

SUPPLEMENT TO

THE

SWAZILAND GOVERNMENT

GAZETTE

VOL. XXVI]

MBABANE, Friday, October 21st., 1988.

[No. 624

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LEGAL NOTICE NO. 115 OF 1988

THE PATENTS, DESIGNS AND TRADE MARKS ACT, 1936

(Act No. 72 of 1936)

**DESIGNATION OF PUBLIC OFFICER TO BE REGISTRAR OF PATENTS,
DESIGNS AND TRADE MARKS**

(Under Section 2)

In exercise of the powers conferred by section 2 of the Patents, Designs and Trade Marks Act, 1936 the Minister for Justice hereby designates:

ANDRIAS MLUNGISI MATHABELA

to be Registrar of Patents, Designs and Trade marks with effect from the 1st August, 1988 to 31st January, 1989.

Legal Notice No. 136 of 1985 is hereby revoked.

P.S. MNGOMEZULU
Principal Secretary

MBABAE,
12th October, 1988.

LEGAL NOTICE NO. 116 OF 1988

THE NATIONAL HOUSING BOARD ACT, 1988

(Act No. 3 of 1988)

THE NATIONAL HOUSING BOARD ACT

(DECLARATION OF AREAS) NOTICE, 1988

(Under Section 1(2))

In exercise of the powers conferred by Section 1(2) of the National Housing Board Act, 1988, the Minister for Interior and Immigration hereby issues the following Notice—

Citation.

This Notice may be cited as The National Housing Board Act (Declaration of Areas) Notice, 1988.

Declaration of Areas.

All housing schemes falling under the Housing Branch of the Government of Swaziland in all areas of the Kingdom are hereby declared to be under the jurisdiction of the Swaziland National Housing Board with its Headquarters in Mbabane.

E.J. MAVUSO
Principal Secretary

Mbabane,
11th October, 1988.

THE WAGES ACT, 1964

(Act, No. 16 of 1964)

THE REGULATION OF WAGES (RETAIL AND WHOLESALE
DISTRIBUTIVE TRADES) ORDER, 1988

(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, 1988 and shall be deemed to have come into force on the 1st September, 1988.

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 operation 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 Grade 2" means a person responsible for issuing and receiving money and who has been employed as such for a continuous period of not more than two years;

"Cashier Grade 1" means a person responsible for issuing or receiving money, and who has more than two years experience in such a job;

"Clerk (with no certificate)" means an employee who does not possess a junior certificate of education and who is engaged in general clerical duties;

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

"Copy Typist" means an employee wholly or mainly engaged in typing, checking figures and filling 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 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 serving customers, including the making up of orders and checking goods inwards and who has not acquired two years experience in such activities;

"Lorryman" means an employee wholly or mainly engaged in a vehicle conveying 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 task 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 transacting 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 such for a continuous period of not more than one year;

"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 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-section (2) and (3) the normal hours of work for employees shall, subject to the provisions of section 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 section 7, be forty-eight hours of work spread over a period of 6 days.

(3) The normal hours of work for a watchman shall be seventy-two hours per week 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 section 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 section 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 Saturday 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 employees monthly basic rate shall be divided by two hundred and eight.

Annual Leave.

8. (1) After twelve consecutive months' 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 months' initial service with an employer, or after returning from annual leave as provided for in sub-section (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 months' 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 months' 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 section 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 section:

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

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-section (1) shall be of a 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 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.

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, 1987 (Legal Notice No. 87 of 1987) is hereby revoked.

FIRST SCHEDULE
BASIC MINIMUM WAGE
 (Emalangeneni per month)

Bhunya, Big Bend, Havelock Mine, Hlatikulu, Luyengo, Matata, Malkerns, Manzini, Mbabane (including establishments situated along and within 5km. 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.

	Urban Areas	All other areas
General Labourer	185.00	160.00
Lorryman	185.00	160.00
Watchman	185.00	160.00
Messenger	185.00	160.00
Deliveryman	185.00	160.00
Heavy Duty Labourer	185.00	160.00
Pre-Packer	185.00	160.00
Clerk (with no certificate)	200.00	170.00
Clerk (with Junior Certificate)	212.00	178.00
Clerk (with Senior Certificate)	225.00	187.00
Junior Shop Assistant	200.00	170.00
Telephone Switchboard Operator	200.00	170.00
Copy Typist	200.00	170.00
Driver (light vehicle)	212.00	178.00
Petrol Pump Attendant	212.00	178.00
Driver (heavy vehicle)	225.00	187.00
Shop Assistant	225.00	187.00
Blockman	225.00	187.00
Cashier Grade 1	260.00	200.00
Trainee Cashier	200.00	170.00
Cashier Grade 2	225.00	187.00

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

K. MBULI*Principal Secretary Ministry of Labour*

LEGAL NOTICE NO. 118 OF 1988

THE COMMISSION OF ENQUIRY INTO SWAZILAND RAILWAY
NOTICE, 1988

EXTENSION OF TIME NOTICE

(Under Section 7).

Duration of Enquiry.

In exercise of the powers conferred upon me by section 7, I hereby extend the time within which the Commission shall submit its report, from the 11th October, 1988 to the 11th November, 1988.

W.F.C. MKHONZA

Minister for Works and Communications

MBABANE,
10th October, 1988.