



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

---

VOL. XXXVIII]

MBABANE, Friday, DECEMBER 8th., 2000

[No. 635

---

## CONTENTS

No.

Page

### PART C - LEGAL NOTICES

158. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order,  
2000 ..... S1

---

PUBLISHED BY AUTHORITY

# PART C

S1

LEGAL NOTICE NO. 158 OF 2000

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

## THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE AND DISTRIBUTIVE TRADES) ORDER, 2000 (Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964 the Minister for Enterprise and Employment hereby makes the following Order.

### *Citation.*

1. These Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order, 2000 and shall be deemed to have come into effect on the 1st December, 2000.

### *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 or Wholesale supply.

### *Interpretation.*

3. In this Order unless the context otherwise requires -

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

“cashier” means a person responsible for issuing, receiving and checking money and who has been employed as such for a continuous period of more than 6 months;

“senior clerk” means an employee who is the holder of a Senior Certificate of education and who is engaged in general clerical duties and also supervises the Junior Clerk;

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

“copy typist” means an employee wholly or mainly engaged in typing, checking figures and filing, and who is capable of typing a minimum of 25 words per minute;

“deliveryman” means an employee wholly or mainly engaged in the delivery of goods;

“driver (heavy vehicle)” means an employee in charge of a vehicle of over one and one half ( $1\frac{1}{2}$ ) tons whose duties include handling to and from the tailboard and daily maintenance and cleaning of such vehicle;

“driver (light vehicle)” means an employee in charge of a vehicle of one and one half ( $1\frac{1}{2}$ ) 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" includes a person employed as a sweeper, cleaner or shpman;

"Commercial cleaner" includes a person employed as a cleaner in an office, block of offices or private homestead through an establishment engaged in commercial cleaning services.

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

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

"lorryman" means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise whilst in transit, and assisting their loading and unloading and whose duties may be interchangeable with those of general labourer;

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

"petrol pump attendant" means a person wholly or mainly employed at a filling station selling fuel, oil and includes cleaning of driveway and forcourt.

"pre-packer" means an employee wholly or mainly employed in the pre-packing of goods for display or for sale to the public from bulk to small parcels;

"hairdresser" means a person who is qualified in scalp treatment, hair texturing, hair relaxing, perm, blow outs and styling;

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

"cashier-salon" means a person who handles cash, keeps records, takes money to the bank and issues receipts to customers;

"hairbraider" means a person who braids hair and makes braid styles;

"barbar" means a person who cuts hair;

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

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

"redundancy" means a situation where, due to the operational or financial requirements or circumstances of the employer, the need for workers of a particular kind has ceased or diminished;

"shop assistant" means a person wholly or mainly employed for purposes of transacting business with customers or displaying goods in a place where such goods are exhibited for sale to the public in a supermarket or similar establishment and who has acquired two years experience in such work;

"telephone/switchboard operator" means an employee 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 the employee specified in the First Schedule shall -

- (i) be calculated at a rate not less than that specified in the Schedule;
- (ii) be deemed to include the ration element and
- (iii) not be reduced by any amount for housing or accommodation which may be provided by the employer.

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

*Hours of work.*

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

(2) The normal hours of work for a petrol pump attendant shall, subject to the provisions of regulation 6, be forty-eight hours of work spread over a period of 6 days.

(3) The normal hours of work for a watchman shall be sixty-six hours per week divided into six shifts each of eleven hours.

*Overtime Payment.*

6. (1) An employee other than a petrol pump attendant and a watchman, who is required to be on duty and work in excess of the hours specified in regulation 5 shall be paid at one and half times the basic hourly rates.

Provided that overtime worked on Sundays or public Holidays or after 1.00 p.m on Saturday shall be paid at twice the employee's basic hourly rate.

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

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

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

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

*Annual Leave.*

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

Provided that on completion of three years continuous service with an employer an employee shall be entitled to fifteen working days leave on full pay:

(2) Where employment is terminated after three months' initial service with an employer, or after returning from annual leave as provided for in sub-regulation (1) an employee shall be entitled to one day's pay for each completed month of service following his initial engagement or following his return from leave as the case may be.

*Sick leave.*

8. (1) After three consecutive months of continuous service with an employer, and subject to the production of a medical certificate signed by a medical practitioner registered under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave 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.

(2) Notwithstanding sub-regulation (1),

- (i) an employee shall not be entitled to the benefits specified in regulation (1) if the sickness or accident causing his absence was as a result of his own negligence or misconduct;
- (ii) a certificate issued by a registered nurse shall be accepted in place of a medical certificate mentioned in sub-regulation (1) if 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 on full pay for a period not exceeding twelve weeks (84 calendar days) upon delivering to her employer:-

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

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

*Written Particulars to be provided.*

10. 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 -

Christmas Day;  
New Years Day;  
Good Friday;  
Easter Monday;  
Ascension Day;  
King's Birthday;  
Somhlolo Day;  
Reed Dance Day;  
Flag Day;  
Incwala Day;  
July 22nd; 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.

(3) An employee who is absent without leave on the working day before or the working day after a public holiday, shall not be entitled to any payment in respect of that public holiday in terms of this regulation.

*Compassionate Leave.*

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

widows - 30 working days with full pay  
widower - 6 working days with full pay; and  
natural father or mother - 3 working days with full pay.

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

*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.

*Watchman's Clothing and Equipment.*

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

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

*Redundancy.*

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

- (a) a redundancy payment equal to two-thirds of his monthly wage multiplied by four; or
- (b) severance allowance required by the Employment Act whichever is greater, but he will not be entitled to be paid both severance pay and redundancy pay.

*Piece or task work.*

16. 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.

*Transport.*

17. An employee, who by nature of his employment is required on any day to remain on duty after 6 p.m or is required to start work before 7.00 a.m. shall be provided free of charge with transport between his place of work and his home or such point on a public road as may be mutually agreed upon between the employer and the employee.

*Continuous Service.*

18. (1) Continuous service is service in the employment of the 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 his 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, his service shall be deemed to be continuous service in the employment of the new owner.

*Protective Clothing.*

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

*Revocation.*

20. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trade) Order, 1999 (Legal Notice No. 93 of 1999) is hereby revoked.

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

(A) Bhunya, Big Bend, Havelock Mine, Luyengo, Matata, Malkerns, Manzini, Mbabane, (including establishment situated along and within 5km on either side of the Mbabane/Manzini main road stretching 20 km from Mbabane); Matsapha Industrial Area, Mhlambanyatsi, Mhlume, Ngwenya, Nhlanguano, Piggs Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Nsoko Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lavumisa, Mankayane, Lomahasha Shopping Complex and Hlatikulu.

	<b>A</b> <b>Urban Areas</b>	<b>B</b> <b>All other areas</b>
General Labourer	771.32	672.79
Lorryman	771.32	672.79
Watchman	771.32	672.79
Messenger	771.32	672.79
Deliveryman	771.32	672.79
Heavy Duty Labourer	771.32	672.79
Pre-Packer	771.32	672.79
Commercial Cleaner	771.32	672.79
Junior Clerk	805.40	690.16
Senior Clerk	849.43	720.70
Junior Shop Assistant	771.32	672.79
Telephone Switchboard Operator	771.32	672.79
Copy Typist	771.32	672.79
Driver (Light Vehicle)	805.40	690.16
Petrol Pump Attendant	805.40	690.16
Driver (Heavy Duty)	849.43	720.70
Shop Assistant	849.43	720.70
Blockman	849.43	720.70
Trainee Cashier	771.32	672.79
Cashier	968.02	623.92
Beautician	983.18	639.08
Cashier (salon)	842.73	547.78
Hairdresser	772.51	527.42
Assistant Hair Dresser	632.05	410.83
Hair Braider	632.05	410.83
Barberperson	561.83	365.19

**NB:** Areas reflected against A above are, for the purposes of this Wages Regulations Order, deemed to be Urban Areas.



**SECOND SCHEDULE****WRITTEN PARTICULARS OF EMPLOYMENT**

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

Notes (a) An Employee is free to join an industry union which is recognised 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

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

M. E. VILAKATI  
*Principal Secretary*  
*Ministry of Enterprise & Employment*