

G 6872 G

S.09621



NOT AVAILABLE FOR LOAN

# SWAZILAND

## GOVERNMENT GAZETTE

### EXTRAORDINARY

---

VOL. LII]

MBABANE, Monday, APRIL 14<sup>th</sup>, 2014

[No. 47

---

#### CONTENTS

No.

Page

#### PART C - LEGAL NOTICE

55. The Regulation of Wages (Mining and Quarrying Industry) Order, 2014 ..... S1

## LEGAL NOTICE NO. 55 OF 2014

THE WAGES ACT, 1964  
(Act No. 16 of 1964)THE REGULATION OF WAGES (MINING AND QUARRYING  
INDUSTRY) ORDER, 2014  
(Under Section 11)

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

***Citation and Commencement***

1. This Order may be cited as the Regulation of Wages (Mining and Quarrying Industry) Order, 2014 and shall be deemed to have come into force on the 1st January, 2014.

***Interpretation.***

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

“clerk A1” means a clerical worker capable of simple reading, minimal writing, collective and carrying items, date stamps, keeping calendars up to date, recording times for arrival and departure, receiving and carrying documents and correspondence internally and acting as a messenger;

“clerk A2” means a clerical worker capable of performing all the functions of clerk A1 and writing, copying, simple filing and operating simple office machine, entering petty cash payments and receipts, transcribing information into registers and to forms and cards without analysis, sorting mail, photocopying and duplicating;

“clerk B1” means a clerical worker capable of analyzing, accounting, operating fax machines, scrutinizing and utilizing information not directly available but based on past experience, interviewing according to prescribed procedure, interpreting, supervising the works of clerks A1 and A2;

“unqualified tradesman” means a person who undertakes such task as rough glazing, painting and simple mechanical work on rock drills, locos, pumps, simple vehicle servicing and similar uncomplicated work requiring skill below the artisan’s standard;

“supervisor” means a person who oversees the work of gangs working in the Mining and Quarrying Industry;

“drivers Grade 1” means a person employed to drivers-

- (a) ambulances;
- (b) heavy duty vehicles (in excess of five tons capacity);
- (c) power-driven earth moving equipment; and Primary hoists;

“drivers Grade 2” means drivers of-

- (a) light duty vehicles other than ambulances;

- (b) secondary hoists;
- (c) rocker arm loaders;
- (d) tractor; and
- (e) locomotives.

***Application.***

3. (1) This Order shall apply to all persons, other than articulated apprentices, employed in any undertaking or any part of an undertaking which carries on one or more of the following activities for gain-

- (a) mining and quarrying operations;
- (b) winning of sand and gravel from any source; or
- (c) ancillary work connected with the running of mineral extractions operations excluding contractors and suppliers to a mine or quarries.

***Written particulars to be provided.***

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

***Hours of Work***

5. (1) The basic working week shall be forty five hours over a maximum period of six days.

(2) Notwithstanding sub-regulation (1) where shifts are maintained, the basic week shall consist of six-twelve hour shifts (72 hours) in the case of a security guard;

(3) With the consent of his employer, an employee may extend his daily hours of work by up to one hour in order to reduce the hours of his last shift for his own convenience without the entitlement to overtime.

(4) Subject to regulation 10 (1) where an employer requires an employee to work in excess of the hours specified in this regulation, an employee shall be paid for overtime in accordance with the provisions of regulation 10.

***Work Stoppage***

6. (1) In the event of a temporary work stoppage of any of the employer's operations whether partial or complete, occasioned by circumstances beyond the control of the employer or of the employee, but excluding stoppage occasioned by a strike, lockout, sit-in or other form of labour action or dispute, collective or individual, an employee who is present, available, capable and willing to work for the normal period during normal working hours at times appointed by the employer, shall be paid at full rate applicable to that job and-

- (a) in the case of a watchman or security guard, for a minimum of 72 hours in any week; and
- (b) in the case of all employees for a minimum of 45 hours in any week,
  - (i) an employee shall perform any task appointed by the employer;

- (ii) such task shall not expose or subject an employee to peculiar risk or unfavorable conditions than those pertaining to his original or normal form;
- (iii) the provision of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in terms of his normal conditions of employment and in accordance with the law.

(2) Where the employer cannot appoint a productive task and the employee is present, available, capable and willing to work, the employer shall pay the employees full daily wages for two days immediately succeeding the day upon which work was stopped and thereafter pay the employees has his daily rate until work is resumed or his employment is lawfully terminated. However the employee's service shall not be terminated for incompetence or poor work performance.

#### ***Security of wages and conditions of employment.***

7. 1) The rates of pay and other conditions of employment set forth in this order are the minimum labour laws of Swaziland and shall not be presented as otherwise and no part of this order shall be construed as justifying non advancement or denying advancement to, or freezing the wage of an employee.

(2) No employer affected by this order shall reduce remuneration or other conditions of service from those which were applicable to his employee at the effective date of this order.

#### ***Categories of work***

8. Employees affected by this order shall be graded into categories A1, A2, B1, B2, B3, C1 and C2 as more fully set out in the First Schedule.

#### ***Basic Minimum Wage***

9. The basic minimum wage for the various categories set forth in regulation 8 shall be in respect of a 45 hour week except in the case of a Security Guard, where the shift shall be twelve hours and shall be set out in the table hereunder

#### ***Rates per hour***

A1	A2	B1	B2	B3	C1	C2
E7.02	E7.71	E8.17	E9.09	E10.35	E11.85	13.11

#### ***Overtime.***

10. Overtime shall be paid to daily rated workers at the following rate-

- (a) for time worked in excess of 15 minutes after the specified hours per shift as specified in regulation 5, at one and half times the hourly rate of the employee, except as provided in paragraph (b); and
- (b) for time worked on Sundays, where Sunday is not a working day, or on an employee's rest day where Sunday is a normal working day, or on a holiday specified in regulation 11, at double the basic hourly rate of the employee.

#### ***Public Holidays.***

11. (1) The following Public Holidays shall be public holidays with full pay-

Christmas Day;	Boxing Day;
New Year's Day;	Worker's Day;
Good Friday;	Easter Monday;
Ascension Day;	King's Birthday;
National Holiday (22 July);	Somhlolo Day;
National Flag Day;	Reed Dance Day (Umhlanga); and
Incwala Day;	National Secondary Elections' Day

### ***Annual Leave.***

12. On completion of each period of twelve months' continuous service with an employer, an employee shall be entitled to paid annual leave of not less than eighteen working days excluding the public holidays and the employee's rest day with full pay.

### ***Sick Leave.***

13. An employee who, after three months' continuous service with an employer becomes ill through no fault of his own and becomes incapable of performing his duties, shall have one of the following sick benefits in respect of each period of one year, on production of a certificate issued by a Medical Practitioner registered under the Medical and Dental Practitioner's Act, 1970-

- (a) fourteen days leave on full pay and thereafter fourteen days on half pay; or
- (b) thirty days leave of which the first three days in any period of sickness shall be without pay; or
- (c) thirty days leave of free hospitalization and medical treatment with free food whilst in hospital and a daily sum of money equivalent to the cash value of any employee's rations as may be approved by the Commissioner of Labour from time to time.

### ***Maternity Leave.***

14. Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve months or more shall be entitled to maternity leave on full pay for a period not exceeding 30 days upon delivering to her employer:-

- (a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement; or
- (b) such evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case.
- (c) no employee shall be entitled to maternity leave provided for two (2) consecutive years.

### ***Housing.***

15. Where an employer is employed in circumstances where it is impracticable, for reasons of distance, for him to return to his home or normal place of residence at the end of his day's work, his employer shall cause such employee to be housed in accordance with section 152 of the Employment Act, 1980 and the relevant regulation thereto.

***Feeding of employees.***

16. (1) An employer, who, by virtue of section 153 of the Employment Act, 1980, is required to supply food to his employees, shall add to the basic wage of his employees such an amount equivalent to the value of the food required to be supplied.

(2) Nothing in this section shall be deemed to preclude an employer from supplying rations to any employee in pursuance of a collective agreement.

***Redundancy.***

17. In the case of redundancy by reason of closure, cessation or curtailment of an employer's operation, each affected employee shall receive the benefits provided for by section 33 and 34 of the Employment Act, 1980 or its successor.

***Pay Advances.***

18. (1) On a day to be appointed by his employer, which day shall be approximately half way through the pay month, an employee whose basic wages exceed E1000.00 per month shall be entitled to draw an advance from his wages for the current month to an amount not exceeding 40% of his monthly wages, if

- (a) there are funds standing to the credit of the employee to meet the amount of the required advance; and
- (b) his acceptance of the advance shall be deemed to be an authorization to the employer to deduct the full amount advanced to him at the end of the pay month from his salary.

(2) In cases of bereavement, employers shall treat such a request with sympathy and consideration.

***Retirement Age.***

19. The retirement age for this industry shall be 55 years.

***Revocation of Legal Notice No. 50 of 2011***

20. The Regulation of Wages (Mining and Quarrying Industry) order, 2011 is hereby revoked.

---

**FIRST SCHEDULE**

***Category A1 includes employees who are employed in any of the following occupations:***

- Beer Makers
- Block Makers
- Bell maintenance helper
- Belt sorter
- Bag printer
- Plaster's Labourers
- Boiler attendants
- Chimney sweepers
- Conveyor attendants
- Clerk A1
- Cleaners
- Change-house attendants

Coal cutters Grade 3  
 Dracco plant attendants  
 Fuel issuers  
 Haulage labourers  
 House maids  
 Kitchen hands  
 Lashers  
 Laundry workers  
 Messengers  
 Siding labourers  
 Sweepers  
 Sampler (Supervised)  
 Survey Assistant (Grade 2)  
 Sanitation workers  
 Stone sorters  
 Tippler attendants  
 Trammers  
 Tally checker/trip attendant  
 Ventilation Labourers  
 Whitewashers  
 Waiters  
 Underground transport labourers

***Category A2 includes employees who are employed in the following occupations:***

Artisan's Assistants  
 Battery charging attendants  
 Blasting licence holder's assistants  
 Box operations  
 Clerk A2 (as defined in paragraph 2)  
 Cooks  
 Compressor attendants  
 Coal samplers  
 Driller's assistance  
 Eleison feeder attendants  
 Forklift operators  
 First aid attendants  
 Geological sapling assistant / drivers  
 Golf club attendant  
 Greaser  
 Jackhammer operator's assistant  
 Laboratory attendants (Grade A2)  
 Lamproom attendants (uncertificated)  
 Loco shunters  
 Loading hands  
 Nursing aids  
 Onsetters  
 Pest control workers  
 Power station maintenance  
 Care (supervised)  
 Portable saw operators  
 Pump attendants  
 Receptionist  
 Rotary and Drifter helpers  
 Shortcrete Nozlemen  
 Sorters  
 Scraper winch drivers

Section timber workers  
 Stockpile attendants  
 Sawmill assistants (supervised)  
 Sample plant attendants  
 Security guards/watchman  
 Toolroom attendants  
 Tracers  
 Torch cutters  
 Tower dryer attendants  
 Typist (copy)  
 Tub loaders  
 Tyre inspectors  
 Water purification plant attendants  
 Winch operators  
 X-Ray orderlies

*Category B1 includes employees who are employed in the following occupations:*

Accounting machine operator  
 Analysis  
 Barman  
 Boiler operators (Power station)  
 Blocklayers (without Trade Qualification)  
 Beer makers (chargehand)  
 Crusher shiftsmen  
 Clerk (Grade B1)  
 Caperters (without Trade Qualification)  
 Coal Cutter (Grade 2)  
 Driver (Grade 2)  
 Domestic Science Instructors  
 Dust Samplers  
 Electric drill operators  
 Gardening Supervisors  
 Guesthouse attendants  
 Geological samplers (other than coal)  
 Gang bosses (Grade 2 surface)  
 General gang Supervisors  
 Jack hammer operators

*Category B2 includes employees who are employed in the following occupations:*

Blasting licence holder  
 Coal cutters (grade 1)  
 Drillers (mobile rig and core)  
 Drivers (Grade 1)  
 Dyke gang supervisors  
 Electricians (to 380 volts)  
 Gangbosses (Grade 1 surface)  
 Gangbosses (Grade 3 underground)  
 Laboratory assistants (Asbestos)  
 Medical orderlies  
 Truck busters  
 Village administration clerk  
 Welders  
 Weighbridge clerk



**Category B3 includes employees who are employed in the following occupations;**

Artisans (Grade 2)  
 Blasting supervisors (Iron ore)  
 Drill supervisor  
 Electrician (to 550 volts)  
 Gang bosses (grade 1 underground)  
 Hospital clerks  
 Personnel assistants  
 Section bosses (surface/village induna)  
 Stores / Accounts clerk  
 Transport controllers  
 Washing supervisors (iron ore)  
 X-Ray clerk

**Category C1 includes employees who are employed in the following occupations other than qualified artisans who have served the period of apprenticeship or a government recognized trade test:**

Carpenters  
 Mason/Fumance bricklayers  
 Mechanic (maintenance)  
 Plumber/Sheet metal workers  
 Ropeway servicemen  
 Sewage / Water supervisors  
 Section bosses (underground)  
 Storekeepers

Category C2 includes employees whom Management considers to have such qualities as to warrant categorization above category C1.

---

## 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 and which wages are paid .....
7. Short description of employees' work .....
- .....
- .....
8. Probation Period .....
9. Annual Leave Entitlement .....
10. Paid Public Holiday .....

11. Payment during sickness .....
13. Notice employee entitled to receive .....
14. Notice employer required to give .....
15. Pension Scheme (if any, other than N.P.F. Scheme) .....
16. Any other matter either party wishes to include.....
- (a) An Employee is free to join an industry union which is recognized by the undertaking.
- The address of the Industry Union is: .....
- .....
- (b) The grievance procedure in this undertaking requires that a grievance should be first referred to .....
- .....
- (c) When any heading is inapplicable enter nil
- (d) Please give a copy of this form to the employee after it has been duly signed.

Signed ..... Employer

..... Employee

..... Witness

..... Date

**WINNIE K. MAGAGULA**  
**MINISTER OF LABOUR & SOCIAL SECURITY**