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LEGAL NOTICE NO. 119 OF 1984

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (RETAIL AND WHOLESALE
DISTRIBUTIVE TRADES) ORDER, 1984

(Under Section 11)

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

Citation.

1. This Order may be cited as the Regulation of Wages (Retail & Wholesale Distributive Trades) Order, 1984 and shall come into force on the 28th September, 1984.

Application.

2. This Order shall apply to all persons employed in the retail and wholesale supply of goods or merchandise of any description, or in any operations such as warehousing, storing, packing, clerical or other work which is associated with such retail or wholesale supply.

Interpretation.

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

“blockman” means a person employed in a butcher’s shop whose duties are the cutting, dressing and preparation of meat, but may include attending to customers;
“cashier” means a person responsible for issuing or receiving money;

“clerk (with Senior Certificate)” means an employee who is the holder of a Senior Certificate of Education or Form V, and who is engaged in general clerical duties;

“clerk (with Junior Certificate)” means an employee who is the holder of a Junior Certificate of Education or Form III, and who is engaged in general clerical duties;

“clerk (with no Certificate)” means an employee who does not possess a Junior Certificate of Education or Form III, and who is engaged in general clerical duties;

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

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

“driver (heavy vehicle)” means an employee in charge of a vehicle of over 1½ tons whose duties include handling to and from the tailboard and the daily maintenance and cleaning of such vehicle;

“driver (light vehicle)” means an employee in charge of a vehicle of 1½ tons or less whose duties include handling to and from the tailboard and the daily maintenance and cleaning of such vehicle;

“general labourer” include a person employed as a sweeper, cleaner or shopman;

“heavy duty labourer” means an employee wholly or mainly engaged in the handling, loading, unloading and stacking of heavy packages of goods or items of 75 pounds weight or more and who has been specially engaged for such work;

“junior shop assistant” means a person employed in a place where goods are exhibited for sale to the public and who assists a shop assistant or other person servicing customers, including the making up of orders and checking goods inwards;

“lorryman” means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise whose responsibility includes the safe custody of such goods or merchandise whilst in transit, and assisting in their loading and unloading and whose duties may be interchangeable with those of a general labourer;

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

“petrol pump attendant” means a person wholly or mainly employed at a petrol pump selling fuel and oil;

“pre-packer” means an employee wholly or mainly employed in the pre-packing of goods for display or for sale to the public;

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

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

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

“trainee cashier” means a person responsible for issuing and/receiving money and who has been employed as a cashier for a continuous period of not less than six months;

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

Basic Minimum Wage.

4. The basic minimum wage to be paid to the employee specified in the First Schedule shall:-

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

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

Hours of Work.

5. (1) Subject to sub-paragraphs (2) and (3) the normal hours of work for employees shall, subject to the provisions of paragraph 7, consist of forty-eight hours per week divided into eight and one half per day excluding a rest period of one hour on Mondays to Fridays inclusive.

(2) The normal hours of work for petrol pump attendants shall, subject to the provisions of paragraph 7, be forty-eight hours of work spread over a period of one week.

(3) The normal hours of work for a watchman shall be seventy-two hours divided into six shifts, each of twelve hours.

Public Holidays.

6. Public Holidays shall mean the days specified in the Second Schedule and shall, subject to the provisions of paragraph 7, be holidays with full pay.

Overtime.

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

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

(2) Overtime shall be paid to petrol pump attendants as follows:-

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

(3) For the purpose of calculating the employee's basic hourly rate the employee's monthly basic rate shall be divided by two hundred and eight.

Annual Leave.

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

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

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

Sick Leave.

9. (1) After three consecutive month's service with an employer, an employee shall be entitled to sick leave up to a maximum of twenty-one days with full pay, and thereafter to sick leave up to a maximum of seven days with half pay in each period of twelve month's continuous service, subject to him producing a certificate of incapacity covering the period claimed as sick leave and signed by a medical practitioner.

(2) An employee shall not be eligible for sick leave in respect of any incapacity due to his own neglect or misconduct.

(3) Sick leave taken by an employee in terms of this paragraph shall not be construed as a break in service for purposes of determining his entitlement to annual leave.

(4) An employee, who produces a certificate signed by a medical practitioner recommending her absence from work for reason of pregnancy, shall be entitled to sick leave as set out in this paragraph:

Provided that the entitlement to leave on half pay shall be increased to twenty-one days in such case.

Casual Labourer.

10. An employee employed as a casual labourer shall be paid for each day or shift worked at a rate not less than one twenty-fourth of the basic minimum wage.

Watchman's clothing and equipment.

11. (1) The employer of a watchman shall provide him free of charge with:-

- (a) boots, a police whistle and a club; and
- (b) a hat, overcoat or rain coat as are reasonably necessary in prevailing weather conditions.

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

Redundancy.

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

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

Piece or task work.

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

Transport.

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

Revocation.

15. The Regulation of Wages (Retail and Wholesale Distributive Trades) Order, 1982 (Legal Notice No. 33 of 1982) is hereby revoked.

FIRST SCHEDULE
BASIC MINIMUM WAGE
 (Emalangeneni Per month)

All other areas

Bhunya, Big Bend,
 Havelock Mine, Hlatikulu,
 Luyengo, Matata, Malkerns,
 Manzini, Mbabane (including
 establishments situated along and
 within 5 km. on either side of the
 Mbabane/Manzini main road stretching
 20 km. from Mbabane); Matsapha
 Industrial Areas, Mhlambanyatsi,
 Mhlume, Ngwenya, Nhlangano, Pigg's Peak,
 Sidvokodvo, Simunye, Siteki, Tambankulu,
 Tshaneni, Vuvulane.

General Labourer	E118.00	E105.00
Lorryman	118.00	105.00
Watchman	118.00	105.00
Messenger	118.00	105.00
Deliveryman	118.00	105.00
Heavy Duty Labourer	118.00	105.00
Pre-Packer	118.00	105.00
Clerk (with no certificate)	133.00	112.00
Clerk (with Junior Certificate)	140.00	112.00
Clerk (with Senior Certificate)	150.00	121.00
Junior Shop Assistant	133.00	112.00
Telephone Switchboard Operator	133.00	112.00
Copy Typist	133.00	112.00
Driver (light vehicle)	140.00	112.00
Petrol Pump Attendant	140.00	112.00
Driver (heavy vehicle)	150.00	121.00
Shop Assistant	150.00	121.00

Blockman	150.00	121.00
Cashier	156.00	127.00
Trainee Cashier	133.00	112.00

SECOND SCHEDULE

Ascension Day
Good Friday
Boxing Day
Incwala Day
Christmas Day
New Year's Day
King's Birthday
Easter Monday
Reed Dance Day
Flag Day
Somhlolo Day

J.D. MNGOMEZULU
Principal Secretary Ministry of Labour

S7

LEGAL NOTICE NO. 120 OF 1984

THE CIVIL SERVICE ORDER, 1973
(Order No. 16 of 1973)

APPOINTMENT OF ACTING PRINCIPAL SECRETARY
(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973 I hereby appoint—

BHEKILANGA SAM MALINGA

to be Acting Principal Secretary in the Ministry of Commerce, Industry, Mines and Tourism with effect from 15th September, 1984 to 20th October, 1984.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 27TH DAY OF SEPTEMBER, 1984.

**NTOMBI
NDLOVUKAZI AND QUEEN REGENT
OF THE KINGDOM OF SWAZILAND**

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LEGAL NOTICE NO. 121 OF 1984

THE CIVIL SERVICE ORDER, 1973

(Order No. 16 of 1973)

APPOINTMENT OF ACTING PRINCIPAL SECRETARY

(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint—

MRS. MUSA FAKUDZE

to be Acting Principal Secretary in the Ministry of Finance with effect from 15th September, 1984 to 31st September, 1984.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 27TH DAY OF SEPTEMBER 1984.

NTOMBI

NDLOVUKAZI AND QUEEN REGENT
OF THE KINGDOM OF SWAZILAND

LEGAL NOTICE NO. 122 OF 1984

THE CIVIL SERVICE ORDER, 1973

(Order No. 16 of 1973)

APPOINTMENT OF ACTING PRINCIPAL SECRETARY

(Under Section 8)

In exercise of the powers vested in me and in accordance with Section 8 of the Civil Service Order, 1973, I hereby appoint—

EPHRAIM M. HLOPHE

to be Acting Principal Secretary in the Ministry of Labour and Public Service with effect from the 15th September, 1984 to 31st October, 1984.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 27TH DAY OF SEPTEMBER, 1984.

NTOMBI

NDLOVUKAZI AND QUEEN REGENT OF THE
KINGDOM OF SWAZILAND