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LEGAL NOTICE NO. 36 OF 2023

Labour Code Wages Notice, 2023

Pursuant to section 51(1) of the Labour Code Order, 1992¹ and after informing the Wages Advisory Board of my decision, I,

RICHARD RAMOELETSI

Minister responsible for labour and employment, make the following notice:

Citation and commencement

1. This notice may be cited as the Labour Code Wages (Minimum Wages) Notice, 2023 and shall come into operation on the date of publication in the Gazette.

Interpretation

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

“clothing, textile and leather manufacturing sector” means manufacturing of clothing or footwear apparel as well as processes leading to their manufacturing from weaving, dressing, dyeing, tanning inclusive of manufacturing of luggage, handbags, belts, shoes and apparatus for export purpose as well as for marketing in Lesotho through formal wholesale and retail businesses and does not include formal and informal sector where manufacturing of these items employs less than twenty people and for marketing on the premises or streets or house to house and includes other manufactures of any goods who employ a large scale of workers;

“construction sector” means any commercial or industrial business or undertaking operating in the building of physical infrastructure, houses or structures and employing more than five people e.g. roads, footpaths, houses, bridges walls or related structures, and this includes those undertakings operating in the manufacturing of building materials, like crush stones, mining, stone cutting and brick making;

“construction machine operator” means a person operating machinery with an engine ranging from mobile crane, excavator, bull dozer, jack hammer, front-end loader, caterpillar and side scraper;

“construction worker” means a person employed in construction sector as a manual labourer;

“domestic worker” includes gardeners, clothes washers at a home or residence, cooks, house cleaners and children minders;

“general minimum wage” means a wage which applies to any unskilled or manual labourer employed in any commercial or industrial undertaking other than construction worker, textile general worker, hospitality worker or any other worker who is specified in this order;

“hospitality Sector” means commercial and industrial undertaking involved in tourism, receiving and accommodating guests, with or without provision of food, drinks and beverages, whether alcoholic or non-alcoholic, on the premises or away from the premises and includes hotels, lodges, motels, restaurants, food caterers and guest houses, betting and gambling, and excludes a commercial and industrial undertaking which fall under general minimum wage, and small businesses;

“retailers” means commercial and industrial undertaking selling goods and services directly to the public and includes; mini-supermarket, bakery, cafe, gas and petrol filling station with more than five employees, other than small business;

“retail sector” means any commercial or industrial business or undertaking operating in the business of purchasing goods or products with the sole aim of re-sale and includes those businesses which manufacture goods for public consumption such as medium sized bakery, meat markets, vegetable markets with less than forty employees but more than five;

“security industry” means any business or undertaking operating in the business of providing protection of goods, property or persons to the other businesses and includes persons, company or persons employing a person as a watchman;

“small business” means a commercial or industrial undertaking which does not employ more than ten persons and is wholly owned by Basotho companies or partnerships with majority shareholding of Basotho as natural persons, but does not include a holder of trader’s license of a super market and wholesaler and includes the following:

- (a) butchery;
- (b) café or snack bar;
- (c) coal and wood dealer;
- (d) general café;
- (e) green grocer; and
- (f) public bar.

“textile general worker” means a person employed in the clothing, textile and leather manufacturing sector, performing all kinds of tasks other than machine operating, security work, watchmen, administration, clerical work as well as messengers and gardeners;

“textile machine operator-trained” means a person who operates machinery within the clothing, textile and leather manufacturing sector and who has completed more than twelve months with the same employer or who has been certified as such, and includes garments sewing machine operator, miscellaneous products in textile and kindred material shoe sewing;

“textile machine operator-trainee” means a person who is a machine operator within the clothing, textile and leather manufacturing sector and who has not completed twelve months with the same employer or who has not been certified as such;

“trained security guards” means a person who has completed more than twelve months’ service with the same employer with the security industry or holds a certificate as a security guard or person;

“transport sector” means a commercial or an industrial business or undertaking which employs a person holding a relevant driving license to convey goods, services or passengers regardless of the sector in which the business or undertaking is engaged and includes all drivers with drivers’ licenses;

“watchman” means a person who is privately employed to guard or patrol a private dwelling house or an area but is not deployed by a security company; and

“wholesalers” includes the following undertakings:

- (a) wholesaler;
- (b) supermarket;
- (c) furniture shop; and
- (d) bakery with more than 40 employees.

Minimum wages

3. The minimum wages are as set out in the schedule.

Repeal

4. The Labour Code (Minimum Wages) Notice, 2022² is repealed.

DATED: 3RD APRIL, 2023

**RICHARD RAMOELETSI
MINISTER OF PUBLIC SERVICE, LABOUR AND EMPLOYMENT**

NOTE

1. L.N. No. 28 of 2022
2. Order No. 24 of 1992

SCHEDULE

BASIC MINIMUM WAGES

Sector	Minimum Monthly (Maloti)	Minimum Weekly (Maloti)	Minimum Daily (Maloti)
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A. CLOTHING, TEXTILE AND LEATHER MANUFACTURING SECTOR

Employees with less than twelve (12) months continuous service with the same employer:

(i)	Textile General Worker	2459.00	568.00	113.00
(ii)	Textile Machine Operator	2644.00	611.00	122.00
(iii)	Textile Machine Operator Trainee	2459.00	568.00	113.00

Employees with more than twelve (12) months continuous service with the same employer:

(i)	Trained Machine Operator	2745.00	635.00	128.00
(ii)	Textile General Worker	2724.00	630.00	127.00

B. CONSTRUCTION SECTOR

Employees with less than twelve (12) months continuous service with the same employer:

(i)	Construction Machine Operator and Certificated (Bricklayer, Carpenter, Steel Fixer, Welder, Electrician and Plumber)	4499.00	1063.00	248.00
(ii)	Construction Worker (Unskilled Heavy Physical Worker)	2858.00	718.00	151.00

Employees with more than twelve (12) months of continuous service with the same employer:

(i)	Construction Machine Operator And Certificated (Bricklayer, Carpenter, Steel Fixer, Welder, Electrician and Plumber)	5018.00	1185.00	306.00
(ii)	Construction Worker (Unskilled Heavy Physical Worker)	3147.00	785.00	164.00

C. WHOLESALE AND RETAIL SECTOR

Employees with less than twelve (12) months continuous service with the same employer:

(i)	Wholesale, Supermarkets and Furniture Shops	2761.00	637.00	134.00
(ii)	Bakeries with more than 40 employees	2761.00	637.00	134.00

Employees with more than twelve (12) months continuous service with the same employer:

(i)	Wholesale, Supermarkets, Furniture Shops	2929.00	677.00	162.00
(ii)	Bakeries with more than 40 employees	2929.00	677.00	162.00

D. RETAIL SECTOR (OTHER THAN SMALL BUSINESS):

- (i) mini-supermarket
- (ii) Bakeries with less than 40 employees
- (iii) Cafes
- (iv) Gas and petrol filling stations

Employees with less than twelve (12) months continuous service with the same employer:

2497.00	618.00	132.00
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Employees with more than twelve (12) months continuous service with the same employer:

2637.00	666.00	140.00
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E. HOSPITALITY SECTOR

- (i) Hotels, Motels and Lodges:

Employees with less than twelve (12) months continuous service with the same employer:

2761.00	704.00	147.00
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Employees with more than twelve (12) months continuous service with the same employer:

2929.00	754.00	156.00
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(ii) Restaurants, Food Caterers, and Guest Houses:

Employees with less than twelve (12) months continuous service with the same employer:

2508.00	631.00	134.00
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Employees with more than twelve (12) months continuous service with the same employer:

2694.00	674.00	139.00
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F. SERVICE SECTOR:

(i) Security

Security Guard with less than twelve (12) months continuous service with the same employer:

2361.00	591.00	122.00
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Security Guard with more than twelve (12) months continuous service with the same employer and those certified by the Ministry of Local Government, Chieftainship, Home Affairs and Police:

2776.00	707.00	164.00
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(ii) Watchman

Watchman with less than twelve (12) Months continuous service with the same employer:

2136.00	532.00	116.00
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Watchman with more than twelve (12) months of continuous service with the same employer:

	2316.00	584.00	132.00
(iii) Funeral Parlour			

Employees with less than twelve (12) months continuous service with the same employer:

	2761.00	694.00	148.00
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Employees with more than twelve (12) months continuous service with the same employer:

	2929.00	738.00	184.00
(iv) Cleaning services			

Employees with less than twelve (12) months continuous service with the same employer:

	2761.00	694.00	148.00
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Employees with more than twelve (12) months continuous service with the same employer:

	2929.00	731.00	184.00
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G. TRANSPORT SECTOR AND ANY OTHER DRIVERS

- (i) License code as appears on the Driver's license;

Employees with less than twelve (12) months continuous service with the same employer:

B/EB/C1:	2734.00	678.00	167.00
C/EC1:	2960.00	741.00	183.00
EC:	5501.00	1371.00	346.00

Employees with more than twelve (12) months continuous service with the same employer:

B/EB/C1:	2995.00	750.00	188.00
C/EC1:	3245.00	817.00	203.00
EC:	6756.00	1687.00	416.00

- (ii) Certificated (auto electrician, motor mechanic, panel beater, spray painter)

Employees with less than twelve (12) months continuous service with the same employer:

	4171.00	986.00	231.00
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Employees with more than twelve (12) months continuous service with the same employer:

	4415.00	1037.00	239.00
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H. SMALL BUSINESS

Employees with less than twelve (12) months continuous service with the same employer:

	1403.00	346.00	79.00
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Employees with more than twelve (12) months continuous service with the same employer:

	1589.00	469.00	85.00
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I. DOMESTIC WORKER (including light physical worker)

Employees with less than twelve (12) months continuous service with the same employer:

	773.00	204.00	47.00
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Employees with more than twelve (12) months continuous service with the same employer:

853.00 224.00 60.00

J. GENERAL MINIMUM WAGE**Employees with less than twelve (12) months continuous service with the same employer:**

2005.00 499.00 109.00

Employees with more than twelve (12) months continuous service with the same employer:

2188.00 551.00 125.00

K. CONDITIONS OF EMPLOYMENT

1. An employee who has completed more than one year of continuous service with the same employer in the textile, clothing and leather manufacturing shall be entitled to receive six (6) weeks paid maternity leave.

2. An employee who has completed more than one year of continuous service with the same employer other than in the textile, clothing and leather manufacturing sector and private security sector shall be entitled to receive six (6) weeks paid maternity leave before confinement and six (6) weeks paid maternity leave after confinement.

3. An employee who has completed more than one year of continuous service with the same employer in the private security sector shall be entitled to receive 6 weeks paid maternity leave.

4. The benefit in (1) and (2) shall be limited to two confinements per employee during her employment with the same employer.