



# SWAZILAND

## GOVERNMENT GAZETTE

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MBABANE, Friday, July 9th, 1993

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**CORRIGENDUM**

THE CHANGE OF NAME ACT, 1962

(Act No. 67 of 1962)

AUTHORISATION OF CHANGE OF SURNAME

(General Notice No. 39 of 1993)

The Authorisation of change of surname in General Notice No. 39 of 1993 is corrected as follows:

1. By replacing surname Mnisi with Msibi.

## LEGAL NOTICE NO. 115 OF 1993

## THE WAGES ACT NO. 16 OF 1964

## THE REGULATION OF WAGES (DOMESTIC EMPLOYEES) ORDER, 1993

## (Under Section II)

In exercise of the powers conferred upon him by Section II of the Wages Act, 1964, the Minister for Labour and Public Service hereby makes the following order:-

*Citation.*

1. This Order may be cited as the Regulation of Wages (Domestic Employees) Order, 1993 and shall be deemed to have come into effect on the 1st June, 1993.

*Interpretation*

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

"Casual employee" means a domestic employee who is employed for not more than one day at a time and who is paid at the end of the day's work;

"Children's nurse" means a person who takes care of children and oversees their activities, gives children all necessary assistance, carries out such other duties in connection with the care of 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 he 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 capacity of cook, house attendant, waiter, butler, children's nurse, valet, groom, gardener, 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;

"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 bed etc;

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

"Part time employee" means a domestic employee, other than a casual employee, who is employed for less than twenty four hours in any week;

"Public holidays" means a public holiday mentioned in the Second Schedule;

"Watchman" means a person who is responsible for the safeguard of his employer's property against fire, theft and illegal entry; 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 as 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.

*Hours of work.*

5. The normal working week shall consist of forty eight hours, exclusive of meal breaks, spread over six days of the week each of either eight hours or as may be agreed between the employer and the employee.

*Overtime.*

6. An employee required to work in excess of the normal hours of work referred to in Section 5 on any day as agreed between the employee, shall be paid for such overtime at the rate of one and half times his normal rate of wages.

*Annual leave.*

7. (1) After twelve months of continuous service with an employer, an employee shall be entitled to twelve working days leave and shall be paid for such leave the wages (excluding overtime) he would have earned had he worked during the period of such leave.

(2) Where a public holiday occurs during the period of annual leave granted to an employee under the provisions of this section, the employee will be paid a day's wages for that public holiday in addition to the wages payable to him in respect of his annual leave

(3) Where the employment of an employee is terminated after a period exceeding three months from the date of its commencement, or after a period following the date on with annual leave granted under this section ended the employee shall be paid, in addition to any other entitlement, an amount equal to one day's pay for each month of service during which he has earned, but has not taken annual leave.

*Sick Leave.*

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

(2) Notwithstanding Sub-Section (1)

(3) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or his misconduct;

(4) A certificate issued by a Regional Secretary or registered nurse shall be accepted in place of medical certificate if a Medical Practitioner is not available

*Paid Public Holidays.*

9. (1) An employee required to work on a public holiday specified in the Second Schedule shall be paid, in addition to their wages he would normally earn on the day, an additional day's wages or alternatively, by mutual agreement between himself and his employer, he may be granted another day off on full pay at a time suitable to both parties.

(2) No employee shall be entitled to payment under Sub-Section (1) unless he is available for work on a working day immediately before and after the public holiday.

*Maternity Leave.*

10. (1) After nine months of continuous service with an employer, and subject to the production of a certificate signed by a registered nurse recommending that an employee should refrain from work because she is pregnant, an employee shall be entitled to thirteen working days maternity leave on full pay thereafter without pay in respect of that pregnancy.

(2) Such leave shall be in addition to any sick leave to which the employee may be entitled under Section 8.

*Uniforms.*

11. An employer shall, as a condition of employment, provide suitable uniform for the domestic employee, employed as a casual employee, or part time employee. Such uniform shall remain the property of the employer.

*Conditions of employment.*

12. As a condition of employment, an employee may enter into a written agreement with his employer.

*Rest day.*

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

*Accommodation.*

14. 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. 55 of 1992.*

15. The Regulation of Wages (Domestic Employees) Order, 1992 is hereby revoked.

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**FIRST SCHEDULE**  
**Basic Minimum Wage**

	Monthly	Daily	Hourly
Cook.....	169.40	6.51	81 cents
Watchman.....	169.40	6.51	81 cents
Gardener.....	158.40	6.16	77 cents
Gardener (under eighteen years).....	129.80	4.93	59 cents
House attendant.....	158.40	6.16	77 cents
House attendant (under eighteen years).....	129.80	4.93	59 cents
Laundress.....	158.40	6.16	77 cents
Laundress (under eighteen years).....	129.80	4.93	59 cents
Children's nurse.....	158.40	6.16	77 cents
Children nurse (under eighteen years).....	129.80	4.93	59 cents

The monthly rate specified in the first column of the Schedule shall be the basic minimum wage for employees engaged on a monthly contract inclusive of the ration element.

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 inclusive of the ration element.

The hourly rate specified in the third column of the Schedule shall be the basic minimum wage for casual employees employed casually and paid by the hours inclusive of the ration element.

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## SECOND SCHEDULE

### Paid Public Holidays

Ascension Day

Easter Monday

Good Friday

Incwala day

King's Birthday

Umhlanga (Reed Dance) Day

Somhlolo (Independence Day)

Christmas Day

National Flag Day

S.B. CEKO

*Principal Secretary-Ministry of Labour*