

SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXII]

MBABANE, Friday, October 19th., 1984

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THE PENSIONS (AMENDMENT) BILL, 1984

(Bill No. 10 of 1984)

(To be presented by the Prime Minister)

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to amend the Pensions Act, 1968 so as to make provision for the grant of terminal benefits to public officers who accept certain appointments which are non-pensionable. The amendment proposed in this Bill will have retrospective effect so as to cover cases of this nature which have already arisen.

D.P. MAKANZA
Attorney-General

A BILL

entitled

An Act to amend the Pensions Act, 1968.

ENACTED by the Regent and the Parliament of the Kingdom of Swaziland.

Short title and commencement.

1. This Act may be cited as the Pensions (Amendment) Act, 1984, shall be read as one with the Pensions Act, 1968 and shall be deemed to have come into operation on the 1st January, 1979.

Amendment of section 6.

2. Section 6 of the Pensions Act, 1968 is amended by adding the following subsections—

“(5) Notwithstanding that an officer who has been confirmed in his appointment has not served ten years or more, or that he has not attained the appropriate retiring age, where such an officer upon being appointed thereto by the King, assumes an office, other than a pensionable office established by law, such an officer shall retire and be granted a gratuity in accordance with regulation 5.

(6) The provisions of this Act relating to the giving and the periods of notice shall not apply to an Officer who retires under subsection (5)”.

CORRIGENDUM

THE MAXIMUM WHOLESALE AND RETAIL PRICES OF BREAD

NOTICE, 1984

(Legal Notice No. 118 of 1984)

The Maximum Wholesale and Retail Prices of Bread Notice, 1984 should be corrected by replacing the figures in the Schedule as follows —

“66” with “63”

“60” with “57”

“69” with “66”

“63” with “60”

“35” with “33”

“32” with “30”

LEGAL NOTICE NO. 124 OF 1984

THE JUDICIAL SERVICE COMMISSION ACT, 1982

(Act No. 13 of 1982)

APPOINTMENT OF MAGISTRATE

(Under Section 5)

In exercise of the powers conferred by Section 5 of the Judicial Service Commission Act, 1982, the Judicial Service Commission hereby appoints:

CAREL A'RON STRAUSS

as Magistrate to preside over Magistrate's Courts of 1st Class with effect from 1st October, 1984.

V.N. DLAMINI
Principal Secretary

Mbabane,
3rd October, 1984.

LEGAL NOTICE NO. 125 OF 1984

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (WATCHING AND PROTECTIVE SERVICES INDUSTRY) ORDER, 1984

(Under Section 11)

In exercise of the powers conferred upon 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 (Watching and Protective Services Industry) Order, 1984 and shall come into force on the 12th October, 1984.

Application.

2. (1) This Order shall apply to all persons employed in detective, investigative, patrolling and nightwatching services providing protection against burglary, fire, personal injury and similar services connected with or related to the foregoing.

(2) This Order shall not apply to persons employed by:-

- (a) the Government;
- (b) a local authority.

Interpretation.

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

"clerk" means an employee engaged on full-time general clerical duties;

"Group A" means an employee, other than a patrol supervisor, with three months or less continuous service;

"Group B" means an employee with more than three months but less than twelve months continuous service;

"Group C" means a patrol supervisor Grade II;

"Group D" means a patrol supervisor Grade I;

"Telephonist" means any person who is literate, fluent in the siSwati and English languages and able to operate a telephone in a courteous and efficient manner.

Basic minimum wage.

4. The basic minimum wage to be paid to an employee to whom this order applies shall be deemed to include a ration allowance and shall be calculated at a rate not less favourable than that specified in the Schedule hereto.

Hours of work.

5. The basic working week shall consist of seventy-two working hours spread over a period of six days.

Overtime.

6. An employee who is required to be on duty and work in excess of the hours specified in regulation 5 shall be entitled to be paid for such overtime at the rate of one and one half times his normal hourly rate of wages. Normal hourly rate of wages shall mean his monthly rate of wages divided by three hundred and twelve.

Annual leave.

7. (1) On completion of each period of twelve months continuous service, an employee shall be entitled to an annual leave of twelve days with full pay plus nine days with full pay in compensation for public holidays worked.

(2) Where the employment of an employee is terminated before he has taken his entitlement of leave under this regulation, he shall be paid, in lieu of such leave, a sum equal to one and three quarter days wages in respect of each month he has earned but not taken leave.

Sick leave.

8. After three months continuous service with his employer, an employee shall be entitled to fourteen days sick leave with full pay and a further period of fourteen days on half pay in each of twelve months employment, subject to him submitting to his employer a medical certificate covering the period of absence, signed by a medical practitioner registered in Swaziland.

Day-off.

9. An employee shall be entitled to one day off-work in each week; provided that the employer and employee may mutually agree that the day-off may be deferred so as to allow the employee to accumulate a total of four days off-work.

Maternity leave.

10. A female employee who becomes pregnant during the period of her employment shall be granted up to three months leave without pay and shall be entitled to resume duty in the position she occupied prior to such leave. The timing of such leave shall be subject to the mutual agreement of the employer and the employee.

Travelling expenses.

11. (1) Any employee who travels on duty and remains away from his place of residence shall be reimbursed all expenses of lodging and meals incurred through such travel on production of receipts covering the expenditure:

Provided that an employee who is required to remain away from his place of residence on duty permanently shall be deemed to be transferred to his new place of employment, whereupon the payment of expenses under this regulation shall cease and the employer shall thereafter provide him with suitable accommodation or payment in lieu thereof.

Lay-off.

12. (1) A lay-off due to circumstances beyond an employer's control shall not exceed fourteen working days. Such lay-off shall be without pay and at the end of such period the employer shall either re-instate an employee or terminate his employment in accordance with the Employment Act, 1980.

(2) During the lay-off the employer shall not engage any other employee to fill a vacancy created by the lay-off.

(3) The employer shall give a lay-off notice of not less than twenty-four hours to an employee before the lay-off.

Pay-day.

13. An employee shall be paid not later than three days after the end of a pay period.

Savings.

14. An employee who at the commencement of this Order is entitled to benefits greater than those specified in this Order, shall not suffer any reduction in such benefits by reason of this Order.

Uniforms etc.

15. (1) The employer of a guard or watchman shall provide him or her free of charge with:-

- (a) boots (shoes for female guards) a police whistle, a club and torch; and
- (b) a hat and overcoat when reasonable required under the 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.

Revocation of Legal Notice No. 56 of 1983.

16. The Regulation of Wages (Watching and Protective Services Industry) Order, 1983 is hereby revoked.

FIRST SCHEDULE

(Paragraph 4)

	(Per Month)
Group A	100.00
Group B	110.00
Group C	120.00
Group D	145.00
Telephonist	100.00
Clerk	140.00

S7

SECOND SCHEDULE

(Paragraph 7 (1))

New Year's Day

Good Friday

Easter Monday

National Flag Day

King's Birthday

Somhlolo Day

Reed Dance Day

Incwala Day

Christmas Day

E.M. HLOPHE

Acting Principal Secretary Ministry of Labour

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (HOTEL AND CATERING TRADES)

ORDER, 1984

(Under Section 11)

In exercise of the powers conferred upon 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 (Hotel and Catering Trades) Order, 1984 shall come into force on the 12th October, 1984.

Application.

2. This Order applies to persons specified in column one of the first and second Schedule employed in the hotel and catering trades.

Interpretation.

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

“assistant cook” means a person who assists a cook and who works under his direction preparing food and carrying out any other duties allocated to him by the cook or by the management;

“assistant housekeeper” means a person who assists and carries out the instructions of a housekeeper or the management, particularly in regard to the maintenance of linen, blankets and soft furnishings, who supervises room maids and similar staff and who is responsible for the cleanliness of such areas of the establishment as are designated by the management;

“assistant waiter/waitress” means a person who assists a waiter/waitress and who carries out, under direction, the duties of a waiter/waitress;

“barman” means a person other than a junior barman or a cocktail barman, who prepares and serves drinks, other than cocktails, to wine stewards, bar stewards, waiters and guests in a public bar, who collects and accounts for the payment therefor and who is responsible for all stocks and monies under his control and for the cleanliness of the bar and surrounds;

“bar steward” means a person who accepts orders for drinks and snacks 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;

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

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

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

“cocktail barman” means a person who prepares and serves cocktails and other drinks, who collects and accounts for the correct payment therefore and who is responsible for all stocks and monies under his control and the cleanliness of the bar and surrounds;

“cook” means a person who compiles menus in consultation with the management, prepares food, supervises and allocates work in the kitchen, who checks the arrival of all foodstuffs and raw materials to be used in the kitchen, particularly in regard to weight and quality and who is responsible for the cleanliness and general hygiene of the kitchen;

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

“dressmaker” means a person with a working knowledge of materials in common use, including their cost, and who designs, lay out, cuts and sews uniforms, and who 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;

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

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

“head waiter” means a person who is in charge of the dining room, who supervises waiters and other dining room staff, arranges table reservations for individual customers or parties, ensures that a high standard of service is maintained, deals with customers’ complaints concerning the food or service; may also be required to take customers’ orders and pass them to the waiters;

“housekeeper” means a person who 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 her control, advising management on their durability and replacement and who 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 a bar, who prepares and serves drinks, collects and accounts for the payment therefore 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 workers Grade I” means a person who carries out laundry work involving the use of laundry machinery and who, if so required, supervises other laundry workers;

“laundry worker Grade II” means a person who carries out laundry work not 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;

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

“porter” means a person who carries out the duties allocated to him by reception staff, who conducts guests to their rooms, carries luggage and performs such 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, who allocates rooms to guests and submits accounts to them for payment;

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

“seamstress” means a person who repairs and alters uniforms, soft linens and furnishings and who carries out associated duties allocated 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 who carries out and prepares reports 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 instructions of the management or a cook;

“storeman” means a person who is in sole control of the stores, who is in charge of the purchase and ordering of goods and who is responsible for the maintenance of stores levels as directed by the management;

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

“supervisor” means a person who is 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, ensuring that they are correctly charged to the persons responsible for their payment and who receives and records messages for guests;

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

“waiter/waitress” means a person who has knowledge of all items on the menu, who receives and serves orders from customers in a dining room and who prepares and serves sandwiches, salads, snacks and other light refreshments throughout the establishment;

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

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

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

Basic Minimum Wage.

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

Rations.

5. (1) An employer shall, at his own expense, supply weekly rations to each employee in accordance with the scale specified in the Third Schedule.

(2) Notwithstanding sub-paragraph (1) an employer may, with the consent of the employee and after notifying the Labour Commissioner, pay the employee, in lieu of rations, such allowance 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 a 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 two hundred and thirty fourth $\frac{1}{234}$ of the employee's basic minimum wage.

(234)

Annual leave.

8. (1) After twelve month's 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 the Fourth Schedule 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) An employee who goes on annual leave, shall be paid, in addition to the payment for that leave, an amount in cash equivalent in value to the rations he would have received during the period of his annual leave had he remained on the employer's premises.

Sick leave.

9. (1) After three months' continuous service with an employer an employee shall be entitled to sick leave up to a maximum of fourteen days with full pay, and thereafter to sick leave up to a maximum of fourteen days with half pay, in each period of twelve months' of continuous service, subject to the employee producing a certificate of incapacity covering the period claimed as sick leave, signed by a medical practitioner registered under the Medical and Dental Practitioners Act, 1970: Provided that an employer may, in his discretion, accept such other evidence as he deems appropriate.

(2) 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 paragraph as part of her maternity leave.

Public holidays.

10. (1) The public holidays specified in the Fourth Schedule shall be holidays with full pay.

(2) Where an employee is required to work on a day which is a paid public holiday he shall be given seven days' notice of such requirement, thereafter by a mutual agreement, he shall either be given a working day off with full pay within thirty days of such public holiday or be paid in respect of the hours worked on that public holiday at one and one half times his basic wage.

(3) In the absence of the mutual agreement referred to in sub-paragraph (2), the employer shall in his discretion decide whether the employee shall receive payment for the public holiday or whether he should be given a day off work in lieu thereof.

(4) Notwithstanding any provision of this paragraph, no employee shall be compelled to take more than half the paid public holidays in any calendar year in the form of days off work in lieu of such public holidays.

Weekly rest days.

11. (1) 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 fourteen days.

(2) Where an employee works on a rest day in order to accumulate two rest days as provided in sub-paragraph (1), he shall not be entitled to overtime payment for that day except for such time worked thereon as exceeds nine working hours.

Casual work.

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

Travel arrangements.

13. 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 employee concerned; or
- (b) pay to the employee in addition to wages, an amount equal to the cost of public transport between the place of work and such other place as may be agreed by the employer and employee.

Registration.

14. Every employer shall keep a registration form as specified in the Fifth Schedule containing every employee's particulars.

Uniforms.

15. (1) Uniforms shall be provided by the employer to all employees who are handling foodstuffs or drinks or who are in indirect 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 uniform only during working hours.

Inclement weather (Field workers only).

16. 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 wages for the subsequent two days of such interruption.

Training period.

17. 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. 55 of 1983.

18. The Wages Regulation (Hotel and Catering Trades) Order, 1983 is hereby revoked.

FIRST SCHEDULE

For the purposes of this 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 or restaurant with a liquor licence which is not in Group A and which is situated in the Mbabane or Manzini urban areas or within eight kilometres of the road joining Mbabane or Manzini including Nhlangano Casino;
- Group C shall mean any hotel, motel or restaurant with a liquor licence which is not in Group A or B, and any accommodation establishment or caravan park which is situated in the Mbabane or Manzini urban area or within eight kilometres of the road joining Mbabane and Manzini.
- Group D shall mean any club with a liquor licence or which serves food and any other club which is situated in the Mbabane or Manzini urban areas;
- Group E shall mean any restaurant, motel or accommodation establishment which does not have a liquor licence and which is not in Group A, B, or C, and any caravan park which is not in Group C;
- Group F shall mean any establishment serving food which is not included in any other Group.

FIRST SCHEDULE
(EMALANGENI PER MONTH)

	A	B	C	D	E	F
Assistant Cook	190	145	106	145	80	70
Assistant Housekeeper	140	118	113	N/A	113	N/A
Assistant Waiter/Waitress	90	77	72	77	72	72
Barman	210	170	108	170	N/A	N/A
Bar Steward	110	78	72	78	N/A	N/A
Billing Clerk	260	167	144	N/A	N/A	N/A
Cashier	150	146	141	146	141	134
Clerk	140	134	122	N/A	122	110
Cleaner	80	70	70	70	70	70
Cocktail Barman	235	195	177	195	N/A	N/A
Cook	290	201	153	201	85	85
Dressmaker	165	131	92	N/A	N/A	N/A
Driver	135	122	122	122	122	122
Head Porter	155	146	134	N/A	N/A	N/A
Handyman	183	132	95	132	95	N/A
Head Waiter	235	129	108	129	108	N/A
Housekeeper	235	144	118	N/A	118	N/A
Junior Barman	165	118	95	118	N/A	N/A
Labourer	80	70	70	70	70	70
Laundry Worker Grade I	105	74	71	N/A	71	N/A
Laundry Worker Grade II	85	73	71	N/A	71	N/A
Linen Keeper	105	93	90	N/A	90	N/A
Luggage Porter	80	70	70	N/A	70	N/A
Porter	140	98	82	N/A	82	N/A
Receptionist	235	167	144	N/A	N/A	N/A
Room Maid	82	70	70	N/A	70	N/A
Seamstress	105	106	98	N/A	N/A	N/A
Security Guard	135	120	110	98	98	98
Short Order Cook	105	75	74	74	74	70
Storeman	265	204	131	110	110	110

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Stores Assistant	125	131	89	89	89	89
Supervisor	105	90	88	88	88	88
Telephonist	130	87	81	81	81	N/A
Tractor Driver	90	N/A	N/A	85	N/A	N/A
Waiter/Waitress	130	85	74	85	74	74
Watchman	80	74	74	74	74	74
Wine Steward	125	85	74	85	N/A	N/A
Walet	136	70	70	N/A	70	N/A

TRAINING PERIOD
SECOND SCHEDULE (EMALANGENI PER MONTH)

	A	B	C	D	E	F
Trainee Assistant Housekeeper	105	93	89	89	89	N/A
Trainee Bar Steward	90	70	70	70	N/A	N/A
Trainee Billing Clerk	130	116	104	N/A	N/A	N/A
Trainee Cashier	115	110	104	110	110	N/A
Trainee Handyman	125	116	85	116	85	85
Trainee Receptionist	105	116	104	N/A	N/A	N/A
Trainee Telephonist	105	80	73	73	73	N/A

THIRD SCHEDULE
(WEEKLY RATION SCALE)

1. Minimum Ration Scale.

Mealie Meal	14 lbs.
Meat	3 lbs.
Sugar	1 lb.
Dry beans, peas or groundnuts	1½ lbs.
Fresh Vegetables	2 lbs.
Salt	4 ozs.

2. Alternatives.

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

(a) Mealie Meal —

for every 2 lbs of mealie meal, 1 lb. of bread, 12 ozs. of rice or ½ lb. of sweet potatoes;

(b) Meat.

(i) for the first 8 ozs. of offal; or

(ii) for the first 1 lb. of meat, 1 lb. fish or 8 ozs. of cheese;

(c) Fresh vegetables —

for every 1 lb. of fresh vegetables, 1 lb. of fresh fruit or a proportionate ration of dehydrated vegetables.

3. Permitted Variations.

(a) the drink known as "Mahewu"; or

(b) a proprietary vitamized drink, if either drink is issued in the week to the employee by the employer.

FOURTH SCHEDULE

Christmas Day

Boxing Day

Incwala Day

Umhlanga (Reed Dance) Day

Good Friday

The King's Birthday

Somhlolo (Independence) Day

United Nations Day

Common Wealth Day

FIFTH SCHEDULE
WRITTEN PARTICULARS OF EMPLOYMENT RECORDS

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 N.P.F. 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 required that a grievance should be first referred to

(c) When any hearing is inapplicable enter nil.

Signed:Employer

.....Employee

.....Witness

.....Date

E.M. HLOPHE

Acting Principal Secretary Ministry of Labour

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (BUILDING AND CONSTRUCTION
INDUSTRY) 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 (Building and Construction Industry) Order, 1984 and shall come into force on the 1st November, 1984.

Interpretation.

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

"clerk" (without Certificate) means an employee who does not hold the Junior Certificate of Education and who is engaged in general clerical duties;

"clerk" (with Junior Certificate) means an employee who holds the Junior Certificate of Education and who is engaged in general clerical duties;

"clerk" (with Senior Certificate) means an employee who holds the Senior Certificate of Education and who is engaged in general clerical duties;

"cook" means an employee engaged in cooking and issuing food to other employees;

"copy typist" means an employee mainly engaged in typing, checking figures and filing, and who is capable of typing a minimum of 30 words per minute;

"driver" (light vehicle) means an employee whose duties, in addition to being in charge of a motor vehicle of under 5 tons laden weight, include handling to and from the tailboard and the daily maintenance and cleaning of such vehicle;

"family" means, in relation to an employee, the wife and unmarried children under the age of eighteen living with the employee on the employer's property;

"general labourer" means an employee who performs general unskilled work;

"general tradesman" means an employee who holds a trade test certificate recognised by the Government in one of the following trades:-

bricklayer;

Plasterer/tiler;

carpenter;

painter/glazier;

plumber;

welder;
 drainlayer;
 wireman;
 joiner;
 cabinetmaker;
 mechanic;
 fitter.

“induna” means an employee in charge of other employees;

“learner machine operator” means an employee with less than six months experience in the operation of a machine;

“machine” means an item of heavy duty plant capable of moving under its own power and used for earth-moving or similar operations, or any other machine which, in opinion of the Labour Commissioner, is a machine in terms of this Order;

“machine operator” means an employee who has been operating a machine in the building and Construction Industry for six or more months, or who can show proof of six months relevant experience in another industry;

“normal working day” means any day from Monday to Friday inclusive;

“normal working hours” means the hours of work specified in paragraph 5;

“storeman (without certificate)” means an employee who does not hold the Junior Certificate of Education and who, apart from carrying out the duties of a stores Clerk, is responsible for ordering certain items on behalf of his employer;

“storeman (with Junior Certificate)” means an employee who holds the Junior Certificate of Education and who, apart from carrying out the duties of a stores clerk, is responsible for ordering certain items on behalf of his employer;

“storeman (with Senior Certificate)” means an employee who holds the Senior Certificate of Education and who, apart from carrying out the duties of a stores clerk, is responsible for ordering certain items on behalf of his employer;

“trade tested person” means a person who holds a craft certificate indicating the degree of proficiency attained by him as indicated by a trade test conducted by a trade testing officer duly appointed as such in the public service;

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

Application.

3. (1) Subject to sub-paragraph (2) this Order shall apply to persons specified in the First Schedule who are employed in any undertaking or part of an undertaking which carries on for gain one or more of the following activities:-

- (a) the construction, structural alteration, maintenance, repair or demolition of any railway line, siding, public or private road, thoroughfare, airfield, tunnel, bridge, viaduct, waterwork, lattice work, or other structure designed solely for the support of electric lines; or

- (b) the construction, structural alternation, maintenance repair or demolition of any building, fencing and preparing or laying the foundation of a building or an intended building.

(2) This Order shall not apply to persons employed in any undertaking or part thereof operated by:-

- (a) the Government;
- (b) a local authority; or
- (c) such charitable or religious organisation, educational or medical institution as may be specified in writing by the Minister.

Basic Minimum Wage (First Schedule).

4. The employees specified in the First Schedule shall be paid a basic minimum wage calculated at a rate not less favourable than that specified in that Schedule.

Normal Working Hours.

5. (1) Subject to the provisions of paragraph 6, the normal working week (other than for a watchman or security guard) shall be from Monday to Friday and shall consist of forty-seven and one half hours.

(2) The normal working hours per day (other than for a watchman or Security guard) shall be nine and one half hours exclusive of meal breaks.

(3) The normal working week for a watchman or security guard shall be seventy-two hours spread over six shifts, each of twelve hours, inclusive of meal breaks.

(4) No employee, other than a watchman or security guard shall be required to work for more than five hours without a break of not less than thirty minutes.

Overtime.

6. (1) Subject to paragraph 12 overtime for an employee other than a watchman or security guard shall be payable at the following rates:-

- (a) during the normal working week for overtime worked before midnight in excess of the normal working hours, at one and one third times his normal hourly rate of wages;
- (b) during the normal working week for overtime worked after midnight in continuation of normal working hours or other overtime working, at twice his normal hourly rate of wages;
- (c) for any time worked on Saturday before 4 p.m. at one and half times his normal hourly rate of wages;
- (d) for any time worked on a public holiday specified in the Second Schedule, Sunday or after 4.00 p.m. on a Saturday at twice his normal hourly rate of wages.

(2) Overtime in respect of a watchman or security guard shall be calculated at twice his normal hourly rate for all time worked on a public holiday specified in the Second Schedule or any time worked in excess of twelve hours on any normal working day. Provided that any watchman or security guard who has been absent from work during any week without reasonable cause shall not be entitled to overtime in that week until he has completed seventy-two hours of work.

(3) For the purposes of calculating the payment of overtime in respect of a watchman or security guard the normal hourly rate of wages shall be the amount arrived at by dividing the employee's daily wage by twelve.

Annual Leave.

7. (1) After three months of continuous service, an employee shall be entitled to one day's leave of full pay in respect of each month's continuous service. Such leave shall exclude the public holidays specified in the Second Schedule and any other days which are not normal working days, but which may occur during such leave.

(2) Where an employee is in the employment of the employer at the time of an annual cessation of work, annual leave shall be taken during the period of that cessation.

Sick Leave.

8. Where an employee has been in the continuous employment of the employer for three or more months through no fault of his own becomes ill and incapable of performing his duties, he shall on production of a certificate issued by a practitioner registered under the Medical and Dental Practitioner's Act, 1970, be entitled to fourteen working days sick leave with full pay and fourteen working days sick leave with half pay during any period of twelve months.

Travelling and Subsistence Allowances.

9. (1) Where an employee is temporarily employed at a place which is situated from his normal place of work by a distance of more than two kilometres by road, his employer shall provide him with free transport to and from his normal place of work and the place of temporary employment.

(2) An employee required to travel on duty (other than in the circumstances set out in sub-paragraph (1)) shall be provided either with free transport or be paid by his employer the cost of the travel by public transport.

(3) An employee who is absent on duty away from his normal place of employment for a longer period than twelve hours, and who returns to his normal place of residence without staying overnight shall be paid a subsistence allowance of 70 cents for each period of twelve hours or part thereof of such absence.

(4) An employee who is absent on duty overnight away from his normal place of employment, shall, in respect of each night's absence, be provided by his employer with:-

- (a) free food and accommodation or a nightly allowance of E2.00 in lieu thereof;
- (b) free accommodation and an allowance of 70 cents in lieu of food; or
- (c) free food and an allowance of E1.30 in lieu of accommodation.

Provided that any entitlement to free food, accommodation or allowances under this paragraph shall cease after an employee has been absent from duty for ten or more nights continuously.

(5) An employee entitled to subsistence allowance under sub-paragraph (4), shall not be entitled to subsistence allowance under sub-paragraph (3) in respect of the same period of absence.

(6) Where an employee is permanently transferred by his employer to a new place of employment, he shall be paid, in addition to any other entitlement due to him under this paragraph, a transfer allowance of E2.00.

Public Holidays.

12. The public holidays specified in the Second Schedule shall be holidays with full pay;

Provided that if an employee is absent from work without reasonable cause on the working day immediately before, or the working day immediately after such public holiday, he shall not be entitled to payment for that public holiday.

Clothing, equipment and protective clothing.

13. (1) The employer of a watchman or security guard shall provide him, free of charge with boots or shoes, a police whistle, a club and torch. Where the watchman or security guard is required to work in inclement weather, the employer shall, in addition, provide him with a hat, overcoat or rain coat.

(2) An employee other than a watchman or security guard, who is required to work in direct contact with mass concrete or similar matter which is likely to cause injury to his feet, shall be provided by his employer, free of charge, with a pair of gumboots.

(3) An employee other than a watchman who is required to work outdoors in inclement weather shall be provided by his employer, free of charge, with a waterproof cap or similar garment.

(4) The clothing and equipment supplied to an employee under this paragraph shall be of reasonable quality and shall remain the property of the employer.

(5) Where any protective clothing supplied to an employee under this paragraph is damaged or lost through an employee's negligence, the employer may deduct the cost thereof, after due consideration for wear and tear, from wages due to the employee.

Revocation of Legal Notice No. 111 of 1984.

14. The Regulation of Wages (Building and Construction Industry) Order, 1983 is hereby revoked.

FIRST SCHEDULE

(Paragraph 3 and 4)

Clerk (without Certificate)	70 cts. an hour
Clerk (with Junior Certificate)	73 cts. an hour
Clerk (with Senior Certificate)	77 cts. an hour
Cook	70 cts. an hour
Copy Typist	73 cts. an hour
Driver (light vehicle)	82 cts. an hour
Driver (heavy vehicle of 5 tons and over when loaded)	E1.01 an hour
General Labourer	70 cts. an hour
General Tradesman	
Grade III Trade tested	77 cts. an hour

Grade II Trade tested	E1.10 an hour
Grade I Trade tested	E1.65 an hour
Induna	82 cts. an hour
Learner Machine Operator	E1.01 an hour
Machine Operator	E1.50 an hour
Storeman (with Junior Certificate)	73 cts. an hour
Storeman (with Senior Certificate)	77 cts. an hour
Storeman (without Certificate)	70 cts. an hour
Survey and Soil Assistant	70 cts. an hour
Watchman/Security guard	E5.87 per shift

SECOND SCHEDULE

(Paragraph 6 and 12)

Independence (Somhlolo) Day

Good Friday

Christmas Day

Umhlanga (Reed Dance) Day

King's Birthday

Incwala Day

Easter Monday

E.M. HLOPHE

Acting Principal Secretary Ministry of Labour

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (AGRICULTURAL INDUSTRY) 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 (Agricultural Industry) Order 1984 and subject to section 11(6) of the Act, shall come into force on the 12th October, 1984.

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 paragraph 4 payable to an employee after the commencement of this Order;

“Farm clerk/storeman” means an employee who is employed fulltime on day to day duties of 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 assistants 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 continuous supervision but does not include an artisan or an employee erecting ordinary fencing on farms;

“Heavy machine operator” means an employee who has qualification of a tractor driver and is able to operate a selfpropelled 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 therewith;

“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 house attendant” means an employee who attends stationary plant or equipment;

"Seasonal worker" means an employee the duration of whose contract of employment cannot be predetermined, which 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 herds animals and work associated therewith;

"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 the daily care of the tractor;

"Watchman" 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, apiculture and the growth and/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, packing, cartoning, livestock food preparation;
- (d) the construction, maintenance and repair of farm building and installations, machinery, plant, equipment, the running of irrigation scheme and the keeping of farm or estate accounts;

(2) This Order shall not apply to any undertaking, engaged in the retail supply of motor vehicles, agricultural machinery, mobile construction plant or the repair, servicing, assembling or adaptation of such vehicles machinery or plant on behalf of other persons or under a licence.

Basic Minimum Wage.

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

(2) No employee who at the date of commencement of this Order is in receipt of a higher wage for his occupation than the wage prescribed in the First Schedule shall suffer any reduction in such wage by reason of this Order.

Hours of Work.

5. The normal hours of work shall, subject to the provisions of paragraph 6 be fifty-seven hours of work spread over a period not exceeding six days in a week. Provided that the normal hours of work for watchmen, stockmen, irrigators, plant and pumphouse attendants shall be seventy-two hours.

Overtime.

6. An employee required to work in excess of the normal working hours specified in paragraph 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 his basic hourly rate for excess time worked on Sundays, or the public holidays referred to in the Second Schedule.

Public Holidays.

7. (1) Subject to sub-paragraph (2), the public holidays specified in the Second Schedule shall subject to the provisions of paragraph 6 be holidays with full pay.

(2) The provisions of sub-paragraph (1) shall only apply where the employee presents himself for 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.

Task and Ticket Contracts.

8. (1) Nothing in this Order shall prevent an employer and an 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 he has worked under such contract.

Employment of Women.

9. An adult female employee shall be paid the basic minimum wage payable to an adult male person employed in a similar capacity.

Employment of Children and Young Persons.

10. 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 favourable 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 occupations specified in the 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 wet inclement weather.

11. Any employee who makes himself available for work but does not work during a continuous period of wet inclement weather shall be entitled to his basic wage for the first day, half 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.

12. (1) 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.

(2) Any employer who has supplied his employee with protective clothing may deduct from the wages of that employee a sum not exceeding the cost price of the clothing but shall, upon the return of the protective clothing, refund such sum of money to his employee provided that the clothing is in a serviceable condition, fair wear and tear being accepted.

Rations.

13. Subject to the provisions of Section 153 of the Employment Act 1980, employees who were in receipt of rations or meals or cash allowance in lieu of rations shall continue to receive such rations or meals or such cash allowance.

Revocation of Legal Notice No. 78 of 1982.

14. The Regulation of Wages (Agricultural Industry) Order, 1982 is hereby revoked.

FIRST SCHEDULE

(Paragraph 4)

Basic Minimum Wage per day

General Labourer	E1.37
Seasonal worker	E1.37
Stockman	E1.37
Watchman	E1.41
Irrigator	E1.41
Plant or pump house attendant	E1.41
Field Induna	E1.71
Handyman	E1.72
Tractor Driver	E1.84
Farm Clerk/Storeman	E2.14
Motor vehicle Driver	E2.14
Heavy machine operator	E2.46
Artisan	E3.51

SECOND SCHEDULE

(Paragraph 7)

Incwala Day
 Good Friday
 Somhlolo Day (Independence)
 Christmas Day
 Boxing Day
 King's Birthday
 Umhlanga (Reed Dance) Day

E.M. HLOPHE

Acting Principal Secretary Ministry of Labour

LEGAL NOTICE NO. 129 OF 1984

THE CIVIL SERVICE ORDER, 1973
(King's Order-in-Council No. 16 of 1973)

ACTING APPOINTMENT OF SECRETARY TO CABINET/ HEAD OF
THE CIVIL SERVICE
(Under Section 8)

In exercise of the powers conferred on me by the abovementioned Order, I am pleased to appoint—

JOHN BONGANI JOUBERT SOLOMON DHLAMINI

to be Acting Secretary to Cabinet with effect from 8th October, 1984 to 21st October, 1984.

SIGNED AT PHONDVO (KANYAMAZANE) THIS 3RD DAY OF OCTOBER, 1984.

NTOMBI
INDLOVUKAZI AND QUEEN REGENT
OF THE KINGDOM OF SWAZILAND