

6

SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE

VOL. XXVII]

MBABANE, Friday, September 22nd, 1989

[No. 684

CONTENTS

No.

Page

PART C — LEGAL NOTICES

75. The Regulation of Wages (Forestry and Forest Industry) Order, 1989 S1

LEGAL NOTICE NO. 75 OF 1989

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER, 1989

(Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964 the Minister for Labour & Public Service hereby makes the following Order:-

Citation and Commencement.

1. This order may be cited as the Regulation of Wages (Forestry & Forest Industry) Order, 1989 and shall be deemed to have come into force on the 1st September, 1989.

Interpretation.

2. In this order unless the context otherwise requires:

“Artisan’s Assistant” means an employee who assists an Artisan in a workshop or in carrying out work allocated to an Artisan;

“Blaster” means an employee who is the Holder of a Recognised Blasting certificate and carries out Blasting operations;

“Bulldozer Operator” means an employee who operates a Bulldozer and carries out simple maintenance 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 the cooking and issuing of Food to other employees;

“Cross-cut saw operator” means an employee who operates a crosscut saw and carries out simple maintenance work on it;

“Driver (L.D.V.)” means an employee who drives a vehicle of less than 5 tons tare weight, whose duties include the handling to and from the Tailboard and the daily maintenance and cleaning of the vehicle;

“Driver (Logging)” means an employee who drives a log carrying Truck of over 10 tons Tare weight and who is responsible for the daily maintenance and cleaning of the vehicle;

“Driver (H.D.V.)” means an employee who drives a vehicle of 5 to 10 tons Tare weight and whose duties include handling to and from the Tailboard and the daily maintenance and cleaning of the vehicle;

“Driving Instructor” means an employee who trains other employees to drive a vehicle;

“Fire Tower Watchman” means an employee, who by means of a fire tower, oversees, locates fire on or near the property of his employer and reports the fire to his employer;

“Fork-Lift Driver” means an employee who drives a Fork Lift and carries out simple maintenance work on it;

“General Labourer” means an employee who carries out unskilled work and includes field labourers, cleaners, sweepers, loaders and tea serves;

“Grader Operator” means an employee who operates a grader and carries out simple maintenance on it;

“Juvenile” means a person between fifteen and eighteen years of age;

“Indvuna” means an employee who supervises other employees under his control;

“Jackhammer Operator” means an employee who operates a Jackhammer and carries out simple maintenance work on it;

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

“Medical Orderly” means an employee who provides medical assistance to out patients in the clinic;

“Security Guard” means an employee who is engaged to safeguard the property of his employer;

“Skidder Operator” means an employee who operates a Skidder and carries out simple maintenance on it;

“Tally Clerk” means a person 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;

“Timbergrader” means an employee who grades timber to the required specifications;

“Tractor Driver” means an employee who drives a tractor and carries out simple maintenance work on it.

Application.

3. This order shall apply to a person employed:-

- a) In any undertaking having at least 70% of its productive holding under tree development and engaged in the occupation specified in First Schedule; and
- b) By a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic Minimum wage.

4. (1) Subject to sub-regulation (3) the basic minimum wage to be paid to employees to whom the order applies shall be calculated at a rate not less favourable than that specified in the First Schedule.

(2) For purposes 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;
- (d) Monthly rate, multiply weekly wage by four and one third.

(3) A Juvenile General labourer shall receive not less than two-thirds of the rate of pay applicable to an adult general labourer.

Ration.

5. (1) As a condition of employment, an employer shall supply to each employee receiving less than E1080 per annum, rations, in quantities not less than those specified in the second Schedule.

(2) With the employee's consent, the employer may pay the employee a cash sum in lieu of rations.

Hours of Work.

6. (1) The normal weekly hours shall consist of forty-eight hours of not less than five days.

(2) In the case of an employee engaged on shift work his normal weekly hours shall be forty-eight hours over a six day week.

(3) In the case of a Watchman or Security Guard the normal weekly hours shall be seventy-two hours over a six day week.

(4) An employee required to work on a continuous shift system shall have not less than one rest day in each seven day period.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work as a Security Guard or Watchman and is required to work in excess of the hours specified under regulation 6(1) shall be paid overtime as follows:

(a) For time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;

(b) For time worked on a rest day, Sunday or public holiday specified in the third Schedule, he shall be paid at twice his hourly 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 the third Schedule, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual Leave.

8. 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 day week with full pay.

Sick Leave.

9. After three months' continuous employment with the same employer, an employee shall be eligible, in each year of employment with that employer, for a maximum of fourteen days sick leave on full pay and a maximum of fourteen days sick leave on half day:

Provided that no employee shall be eligible for sick leave in respect of any incapacity due to his own neglect or misconduct.

Public Holiday.

10. (1) Subject to subsection (3) the public holidays specified in the third Schedule shall be holiday with full pay.

(2) Subject to the provision of section 7 (1) (b) subsection (1) this section shall only apply when the employee presents himself for work on the working day immediately before the public holiday and working day immediately following the public holiday, except where the employer has authorised the Employee's absence on such working day.

(3) Where an agreement has been reached between an employer and any of his employees any of the public holidays specified in the third schedule may be exchanged for any other day in lieu thereof.

Savings.

11. (1) No employer shall reduce the wages, ration allowance, annual leave or sick leave to which an employee was entitled prior to the commencement of this order.

(2) Any employer who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a maximum fine of fifty Emalangeni or three months imprisonment or both.

Revocation of Legal Notice 109 of 1988.

12. The Regulation of Wages (Forestry and Forest Industry) Order, 1988 hereby is revoked.

FIRST SCHEDULE
(Emalangeni Per Week)

Grade A1	Cleaner)	
	General Labourer)	E21.08
	Loader)	
Grade A2	Artisan's Assistant)	
	Cook)	
	Firetower Watchman)	
	Forest Guard)	
	Fork Lift Driver)	E23.21
	Security Guard)	
	Tally Clerk)	
Grade B1	Chainsaw Operator)	
	Clerk)	
	Driver (L.D.V.))	
	Induna (Nursery))	E23.32
	Jackhammer Operator)	
	Switchboard Operator)	
	Tractor Driver)	
Grade B2	Cross-cut Saw Operator)	
	Driver (H.D.V.))	
	Induna (Forest))	E29.57
	Saw Sharpener)	
	Skidder Operator)	
	Timber Grader)	
Grade B3	Blaster)	
	Bulldozer Operator)	
	Driver (Logging))	E43.58
	Driver Instructor)	
	Grader Operator)	
	Telephone Linesman)	

SECOND SCHEDULE
(Section 5)
MINIMUM WEEKLY RATION SCALE

Mealie Meal.....	6.35 Kg.
Meat	1.36 Kg.
Sugar45 Kg.
Dry Beans, Peas or Groundnuts.....	.68 Kg.
Fresh Vegetables.....	.9 Kg.
Salt113 Kg.

Alternatives.

The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1:

(a) Mealie Meal:

For every .9 Kg. of Mealie Meal— .45 Kg. of Bread, .34 Kg. of Rice or .23 Kg. of ordinary or Sweet Potatoes.

(i) For the first .23 Kg. of Meat — .23 Kg. of Offal;
or

(ii) For the first .45 Kg. of Fish — .23 Kg. of Cheese

(b) For every .45 Kg. of Fresh Vegetables, .45 Kg. 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. 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
(Section 10)

Good Friday
King's Birthday
Incwala Day
Somhlolo Day
Christmas Day
Boxing Day

A.M. MBINGO
Acting Principal Secretary