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CONTENTS

No.		Page
PART C - LEGAL NOTICE		
181.	The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order, 2006	S1
182.	The Regulation of Wages (Road Transportation) Order, 2006	S11

PUBLISHED BY AUTHORITY

PART C

S1

LEGAL NOTICE NO. 181 OF 2006

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

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE
AND DISTRIBUTIVE TRADES) ORDER 2006
(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. This Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades) Order, 2006 and shall be deemed to have come into effect on the 1st November, 2006.

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 -

“baker” means a person mainly employed to order ingredients, scale ingredients, mix ingredients, bake bread and confectionary, pack the finished product and transacts business with customers and who has acquired two years experience;

“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 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, transacts business with customers, displays goods, making up of orders, checking inward goods who has not acquired two (2) years experience.

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

“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;

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

“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 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 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 shopman;

“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;

“merchandiser” means a person employed by a merchandising company to work in a place, where goods are exhibited for sale to the public who transacts business with customers and displays goods, including the making up of orders and checking goods inward 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, 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 forecourt.

“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;

“hyster / folklift driver” means a person who drives folklift;

“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 hours 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. (i) 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.

- (ii) Provided that no employee shall be entitled to the maternity leave provided for under sub-regulation (i) 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;
biological parents	- 3 working days with full pay; and
Biological child	- 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.

13. Retirement Age

An employee may retire at age of 60.

14. Payment of Severance Allowance

(1) Severance allowance calculated as outlined in Section 34 of the Employment Act, 1980, shall be payable to an employee who leaves service under the following circumstances:

- (a) On grounds of age or ill-health, subject to the production of a medical certificate signed by a medical practitioner registered under the Medical and dental Practitioners act, 1970.
- (b) Resignation after 10 years of continuous service with the same employer;
- (c) To the employee's beneficiaries, in the case of such employee's death in service.

(2) Notwithstanding sub-regulation(1) 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 1980.

Casual Work.

15. 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.

16. (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.

17. 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

18. 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

19. 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 6.30 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.

20. (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.

21. 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.

22. The Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trade) Order, 2004 (Legal Notice No. 74 of 2004) 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.

	A Urban Areas	B All other areas
General Labourer	973.00	849.00
Lorryman	973.00	849.00
Watchman	973.00	849.00
Messenger	973.00	849.00
Deliveryman	973.00	849.00
Heavy Duty Labourer	1072.00	909.00
Pre-Packer	973.00	849.00
Commercial Cleaner	973.00	849.00
Junior Clerk	1016.00	872.00
Senior Clerk	1072.00	866.00
Junior Shop Assistant	973.00	849.00
Junior Merchandiser	973.00	849.00
Telephone Switchboard Operator	973.00	849.00
Copy Typist	973.00	849.00
Driver (Light Vehicle)	1016.00	872.00
Petrol Pump Attendant	1016.00	872.00
Driver (Heavy Duty)	1072.00	909.00
Shop Assistant	1072.00	909.00
Merchandiser	1072.00	909.00
Blockman	1197.00	1019.00
Trainee Cashier	973.00	849.00
Cashier	1222.00	965.00
Beautician	1241.00	984.00
Cashier (salon)	1064.00	691.00
Hairdresser	975.00	666.00
Assistant Hair Dresser	798.00	519.00
Hair Braider	798.00	519.00
Barberperson	709.00	461.00
Baker	1072.00	909.00
Junior Baker	973.00	849.00
Hyster/ Forklift Driver	1072.00	909.00

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 employees' 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

.....
.....

S10

(c) When any heading is inapplicable enter nil

SignedEmployer

.....Employee

.....Witness

.....Date

B. B. STEWART
PRINCIPAL SECRETARY
MINISTRY OF ENTERPRISE & EMPLOYMENT

LEGAL NOTICE NO. 182 OF 2006

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

THE REGULATION OF WAGES (ROAD TRANSPORTATION) ORDER, 2006
(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 and commencement.

1. This Order may be cited as the Regulation of Wages (Road Transportation) Order, 2006 and shall come into effect on the 1st October 2006.

Interpretation.

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

“artisan / mechanic” means an employee who has completed an apprenticeship or who has been awarded a grade I trade certificate;

“assistant artisan / mechanic” means an unskilled employee who assists an artisan/mechanic;

“clerk grade II” means a clerk from one day to 3 months continuous service with the same employer;

“clerk grade III” means a clerk above 3 months up to 12 months, continuous service with the same employer;

“clerk grade IV” means a clerk from 13 months up to 24 months continuous service with the same employer;

“clerk grade V” means a clerk from 25 months service who is engaged in general clerical duties, with the same employer;

“conductor” means a person who is employed to sell tickets on a public service vehicle and who is responsible for the control of passengers on that vehicle;

“driver instructor” means a person who is employed to conduct practical driving tests for a driver and who supervises a driver’s department or cadre in an establishment.

“driver” means a person who is employed to drive a goods vehicle, public service vehicle, car hire or taxi as the context may require, and for the purposes of this definition the expression “drives a motor vehicle” includes all periods of driving, all periods during which he is obliged to remain at his post in readiness to drive and any time spent by him in connection with the vehicle or its load;

“emergency services” means any work which, owing to unforeseen causes such as fire, storm accident, act of violence or theft, must be done without delay and includes work essential for the maintenance of light, power or water supplies or sanitary and telephone services and the transportation of machinery or any other thing to prevent any serious disruption in any undertaking, industry, trade or occupation and completing the en route transportation and unloading of perishable products to prevent spoilage.

“grade” means any grade listed in the First Schedule;

“greaser” means an employee who greases vehicles and trailers;

“general worker” means an employee who performs manual tasks of simple routine nature, requiring mainly physical effort and little or no experience, which is not performed by workers classified elsewhere;

“lay over” means a period of duty performed by a driver for the purpose of booking-off his vehicle which shall not include driving duty;

“Loader” means an employee engaged in the loading or off-loading of vehicles or rail transport;

“lorry mate” means an employee who assists in the execution of driver’s duties other than driving;

“messenger” means an employee engaged to convey messages and to carry out elementary office jobs;

mobile crane driver” means an employee who operates a mobile crane to load or off-load materials;

“night-shift” means a shift during which five and a half or more ordinary hours of work, overtime excluded, fall within the period reckoned from 18:00 to 6.00 the next day;

“overtime” means any time worked outside the ordinary hours of work as defined in regulation 6;

“public holiday” means a day prescribed as a paid public holiday in regulation 13;

“rank marshals” are employees who work at a taxi or combi or bus rank and who manage the allocation of passengers to drivers on a particular route according to an agreed roster;

“senior clerk” means an employee engaged in general clerical duties including supervisory work;

“short time” means the employment of employees on short time working at not less than fifty percent of their basic wage;

“storeman” means an employee who is engaged in receiving, recording, storing, unpacking and issuing spares for the repair and maintenance of vehicles;

“suitable accommodation” means a weatherproof structure containing bed or camp bed with a palliasse or similar covering;

“switchboard operator” means an employee who operates a telephone switchboard ;

“tyre hand” means a person who is employed in the repairing of tyres and tubes, including the use of equipment necessary for such work;

“watchman” means an employee who guards property or premises of the employer;

“working day” means any day other than a day-off or a public holiday listed in regulation 13.

Application.

3. This Order shall apply to all persons employed in any undertaking involving the carriage, for

hire or reward, of passengers or goods by a motor vehicle required to be licenced under the Road Transportation Act, 1963. All employers in the Road Transport Industry shall have registered premises in Swaziland.

Basic Minimum Wage.

4. (1) The basic minimum wage to be paid to the employees specified in the First Schedule shall be calculated at a rate specified therein in relation to the employee's grade,

(2) A casual employee shall not be paid less than one and third (1/3) times the basic minimum wage for the occupation and grade in which he is employed.

Protection of Wages.

5. (1) An employee who is required to perform duties in a lower grade than that in which he is normally employed, shall be paid the wages applicable to the grade in which he is normally employed.

(2) Any employee who is required to temporarily perform duties in a higher grade than that in which he is normally employed, shall be paid the wage applicable to such higher grade on and after the third day of such work.

(3) Except in the case of short time, no employer shall reduce the wages of any employee who is able and willing to work and who presents himself for work at the appointed time and place but for whom the employer is unwilling or unable to provide work.

Hours of work.

6. (1) The ordinary hours of work, subject to the provisions of regulation 8 shall not exceed forty eight hours per week, spread over 6 days.

(2) Except in case of emergency, no employer shall require or permit an employee, other than a watchman or taxi-driver, to work more than sixty hours, including overtime, in any week or for more than five continuous hours without a break of at least thirty minutes.

(3) Every employee shall receive one day off work in each week and no employee shall be required to work on his day-off in successive weeks unless mutually agreed to by prior arrangement.

(4) Where two drivers are engaged in driving a vehicle, the total driving hours per day for both drivers shall not exceed sixteen hours and each driver shall be paid for driving time only, which driving hours shall be appointed equally between both drivers.

(5) A driver of a Public Transport vehicle shall be allowed breaks amounting in aggregate to not less than forty minutes in a period of eight consecutive hours working time, and in the event of him working more than eight consecutive hours, he shall, in addition to aggregate break of forty minutes, be given a thirty minutes rest period at the end of eight hours.

(6) No driver shall be required or permitted to drive for eleven or more hours in one day except in the case of an emergency.

Conversions Rates.

7. For purposes of converting a weekly wage to -

- (a) an hourly rate, the weekly wages shall be divided by the number of hours ordinarily worked in a week;
- (b) a daily rate, the weekly wage shall be divided by the number of days ordinarily worked in a week; and
- (c) a monthly rate, the weekly wages shall be multiplied by four and one third.

Payment for Overtime.

8. (1) Subject to the provisions of regulation 6 an employer may require an employee to work overtime and, whenever possible, shall give twenty-four hours notice of such requirements. Such requirement to work overtime shall not be unreasonable refused by an employee.

(2) The first thirty minutes of overtime worked on any day shall qualify for payment at the employee's normal rate of wage applicable to that day.

(3) Overtime in excess of thirty minutes on any normal working day shall qualify for payment at the rate of one and half/times the employee's normal rate of wages.

(4) Overtime worked by an employee on his day off or on a public holiday qualify for payment at double the employee's normal wages.

Compassionate Leave:

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

Widows	-	30 calendar days
Widower	-	7 calendar days
Natural father or mother	-	7 calendar days
Natural child	-	7 calendar days

(2) Out of all the above mentioned days only 3 days will be with full pay.

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

Allowances.

10. (1) A driver other than a taxi-driver, who is required to drive on a night shift shall be paid at one and one half times his normal wage rate.

(2) A taxi driver shall be paid, in addition to his normal wage, a commission of not less than two percent, on his money intake during any month worked.

(3) A driver who has been in the continuous employment of the same employer for more than six months and who is required to obtain an annual public driver's permit, shall be reimbursed by his employer the cost of any medical examination required as a condition for the issue of that permit.

(4) An employee who is on duty outside his normal station or principal place of employment shall be paid subsistence allowance in respect of each continuous period of 12 hours up to a maximum of six days the following:

- (a) twenty-two emalangeni, ten cents (22.10) where the employer provides suitable accommodation and food;
- (b) forty-four emalangeni, twenty cents (44.20) where the employer does not provide food, but provides suitable accommodation or where the accommodation is available on the vehicle; and
- (c) eighty-eight emalangeni forty cents (88.40) where the employee provides neither food nor accommodation.

(5) An employee who is absent on duty from his principal place of employment for more than seven days but not exceeding thirty days, shall be paid the following subsistence allowance in respect of each absence:

- (a) seventy one emalangeni and eighty-one cents (71.80) if the employer provides suitable accommodation and food;
- (b) forty-four emalangeni twenty cents (44.20) where the employer does not provide food, but provides suitable accommodation or where the accommodation is available on the vehicle; and
- (c) one hundred and ten emalangeni fifty cents (110.50) if the employer provides neither food nor accommodation.

(6) Whenever a transfer is envisaged to be permanent in nature from the outset, a transfer allowance of hundreds and ten emalangeni fifty cents (E110.50) shall be paid to the transferee.

Annual Leave.

11. (1) During the first two years of continuous service with an employer, an employee shall earn leave at the rate of one and a quarter working days for each completed month of service.

(2) After the completion of two years service but not exceeding seven years continuous service with an employer, an employee shall earn at the rate of two working days for each completed month.

(3) An employee with more than seven years continuous service with an employer shall earn leave at the rate of two and a half working days for each completed month.

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

(5) A period of unpaid leave or unpaid sick leave shall not be counted as employment earning leave.

(6) An employer, who observes a holiday other than a public holiday in regulation 13, shall not off-set such holiday against an employee's leave.

Maternity Leave:

12. 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, the other six weeks from the date of confinement but only at least two weeks paid; the rest at the discretion of the employer.

Public Holidays.

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

New Year's Day;
Good Friday;
Easter Monday;
National Flag Day;
Ascension Day;
May Day;
King's Birthday;
Umhlanga (Reed dance) Day;
Somhlolo Day;
Incwala Day;
Christmas Day; and
Boxing day

(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.

Sick Leave.

14. (1) After three consecutive months 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 on full wages and thereafter to maximum of fourteen days on half wages in each period of one year.

(2) Notwithstanding sub-regulation (1),

(a) an employee shall not be entitled to the benefits specified under sub-regulation (1) if the

sickness or accident causing his absence was a result of his own negligence or misconduct; and

- (b) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a medical practitioner is not available.

Retirement Age

15. An employee may retire at age of 60.

Written Particulars of employment to be provided

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

Continuous Service.

17. 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.

18. (1) Subject to sub-regulation (2), an employee shall supply, free of charge and without payment of any deposit by the employee, the following items -

- (i) in the case of employees who are normally exposed in their employment to inclement weather, a waterproof cap, overcoat or other suitable protective clothing;
- (ii) two dust coats, two overalls or two uniforms per annum, in the case of drivers and conductors; and
- (iii) in the case of artisans assistant 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.

Payment of Severance Allowance

19. (i) Severance allowance calculated as outlined in Section 34 of the Employment Act, 1980, shall be payable to an employee who leaves service under the following circumstances:

- (a) On grounds of age or ill-health, subject to the production of a medical certificate signed by a medical practitioner registered under the Medical and dental Practitioners act, 1970 or
- (b) Resignation after 10 years of continuous service with the same employer, provided the employer satisfied himself or
- (c) To the employee's beneficiaries, in the case of such employee's death in service.

(2) Notwithstanding sub-regulation (i)

The payment of severance allowance under any other circumstances not mentioned in sub-regulation (i) shall be governed by Section 34 of the Employment Act 1980.

Short Time.

20. (1) If an employer finds it necessary, for reasons beyond that employers control, to employ an employee on short time, that employer may do so, subject to the Labour Commissioner consenting in writing to such an arrangement and on the undertaking that the employer intends resuming full time working within three weeks.

(2) Where an employee has been placed on short time under sub-regulation (1), that employee shall be paid not less than fifty percent of the weekly wages where the employee is employed for periods which, in aggregate, are equivalent to or less than fifty percent of his normal weekly hours of work.

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

Revocation of legal Notice No.131 of 2004.

20. The Regulation of Wages (Road Transportation Industry) Order, 2004 is revoked.

FIRST SCHEDULE**(REGULATION 4)****BASIC MINIMUM WAGE PER WEEK****Grade 1:**

Greaser	
Loader	
Lorry mate	200.00
Messenger	
Conductor	
General worker	

Grade II:

Fuel issuer	
Rank marshal	
Tyre hand	
Watchman	
Driver of vehicles up to 200kg tare weight or	285.00
A public transport Licenced to carry 1 to 16 passengers	

Grade 111:

Driver of vehicles from 2001kg to 7000kg tare weight or	
Public Transport Licenced to carry 17 to 36 passengers	305.00
Assistant artisan / mechanic	

Grade IV:

Driver of mobile cranes, vehicles from 7001 kg to 12000 kg tare	
Weight or public transport	316.00
Licenced to carry 37 to 59 passengers	

Grade V:

Driver of vehicles 12001kg to 20000kg tare weight or public	
Transport licensed to carry 60 passengers and more	
Clerk	328.00
Storeman	

Grade VI:

Driver of (vehicles of 20001 kg tare weight and above	
Senior Clerk	331.00

Grade VII:

Driver Instructor	
Artisan / Mechanic	
Mechanic	
Auto Electrician	578.00
Welder	

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. 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: (i) An Industry Union is recognised by this undertaking any employee is free to join it.
The address of the Industry Union is:

.....
.....

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

.....
.....

(iii) When any heading is inapplicable enter nil.

SignedEmployer

.....Employee

.....Witness

.....Date.

B. B. STEWART
PRINCIPAL SECRETARY
MINISTRY OF ENTERPRISE & EMPLOYMENT

