



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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LEGAL NOTICE NO. 22 OF 2000

THE WAGES ACT, 1964
(Act No. 16 of 1964)**THE REGULATION OF WAGES (MANUFACTURING AND PROCESSING INDUSTRY)
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 and Commencement.

1. This Order may be cited as the Regulation of Wages (Manufacturing and Processing Industry) Order, 2000 and shall be deemed to have come into effect on the 1st October, 1999.

Application.

2. This Order shall apply to all persons employed in the Manufacturing and Processing Industries including the Manufacture of bricks, dry cleaning and laundry, garment making knitting, shoe Manufacture, Timber Processing and weaving who are engaged in the occupations specified in the First Schedule.

Interpretation.

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

“aligner” means an employee who aligns a finished product before final inspection with the aid of electronic test equipment;

“a.j.s. Operator” means an employee who operates on automatic junior stitcher sewing machine;

“artisan” means an employee who is in possession of a Trade Test Certificate signed by a Trade Testing Officer appointed by the Government;

“assembler soldering” means an employee who solders and assembles components by hand;

“assembler-bottom components” means an employee who assembles good quality bottom components such as soles and insoles into specific batches according to the box loading plan;

“assembler-socks” means an employee who assembles good quality socks into batches according to article and size;

“assembler-upper components” means an employee who assembles good quality upper components such as vamps, quarters, etc into specific batches according to the box loading plan;

“assistant foreman baker” means an employee who is capable of manufacturing bread, adjusting bakery machinery and supervising the workers under his control;

“assistant foreman confectioner” means an employee who is capable of manufacturing and decorating several lines of confectionery, adjusting bakery machinery and supervising the workers under his control;

"bagger" means an employee who puts folded garment in the provided plastic bag;

"baker assistant" means an employee who assists a baker;

"backseam-reducer" means an employee who reduces the Beckom, join on leather quarters by means of a machine;

"binder assistant" means an employee who receives printed matter from the machine for collating, stitching, padding, rounding corners, punching, folding, counting, numbering or perforating;

"boiler operator" means an employee who operates a boiler;

"box folder" means an employee who folds and erects boxes ready for use;

"box labeller" means an employee who labels boxes with the information required to identify the contents thereof;

"box preparer" means an employee who collects and prepares boxes accordingly;

"blower" means an employee who carries out blowing duties in the manufacture of glassware according to specification;

"cabinet fitter" means an employee who fits accessories to a television cabinet;

"canteen assistant" means an employee who assists the canteen supervisor in preparing, cooking and dishing-up food in the employees canteen;

"canteen cashier" means an employee who assists the canteen supervisor in the control of cash receipts and also assists in the preparing, cooking and dishing-up of food in the employee's canteen;

"carder" means an employee who operates a carder machine and carries out simple lubrication on it;

"carton sealer" means an employee who seals cartons of finished goods for despatch to customers;

"casual labourer" means an employee who is not employed for more than twenty four hours at a time;

"cattle buyer" means an employee who buys livestock for his employer;

"charge hand" means an employee who assists a supervisor to supervise employees;

"chassis fitter" means an employee who fits chassis components to television sets;

"cement" means an employee who applies adhesives to a surface by means of either a brush or machine;

"chef" means an employee who is responsible for the cooking of food for the employee's canteen;

"checker" means an employee who checks and records outgoing and incoming goods;

"cleaner" means an employee who is responsible for the cleaning of a factory, offices, toilets or canteen;

“clerk/storeman (with Senior Certificate)” means an employee engaged in general clerical duties, or storekeeping who holds a Senior Certificate of education;

“clerk/storeman assistant” means an employee engaged in general clerical duties, or storekeeping duties who holds a Junior Certificate of education;

“Clicker-high frequency” means an employee who cuts high frequency welds components;

“clicker-insoles/toepuffs/counters” means an employee who cuts insoles, toepuffs or counters by means of a clicking press;

“clicker-linings/trims/socks/Velcro” means an employee who cuts linings, trims, or velcro by means of a clicking press;

“clicker-textile” means an employee who cuts suede split by means of a clicking press;

“clicker-textile” means an employee who cuts textile by means of a clicking press;

“coilwinder means an employee mainly engaged in winding coils;

“components-assembler” means an employee engaged in fitting electronic components on PC boards and includes an employee engaged in pre-assembly work;

“compositor” means an employee engaged in the setting of type including the operation of typesetting and typelasting into position for printing and the making of rubber stamps;

“confectioner assistant” means an employee who assists a confectioner;

“cook” means an employee who is engaged in cooking and issuing food to other employees;

“copy-typist” means an employee who is engaged in typing and is capable of typing a minimum of 25 words per minute, filing, checking and recording incoming mail;

“counter inserter” means an employee who dips and inserts the counter stiffener into the pocket at the heel of a machine;

“continuous service” means service in the employment of an employer interrupted only by death, retirement, or discharge of the employee concerned, an employee who is re-engaged within two months of the employee’s discharge shall be deemed to be in the continuous service of that employer;

“counter moulder” means an employee who moulds the newly inserted counter stiffener over a mould by means of a machine;

“darkroom attendant” means an employee who makes negatives, including the spotting and obliteration of all marks and pinholes;

“de-boner” means an employee engaged in dissecting carcass;

“d-ring inserter” means an employee who inserts D-Rings into the shoe facing prior to being stitched;

“design draughtsman’s assistant” means an employee who assists a draughtsman to design mechanical layouts;

“despatch clerk” means an employee who selects and packs goods according to customers’ orders;

“divider operator” means an employee who operates a divider machine and who checks the weight of dough pieces;

“dough mixer” means an employee who operates a dough mixer, including the adding of ingredients into the dough;

“dough panner” means an employee who places dough into pans;

“driver (Heavy Duty Vehicle)” means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

“driver (Light Duty Vehicle)” means an employee in possession of a current driving license who is in charge of a motor vehicle of less than one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

“driver messenger” means an employee who is mainly engaged in carrying messages, who delivers and collects mail by vehicle or motor cycle and performs simple routine tasks in an office;

“driver salesman” means an employee in possession of a current driving license who sells and delivers bread, confectionery or other articles by motor vehicle and who is responsible for accepting written orders for goods and the collection and safe custody of cash for C.O.D. Sales, and also canvass for orders;

“driver salesman assistant” means an employee who marks components to assist closing department by means of a marking machine;

“electrical maintenance assistant” means an employee who assists an electrician in improving and repairing electrical installation;

“engraver” means an employee who engraves, smoothens, polishes the finished glassware, and carries out duties related thereto;

“engraver assistant” means an employee who engraves, smoothens, polishes the finished glassware and carries out duties given by the engraver;

“entrepreneur assistant grade I” means an employee who is capable of performing the work of an entrepreneur without the assistance of such an entrepreneur;

“entrepreneur assistant grade II” means an employee who assists a person who is capable of carrying out the work of the entrepreneur’s workshop;

“final aligner and tester” means an employee mainly engaged in the final alignment and testing of finished products, using electronic test equipment;

“final inspector/final tester” means an employee mainly engaged in the final inspection or testing of finished products, if necessary, using electronic equipment;

“finisher” means an employee who smoothens, trims carpets and makes knots on the fringes to make such carpets adaptable for sale;

“fitter” means an employee who repairs and maintain machinery;

“foam attacher” means an employee who attaches foam to the topline of the quarters for collar padding;

“foam strip cutter” means an employee who cuts foam into strips by means of a machine;

“folder” means an employee who folds the garment after pressing;

“flour sifter” means an employee who sifts flour;

“foreman baker” means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of bread;

“foreman confectioner” means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

“forklift operator” means an employee mainly engaged in operating a forklift;

“general labourer” means an employee engaged in unskilled work;

“grinder” means an employee who grinds, smoothens, and polishes a finished glassware product;

“handyman” means an employee who does not hold a trade test certificate, who carries out simple repairs and supervises and allocates work to subordinate staff under his control;

“hand trimmer” means an employee who trims by means of a pair of scissors, all excess threads, bindings and tapes after all closing operations have been done;

“heel seat laster” means an employee who lasts the heelpart of a shoe by means of a machine;

“hole perforator” means an employee who punches holes by means of a press;

“hoist operator” means an employee who operates a dough hoist;

“insole attacher” means an employee who attaches the insole to the last by means of a tacking machine;

“insole moulder/stamper” means an employee who moulds or stamps insoles by means of a machine;

“inspector” means an employee with not less than six months experience as an assembler who inspects the work on a production line;

“invoice clerk” means an employee who prepares and issues invoices to customers for goods supplied;

“jumper” means an employee who has knowledge of several jobs and who is able to relieve any other worker on a production line;

“kardex clerk/storeman” means an employee who operates a kardex system of stock control;

“kiln operator” means an employee who is capable of operating and maintaining a kiln;

“laboratory assistant” means an employee who generally carries out unskilled work in a laboratory or who assists a laboratory technician;

“laboratory technician” means an employee qualified to carry out all duties allocated to him in a laboratory;

“lacer” means an employee who inserts and ties laces for footwear;

“last preparer” means an employee who prepares and loads lasts onto the conveyor according to the uppers loaded;

“last transporter” means an employee who returns last to last-bins after delasting;

“layer” means an employee who lays the material for cutting for a garment manufacture;

“learner finisher” means an employee who is learning on the job to become a finisher and who has not completed six months in the case of the weaving industry or three months for other industries;

“learner craftsperson” means an employee who is learning on the job to become a potter, screenprinter, silversmith or any craftwork for a period of not less than three months or more than six months;

“learner machine operator” means an employee with three months or less continuous service of operating a machine for other industries or not more than six months in the weaving industry;

“learner spinner” means an employee who is learning on the job to become a weaver and who has not completed six months in the case of the weaving industry or three months for other industries;

“leather baler” means an employee who bales leather for storage purposes;

“leather sorter” means an employee who sorts leather by means of the point system;

“line feeder” means an employee mainly engaged in feeding the assembly line with components;

“loader/packer” means an employee who packs bread or confectionery into or off a vehicle or who packs finished products into cartons, concluding the transfer of good material from large to smaller containers;

“lubricator” means an employee who has the responsibility of lubricating and greasing machines;

“machinist” means an employee who operates an electrical sewing machine to manufacture clothing/garment;

“machine attendant” means an employee, other than a learner machine operator, who attends and operates a guillotine machine, bending machine, spot welding machine or any other machine requiring similar skills;

“machine operator” means an employee, other than a learner machine operator, engaged in operating a machine;

“master screenprinter” means an employee who is capable of cutting screen, mixing pigments and has thorough knowledge of screenprinting techniques;

“master potter” means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;

“master silversmith” means an employee who is capable of working on silver to any specification;

“mechanical assistant” means an employee mainly engaged in the mechanical assembly of television and radio accessories and placement of products in the appropriate area of assemble or despatch;

“melter” means an employee who melts glasses in a glass factory;

“messenger” means an employee engaged in carrying messages, collecting and delivering mail or carrying out simple tasks in an office;

“mono caster attendant” means an employee who attends a monotype caster under the supervision of a key board operator;

“office clerk” means an employee who does general clerical duties;

“painter” means an employee who cleans and paints equipment, machines and buildings;

“packer” means an employee who packs garments which are finished into cartons;

“personnel clerk” means an employee who controls and updates personnel records;

“Pc board trimmer” means an employee mainly engaged in trimming excess components lead on soldered board;

“picture tube assembler” means an employee mainly engaged in preparing picture tubes for the assembly line;

“plant assistant” means an employee who assists a plant attendant;

“plant attendant” means an employee mainly in operating a galvanizing plant and if necessary, taking of the plant;

“potter” means an employee who makes pots by hand or on pot wheels

“presser attendant” means an employee who operates a pressing machine to iron materials or clothing;

“proof controller” means an employee mainly engaged in checking the quality and making reports on finished products;

“quality section controller” means an employee who checks and controls the quality of goods leaving their section;

“rebate clerk” means an employee who controls the stocks and documentation for a rebate store;

“receiver-second stock” means an employee who checks, receives and controls the stock of factory seconds;

“repairs assistant” means an employee with a basic knowledge of electronics mainly engaged in making simple repairs on PC board;

“recutter” means an employee who arranges re-cuts and repairs poor quality work;

“riveter/buckler” means an employee who attaches rivets or bucklers;

“rougher-uppers” means an employee who reduces the bumps on the lasting margin by means of roughing machine;

“rougher-sole margin” means an employee who roughs the sole margin on rubber soles;

“runner” means an employee who performs unskilled duties such as conveying from one point to the other, materials used in garment manufacture;

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

“saleman” means an employee engaged in promoting the sales of an employer’s products;

“stacker” means an employee who packs erected boxes into cartons and stacks, ready for transportation to the factory;

“seasonal labourer” means an employee engaged for the duration of a season to carry out unskilled work, canning fruit or vegetables;

“security guard or watchman” means an employee mainly engaged in the protection and security of his employer’s premises;

“senior watchman” means an employee who is in charge of other watchmen;

“sewing machinist I” means an employee who has more than six months experience and turns stitches collars, stitches toecaps, facing, o/s counters, d-rings and attaches bindings;

“sewing machinist II” means an employee who has more than six months experience and stitches backseams, side flashes, collar toughies, velcro, brand tags and zig-zags pieces together;

“screenprinter” means an employee who screenprints by hand pulling a squeegee;

“semi-skilled kiln hand” means an employee who has limited knowledge in operating kiln and packs it according to specification;

“silver-smith” means an employee who is capable of working on silver by hand;

“seasonal labourer” means an employee engaged for the duration of a season to carry out unskilled work, canning fruit and vegetables;

“side-laster” means an employee who lasts the waist section of a shoe by means of a shoe;

“size painter” means an employee who colour-codes components according to size by means of a brush;

“skiver-upper/toepuffs” means an employee who skives or reduces the thickness of the edge of components by means of a skiving machine;

“slaughterman” means an employee engaged in stunning, bleeding, skinning eviscerating and splitting livestock;

“spinner” means an employee who carries out spinning operation of wool or other materials according to specification;

“soaking attendant” means an employee who operates solder bath, prepares fluxes, and checks solder levels;

“soaker” means an employee who applies adhesives and inserts socks into finished footwear;

“sole chlorinator” means an employee who chlorinates or halogenates a sole prior to cement application;

“sole presser” means an employee who, by means of a press, ensures that there is good bond between sole and upper;

“sole spotter” means an employee who places the precededent upper and sole accurately together prior to pressing;

“sorter R” means an employee who sorts goods into racks by item and size ready for despatch;

“sorter” means an employee who puts together according to sizes the material, which is to be sewn;

“shoe boxer” means an employee who packs finished footwear into boxes;

“shoe repairer” means an employee who repairs subquality footwear;

“shop assistant” means an employee who assists a shop supervisor in the stock control, displays and selling of products in a retail shop;

“stonehand” means an employee with the knowledge of composition who places jobs set out by a compositor into steel frames locking them into printing machines ready for printing;

“stamper” means an employee who stamps logos/information onto components by means of stamping machine;

“staple extractor” means an employee who removes staples from the insole of a shoe;

“sticker attacher” means an employee who attaches stickers to indicate size or customer code;

“string lacer” means an employee who strings uppers for toelasting;

“strips cutter” means an employee who cuts material into strips by means of a machine;

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

“switchboard operator” means an employee whose duties consists wholly or mainly in the operation of a telephone switchboard;

“tablehand” means an employee who prepares material and places them on the table for cutting or weaving according to specification;

“tester” means an employee who tests the function of assembled PC Boards using electronic equipment;

“textile” preparer” means an employee who folds and prepares materials into a set number of layers ready for cutting;

“trimmer” means an employee who uses the clippers to clear the garment when the sewing part is finished;

“toecap positioner” means an employee who precements toecaps into position prior to toecap stitching;

“toelaster” means an employee who pulls the toe of the shoe over the last by means of a toelasting machine;

“toelaster feeder” means an employee who supplies the toelaster with uppers and on completion replaces them back to the conveyor;

“toepuff positioner” means an employee who positions and presses a toepuff onto the upper by means of a heated press;

“tool setter” means an employee who fits and sets tools on a machine;

“unlaster” means an employee who removes the last from the finished shoe;

“upper brusher” means an employee who brushes finished footwear so as to clean and improve the look of the shoe;

“upper cleaner” means an employee who cleans finished footwear by means of various cleaning material;

“upper primer” means an employee who primes the nylon upper at the lasting margin to ensure cement adhesion;

“upeight clerk per splitter” means an employee who splits uppers by means of a splitting machines;

“upper spotter” means an employee who places the correct upper onto the last prior to toelasting;

“upper/bottom preparer” means an employee who loads the sewn and corresponding bottom components onto the making conveyor;

“utility” means an employee who has the knowledge of jobs and who is able to relieve other workers on a production line;

“weaver” means an employee who carries out duties either by operating hand loom or other equipment to manufacture the required goods;

“wage clerk” means an employee who prepares and controls wage payments according to the time worked;

“washer” means an employee who washes and dries material or wool and if necessary mothproofs the wool;

“weight clerk” means an employee who weighs cartons of finished goods prior to despatch;

“workshop assistant” means an employee who assists the fitter and handyman in general maintenance.

Basic Minimum Wage.

4. The Basic Minimum wage inclusive of rations or cash in lieu thereof to be paid to employees specified in the First Schedule shall be calculated at a rate not less than that specified therein provided that -

- (a) an employee who, at the date of commencement of this Order, is in receipt of a higher wage than that prescribed by this Order, shall not suffer any reduction in such wage by reason of this Order;
- (b) where no definition of an employee's duties exists, such employee shall be paid a basic minimum wage not less than that applicable to a general labourer; and
- (c) nothing in this regulation shall prevent an employer, if he so wishes from -
 - (i) supplying cooked or uncooked food to an employee in addition to his basic wage; and
 - (ii) providing free transport or free accommodation to an employee.

Statement of conditions of employment.

5. (1) The employer shall provide an employee with a written statement at the commencement of his employment, stating whether the employee is employed permanently or seasonally, the conditions of the employee's employment, the starting wage, including the learning period.

- (2) The learning period referred to in sub-regulation (1) shall be -
 - (a) six months in the case of the weaving industry; and
 - (b) three months in the case of other occupations.

Hours of work.

6. (1) The normal working week for employees other than security guards and casual labourers shall consist of not more than forty-eight hours of work.

(2) The normal working week for security guards shall consist of not more than six shifts of twelve hours each.

- (3) The normal hours of work for a casual labourer shall consist of eight hours per day.

Overtime.

7. (1) An employee who is engaged otherwise than on shift work or as a security guard and is required to work in excess of the normal hours specified in regulation 6 shall be paid as follows:-

- (a) for time worked in excess of the normal hours on a weekday, payment shall be at one and a half times his basic hourly wage; and
- (b) for time worked on a Sunday or a public holiday specified in regulation 8, payment shall be at twice his hour rate.

(2) An employee employed on shift work, or as a security guard who is required to work on his rest day or on a public holiday specified in regulation 8, may be paid for such overtime or alternatively, be given an equivalent amount of time off in lieu of overtime payment.

(3) The basic hourly wage of an employee on a weekly wage shall be calculated by dividing such wage by the number of hours the employee normally works in a week.

(4) The basic hourly wage of a casual labourer shall be calculated by dividing his daily wage by eight.

Public Holiday.

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

Incwala;
Good Friday;
Easter;
Christmas Day;
Boxing Day;
Reed Dance Day;
Somhlolo Day;
Kings birthday;
New Year's Day; and
May 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.

Annual Leave.

9. (1) An employee shall have fourteen calendar days' leave with full pay after each period of twelve months continuous service with an employer.

Provided that in the case of a security guard annual leave shall be twenty-one calendar days with full pay after each period of twelve months continuous service with an employer.

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

Sick Leave.

10. (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 on full wages and thereafter to a maximum of fourteen days on half wages on in each period of twelve months continuous service.

(2) Notwithstanding Sub-Regulation (1) -

- (i) An employee shall not be entitled to the sick leave specified in sub-regulation (1) if the sickness or accident causing his absence was caused by his own negligence or misconduct; and
- (ii) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a Medical Practitioner is not available.

Compassionate leave.

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

| | |
|-----------------|-----------------|
| Widow | 30 working days |
| Widower | 7 working days |
| Child | 7 working days |
| Natural parents | 7 working days |

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

(3) Nothing in this Order shall be construed as requiring any employer to pay an employee for any time spent on compassionate leave.

Maternity Leave.

12. An employee who has completed the probation period shall be entitled to 30 days maternity leave with full pay.

Written particulars to be provided.

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

Continuous service.

14. Where, following upon a change of ownership of an establishment or undertaking an employee enters the service of a new owner without interruption, his service shall be deemed to be continuous service in the employment of the new owner.

Short time.

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

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

Piece work.

16. An employee engaged on piece work shall be entitled to wages and conditions of employment not less than those specified in this Order.

Reimbursement of expenses.

17. A salesman, driver or salesman's assistant shall be reimbursed all expenses reasonably incurred on lodging and meals for periods of absence from his place of residence on duty.

Lay-off.

18. (1) Due to circumstances beyond the employee's control an employer may lay off employees for up to fourteen working days, without pay provided that at the end of this period the employer shall either re-employ the employees in their original jobs, or give them notice of termination of service in accordance with the provisions of the Employment Act, 1980.

(2) During the period of any lay-off, the employer shall not engage other employees to replace the employees he has laid off.

(3) The employer shall give -

(a) a permanent employee fourteen days' notice before the lay-off; and

(b) a seasonal employee twenty-four hours notice before the lay-off.

(4) An employer may apply to the Commissioner of Labour for a temporary exemption for a specified period according to the circumstances of the enterprise, from the application of regulation 18 (3) (a), after consultation with the employees organisation, for a reduction of the period of notice to be given to employees, before lay-off.

Trade testing.

19. (1) An employer shall grant unpaid leave to an employee who requests to undergo a trade test at the Swaziland College of Technology or any similar institution to enable him to take tests.

(2) An employee undergoing a trade test shall furnish the employer with the results of his examination.

Revocation of Legal Notice No. 81 of 1998.

20. The Regulation of wages (Manufacturing and Processing Industry) Order, 1998 is hereby revoked.

FIRST SCHEDULE

(Paragraph 4)

BASIC MINIMUM WAGE
(Emalangeni per week)

| | |
|--------------------------|--------|
| Learner Craftsperson | |
| Learner Finisher | |
| Learner Machine Operator | 110.88 |
| Learner Spinner | |
| Learner Weaver | |
| Casual Labourer | |
| Seasonal Labourer | |
| Carder | |

| | |
|----------------------------|--------|
| Checker | |
| Cleaner | 110.88 |
| Cook | |
| <hr/> | |
| Engraver's Assistant | |
| Entrepreneur's Assistant | |
| Finisher | |
| Grinder | |
| Loader | 141.87 |
| Potter | |
| Runner | |
| Trimmer | |
| Bagger | |
| Learner Machine Operator | |
| <hr/> | |
| Screenprinter | |
| Semi skilled kiln hand | |
| Silversmith | |
| Spinner | |
| Tablehand | |
| Presser (garment) | |
| Washer | |
| Weaver | |
| Layer | 149.75 |
| Presser | |
| Folder | |
| Packer | |
| Box folder | |
| Canteen Assistant | |
| Carton Sealer | |
| Painter | |
| <hr/> | |
| Upper Printer | |
| Backseam Reducer | |
| D-ring inserter | |
| Foam attacher | |
| Hand trimmer | |
| Lacer | |
| Stacker | |
| Receiver-Second Stock | |
| Sorter | 156.07 |
| Textile preparer | |
| Toecap positioner | |
| Toelaster Feeder | |
| Upper Brusher | |
| Workshop assistant | |
| <hr/> | |
| Assemble socks | |
| Box Preparer | |
| Cementer | |
| Edward Marker | |
| Foam Strip Cutter | |
| Hole perforator | |
| Lubricator/Riveter/Buckler | 163.93 |
| Sewing Machinist II | |

| | |
|---------------------|--------|
| Shoe Boxer | |
| Sole Chlorinator | |
| Stamper | |
| Staple extractor | |
| String lacer | 163.93 |
| String Cutter | |
| Toe puff Positioner | |
| Unlaster | |
| Upper Cleaner | |

| | |
|-----------------------------|--------|
| Assembler-Botton Components | |
| Box labeller | |
| Canteen assistant/Cashier | |
| Insole Moulder/stamper | |
| Last Preparer | 167.06 |
| Last Transporter | |
| Rougher-sole Margin | |
| Shoe Repairer | |
| Sticker attacher | |
| Upper splitter | |
| Weighs Clerk | |

| | |
|--|--------|
| Coil Winder | |
| Component Assembler | |
| Copy Typist | |
| Dough Panner | |
| Driver Salesman's Assistant | |
| Entrepreneur's Assistant Grade I | |
| Flour sifter | 170.26 |
| General Labourer | |
| Hoist Operator | |
| Learner machine operator (other than knitting and weaving) | |
| Loader/Packer | |
| Messenger | |
| PC Board Trimmer | |
| Plant Assistant | |
| Security Guard/Stonehand | |
| Machinist | |

| | |
|----------------------------|--------|
| Assembler (soldering) | |
| Biner Assistant | |
| Compositor | |
| De-Boner | |
| Dark Room Attendant | |
| Mechanical Assembler | |
| Proof Reader | |
| AJS Operator | |
| Assembler Upper-Components | |
| Counter inserter | |
| Counter Moulder | 176.53 |
| Leather Baler | |
| Loader F.O.F. | |
| Recutter | |
| Sewing Machinist I | |
| Shop Assistant | |

| | |
|--|--------|
| Skiver-Upper/toepuffs Soaker | 176.53 |
| Slaughterman Driver/Messenger Laboratory Assistant Presser Attendant Electrical Maintenance Assistant Office Clerk Rougher Uppers Senior Watchman Sole Presser | 184.61 |
| Cabinet Fitter Chassis Fitter Clerk/Store Assistant Driver (L.D.V.) Forklift Operator Picture Tube Assembler Soakline attendant Switchboard Operator Utility | 195.45 |
| Baker's Assistant Blower Confectioner's Assistant Dough Mixer Engraver Divider Operator | 198.63 |
| Click-High Frequency Clicker-Insolers/toepuffs/Counters Clicker-Linings/Trims/Socks/Velcro Despatch Clerk Heelseat Laster Invoice Clerk Leather sorter Quality Controller Sole Spotter | 201.78 |
| Kiln Operator Melter Saw Sharpener Design Draftman's Assistant Inspector Machine Operator Machine Attendant Solder Bath Attendant Tester | 204.93 |
| Boiler Driver (H.D.V) Kardex Clerk/Storeman Aligner Final Inspector/Tester | 209.66 |

| | |
|--|---|
| Clicker-textile Rebater Controller Repairer's Assistant | 212.84 |
| Liner Feeder Quality Controller Repairer's Assistant | 219.11 |
| Baker Confectioner Handy-Man Chef Clicker-Suede Split | 230.13 |
| Chargehand Final Aligner and Tester Jumper Plant attendant Tool Setter Fitter Personal Secretary Sewing Mechanic Toelaster | 238.04 |
| Clerk/Storeman Assistant (with Junior certificate) Driver Artisan Grade III Cattle buyer Master Screenprinter Master Potter Master Silversmith Salesman | 252.22 |
| Assistant foreman Confectioner Assistant Foreman Baker Clerk/Storeman (with Senior Certificate) | 326.28 |
| Artisan Grade II Foreman Baker | 449.32 |
| Foreman Confectioner | 480.79 |
| Artisan Grade I | 658.99 |
| Laboratory Technician | 696.72 |
| Supervisor | 25% above the wage to the highest paid employee under his direct supervision |

SECOND SCHEDULE

WRITTEN PARTICULARS OF EMPLOYMENT FORM

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
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 Industry Union is required by this undertaking any employee is free to join it.

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

C.J.M. KUNENE
Principal Secretary
Ministry of Enterprise and Employment

LEGAL NOTICE NO. 23 OF 2000

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

THE REGULATION OF WAGES (HOTEL AND CATERING TRADES) ORDER, 2000
(Under Section 11)

In the exercise of the powers conferred 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 (Hotel and Catering Trades) Order, 2000 and shall be deemed to have come into effect on the 1st November, 1999.

Interpretation.

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

“assistant housekeeper” means a person who -

- (a) assists and carries out the instructions of a Housekeeper or the Management particularly in regard to the maintenance of linen, blankets and soft furnishings;
- (b) supervises room maids and similar staff; and
- (c) is responsible for the cleaning of such areas of the establishment as are designated by the management;

“Assistant waiter/waitress” means a person who assists a waiter/waitress and carries out the duties of a waiter/waitress under his/her direction;

“barman” means a person other than a junior barman or a cocktail barman who -

- (a) prepares and serves drinks, other than cocktails, to wine stewards, bar stewards, waiters, and guests in a public bar;
- (b) collects and accounts for the payment of the drinks;
- (c) is responsible for all stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings;

“bar steward” means a person who accepts orders for drinks and serves them throughout the establishment;

“basic minimum wage” means the basic minimum wage payable to an employee excluding allowances in cash or in kind and overtime payments;

“banqueting waiter” means a person who sets up and prepares banqueting area for functions, conferences, meetings and banquets, serves food, beverages and cigarettes and clears the room ready for setting up the next function;

“billing clerk” means a person who prepares and controls guests accounts, receives and acts upon reception reports and may also be required to carry out the duties of a receptionist;

“butcher” means a person who prepares and cuts meat, fish and/or poultry in its raw state and carries out associated duties assigned by Head Chef or Assistant Chef;

“cashier” means a person who prepares bills of accounts, operates an accounting machine, cash register or a manual accounting system and is responsible for all cash under his control;

“casino waiter” means a person who serves food, beverages and cigarettes etc, ordered by guests, prepares and polishes casino tables, empties ashtrays and assists in setting;

“Chips frier” means a person whose principal responsibility is working as a deep fat frier.

“cleaner” means a person who carries out the cleaning of any area or item required by a supervisor;

“cocktail barman” means a person other than a barman, who -

- (a) prepares and serves cocktails and drinks;
- (b) collects an accounts for the payment of the drinks;
- (c) is responsible for all the stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings.

“continuous service” means service in the employment of an employer interrupted only by 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;

“chef de partie/cook” means a person who -

- (a) compiles menus in consultation with the management;

- (b) prepares food;
- (c) supervises and allocates work in the kitchen;
- (d) checks the arrival of the foodstuffs and raw materials to be used in the kitchen particularly in regard to weight and quality; and
- (e) is responsible for the cleanliness and general hygiene of the kitchen;

“clerk” means a person who carries out clerical duties and is responsible for all monies and documents under his control;

“dressmaker” means a person with a working knowledge of material in common use including their cost, and designs, layout cuts, and sews uniforms, and carries out the duties of a seamstress when so required;

“driver” means a person who is in possession of a licence to drive a vehicle allocated to him and who cleans the vehicle and carries out simple maintenance tasks on it;

“handyman” means a person who carries out maintenance work, supervises and allocates tasks to employees under his supervision and is responsible for all tools and stores under his control;

“head porter” means a person in charge of the porters’ desk who supervises porters and luggage porters and carries out all duties allocated to him by reception staff or management;

“head waiter” means a person who -

- (a) is in charge of the dining room, and supervises waiters and dining room staff;
- (b) arranges table reservation for individual customers or parties;
- (c) ensures that a high standard of service is maintained and deals with customers’ complaints concerning the food or service; and
- (d) may also be required to take customers’ orders and pass them to the waiter;

“housekeeper” means a person who -

- (a) is responsible for cleaning bedrooms and public areas in a hotel and for the cleanliness and repair of all linen, blankets and soft furnishings under his control and advising management on the durability and replacement thereof; and
- (b) supervises room maids and other staff;

“junior barman” means a person who has less than two years experience in the preparation and service of drinks, in the bar, and who is responsible for all stocks and monies under his control and for the cleaning of the bar and surroundings;

“labourer” means a person who, under supervision, carries out manual work including irrigation, and who if so required, works as a pump house attendant;

“laundry worker” means a person who carries out laundry work involving the use of machinery other than flat irons;

“linen keeper” means a person who is responsible for the control and issue of linen and other stocks and cleaning materials in a linen room;

“lounge/pool waiter/waitress” means a person who serves food, beverages, cigarettes etc and clears/cleans tables in the lounge or pool area;

“luggage porter” means a person who carries out instructions given to him by a head porter, porter or reception staff, or the management and carries luggages;

“porter means a person who -

- (a) carries out the duties allocated to him by reception staff;
- (b) conducts guests to their rooms;
- (c) performs other duties as may be required by the management including the cleaning of shoes, selling newspapers and the collection of mail;

“receptionist” means a person who checks guests into and out of the establishment, and allocates rooms to guests and submits accounts to them for payments;

“room maid” means a person who cleans and prepare rooms for use by guests and who carries out associated duties allocated by the management, a housekeeper or assistant housekeeper;

“room service person” means a person who has knowledge of all items on the room service menu, who sets up room service tray, prepares the room area for service, delivers food and beverage orders to guests’ bedrooms and offices, and clears bedrooms, corridors and offices of dirty cookery, cutlery, glasses and trays;

“seamstress” means a person who repairs and alters uniforms, soft furnishings and who carries out associated duties as required by the management, a housekeeper or assistant housekeeper;

“security guard” means a person with a working knowledge of the laws relating to the sale of liquor and the hotel industry, who is responsible for the security of premises belonging to the establishment in which he is employed and carries out and prepares report on investigations as required by the management;

“short order cook” means a person who is responsible for the preparation and production of short orders and simple food on the instruction of the management or cook;

“stores assistant” means a person who, under instruction, checks and accounts for all items coming into, or being issued from a store and is responsible for the receipt and custody of all stores under his control;

“supervisor” means a person responsible for the supervision of any employees placed under his control by the management;

“telephonist” means a person who operates a Switchboard, who keeps a record of all outgoing calls insuring that they are correctly charged to the person responsible for their payment and who receives and records guests’ messages;

“tractor driver” means a person who operates a tractor and implements assigned to him in order to carry out given tasks and who carries out simple maintenance of the tractor;

“waiter/waitress” means a person who -

- (a) has knowledge of all items on the menu, and receives orders from customers in dining room;
- (b) prepares and serves sandwiches, salads, snacks and other light refreshments throughout the establishment; and
- (c) is responsible for preparation of table and cleaning of the work/working station;

“wine steward” means a person who presents a wine list to guests, and advises on and serves wine and other drinks and serves light refreshments and snacks throughout the establishments;

“valet” means a person who is responsible for ironing, pressing, collection and the delivery of guests’ garments;

“watchman” means a person who guards the property of his employer against fire, theft and illegal entry and who watches or guards against any other irregularities.

Application.

3. This Order applies to persons specified in column one of the First and Second Schedule employed in the Hotel and Catering Trades.

Basic minimum wage.

4. The employees specified in the First Schedule shall be paid a basic minimum wage not less than that specified therein, which shall not be reduced by any amount for housing or accommodation.

Rations.

5. (1) At his expense, an employer shall supply weekly rations to an employee in accordance with the scale specified in the Third Schedule.

(2) Notwithstanding sub-regulation (1) an employer, with the consent of the employee and after notifying the Labour Commissioner, may pay the employee in lieu of rations, such allowances as may be approved by the Labour Commissioner from time to time.

Hours of work.

6. The normal working week shall consist of forty-eight hours (which shall exclude six hours duty free for meal breaks) spread over a period of six days.

Overtime.

7. (1) Overtime for all employees, other than those employed on casual basis, shall be paid for time worked in excess of forty-eight hours in any week, at one and half times the normal hourly rate.

(2) The normal hourly rate shall be not less than one over two hundred and thirty fourth ($1/234$) which is total hours per month of the employee’s basic minimum wage.

Annual leave.

8. (1) After twelve months’ continuous service with an employer, an employee shall be entitled to twelve working days paid leave which period shall exclude any public holidays specified in Regulation 12 which occur during that leave.

Provided that -

- (a) after two years of continuous service with an employer an employee shall be entitled to eighteen working days annual leave with full pay; and
- (b) after three years of continuous service with an employer an employee shall be entitled to twenty one working days annual leave with full pay.

(2) Any employee who goes on annual leave, in addition to the payment for that leave, shall be paid an amount in cash equivalent in value to the rations he would have received during the period of his annual leave had he had not taken leave.

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

sick Leave.

9. (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 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-Regulation (1)

- (i) An employee shall not be entitled to the benefits provided for under that Sub-Regulation if the sickness or accident causing his absence was caused by his own negligence or misconduct;
- (ii) A certificate issued by a registered nurse shall be accepted in place of a Medical Practitioner's certificate if a Medical Practitioner is not available.

(3) An employee may, on production of evidence that she is about to give birth to a child, take the sick leave provided for in this Regulation as part of maternity leave.

(4) Where an employer grants four or more weeks paid maternity leave, an employee may not take sick leave provided for in this Regulation as part of maternity leave.

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 fourth Schedule of this Order.

Continuous Service.

11. 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.

Paid Public Holidays.

12. The following shall be public holidays with full pay:

Christmas Day;
Boxing Day;
Incwala Day;

Umhlanga (Reed Dance) Day;
Good Friday;
The King's birthday;
National Flag Day;
Somhlolo (Independence) Day; and

Rest Day.

13. An employee shall be entitled to either one rest day with full pay in every period of seven days. Provided that with the agreement of his employer, he may accumulate two such rest days in any period of seven days.

Casual Work.

14. A person employed on casual basis shall be paid for each hour worked not less than one two hundredth of the basic minimum wages as specified in First Schedule.

Transport Arrangement.

15. Where an employer does not provide accommodation for an employee and such employee is required to start work on or before 7.00 a.m. or to remain on duty after 5.30 p.m., the employer shall either:-

- (a) provide free transport between the place of work and such other place not exceeding sixteen kilometres and accessible by road, as may be agreed by the employer and the employee concerned; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of public transport between the place of work and such other place as may be agreed by the employer and the employee.

Uniforms.

16. (1) Uniforms shall be provided by the employer to all employees who are handling foodstuffs or drink who are in direct contact with guests, but such uniforms shall remain the property of the employer.

(2) An employee shall, unless otherwise permitted by the employer, wear the supplied uniforms only during working hours.

Inclement weather (field workers only).

17. An employee who reports for work at the normal time, but who is prevented from working by inclement weather, shall receive full basic wages for the first day of such interruption and half basic wage for the subsequent two days of such interruption and thereafter receive no wage for the duration of the interruption if it continues.

Training period.

18. No employee shall be engaged as a trainee for more than six months for jobs appearing in the Second Schedule, which shall also include the probation period of three months.

Revocation of Legal Notice No. 87 of 1998.

19. The Wages Regulation (Hotel and Catering Trades) Order, 1998 is hereby revoked.

FIRST SCHEDULE

(For the purpose of the Schedule)

Group A shall mean any undertaking licenced under the Casino Act, 1963 or having 75 or more bedrooms for guests;

Group B shall mean any hotel, motel, restaurant, bar or club with a liquor licence or which serves food, which is not included in Group A; and which is situated in Mbabane or Manzini urban areas or within 8 km, of the road joining Mbabane and Manzini.

Group C shall mean any hotel, bar, motel, restaurant or club with a liquor licence, which is not included in Group A or B.

Group D mean any hotel, take-away, motel, restaurant or guesthouse club undertaking without a liquor licence and any accommodation establishment or caravan park not included in Group A, B, or C.

| | A | B | C | D |
|-----------------------|---------|--------|--------|--------|
| Assitant Cook | 732.00 | 573.00 | 492.00 | 399.00 |
| Assistant housekeeper | 543.00 | 501.00 | 489.00 | - |
| Bar steward | 474.00 | 381.00 | 364.00 | - |
| Billing Clerk | 981.00 | 641.00 | 572.00 | - |
| Butcher | 1137.00 | 778.00 | 591.00 | 391.00 |
| Cashier | 579.00 | 574.00 | 559.00 | 559.00 |
| Chips frier | 732.00 | 573.00 | 492.00 | 399.00 |
| Clerk | 559.00 | 513.00 | 507.00 | 507.00 |
| Cleaner | 416.00 | 389.00 | 362.00 | 362.00 |
| Cocktail Barman | 987.00 | 747.00 | 693.00 | - |
| Cook/Chef de partie | 1137.00 | 778.00 | 590.00 | 436.00 |
| Dressmaker | 632.00 | 508.00 | 451.00 | - |
| Driver | 539.00 | 515.00 | 496.00 | 480.00 |
| Head Porter | 593.00 | 574.00 | 432.00 | - |
| Handyman | 702.00 | 509.00 | 472.00 | 472.00 |
| Head Waiter | 890.00 | 509.00 | 486.00 | 486.00 |
| Housekeeper | 890.00 | 564.00 | 501.00 | 501.00 |
| Junior Barman | 640.00 | 501.00 | 471.00 | - |
| Labourer | 414.00 | 390.00 | 362.00 | 362.00 |
| Laundry Worker | 509.00 | 493.00 | 362.00 | 362.00 |
| Banqueting Waiter | 520.00 | 436.00 | 385.00 | - |
| Linen keeper | 463.00 | 451.00 | 489.00 | 447.00 |
| Luggage Porter | 414.00 | 390.00 | 363.00 | - |
| Porter | 559.00 | 489.00 | 404.00 | - |
| Receptionist | 647.00 | 596.00 | 573.00 | - |
| Room Maid | 414.00 | 390.00 | 362.00 | 362.00 |
| Room Service Person | 5203.00 | 436.00 | 362.00 | 362.00 |
| Seamstress | 475.00 | 475.00 | 475.00 | - |
| Security Guard | 539.00 | 518.00 | 492.00 | 486.00 |
| Short Order Cook | 475.00 | 436.00 | 381.00 | 381.00 |
| Storeman | 1023.00 | 782.00 | 526.00 | 501.00 |
| Stores Assistant | 508.00 | 510.00 | 449.00 | 445.00 |
| Supervisor | 489.00 | 451.00 | 436.00 | 436.00 |
| Telephonist | 520.00 | 425.00 | 385.00 | 385.00 |
| Tractor Driver | 486.00 | 486.00 | 489.00 | 426.00 |
| Waiter/Waitress | 512.00 | 436.00 | 348.00 | 399.00 |

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| | | | | |
|--------------|--------|--------|--------|--------|
| Watchman | 508.00 | 414.00 | 399.00 | 399.00 |
| Wine Steward | 518.00 | 436.00 | 399.00 | - |
| Valet | 502.00 | 362.00 | 362.00 | - |

TRAINING PERIOD
SECOND SCHEDULE (EMALANGENI PER MONTH)

| | | | | |
|-------------------------------|--------|--------|--------|--------|
| Trainee Assistant Housekeeper | 464.00 | 446.00 | 437.00 | 385.00 |
| Trainee Bar Steward | 436.00 | 362.00 | 362.00 | - |
| Trainee Billing Clerk | 509.00 | 475.00 | 463.00 | - |
| Trainee Cashier | 496.00 | 489.00 | 463.00 | - |
| Trainee Handyman | 520.00 | 490.00 | 421.00 | 419.00 |
| Trainee Receptionist | 513.00 | 490.00 | 419.00 | 419.00 |
| Trainee Telephonist | 466.00 | 390.00 | 362.00 | 362.00 |

THIRD SCHEDULE

(Weekly Ration Scale)

Minimum Ration Scale

| | |
|-------------------------------|---------|
| 1. Mealie Meal | 6.36kg |
| Meat | 1.36kg |
| Sugar | 0.45kg |
| Dry Beans, peas or Groundnuts | 0.68kg |
| Fresh Vegetables | 0.90kg |
| Salt | 0.114kg |

2. Alternative -

The following weekly rations may be supplied in lieu of the items of food mentioned in paragraph 1 -

(a) Mealie Meal -

For every 9.53 kgs of mealie, 45kgs of Bread, 373 grams of Rice or .23 kgs of Sweet Potatoes;

(b) Meat -

(i) For the First 249 grams of offal; or

(ii) For the .45kgs of Fish or 249 grammes of Cheese

(c) Fresh Vegetables -

For every .45kgs of Fresh Vegetables, .45kgs of Fresh Fruit or a proportionate ration of Dehydrated Vegetables;

3. Permitted Variations,
- (a) The Drink known as “Mahewu”, or
- (b) A propriety vitamised drink, if either drink is issued in the week to the employee by the Employer.

FOURTH SCHEDULE

(Written Particulars of Employment Form)

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 Holidays
11. Payment During Sickness
12. Maternity Leave (if employee female)
13. Notice Employee entitled to receive
14. Notice Employee required to give
15. Pensions Scheme (if any, other than NPF Scheme)
-
16. Any other matter either party wishes to include
-
17. Accommodation Arrangement
-

18. Transport Arrangement

19. Agreed Transport delivery

NOTES:

(a) An Industry Union is recognised by this undertaking any employee is free to join it, 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

Signature: Employer
..... Employee
..... Witness
..... Date

C.J.M. KUNENE
Principal Secretary
Ministry of Enterprise and Employment

LEGAL NOTICE NO. 24 OF 2000

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

THE REGULATION OF WAGES (AGRICULTURAL INDUSTRY) ORDER, 2000
(Under Section 11)

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

Citation.

1. This Order may be cited as the regulation of Wages (Agricultural Industry) Order, 2000 and shall be deemed to have come into effect on the 1st December, 1999.

Interpretation.

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

“artisan” means a skilled employee who has passed a Government Trade Test or who has served an apprenticeship recognised by the Government;

“basic minimum wage” means the wage provided for in Regulation 4 payable to an employee after the commencement of the Order;

“continuous service” means a service in the employment of the employer interrupted only by the death, retirement or discharge of the employee concerned;

“driver (H.D.V)” means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and half tons tare weight whose duties include handling cargo to and from the tailboard, and daily maintenance and cleaning of such vehicles;

“farm clerk or storeman” means an employee who is employed full time on day to day duties for keeping all relevant records associated therewith;

“field induna” means an employee who is in charge of a number of labourers of any category;

“general labourer” means an employee who requires only limited training and includes field labourers, cleaners, sweepers, pickers, produce packers, produce graders, field recorders, messengers, workshop assistant and spanner hands;

“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;

“heavy machine operator” means an employee who has qualification of a tractor driver and is able to operate a self propelled combine harvester, motor grader, crane excavator, ditch digger or similar heavy machine;

“irrigator” means an employee involved in the application of water to field crops and work associated herewith;

“motor vehicle driver” means an employee employed as a driver and who is in charge of the vehicle and its daily care;

“plant or pump attendant” means an employee who attends stationary Plant and Equipment;

“seasonal worker” means an employee whose contract of employment is entered into for a specific season, or for work to be done on or in connection with a specific project or activity;

“Stockman” means an employee who attends or heads animals and work associated herewith;

“tractor driver” means an employee who drives a tractor and is able to take complete charge of the tractor, operate it and all its associated implements, to complete a given task without supervision and carry out daily care of the tractor;

“task-work” means any piece work to be done by a worker or group of workers, on a given time;

“watchperson” means an employee who is engaged during the day or night guarding and protecting premises or property as directed by his employer.

Application.

3. (1) This Order shall apply to all persons employed in any undertaking carrying on one or more of the following activities for gain -

- (a) cultivation of land and the use of land (irrigated or otherwise) for the purpose of animal husbandry, horticulture, fruit growing, dairy farming, livestock small animal and poultry keeping or breeding, agriculture and the growth or production of seed;
- (b) the use of land as grazing or meadowlands, market gardens, nursery grounds;
- (c) all handling and processing normally carried out on a farm or estate including crop cleaning, winnowing, drying, sacking, cantoning, livestock food preparation;
- (d) the construction, maintenance and repair of a farm building and installation machinery, plant equipment, the running of irrigation scheme and the keeping of farm or estate accounts.

Basic Minimum Wage.

4. (1) The basic minimum wage to be paid to any employee specified in the First Schedule shall not be less than that specified therein for the employee concerned.

(2) An employee who at the date of commencement of this Order is in receipt of a higher wage for the employee's occupation than the wage prescribed in the First Schedule shall not suffer any reduction in such wage by reason of this Order.

Hours of Work.

5. The normal hours of work shall, subject to the provision of regulation 6 be fifty-four hours of work spread over a period not exceeding six days in a week:

Provided that the normal hours of work for watchman, stockmen, irrigators, plant and pumphouse attendants shall be sixty hours.

Overtime.

6. An employee required to work in excess of the normal working hours specified in regulation 5 shall be paid at one and half times the basic hourly rate for such time worked from Monday to Saturday inclusive, and at twice the employee's basic hourly rate for time worked on Sundays, or the Public holidays referred to in the Second Schedule.

Public Holidays.

7. (1) Subject to sub-regulation (2) hereof, the public holidays specified in the regulation 9 shall, subject to the provision of regulation 6, be holidays with full pay.

(2) The provisions of sub-regulation (1) shall only apply where the employee presents himself for the work on the working day immediately prior to the public holiday and the working day immediately following the public holiday except where the employee concerned has received permission from his employer to be absent on either day.

Annual Leave.

8. (1) On completion of twelve months continuous service with an employer, an employee shall, at a time convenient to the employer, be entitled to annual leave of not less than twelve working days with full pay.

(2) An employee whose services are terminated after three months' initial service with an employer, or after returning for annual leave as provided for in sub-regulation (1) 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.

Compassionate Leave.

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

| | |
|--------------------------|--------------------|
| widows | - 30 calender days |
| widower | - 7 calender days |
| natural father or mother | - 7 calender days |
| natural child | - 7 calender 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.

Public Holidays.

10. (1) The following shall be public holidays with full pay.

New Year's day;
 Good Friday;
 King's Birthday;
 Umhlanga (Reed Dance);
 Somhlolo Day (Independence);

Christmas day;
Boxing day;
Incwala day; and
May day.

Sick Leave.

11. (1) After three 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 Practitioner Act, 1970, an employee shall be entitled to sick leave up to a minimum of fourteen days on full pay and thereafter to a maximum of fourteen days on half wages in each period of twelve months.

(2) Notwithstanding sub-regulation (1)-

- (i) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct;
- (ii) A certificate issued by a registered nurse shall be accepted in place of a Medical certificate if a Medical Practitioner is not available.

Maternity Leave.

12. (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 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 full pay** the rest at the discretion of the employer.

Provided that she produces-

- (a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of 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) A female employee shall not be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Written particulars to be provided.

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

Continuous service.

14. Where, following upon a change of ownership of an establishment or undertaking, an employee enters the service of the new owner without interruption, the employee's service shall be deemed to be continuous service in the employment of the new owner.

Task and ticket contracts.

15. (1) Nothing in this Order shall prevent an employer and employee from agreeing to the substitution of a Task for the normal hours of work in any day.

(2) An employee who is engaged on a ticket contract shall be paid at least once a month in relation to the number of days the employee has worked under such contract.

Employment of women.

16. An adult female shall be paid the same wage payable to an adult male employee employed in a similar capacity.

Employment of children and young persons.

17. Wages payable to young persons and children, shall, for a person under the apparent age of fifteen years, be calculated at a rate not less than 50% of the rates of wages specified in the First Schedule and 75% of the rates of wages for a person of the apparent age of fifteen but not exceeding the apparent age of eighteen years who are engaged in the occupation specified in the First Schedule.

Provided that where task work is being performed the rate of payment shall be the same for all persons engaged in the task, irrespective of age or sex, but payment shall be calculated in respect of the volume of work done or proportionate to the amount of task completed.

Lay-off due to inclement weather.

18. Any employee who makes himself available for work but does not work during a continuous period of wet or inclement weather shall be entitled to his basic wage on the second and third days of such wet weather, and nothing thereafter for the rest of the duration of the wet weather.

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.

Rations.

20. Subject to the provision of Section 153 of the Employment Act, 1980, employee who were in receipt of rations or meals or cash allowance in lieu of rations continue to receive such rations or such cash allowance.

Revocation of Legal Notice No. 113 of 1998.

21. The Regulation of Wages (Agricultural Industry) Order, 1998 is revoked:

FIRST SCHEDULE
(Regulation 4)

BASIC MINIMUM WAGE PER DAY

| | |
|-------------------------------|--------|
| General Labourer | E10.75 |
| Seasonal Worker | E10.75 |
| Stockman | E10.75 |
| Watchperson | E16.09 |
| Irrigator | E10.97 |
| Plant or Pump House Attendant | E10.97 |
| Field Induna | E13.31 |

| | |
|------------------------|--------|
| Handyman | E13.41 |
| Tractor Drive | E14.40 |
| Farm Clerk/Storeman | E16.73 |
| Motor Vehicle Driver | E16.73 |
| Heavy Machine Operator | E19.21 |
| Artisan | E27.44 |
| Driver (heavy duty) | E19.21 |

SECOND SCHEDULE
(Regulation II)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

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. Compassionate Leave
13. Maternity Leave (if employee female)
14. Notice employee entitled to receive
15. Notice employee required to give
16. Pension Scheme (if any, other than N. P. F Scheme)
-
17. Any other matter either party wishes to include
-
-

Notes: (a) An Industry Union is recognised by this undertaking. Any employee is free to join it.
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

CYRIL J. M. KUNENE
Principal Secretary
Ministry of Enterprise & Employment

LEGAL NOTICE NO. 25 OF 2000

THE WAGES ACT, 1964
(Act No. 16 of 1964)**THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)**
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 and Commencement.

1. This order may be cited as the Regulation of Wages (Forestry and Forest Industry) Order, 2000 and shall be deemed to have come into effect on 1st July, 1999.

Interpretation.

2. In this order unless context otherwise requires:

“Artisan 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 cooking and issuing of food to other employees;

“cross-cut” 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 vehicles 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 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, or locates fire on or near the project 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 silvi cultural, cleaners, sweepers, loaders and tea servers;

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

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

“indvuna grade B1” means an employee who supervises other employees under his control, and has worked less than two years;

“indvuna grade B2” means an employee who has acquired more than two years with the same employer;

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

“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 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;

“timber grader” means an employee who grades timber to the required specification; and

“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 the 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) The minimum wage to be paid to employees to whom the order applies shall be calculated at a rate not less than that specified in the First Schedule.

(2) For the purpose 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 and
- (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.

Rations.

5. (1) As a condition of employment, an employer shall supply 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 ration.

(3) Where rations are incorporated into the wages of an employee, such an arrangement shall remain in force unless the (sum of the) actual minimum wage and the (sum of the) value of the rations are not below the requirements stipulated in the First and Second Schedule or what has been agreed upon in writing between the employer and employee.

Hours of work.

6. (1) The normal weekly hours shall consist of forty-eight hours spread over a period of five days.

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

(3) In the case of a watchman or security guard the normal week shall consist of seventy-two hours spread over a period of 7 days.

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

Overtime.

7. (1) An employee other than a security guard or a watchman who 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 Regulation 12, 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 Regulation 12, may be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Annual Leave.

8. (1) 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.

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

Sick Leave.

9. (1) After three 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 a maximum of fourteen days on half wages in each period of twelve months continuous service.

(2) Notwithstanding Sub-Regulation (1) -

- (i) an employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct and
- (ii) a medical certificate issued by a registered nurse shall be accepted in place of a medical certificate under sub-regulation (1) if a medical practitioner is not available.

Compassionate Leave.

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

| | | |
|----------------|---|---|
| Widows | - | 30 working days but only 12 days with full pay, the rest at employers discretion. |
| Widower | - | 7 working days with full pay |
| Natural Mother | - | 7 working days with full pay |
| Natural Father | - | 7 working days with full pay |
| Natural Child | - | 3 working days with full pay |

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

Maternity Leave.

11. (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 22 working 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 of maternity leave as is reasonable, having regard to all the circumstances of the case.

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

Written particulars to be provided.

12. An employer shall on engagement of an employee, give such employee a completed copy of the form at the Third Schedule of this Order.

Continuous Service.

13. (1) Continuous service is service in the employment of the employee 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.

Public Holidays.

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

New Years day;

Good Friday

King's Birthday;

Incwala Day;

Somhlolo Day;

Christmas Day;

Boxing day and

Workers Day.

(2) This Regulation 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 this Regulation may be exchanged for any other day in lieu thereof.

Protective Clothing.

15. (1) An employer shall supply, free of charge and without payment of a deposit by the employee, the following items:

- (a) to employees who are normally exposed in their employment to inclement weather, a water proof cap, overcoat or other suitable protective clothing;
- (b) to drivers and conductors - two dust coats, two overalls or two uniforms per annum; and
- (c) to journeyman/mechanics, 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 him in good condition on the resignation, retirement or discharge of an employee.

Short Time.

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

(2) Where an employee has been placed on short time under Sub-Regulation (1) he shall be paid not less than fifty percent of his weekly wages where he 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 his normal weekly hours of work during any week he has been placed on short time.

Savings.

17. (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) An employer who contravenes sub-regulation (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 No. 22 of 1997.

18. The Regulation of Wages (Forestry and Forest Industry) Order, 1997 is revoked)

FIRST SCHEDULE

(Emalangeni Per Week)

| | | |
|----------|---------------------------------------|--------|
| Grade A1 | Cleaner General Labourer Loader | E70.00 |
|----------|---------------------------------------|--------|

| | | |
|----------|--|---------|
| Grade A2 | Artisan's Assistant Cook Firetower Watchman Forest Guard Forklift Driver Security Guard Tally Clerk | E75.00 |
| Grade B1 | Chainsaw Operator Clerk Driver (L.D.V.) Induna (Nursery) Jackhammer Operator Switchboard Operator Tractor Driver | E85.00 |
| Grade B2 | Cross-cut Saw Operator Drive (H.D.V.) Induna (Forest) Skidder Operator Timber Grader | E95.00 |
| Grade B3 | Blaster Bulldozer Operator Driver (Logging) Driver Instructor Grader Operator Telephone Linesman | E120.00 |

SECOND SCHEDULE
(Regulation 5)

MINIMUM WEEKLY RATION SCALE

| | |
|-------------------------------------|--------|
| Mealie Meal | 6.35kg |
| Meat | 1.36kg |
| Sugar | 4.5kg |
| Dry beans, Peas or Groundnuts | 68kg |
| Fresh vegetables | 9kg |
| Salt | 113g |

Alternatives.

1. The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1;
 - (a) Mealie Meal;
(For every .9kg of mealie meal - 4.5kg of bread; 34kg. of rice or .23kg of cheese.
 - (b) For the first .23kg of meat - .23kg of offal; or for the first .45kg of fish - .23kg of cheese.
 - (c) For every .45kg of Fresh Vegetables, .45kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables.

Permitted Variations.

2. The rations of mealie meal shown in paragraph 2 (a) may be reduced by an amount not exceeding 2.72kg equivalent to the amount 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
(Regulation 10)**

WRITTEN PARTICULARS OF EMPLOYMENT FORM

1. Name of Employer
2. Name of Employee
3. Date of Employment
4. Wage and method of calculation
5. Intervals 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 required 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.

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

C.J.M. KUNENE
Principal Secretary
Ministry of Enterprise & Employment