is required on any day to remain on duty from 6.00 pm or is required to start work before 6.00 am shall be provided free of charge with transport between the employee's place of work and the employee's normal place of residence, home or such point on a public road as may be mutually agreed upon between the employer and the employee.

Public Holiday

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

- (a) Incwala;
- (b) Good Friday;
- (c) Easter Monday;
- (d) Ascension Day;
- (e) Christmas Day;
- (f) Boxing Day;
- (g) Reed Dance Day;
- (h) Somhlolo Day;
- (i) Kings' Birthday;
- (j) New year's Day;
- (k) May Day; and
- (m) National Secondary election's day

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

Annual Leave

10. (1) An employee shall have two weeks annual leave with full pay after each period of twelve (12) months continuous employment with the same employer as follows-

- (a) fifteen working days in the case of an employee who works six (6) days a week or;
- (b) thirteen working days in the case of an employee who works (5) five days a week.

Provided that in the case of a security guard annual leave shall be twenty-one (21) calendar days with full pay after each period of twelve months continuous service with an employer.

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

Sick Leave

11. (1) An employee taken into the employment of the employer shall be considered for payment during the employee's absence on sick leave as follows-

- (a) in the case of an employee who is absent from work for reason of sickness during the first three months of the employee's employment and who on return from sick leave produces a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioners Act, 1970, payment shall be at the discretion of the employer;
- (b) in the case of an employee who has completed three consecutive months of continuous service with the same employer and subject to the production of a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave of up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen (14) days on half wages on 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 certificate where, a Medical Practitioner is not available.

Compassionate leave

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

- (a) Widow - 30 working days
- (b) Widower - 7 working days
- (c) Biological Child - 7 working days
- (d) Biological parents - 7 working days

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

Maternity Leave

13. (1) Every female employee, whether married or unmarried, who has completed probation shall be entitled to maternity of up to twelve weeks (84) calendar days), with at least eight (8) weeks full pay upon delivering to the 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 period of 24 months from the last maternity leave

(3) A female employee shall be entitled to one hour nursing break with pay for three months after maternity leave.

Continuous service

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

Short Time

15. (1) Where an employer finds it necessary for reasons beyond the employer's control to employ an employee on short time, the employer may do so subject to the Commissioner of Labour consenting in writing to such an arrangement, having satisfied the Commissioner that the employees organization recognized in the undertaking has been fully consulted and is fully aware that the employer intends resuming full time work within three weeks.

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

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

Piece Work

16. 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

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

Lay-Off

18. (1) Due to prove circumstances beyond the employer's control the employer may lay off employees for up to fourteen working days, on condition that no lay-off may be effected without the written consent of the Commissioner of Labour. Such consent shall be granted after a meeting between the employer and the workers or recognized workers organization.

(2) During the period of any lay-off, the employer shall not engage other employees to replace the employees the employer has laid off.

(3) The employer shall give-

- (a) a permanent employee fourteen days' notice before the layoff; and
- (b) a seasonal employee twenty-four hours' notice before the lay-off.

4. An employer may apply to the Commissioner responsible for Labour for a temporal exemption for a specified period according to the circumstance of the enterprise, from the application of regulation 19(3), (a), after negotiating with the employees' organization, for a reduction of the period of notice to be given to employees, before lay-off.

Trade Testing

19. (1) An employer shall grant paid leave to an employee who requests to undergo a trade test at the Eswatini College of Technology or any similar institution to enable the employee to take such tests.

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

Revocation of Legal Notice No. 86 of 2018

20. The Regulation of Wages (Manufacturing and Processing Industry) Order, 2018 promulgated under Legal Notice No. 86 of 2018 is revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE (Emalangeni per week)

Learner Craftsperson	
Learner Finisher	
Learner Spinner	
Learner Weaver	
Casual Employee	268.36
Seasonal Labourer	
Carder	
Checker	
Cleaner	
Cook	

Engraver's Assistant	
Entrepreneur's Assistant	
Finisher	
Grinder	
Loader	
Potter	343.39
Trimmer	
Bagger	
Learner Machine Operator	

Screenprinter
 Semi skilled kiln hand
 Silversmith
 Spinner
 Tablehand
 Presser (garment)
 Washer
 Layer
 Presser
 Folder
 Packer
 Box folder
 Canteen Assistant
 Cartoon Sealer
 Painter
 Dispatch Clerk (Printing)

362.47

Upper Printer
 Backstream Reducer
 D-ring inserter
 Foam attacher
 Hand trimmer
 Lacer
 Stacker
 Receiver-Second Stock
 Sorter
 Textile preparer
 Toecap positioner
 Toelaster feeder
 Upper brusher
 Workshop assistant

377.86

Assemble socks
 Box preparer
 Cementer
 Edward maker
 Foam strip cutter
 Hole perforator
 Lubricator/Riveter/Buckler
 Sewing Machinist II
 Shoe Boxer
 Sole Chlorinator
 Stamper
 Staple extractor
 String lacer
 String cutter
 Toepuff positioner
 Unlaster
 Upper cleaner
 Plate filer (printer)

396.77

Assembler-Button Components

Box labeler	
Canteen assistant/Cashier	
Insole Moulder/stamper	
Last Preparer	
Last Transporter	404.35
Rougher-sole Margin	
Shoe Repairer	
Sticker attacher	
Upper splitter	
Weighs Clerk	
Yarn loader	

Coil Winder

Component Assembler	
Copy Typist	
Dough Panner	
Driver Salesman's Assistant	
Entrepreneur's Assistant Grade 1	
Flour sifter	
General Labourer	
Hoist Operator	412.04
Loader/Packer	
Messenger	
PC Board Trimmer	
Plant Assistant	
Security Guard/Stonehand	
Machinist	
Learner Machine Minder (Printing)	
Assistant Receptionist	
Digital/Duplicator Operator (Riso)	

Assembler (soldering)

Binder Assistant	
Compositor	
De-Boner	
Dark Room Attendant	
Mechanical Assembler	
Proof Reader	
AJS Operator	
Assembler Upper-Components	428.45
Counter inserter	
Counter Moulder	
Leather Baler	
Loader F.O.F	
Recutter	
Sewing Machinist 1	
Shop Assistant	
Clerk/Storeman (Printing)	
Rubber Stamp maker	
Stitching Machine operator (Printing)	
Sewer/ Binder	
Skiver- Upper/toepuffs	
Soaker	

Slaughter man	
Driver/Messenger	
Laboratory Assistant	
Presser Attendant	
Electrical Maintenance Assistant	
Office Clerk	
Rougher Uppers	446.74
Senior Watchman	
Sole Presser	
Printing Machine Minder (Junior)	
Photo lithographer	
Reception Clerk (Printing)	
Sales Assistant	
Wages Clerk	
Glazier	
Knitting operator	
Runner	
Stenter layer/feeder	
Stenter Quality Controller	
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Cabinet Fitter	
Chassis Fitter	
Clerk/ Stores Assistant	
Driver (L.D.V)	
Forklift Operator	
Picture Tube Assembler	478.02
Soakline attendant	
Switchboard Operator	
Utility	
D.T.P Operator	
Printers Grade 111	
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Baker's Assistant	
Blower	
Confectioner's Assistant	480.58
Dough Mixer	
Engraver	
Divider Operator	
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Click-High Frequency	
Clicker- Insolers/ toepuffs/ counters	
Clicker- Linings/ Trims/ Socks/ Velcro	
Dispatch Clerk	
Heelseat Laster	488.33
Invoice Clerk	
Leather Sorter	
Quality Controller	
Sole Spotter	
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Kiln Operator	
Melter	
Saw Sharpener	
Design Draftsman's Assistant	

Inspector	
Machine Operator	549.24
Machine Attendant	
Solder Bath Attendant	
Tester	
Guillotine Operator (Printing)	
Machine Minder (Printing)	
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Boiler	
Driver (H.D.V)	
Kardex Clerk / Storeman	497.62
Aligner	
Final Inspector / Tester	
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Clicker-textile	
Rebater Controller	515.11
Repairers' Assistant	
Fabric drying/dewatering machine operator	
Yarn dewatering and drying machine operator	
Slitting machine operator	
Stenter operator	
Fabric dyeing machine operator	
Yarn dyeing machine operator	
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Liner Feeder	
Repairer's Assistant	530.32
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Baker	
Confectioner	
Handy-Man	556.99
Chef	
Clicker- Suede Split	
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Charge hand	
Final Aligner and Tester	
Jumper	
Plant attendant	
Tool Setter	577.21
Fitter	
Personal Secretary	
Sewing Mechanic	
Toelaster	
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Printers Grade 11	587.53
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Clerk / Storeman Assistant (with junior certificate)	
Driver	
Artisan Grade 111	
Cattle buyer	
Master Screen printer	610.42
Master Potter	
Master Silversmith	
Salesman	
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Salesman (Senior)	
Storeman (Printing)	580.87
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Assistant foreman Confectioner	
Assistant foreman Baker	740.04
Clerk/ Storeman (with senior certificate)	
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Printers Grade 1	887.55
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Artisan Grade 11	
Foreman Baker	1087.48
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Foreman Confectioner	1163.88
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Artisan Grade 1	1594.84
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Laboratory Technician	1686.17
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Supervisor	25% above the wage to the highest paid employee under his direct supervision

SECOND SCHEDULE
(Regulation 5)

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of Employer
2. Name of Employee
3. Date Employment began
4. Wage and method of calculation
5. Interval and which wages are paid
7. Short description of employees' work
-
-
8. Probation Period
9. Annual Leave Entitlement
10. Paid Public Holiday
11. Payment during sickness
13. Notice employee entitled to receive

14. Notice employer required to give

15. Pension Scheme (if any, other than S.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

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

Signed Employer

..... Employee

..... Witness

..... Date

PHOLILE P. SHAKANTU

ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

.....March, 2021