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SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXVI]

MBABANE, Friday, October 28th., 1988

[No. 625

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PUBLISHED BY AUTHORITY

CORRIGENDUM

THE SUGAR EXPORT LEVY (AMENDMENT) NOTICE, 1988

(Legal Notice No. 111 of 1988)

The Sugar Export Levy Notice, 1988 should be corrected in section 2 by replacing the figure "395" with the figure "595".

LEGAL NOTICE NO. 119 OF 1988

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (MINING AND QUARRYING INDUSTRIES) ORDER, 1988

(Under section 11)

In exercise of the powers conferred by section 11 of the Wages Act, 1964 the Minister for Labour and Public Service hereby makes the following Order:—

Citation and Commencement.

1. This order may be cited as the Regulation of Wages (Mining and Quarrying Industries) Order, 1988 and shall be deemed to have come into force on 1st October, 1988.

Interpretation.

2. In this order, unless the context otherwise requires—

“Clerk A1” means a clerical worker capable of simple reading minimal writing, collecting and carrying items, for example, date stamps, keeping calendars up to date, recording times of 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 a clerk A1 and writing, copying, simple filing and operating simple office machines, for example, entering petty cash payments and receipts, transcribing information into registers and on to forms and cards without analysis, also sorting mail, photocopying and duplicating;

“Clerk B1” means a clerical worker capable of analysing, accounting, operating Office machines, scrutinising and utilising information not directly available but based on past experience, interviewing according to prescribed procedure, interpreting, supervising the work of clerks A1 and A2;

“Unqualified Tradesman” means a person who undertakes such tasks 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 gardens, slimes, dams, lamp rooms, screening plants, siding mills, forests stores, aerial ropeways, conveyors, tipplers construction work and painting;

“Drivers Grade 1” means Drivers of:

- (a) Ambulances;
- (b) Heavy duty vehicles (in excess of five tons capacity);
- (c) Power-driven earth moving equipment; and
- (d) Primary hoists.

"Drivers Grade 2" means Drivers of:

- (a) Light duty vehicle 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 a mineral extraction operation.

(2) Notwithstanding subsection (1) this order shall not apply to an employee who is in receipt of a basic remuneration aggregating E600,00 or more per month and who has authority to—

- (a) Give orders to employees under his control;
- (b) Recommend transfer, suspend, discipline, discharge or promote workers under his control; and
- (c) Adjudge and make recommendations in connection with grievances of employees under his control.

Hours of work.

4. (1) The basic working week shall be a maximum of six days.
- (2) Notwithstanding subsection (1) where shifts are maintained.

The basic working week shall—

- (a) Consist of six-twelve hour shifts in the case of a Security guard; and
- (b) Six eight-hour shifts in all other cases.

Except That—

- (i) 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 payment.
- (ii) Subject to section 10(2) where an employer requires an employee to work in excess of the hours specified in this section, an employee shall be paid for overtime in accordance with the provision of Section 9.

Work Stoppage

5. (1) In the even of a temporary stoppage of any 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, whether concerted 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 the full rate applicable to the job—

- (a) In the case of watchman or security guard, for a minimum of 72 hours in any week; and
- (b) In the case of all other employees for a minimum of 48 hours in any week.

Provided that:

- (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 substantially more arduous conditions than those pertaining to his original or normal form of employment; and
- (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 employee full daily wages for two days immediately succeeding the day upon which work was stopped and thereafter pay the employee half his daily rate until work is resumed or his employment is lawfully terminated.

Static and worsening conditions.

6. (1) The rates of pay and other conditions of employment set forth in this order are the least or minimum permitted by the Government of Swaziland and shall not be represented as otherwise and no part of this order shall be construed as justifying non advancement or denying advancement to, or freezing the wages of an employee.

(2) No employer affected by this order shall reduce his rates of remuneration or other conditions of service from those which were applicable to his employee at the effective date of this order, except where the nature of work has been changed.

Categories of work.

7. Employees affected by this order shall be graded into categories. A1, A2, B1, B2, B3, C1, and C2 as set out in the schedule hereto.

Basic minimum wage.

8. (1) The basic minimum wage for the various categories set forth in section 7 shall be in respect of a shift of eight hours except in the case of watchmen, where the shift shall be twelve hours and shall be as set out in the table hereunder.

(2) The basic minimum wage per shift for the categories of employees graded in accordance with section 7 and the schedule hereto shall be as follows.

A1	A2	B1	B2	B3	C1	C2
8.57	9.95	11.08	12.67	14.71	17.26	19.47

Overtime.

9. Overtime shall be paid to daily rated workers at the following rate—

- (a) For time in excess of 15 minutes after the specified hours per shift as specified in Section 4 at one and half times the basic rate reduced to an hourly rate, except as provided in paragraph (B);
- (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 Section 10, at double the basic wage reduced to an hourly rate.

Public Holidays.

10. (1) Subject to Section 9(b) the following public holidays shall be regarded as holidays with full pay.

Christmas Day
Boxing Day
Easter Monday
King's Birthday
Umhlanga (Reed Dance)
Somhlolo National Day
Incwala Day

(2) If so required by his employer, an employee shall work extra shifts at basic rates upon three days to be appointed by the employer for the purpose of maintaining production which the employer may find to have been lost by reason of any three of the holidays set out in subsection (1):

Provided that payment shall not be made to an employee who absents himself from his normal place of work without authority on days preceding the specified holidays.

annual Leave.

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

Sick Leave.

12. An employee who, after three months' continuous service with his employer becomes ill through no fault of his own and become incapable of performing his duties, shall have one or other of the following sick benefits in respect of each period of twelve months' continuous service on production of a certificate issued by a Medical Practitioners registered under the Medical and Dental Practitioners Act, 1970—

- (a) Fourteen days leave with full pay and thereafter fourteen days with half pay;
- (b) Thirty days leave of which the first three days in any period of sickness shall be without pay and the remainder with pay; or
- (c) Thirty days 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 Labour Commissioner from time to time.

Maternity Leave.

13. Pregnancy shall entitle an employee to—

- (a) A total of thirty days leave, on full pay in each period of twelve months' continuous service with the same employer in respect of prenatal, confinement and postnatal care; or
- (b) Alternatively, at the option of the employer and in lieu of payment referred to in paragraph (a)—
 - (i) Free pre-natal medical Care;
 - (ii) Confinement in hospital with free food, free medical treatment including all medicines prescribed by the Medical Practitioner in charge of her; and
 - (iii) Three weeks unpaid leave following delivery.

Redundancy.

14. (1) In the case of redundancy by reason of closure, cessation or curtailment of an employer's operation each affected employee shall receive—

- (a) One month's notice of termination of service or one month's pay in lieu of such notice;
- (b) (i) One month's wage at his latest basic minimum rate where he has been in the employer's continuous service up to 6 months.
- (ii) Two months' wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for more than 6 months but less than 12 months; or
- (iii) Three months' wages as provided in paragraph (b)(i) where he has been in the employer's continuous service for 12 months or more.

(2) The benefits provided in this Section shall be a minimum but shall be deemed to be included in any terminal benefits provided by any written law.

Pay advances.

15. 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 E100.00 per month shall be entitled to draw an advance of his wages to an amount of E20.00:

Provided that—

- (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 authorisation to the employer to deduct the full amount advanced to him at the end of the pay month from his salary.

Revocation of Legal Notice No. 101 of 1987.

16. The Regulation of Wages (Mining and Quarrying Industry) Order, 1987 is hereby revoked.

SCHEDULE

Category A1 includes employees whose principal duties comprises any of the following occupations:

Asbestos Packers
 Beer Makers
 Block Makers
 Belt Maintenance Helper
 Belt Sorters
 Bag Printer
 Plaster's Labourers
 Boiler Attendants
 Chimney Sweepers
 Conveyor Attendants
 Clerk A1
 Cleaners
 Changehouse Attendants
 Coal Cutters Grade 3
 Dracco Plant Attendants
 Fuel Issuers
 Haulage Labourers
 House Maids
 Kitchen Hands
 Lashers
 Laundry Workers
 Messengers
 Siding Labourers
 Sweepers
 Samplers (Supervised)
 Survey Assistant (Grade 2)
 Sanitation Workers
 Stone Sorters
 Tippler Attendants
 Trammers
 Tally Check Tip Attendants
 Tamping Makers
 Ventilation Labourers
 Whitewashers
 Waiters
 Underground Transport Labourers

Category A2 includes employees whose principal duties comprise of the following occupations:-

- Artisan's Assistants
- Battery Charging Attendants
- Blasting Licence Holder's Assistants
- Box Operators
- Clerk A2 (As Defined in Paragraph 2)
- Cooks
- Compressor Attendants
- Coal Samplers
- Driller's Assistants
- Ellison Freeder Attendants
- Forklift Operators
- First Aid Attendants
- Geological Sampling Assistant/Drivers
- Golf Club Attendants
- Greaser
- Jackhammer Operators' Assistants
- 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
- Roof Bolters
- Rotary and Drifter Helpers
- Shortcrete Nozzlemen
- Sporters
- Scraper Winch Drivers
- Section Rail Workers
- Section Timber Workers
- Section Bar Workers
- Stockpile Attendants
- Sawmill Assistants (Supervised)
- Sample Plant Attendants

Security Guards/Watchmen
 Toolroom Attendants
 Tracers
 Torch Cutters
 Lower Dryer Attendants
 Typist (Copy)
 Tub Loaders
 Tyre Inspectors
 Water Purification Plant Attendants
 Winch Operators
 X-Ray Orderlies

Category B1 include employees whose principal duties comprise any of the following occupations:

Accounting Machine Operator
 Analysts
 Barman
 Boiler Operators (Power Station)
 Blocklayers (Without Trade Qualification)
 Beer Makers (Chargehands)
 Crusher Shiftsmen
 Clerk (Grade B1)
 Carpenters (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
 Hospital Clerks
 Jack Hammer Operators
 Lampmen (Coal Certificated)
 Plant Operators
 Rock Mechanic Observers
 Rotary/Drifter Operators
 Supervisors (as Defined Hereunder)
 Service Bay Attendants

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Security Sergeant
Stenographer Typist
Switchboard Operator (Internal and External)
Telex Operators
Theatre Orderlies
Tradesmen (Without Formal Qualifications)
Training Instructors
Welfare Assistants

Category B2 includes employees whose principal duties comprise any of the following occupations:-

Blasting Licence Holder
Coal Cutters (Grade 1)
Drillers (mobile Rig and Core)
Drivers (Earth Moving)
Dyke Gang Supervisors
Electricians (to 380 volts)
Gangbosses (Grade 1 Surface)
Gangbosses (Grade 3 Underground)
Laboratory Assistant (Asbestos)
Mechanics (Grade 1)
Medical Orderlies
Truck Busters
Village Administration Clerk
Welders
Weighbridge Clerk

Category B3 includes employees whose principal duties comprise any of the following occupations:-

Artisans (Grade 2)
Blasting Supervisors (Iron Ore)
Drill Supervisor
Electricians (to 550 volts)
Gang Bosses (Grade 1 Underground)
Hospital Clerks
Personnel Assistants
Section Supervisors
Section Bosses (Surface/Village Induna)
Stores/Accounts Clerk
Transport Controllers
Washing Supervisors (Iron Ore)
X-Ray Clerks.

Category C1 includes employees whose principal duties comprise any of the following occupations other than qualified artisans who have served the prescribed period of apprenticeship or passed a Government recognised Trade Test:-

Carpenters

Mason/Furnance Bricklayers

Mechanic (Vehicle Maintenance)

Plumber/Sheet Metal Workers

Ropeway Servicemen

Sewage/Water Supervisors

Section Bosses (Underground)

Storekeepers.

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

K MBULI

Principal Secretary, Ministry of Labour and Public Service

LEGAL NOTICE NO. 120 OF 1988

THE SWAZILAND ROYAL INSURANCE CORPORATION ORDER, 1973

(Order No. 32 of 1973)

THE SWAZILAND ROYAL INSURANCE CORPORATION (DIRECTORS' FEES) REGULATIONS, 1988

In exercise of the powers conferred by Section 12 of the Swaziland Royal Insurance Corporation Order, 1973 the Minister for Finance hereby makes the following Regulations—

Citation and commencement.

1. These Regulations may be cited as the Swaziland Royal Insurance Corporation (Directors' Fees) Regulations, 1988 and shall be deemed to have come into force on 1st July, 1988.

Payment of fees to Directors.

2. (1) (a) A fee of E2,000 and E2,500 per annum shall be paid to a Director and Chairman respectively of the Swaziland Royal Insurance Corporation appointed as such under section 7 of the Swaziland Royal Insurance Corporation Order, 1973.
(b) In addition to the amounts in paragraph (a) an amount of E60 and E75 shall be paid quarterly to the Director and Chairman respectively for full attendance.
- (2) If a Director or Chairman serves for less than one year, he shall be paid the prorata proportion of the amount specified in sub-regulation (1) for the period of such service.
- (3) Nothing in these Regulations shall be construed to mean that any remuneration shall be paid to a public officer appointed as such to act as a Director.

Revocation of Legal Notice No. 2 of 1985.

3. The Swaziland Royal Insurance Corporation (Directors' Fees) Notice, 1985 is hereby revoked.

A.M. FAKUDZE
Principal Secretary

MBABANE,
Date: 12th October, 1988.

LEGAL NOTICE NO. 121 OF 1988

THE URBAN GOVERNMENT ACT, 1969

(Act No. 8 of 1969)

APPOINTMENT OF PIGG'S PEAK TOWN BOARD MEMBERS

(Under Section 112)

In exercise of the powers conferred on me by Section 112 of the Urban Government Act, 1969, I hereby appoint the following Persons—

- | | | | |
|----|--------------------|---|----------|
| 1. | King Mtsetfwa | — | Chairman |
| 2. | Robert P. Stephens | — | Member |
| 3. | Joseph Masuku | — | " |
| 4. | Evelyn Masilela | — | " |
| 5. | Calvin Ndlovu | — | " |

To be Pigg's Peak Town Board Members with effect from 1st November, 1988.

SOTSHA E. DLAMINI
Prime Minister