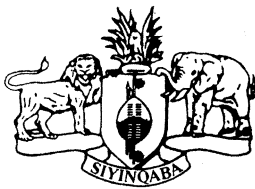


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**SWAZILAND**  
**GOVERNMENT GAZETTE**  
**EXTRAORDINARY**

VOL. LI]

MBABANE, Monday, JANUARY 28<sup>th</sup> 2013

[No. 12

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**PUBLISHED BY AUTHORITY**

**LEGAL NOTICE NO. 08 OF 2013****THE WAGES ACT, 1964  
(Act No. 16 of 1964)****THE REGULATION OF WAGES (FUNERAL UNDERTAKERS) INDUSTRY  
ORDER, 2013  
(Under Section 11)**

In exercise of the powers conferred by Section 11 of the Wages Act, the Minister of Labour and Social Security hereby makes the following Order:-

***Citation and Commencement***

1. (1) This Order may be cited as the Regulation of Wages (Funeral Undertakers) Industry Order, 2013.

(2) This Order shall be deemed to have come into force on the 1st November, 2012.

***Application***

2. This Order shall apply to all persons employed by Funeral Undertakers, Funeral Directors, Burial Societies and Funeral Retailers in respect of basic conditions of employment.

***Interpretation***

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

"attendant" means an employee whose duties include cleaning and maintaining of facilities and equipment, washing and dressing of deceased bodies, prepare items such as tents, chairs, etc, trimmings of coffins, receiving and releasing of human and deceased bodies from mortuary and any other related duties which do not require any formal training.

"driver" means an employee who performs the duties of an attendant and also drives and maintains vehicles.

"junior clerk" means an employee whose duties include cleaning of departments: such as; reception, sales area, offices, clerical work and other duties than those of an attendant, driver, and watchman.

"senior clerk" means an employee whose duties include clerical duties, receiving money from clients and supervision of operations, and any other duties allocated by management.

"watchman" means an employee who is engaged during the day or night to guard premises or property of his employer.

***Basic Minimum Wage***

4. (1) The basic minimum wage to be paid to the employees specified in the First Schedule shall -

(a) be calculated at a rate not less than that specified in the schedule;

(b) be deemed to include the rations element; and

(c) not be reduced by any amount for housing or accommodation which may be provided by the employer.

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

### ***Hours of work***

5. (1) Subject to sub-regulations (2) and (3), the normal hours of work for an employee other than a watchman shall consist of 48 hours (forty eight hours) per week provided that an employee may not be required to work for a consecutive period of more than five hours per day without a rest period of not less than an hour.

(2) The working days for an employee in this industry shall be from Monday to Sunday except Public Holidays as outlined in Regulation 12. Provided that an employee shall be entitled to at least one day off each week.

(3) The normal hours of work and wages for a watchman shall be provided under the Regulation of Wages Order of the Security Industry.

### ***Overtime Payment***

6. (1) Subject to the provisions of Regulation 5, an employer may require an employee to work overtime, in which case, the employer shall give the employee twenty four hours notice of such requirement. An employee shall not unreasonably refuse to work overtime.

(2) An employee other than a watchman, who is required to be on duty and work in excess of the hours specified in regulation 5, shall be paid at time and a half the basic hourly rate.

(3) Overtime worked on a rest day or a public holiday shall be paid at double the normal hourly rate.

(4) Overtime shall be paid to a watchman in terms of the Regulation of Wages Order of Security Services Industry.

(5) The payment of overtime worked by an employee shall be paid in the same month during which such overtime was worked.

(6) Overtime work shall be negotiated and agreed upon between the employer and employee, and no employee shall be required to work overtime against his will. Provided that an employee shall not unreasonably refuse to work overtime.

### ***Travel Allowance***

7. (1) Where an employee is required to travel out of the country on duty but return on the same day he shall be paid a sum of E100.00 food allowance and a further E100.00 inconvenience allowance.

(2) An employee who is on duty and required to spend a night outside the country shall be provided with free accommodation by the employer.

***Annual Leave***

8. (1) After twelve consecutive months of service an employee shall be entitled to twelve working days leave on full pay.

(2) On completion of three years continuous service with an employer, an employee shall be entitled to fifteen days leave on full pay.

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

***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 of up to a maximum of fourteen days with full pay, and thereafter, to sick leave up to a maximum of fourteen days on half pay in each period of twelve months' continuous service.

(2) Notwithstanding sub-regulation (1) a certificate issued by a registered Nurse shall be acceptable in the place of a Medical Certificate mentioned in sub-regulation (1) if a Medical Practitioner is not available.

***Maternity Leave***

10. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of an employer for twelve months or more shall be entitled to maternity leave for a period not exceeding twelve weeks (84 calendar days) except that one month shall be on full pay and the remaining months paid at the discretion of the employer upon delivery to the employer of:

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

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

***Compassionate Leave***

11. (1) In case of death, compassionate leave on full pay shall be granted to an employee who has completed probation under the following circumstances -

- (a) in the case of a widow, thirty (30) days from date of death;
- (b) in the case of a widower, fourteen (14) days from date of death of the first wife and 7 days from date of death of any other wife; or

(c) in case of the death of the employee's biological parent or child, seven (7) days from date of death.

(2) Nothing in this regulation shall prevent an employer from granting an employee a longer period of compassionate leave than specified herein.

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

(4) An employee prevented by the employer from working on return to work after such employee's bereavement shall not suffer any loss of pay.

***Public Holidays***

12. (1) The following are Public Holidays with full pay:

- (a) Christmas Day;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Ascension Day;
- (f) King's Birthday;
- (g) Somhlolo Day;
- (h) Reed Dance Day;
- (i) Flag Day;
- (j) Incwala Day; and
- (k) Workers' Day (1<sup>st</sup> May)
- (l) National Secondary Election's Day

(2) Where a public holiday falls on a Sunday, the following day shall be a Public Holiday.

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

***Retirement Age***

13. The retirement age for an employee shall be fifty-five (55) years.

***Payment of Severance Allowance***

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

- (a) retirement;
- (b) ill-health, subject to the submission of a medical certificate signed by a Medical Practitioner registered under the Medical and Dental Practitioners Act, 1970, or as it may be amended; or
- (c) redundancy.

(2) Save as provided for in this Order, the payment of severance allowance under any other circumstances not mentioned in sub-regulation (1) shall be governed by Section 34 of the Employment Act, 1980 or as it may be amended.

***Casual Work:***

15. (1) An employee employed on casual basis shall be paid for each day or shift worked at a rate not less than the basic minimum wage applicable thereto.

(2) Continuous employment of an employee for a period in excess of one week shall not be considered as casual work.

***Watchman's Protective Clothing and Equipment***

16. A watchman, shall be provided by the employer, free of charge, two pairs of boots, a police whistle, a club, a hat, and an overcoat as is reasonable and necessary in prevailing weather conditions.

***Redundancy***

17. An employee who has served the same employer continuously for a period of at least two years and whose employment is terminated for reasons of redundancy shall be paid either;

- (a) a redundancy payment equal to two-thirds of the monthly wage multiplied by four;  
or
- (b) severance allowance in terms the Employment Act, 1980 or its successor, whichever is greater.

***Transport***

18. An employee, who by nature of his employment is required on any day to remain on duty after 6:00 pm or is required to start work before 6:30 am shall be provided, free of charge, with transport between his place of work and his home or such point on a public road as may be mutually agreed upon between the employer and the employee.

***Continuous Service***

19. (1) Continuous service is service in the employment of the employer interrupted only by the death, retirement or discharge of the employee concerned.

(2) An employee who is re-engaged within two months of discharge from employment shall be deemed to be in continuous service. Provided that where the employee was paid his severance allowance at the time of discharge, he shall be entitled to payment of severance allowance calculated from the date of re-engagement.

(3) Where upon a change of ownership of an establishment or undertaking an employee enters the service of a new employer without interruption, his service shall be deemed to be continuous service in the employment of the new employer.

(4) In cases of continuous service, an employee shall enjoy conditions that are not less favourable than those enjoyed in the service of the previous owner.

***Protective Clothing and Equipment***

20. An employer shall be required to provide to an employee, free of charge, appropriate protective clothing and equipment, which shall remain the property of the employer in the following manner -

- (a) mortuary: dust coats, aprons, gumboots, theater hats, gloves;
- (b) funeral service: prescription by service provider;
- (c) pauper exhumations: safety shoes, masks, gloves, two piece dust coats suites.

***Written Particulars to be provided***

21. An employer shall, on engagement of an employee, give such employee a completed copy of the form in the Second Schedule of this Order. Whether or not an employee was issued with the form in the Second Schedule, any variation of an existing condition of employment which result in the loss of favourable terms and conditions may be reported by the employee in line with Section 26 of the Employment Act, 1980 or as it may be amended.

***Existing Conditions of Employment***

22. At the commencement of this order, an employee who has been enjoying better conditions of employment than those provided for herein shall not suffer any reduction on the coming into force of this order.

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**FIRST SCHEDULE**

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

Attendant	E1400.00
Driver	E1750.00
Junior Clerk	E1600.00
Senior Clerk	E1950.00
Watchman	In line with the applicable Regulation of Wages (Security Industry) Order.

**SECOND SCHEDULE**

**WRITTEN PARTICULARS OF EMPLOYMENT**

1. Name of Employer .....
2. Name of Employee .....
3. Date Employment began .....
4. Wage and method of calculation .....
5. Interval at which wages are paid .....
6. Normal hours of work .....
7. Short description of employee's work .....  
.....  
.....
8. Probation period .....
9. Annual Holiday Entitlement .....
10. Paid public Holiday .....
11. Payment during sickness .....
12. Maternity Leave (if employee female) .....
13. Nursing break entitlement (for female employee) .....
14. Notice employee entitled to receive .....
15. Notice employer required to give .....
16. Pension Scheme, Provident Fund, Gratuity Scheme, etc. (if any, other than the Swaziland National Provident Fund Scheme) .....  
.....  
.....
17. Nominated beneficiary .....
18. Any other matter either party wishes to include .....  
.....



**Notes:** (a) An Employee is free to join a union or staff association, which is recognized by the undertaking or any other such organization which is active in the undertaking.

The address of the Union or Staff Association 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

**LUTFO E. DLAMINI (MP)**  
*MINISTER OF LABOUR AND SOCIAL SECURITY*

## LEGAL NOTICE NO. 09 OF 2013

THE WAGES ACT, 1964  
(Act No. 16 of 1964)THE REGULATION OF WAGES (SECURITY SERVICES INDUSTRY)  
(AMENDMENT) ORDER, 2013  
(Under Section 11)

In exercise of powers conferred by Section 11 of the Wages Act, 1964 the Minister for Labour and Social Security hereby makes the following order:-

*Citation and Commencement*

1. This order may be cited as the Regulation of Wages (Security Services Industry) (Amendment) Order, 2013 and shall be deemed to have come into force on the 1<sup>st</sup> November 2012.

*Amendment of Legal Notice 198 of 2012*

2. Legal Notice 198 of 2012 is amended by deleting the First schedule (Regulation 4) and replacing it with a new Schedule as follows-

FIRST SCHEDULE  
(Regulation 4)

## MINIMUM WAGE PER SHIFT

	Rate per shift
Group A	E52.44
Group B	E67.49
Group C	E69.27
Group D	E82.56
Telephonist	E57.22
Clerk	E82.56
Cash in Transit guard	E74.07
Cash in Transit driver	E82.30

**LUTFO E. DLAMINI**  
MINISTER  
MINISTRY OF LABOUR & SOCIAL SECURITY