

# SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXV]

MBABANE, Friday, October 30th., 1987

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PUBLISHED BY AUTHORITY

**S1**

**LEGAL NOTICE NO. 99 OF 1987**

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**THE JUDICIAL SERVICE COMMISSION ACT, 1982**

**(Act No. 13 of 1982)**

**APPOINTMENT OF PRINCIPAL MAGISTRATE**

**(Under section 5)**

In exercise of the powers conferred by section 5 of the Judicial Service Commission Act, 1982 the Judicial Service Commission hereby appoints—

**REUBEN DILI ZONDI**

to be Principal Magistrate with effect from the 14th October, 1987.

**A.V. MAMBA**  
*Principal Secretary*

**MBABANE,**  
21st October, 1987.

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LEGAL NOTICE NO. 100 OF 1987

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THE JUDICIAL SERVICE COMMISSION ACT, 1982

(Act No. 13 of 1982)

APPOINTMENT OF PRINCIPAL MAGISTRATE

(Under section 5)

In exercise of the powers conferred by section 5 of the Judicial Service Commission Act, 1982 the Judicial Service Commission hereby appoints—

NICOLAAS JACOBUS VAN LOGGERENBERG

to be Principal Magistrate with effect from the 17th September, 1987.

A.V. MAMBA  
*Principal Secretary*

MBABANE,  
21st October, 1987.

## LEGAL NOTICE NO. 101 OF 1987

## THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (MINING AND QUARRYING  
INDUSTRIES) ORDER, 1987

(Under Section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964 the Minister for Labour hereby makes the following Order—

*Citation and Commencement.*

1. This order may be cited as the Regulation of Wages (Mining and Quarrying Industries) Order, 1987 and shall come into force on 30th October, 1987.

*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, for example, date stamps, keeping calendars up to date, recording times of arrival and departure, receiving and carrying documents and correspondence internally and acting as a messenger;

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

“Clerk B1” means a clerical worker capable of analysing, accounting, operating Office machines, scrutinising and utilising information not directly available but based on past experience, interviewing according to prescribed procedure, interpreting supervising the work of clerks A1 and A2;

“Supervisor” means a person who oversees the work of gangs working in gardens, slimes, dams, lamp rooms, screening plants siding mills, forests stores aerial rope-ways, conveyors, tipplers construction work and painting;

“Unqualified Tradesman” means a person who undertakes such tasks as rough glazing painting and simple mechanical work on rock drills, locos, pumps, dimple vehicle servicing and similar uncomplicated work requiring skill below the artisan's standard;

“DRIVERS GRADE 1” means Drivers of:

- (a) Ambulances;
- (b) Heavy duty vehicles (in excess of five tons capacity);
- (c) Power-driven earth moving equipment; and
- (d) Primary hoists.

DRIVERS GRADE 2" means Drivers of:

- (a) Light duty vehicles other than ambulances;
- (b) Secondary hoists;
- (c) Rocker arm loaders;
- (d) Tractor; and
- (e) Locomotives.

*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 a mineral extraction operation.

(2) Notwithstanding subsection (1) this order shall not apply to an employee who is in receipt of a basic remuneration aggregating E600.00 or more per month and who has authority to—

- (a) Give orders to employees under his control
- (b) Recommend transfer, suspend, discipline, discharge or promote workers under his control; and
- (c) Adjudge and make recommendations in connection with grievances of employees under his control.

*Hours of work.*

- 4. (1) The basic working week shall be a maximum of six days.
- (2) Notwithstanding subsection (1) where shifts are maintained.

The Basic Working week shall—

- (a) Consist of six twelve-hour shifts in the case of a Security guard; and
- (b) six eight-hour shifts in all other cases.

Except That—

- (i) with the consent of his employer, an employee may, extend his daily hours of work by up to one hour in order to reduce the hours of his last shift for his own convenience without the entitlement to overtime payment.
- (ii) Subject to Section 10(2) where an employer requires an employee to work in excess of the hours specified in this section, an employee shall be paid for overtime in accordance with the provisions of Section 9.

*Work Stoppage.*

5. (1) In the event of a temporary stoppage of any 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 labour action or dispute, whether concerted 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 the full rate applicable to the job—

- (a) In the case of watchman or security guard, for a minimum of 72 hours in any week; and
- (b) In the case of all other employees for a minimum of 48 hours in any week.

**Provided That—**

- (i) An employee shall perform any task appointed by the employer;
- (ii) Such task shall not expose or subject an employee to peculiar risks or substantially more arduous conditions than those pertaining to his original or normal form of employment; and
- (iii) The provisions of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in terms of his normal conditions of employment and in accordance with the law.

(2) Where the employer cannot appoint 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 half his daily rate until work is resumed or his employment is lawfully terminated.

*Static and worsening conditions.*

6. (1) The rate of pay and other conditions of employment set forth in this order are the least or minimum permitted by the Government of Swaziland and shall not be represented as otherwise and no part of this order shall be construed as justifying non advancement or denying advancement to, or freezing the wages of an employee.

(2) No employer affected by this order shall reduce his rates of remuneration or other conditions of service from those which were applicable to his employee at the effective date of this order, except where the nature of work has been changed.

*Categories of work.*

7. Employees affected by this order shall be graded into categories. A1, A2, B1, B2, B3, C1, and C2 as set out in the schedule hereto.

*Basic minimum wage.*

8. (1) The basic minimum wage for the various categories set forth in Section 7 shall be in respect of a shift of eight hours except in the case of watchmen, where the shift shall be twelve hours and shall be as set out in the table hereunder.

(2) The basic minimum wage per shift for the categories of employee graded in accordance with Section 7 and the schedule hereto shall be as follows—

A1	A2	B1	B2	B3	C1	C2
7.60	8.82	9.82	11.23	13.04	15.30	17.26

*Overtime.*

9. Overtime shall be paid to daily rated workers at the following rate—

- (a) For time in excess of 15 minutes after the specified hours per shift as specified in Section 4 at one and half times the basic rate reduced to an hourly rate, except as provided in paragraph (B):

- (b) For time worked on Sundays, where Sunday is not a working day, or on an employees rest day where Sunday is a normal working day, or on a holiday specified in Section 10, at double the basic wage reduced to an hourly rate.

Provided that payment shall not be made to an employee who absents himself from his normal place of work without authority on days preceding the specified holiday.

*Public Holidays.*

10. (1) Subject to Section 9(b) the following public holidays shall be regarded as holidays with full pay:

Christmas Day  
Boxing Day  
Good Friday  
Easter Monday  
King's Birthday  
Umhlanga (Reed Dance)  
Somhlolo National Day  
Incwala Day

- (2) If so required by his employer, an employee shall work extra shifts at basic rates upon three days to be appointed by the employer for the purpose of maintaining production which the employer may find to have been lost by reason of any three of the holidays set out in subsection (1).

*Annual Leave.*

11. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to annual leave of not less than fifteen working days excluding the public holidays and the employee's rest days with full pay.

*Sick Leave.*

12. An employee who after three months continuous service with his employer becomes ill through no fault of his own and become incapable of performing his duties, shall have one or other of the following sick benefits in respect of each period of twelve months' continuous service on production of a certificate issued by a Medical Practitioner registered under the Medical and Dental Practitioners Act, 1970—

- (a) Fourteen days leave with full pay and thereafter fourteen days with half pay;
- (b) Thirty days leave of which the first three days in any period of sickness shall be without pay and the remainder with pay; or
- (c) Thirty days of free hospitalization and medical treatment with free food whilst in hospital and a daily sum of money equivalent to the cash value of any employee's rations as may be approved by the Labour Commissioner from time to time.

*Maternity Leave.*

13. Pregnancy shall entitle an employee to—

- (a) A total of thirty days leave, on full pay in each period of twelve months' continuous service with the same employer in respect of prenatal, confinement and postnatal care; or

- (b) Alternatively, at the option of the employer and in lieu of payment referred to in paragraph (a)—
- (i) Free pre-natal medical care;
  - (ii) Confinement in hospital with free food, free medical treatment including all medicines prescribed by the medical practitioner in charge of her; and
  - (iii) Three weeks unpaid leave following delivery.

*Redundancy.*

14. (1) In the case of redundancy by reason of closure, cassation or curtailment of an employer's operation each affected employee shall receive—

- (a) One month's notice of termination of service or one month's pay in lieu of such notice;
- (b) (i) One month's wage at his latest basic minimum rate where he has been in the employer's continuous service up to 6 months;
- (ii) Two months, wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for more than 6 months but less than 12 months; or
- (iii) Three month's wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for 12 months or more.

(2) The benefits provided in this Section shall be a minimum but shall be deemed to be included in any terminal benefits provided by any written law.

*Pay advances.*

15. On a day to be appointed by his employer, which day shall be approximately half way through the pay month, an employee whose basic wages exceeds E100.00 per month shall be entitled to draw an advance of his wages to an amount of E20.00:

Provided that—

- (a) There are funds standing to the credit of the employee to meet the amount of the required advance; and
- (b) His acceptance of the advance shall be deemed to be an authorisation to the employer to deduct the full amount advanced to him at the end of the pay month from his salary.

*Revocation of Legal Notice No. 56 of 1986.*

16. The Regulation of Wages (Mining and Quarrying Industry) Order, 1986 is hereby revoked.

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## SCHEDULE

Category A1 includes employees whose principal duties comprises any of the following occupations:

- Asbestos Packers
- Beer Makers
- Block Makers
- Belt Maintenance Helper



Belt Sorters  
 Bag Printer  
 Plaster's Labourers  
 Boiler Attendants  
 Chimney Sweepers  
 Conveyor Attendants  
 Clerks A1  
 Cleaners  
 Changehouse Attendants  
 Coal Cutters Grade 3  
 Dracco Plant Attendants  
 Fuel Issuers  
 Haulage Labourers  
 House Maids  
 Kitchen Hands  
 Lashers  
 Laundry Workers  
 Messengers  
 Siding Labourers  
 Sweepers  
 Samplers (Supervised)  
 Survey Assistants (Grade 2)  
 Sanitation Workers  
 Stone Sorters  
 Tippler Attendants  
 Trammers  
 Tally Check Tip Attendants  
 Tamping Makers  
 Ventilation Labourers  
 Whitewashers  
 Waiters  
 Underground Transport Labourers

Category A2 includes employees whose principal duties comprise any of the following occupations:-

Artisan's Assistants  
 Battery Charging Attendants  
 Blasting Licence Holder's Assistants  
 Box Operators  
 Clerk A2 (As Defined in Paragraph 2)  
 Cooks

Compressor Attendants  
Coal Samplers  
Drillers' Assistants  
Ellison Feeder Attendants  
Forklift Operators  
First Aid Attendants  
Geological Sampling Assistants (Grade A2)  
Geological Sampling Assistant/Drivers  
Golf Club Attendants  
Greaser  
Jackhammer Operators' Assistants  
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  
Roof Bolters  
Rotary and Drifter Helpers  
Shortcrete Nozzlemen  
Sporters  
Scraper Winch Drivers  
Section Rail Workers  
Section Timber Workers  
Section Bar Workers  
Stockpile Attendants  
Sawmill Assistants (Supervised)  
Sample Plant Attendants  
Security Guards/Watchmen  
Survey Helpers (Grade 1)  
Toolroom Attendants  
Tracers  
Torch Cutters  
Lower Dryer Attendants  
Typist (Copy)  
Tub Loaders  
Tyre Inspectors

Water Purification Plant Attendants

Winch Operators

X-Ray Orderlies

Category B1 includes employees whose principal duties comprise any of the following occupations:—

Accounting Machine Operator

Analysts

Barman

Boiler Operators (Power Station)

Blocklayers (Without Trade Qualification)

Beer Makers (Chargehands)

Crusher Shiftsmen

Clerks (Grade B1)

Carpenters (Without Trade Qualification)

Coal Cutter (Grade 2)

Drivers (Grade 2)

Domestic Science Instructors

Dust Samplers

Electric Drill Operators

Gardening Supervisors

Guesthouse Attendants

Geologists' Assistants (Senior)

Geological Samplers (other than coal)

Gang Bosses (Grade 2 Surface)

General Gang Supervisors

Hospital Clerks

Jack Hammer Operators

Lampmen (Coal Certificated)

Plant Operators

Rock Mechanic Observers

Rotary/Drifter Operators

Supervisors (as Defined Hereunder)

Service Bay Attendants

Security Sergeant

Stenographer Typists

Switchboard Operators (Internal and External)

Telex Operators

Theatre Orderlies

Tradesmen (Without Formal Qualifications)

Training Instructors

Welfare Assistants

Category B2 includes employees whose principal duties comprise any of the following occupations:-

Blasting Licence Holder  
 Coal Cutters (Grade 1)  
 Drillers (Mobile Rig and Core)  
 Drivers (Earth Moving)  
 Dyke Gang Supervisors  
 Electricians (to 380 volts)  
 Gangbosses (Grade 1 Surface)  
 Gangbosses (Grade 3 Underground)  
 Laboratory Assistants (Asbestos)  
 Mechanics (Grade 1)  
 Medical Orderlies  
 Truck Busters  
 Village Administration Clerk  
 Welders  
 Weighbridge Clerk

Category B3 includes employees whose principal duties comprise of the following occupations:-

Artisan's (Grade 2)  
 Blasting Supervisors (Iron Ore)  
 Drill Supervisors  
 Electricians (to 550 volts)  
 Gang Bosses (Grade 1 Underground)  
 Hospital Clerks  
 Personnel Assistants  
 Section Supervisors  
 Section Bosses (Surface/Village Induna)  
 Stores/Accounts Clerk  
 Transport Controllers  
 Washing Supervisors (Iron Ore)  
 X-Ray Clerks.

Category C1 includes employees whose principal duties comprise any of the following occupations other than qualified artisans who have served the prescribed period of apprenticeship or passed a Government recognised Trade Test:-

Carpenters  
 Mason/Furnance Bricklayers  
 Mechanic (Vehicle Maintenance)  
 Plumber/Sheet Metal Workers  
 Ropeway Servicemen  
 Sewage/Water Supervisors

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**Section Bosses (Underground)**

**Storekeepers.**

**Category C2 includes employees whom Management consider to have such qualities as to warrant categorisation above category C1.**

**A.M. FAKUDZE**

***Principal Secretary Ministry of Labour***

LEGAL NOTICE NO. 102 OF 1987

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THE CIVIL SERVICE ORDER, 1973

APPOINTMENT OF ACTING SECRETARY TO CABINET/HEAD OF THE  
CIVIL SERVICE

(Under section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint—

ALPHUS RAYMOND SHABANGU

to be Acting Secretary to Cabinet/Head of the Civil Service with effect from 7th October, 1987 to 31st October, 1987.

SIGNED AT LUDZIDZINI THIS 13TH DAY OF OCTOBER, 1987.

MSWATI III  
KING OF SWAZILAND

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LEGAL NOTICE NO. 103 OF 1987

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THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND  
ORDER, 1978

(Order No. 23 of 1978)

APPOINTMENT OF EXECUTIVE OFFICER OF ELECTORAL COMMITTEE

(Under section 5)

In exercise of the powers conferred upon me by section 5 of the Establishment of the Parliament of Swaziland Order, 1978, I hereby appoint:-

ANDREAS M. FAKUDZE

to be the Executive Officer of the Electoral Committee with effect from the 26th October, 1987 and hereby revoke the appointment of Mr. Shedrack J.S. Sibanyoni as Executive Officer as made in Legal Notice No. 78 of 1978.

DONE AT LUDZIDZINI THIS 26TH DAY OF OCTOBER, 1987.

MSWATI III  
KING OF SWAZILAND

LEGAL NOTICE NO. 104 OF 1987

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THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND  
ORDER, 1978

(Order No. 23 of 1978)

APPOINTMENT OF INDVUNA YENKHUNDLA

(Under section 9)

In exercise of the powers conferred upon me by section 9 of the Establishment of the Parliament of Swaziland Order, 1978, I hereby appoint:-

GAWULELA ZWANE

to be Indvuna Yenkhundla of Mpolonjeni Inkhundla with effect from 26th October 1987 and also revoke the appointment of Edward Nkhomondze with effect from the said date.

DONE AT LUDZIDZINI THIS 26TH DAY OF OCTOBER, 1987.

MSWATI III  
KING OF SWAZILAND



LEGAL NOTICE NO. 105 OF 1987

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THE ESTABLISHMENT OF THE PARLIAMENT OF SWAZILAND  
ORDER, 1978

(Order No. 23 of 1978)

APPOINTMENT OF INDVUNA YENKHUNDLA

(Under section 9)

In exercise of the powers conferred upon me by section 9 of the Establishment of the Parliament of Swaziland Order, 1978, I hereby appoint:-

EDWARD MBULAWA MASEKO

to be Indvuna Yenkhundla of Mhlambanyatsi Inkhundla with effect from 26th October, 1987 and also revoke the appointment of Clement Bhizeni Dlamini with effect from the said date.

DONE AT LUDZIDZINI THIS 26TH DAY OF OCTOBER, 1987.

MSWATI III  
KING OF SWAZILAND