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SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (HOTEL AND CATERING TRADES)

ORDER, 1986

(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, 1986 and shall come into force of the 29th September, 1986.

Application.

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

3. In this Order, unless the context otherwise requires—

“assistant cook” means a person who assist 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 —

- (a) assists and carries out the instructions of a housekeeper or the management particularly in regard to the maintenance of linen, blankets and soft furnishings,
- (b) supervises room maids and similar staff; and
- (c) is responsible for the cleanliness of such areas of the establishment as are designated by the management;

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

“barman” means a person other than a junior or a cocktail barman, who—

- (a) prepares and serves drinks, other than cocktails, to wine stewards, bar stewards, waiters and guests in a public bar;
- (b) collects and accounts for the payment of the drinks;
- (c) is responsible for all stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings.

“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 may also be required to carry out the duties of a receptionist;

“cashier” means a person who prepares bills of accounts, operates an accounting machine, cash register or a manual accounting system and 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 supervisor;

“cocktail barman” means a person other than a barman who—

- (a) prepares and serves cocktails and drinks;
- (b) collects and accounts for the correct payment of the drinks;
- (c) is responsible for all stocks and monies under his control; and
- (d) is responsible for the cleanliness of the bar and its surroundings.

“cook” means a person who—

- (a) compiles menus in consultation with the management;
- (b) prepares food;
- (c) supervises and allocates work in the kitchen;
- (d) checks the arrival of all foodstuffs and raw materials to be used in the kitchen, particularly in regard to weight and quality; and
- (e) is responsible for the cleanliness and general hygiene of the kitchen;

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

“dressmaker” means a person with a working knowledge of materials in common use, including their cost, and who designs, layouts, cuts and sews uniforms, and 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 who supervises porters and luggage porters and carries out all duties allocated to him by reception staff or management;

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

“head waiter” means a person who—

- (a) is in charge of the dining room, and supervises waiters and other dining room staff;
- (b) arranges table reservations for individual customers or parties;
- (c) ensures that a high standard of service is maintained and deals with customer's complaints concerning the food or service; and
- (d) may also be required to take customers' orders and pass them to the waiters;

“housekeeper” means a person who—

(a) 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 and of advising management on the durability and replacement thereof; and

(b) supervises room maids and other staff;

“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 1” means a person who carries out laundry work 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, porter or reception staff, or the management and carries luggage;

“porter” means a person who—

(a) carries out the duties allocated to him by reception staff;

(b) conducts guests to their rooms;

(c) carries luggage; and

(d) 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 guest into and out of the establishment, and 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;

“room service person” means a person who has knowledge of all items on the room service menu, who sets up room service trays, prepares the room service area for service, delivers food and beverage orders to guest bedrooms and offices, and clears bedrooms, corridors and offices of dirty crockery, cutlery, glasses and trays;

“seamstress” means a person who repairs and alters uniforms, soft linen 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 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 cook;

“storeman” means a person who is in sole control of the stores, and is in charge of the purchase and ordering of goods and 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 is responsible for the receipt and custody of all stores under his control;

“supervisor” means a person 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 person responsible for their payment and who receives and records messages guests;

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

“waiter/waitress” means a person who—

- (a) has knowledge of all items on the menu, and receives and serves orders from customers in a dining room; and
- (b) 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, and advises on and serves wines and other drinks and 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) At his own expense, an employer shall supply weekly rations to each employee in accordance with the scale specified in the Third Schedule.

(2) Notwithstanding sub-section (1) an employer may, with the consent of the employee and after notifying the Labour Commissioner, pay the employee in lieu of rations, such allowances 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 1/(234) of the employee's basic minimum wage.

Annual leave.

8. (1) After twelve months 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, in addition to the payment for that leave shall be paid 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, 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 section 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 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 section, 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 days.

(2) Where an employee works on a rest day in order to accumulate two rest days as provided in sub-section (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 uniforms 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 and shall thereafter receive no wages for the duration of the interruption if it continues.

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. 106 of 1985.

18. The wages Regulation (Hotel and Catering Trades) Order, 1985 is hereby revoked.

FIRST SCHEDULE

For the purposes of this Schedule:-

- Group A** shall mean any undertaking licence under the Casino Act, 1963 or having 75 or more bedrooms for guests;
- Group B** shall mean any hotel, motel, restaurant or club with a liquor licence; or which serves food, which is not included in Group A; and which is situated in Mbabane or Manzini urban areas or within 8 km, of the road joining Mbabane and Manzini.

Group C shall mean any hotel, motel, restaurant or club with a liquor licence, which is not included in Group A or B.

Group D shall mean any undertaking without a liquor licence and any accommodation establishment or caravan park not included in Groups A, B and C.

FIRST SCHEDULE
(EMALANGENI PER MONTH)

	A	B	C	D
Assistant Cook	235	180	132	110
Assistant Housekeeper	170	146	140	140
Assistant Waiter/waitress	125	110	100	100
Barman	255	210	135	—
Bar Steward	135	105	100	—
Billing Clerk	315	206	178	—
Cashier	185	180	175	175
Clerk	175	168	153	153
Cleaner	115	108	100	100
Cocktail Barman	285	240	222	—
Cook	365	250	190	120
Dressmaker	201	162	125	—
Driver	170	155	150	150
Head Porter	190	180	168	—
Handyman	225	162	130	130
Headwaiter	285	160	136	136
Housekeeper	285	177	148	148
Junior Barman	205	148	130	—
Labourer	115	108	100	100
Laundry Worker Grade I	135	110	100	100
Laundry Worker Grade II	120	105	100	100
Linen Keeper	130	125	123	123
Luggage Porter	115	108	100	—
Porter	175	135	112	—
Receptionist	290	208	180	—
Room Maid	115	108	100	100
Room Service Person	160	115	100	100
Seamstress	130	130	130	—
Security Guard	170	150	138	136
Short Order Cook	130	120	105	105
Storeman	325	251	164	140
Stores Assistant	155	161	124	124

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Supervisor	135	125	120	120
Telephonist	160	117	110	110
Tractor Driver	125	136	135	118
Waiter/Waitress	160	120	110	110
Watchman	115	112	110	110
Wine Steward	155	120	110	—
Valet	170	100	100	—

TRAINING PERIOD

SECOND SCHEDULE (EMALANGENI PER MONTH)

	A	B	C	D
Trainee Assistant Housekeeper	128	123	121	110
Trainee Bar Steward	120	100	100	—
Trainee Billing Clerk	157	131	130	—
Trainee Cashier	140	135	130	—
Trainee Handyman	152	141	116	116
Trainee Receptionist	158	141	130	—
Trainee Telephonist	128	108	100	100

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, 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 ratio 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

J.B.J.S. DHLAMINI
Acting Principal Secretary Ministry of Labour

LEGAL NOTICE NO. 86 OF 1986

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (WATCHING AND PROTECTIVE
SERVICES INDUSTRY) ORDER, 1986

(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, 1986 and shall come into force on the 27th October 1986.

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 month’s but less than twelve months continuous service;

“Group B1” means an employee with more than twelve month’s 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 section 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 section, 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:

Except where an employee who is required to remain away from his place of employment, whereupon the payment of expenses under this section 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 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 107 of 1985.

16. The Regulation of Wages (Watching and Protective Services Industry) Order 1985 is hereby revoked.

FIRST SCHEDULE

(Paragraph 4)

(Per Month)

Group A	E120.00
Group B	E130.00
Group B1	E140.00
Group C	E145.00
Group D	E175.00
Telephonist	E120.00
Clerk	E175.00

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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.

J.B.J.S. DHLAMINI
Acting Principal Secretary