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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 (MINING AND QUARRYING INDUSTRIES) ORDER, 1989

(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, 1989 and shall be deemed to have come into force on 1st August, 1989.

*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 machine, 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 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 gardens, slimes, dams, lamp rooms, screening plants, siding mills, forests stores, aerial ropeways, conveyors, tiplers 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 event of a temporary 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, 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 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 not 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 watchman, 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.

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A1	A2	B1	B2	B3	C1	C2
E9.86	E11.44	E12.74	E14.57	E16.92	E19.85	E22.39

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*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.

Good Friday  
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 1.25 times his basic rate on Saturday and  $1\frac{1}{2}$  times on Sunday 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 eighteen working days excluding the public holidays and the employee's rest 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 becomes 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 Practitioner registered under the Medical and Dental Practitioners Act, 1970—

- (a) Fourteen days leave with full pay and thereafter fourteen days with half pay; or
- (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 wages 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 wage exceed E100.00 per month shall be entitled to draw an advance of his wages to an amount of E40.00:

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 authorization 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. 119 of 1988.*

16. The Regulation of Wages (Mining and Quarrying Industry) Order, 1988 is hereby revoked.

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SCHEDULE

Category A1 includes employees whose principal duties comprise 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.  
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 includes 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

Category A2 includes employees whose principal duties comprise any 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 Operator's 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 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 Assistants (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 Clerk.

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 a Government recognised Trade Test:-

- Carpenters
- Mason/Furnance Bricklayers
- Mechanic (Maintenance)
- Plumber/Sheet Metal Workers
- Ropeway Servicemen

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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.

A.M. MBINGO

*Acting Principal Secretary, Ministry of Labour and Public Service*

LEGAL NOTICE NO. 70 OF 1989

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THE DEEDS REGISTRY ACT, 1968

(Act No. 37 of 1968)

THE NHLANGANO TOWNSHIP (EXTENSION OF BOUNDARIES)  
(REVOCATION) NOTICE, 1989

(Under Section 48)

In exercise of the powers conferred by Section 48 of the Deeds Registry Act, 1968 the Minister for Justice hereby issues the following Notice—

*Citation.*

1. This Notice may be cited as the Nhlanguano Township (Extension of Boundaries) (Revocation) Notice, 1989.

*Revocation of Legal Notice No. 11 of 1988.*

2. The Nhlanguano Township (Extension of Boundaries) Notice, 1988 is hereby revoked.

R.M. DHLADHLA  
*Minister for Justice*

Mbabane  
8th August, 1989.

LEGAL NOTICE NO. 71 OF 1989

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THE URBAN GOVERNMENT ACT, 1969

(Act No. 8 of 1969)

NOTICE OF INTENT TO ALTER THE BOUNDARIES OF NHLANGANO  
URBAN AREA

(Under Section 111)

In exercise of the powers conferred by Section 111 of the Urban Government Act, 1969 the Prime Minister announces his intention to alter the boundaries of Nhlangano Urban Area to include the areas defined in the Schedule hereto.

The purpose of altering the boundaries to include the Farms indicated in the Schedule is to facilitate the planning of development and administration of these areas.

Any person who has any objection to the proposed alteration of the boundaries is hereby invited to lodge his objection in writing within 30 days of the publication of this Notice to the Prime Minister's Office, P.O. Box 395, MBABANE.

R.M. MDLULI

*Principal Secretary - Tinkhundla*

MBABANE,  
26th July, 1989.

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## NHLANGANO URBAN AREA

1. Portions; B/D/LC 24P, I/A/E/LC 24P and C/E/LC 24P.
2. Portions; A, 2 and the Remaining Extent of Farm No. 285.
3. Portion; 3 and the Remaining Extent of portion A of Farm No 326
4. Portion; 1 and the Remaining Extent of Farm No. 284.
5. Portion; 1 and the Remaining Extent of Farm No. 85.
6. Portions; 1-28 and Remaining Extent of Farm No. 140.

as set out hereunder :-

CO-ORDINATES      Lg   31°

Y	X	Y	X
A -20 131,54	+2 999 154,78	J -22 612,02	+3 001 230,24
B -20 849,35	+2 998 742,01	K -22 324,00	+3 001 724,89
C -21 999,14	+2 999 810,68	L -22 187,48	+3 001 595,80
D -21 997,46	+2 999 846,21	M -21 547,59	+3 002 276,32
E -21 556,51	+3 000 501,49	N -20 936,84	+3 001 659,59
F -22 302,77	+3 001 011,69	P -20 036,52	+3 003 631,02
G -22 577,42	+3 001 181,08	Q -16 822,31	+3 000 375,18
H -22 559,79	+3 001 199,83		

## LEGAL NOTICE NO. 72 OF 1989

## THE NATIONAL FIRE AND EMERGENCY SERVICE ORDER, 1975

(Order No. 14 of 1975)

THE WATER SUPPLY AND FIRE HYDRANT (AMENDMENT)  
REGULATIONS, 1989

(Under Section 15)

In exercise of the powers conferred by Section 15 of the National Fire and Emergency Service Order, 1975 the Minister of Interior hereby makes these Regulations.

*Citation.*

1. These Regulations may be cited as the Water Supply and Fire Hydrant (Amendment) Regulations, 1989.

*Amendment of Legal Notice No. 92 of 1982.*

2. The Water Supply and Fire Hydrant Regulations, 1982 are hereby amended as follows:

- (a) by replacing the words and figure "One hundred Emalangeni (E100.00)" appearing in Section 10 thereof with the words and figure "Five hundred Emalangeni (E500.00)"
- (b) by replacing Schedules I and II thereto with the following new Schedules:

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"SCHEDULE I

FIRE-RISK CATEGORIES OF FIRE AREA

- (a) High Risk Areas: Areas in which the risks of fire and of the spread of fire are high and includes congested areas of factories, extensive shipping centres, warehouses, and other commercial buildings, dock warehouses, timber yards, timbered buildings and buildings in which hazardous processes are carried out or hazardous materials are stored and large plantations, Congested general residential areas where buildings are four storeys and more in height.
- (b) Moderate-risk areas: Areas in which factory, commercial, and residential buildings are, in general, detached and less than four storeys in height, and where, because of their detachment and because the materials processed or stored are not considered highly hazardous, the risk of fire and the spread of fire are not as high as those in high-areas.
- (c) Low-risk areas: Areas which are sub-urban or semi-rural in character in which detached or semi detached dwelling houses predominate. This category is subdivided into four groups as follows:-
  - (1) *Low-risk - group 1.*

Residential areas where the gross floor area of the dwelling house including outbuildings is generally likely to be more than 300 sq.m.

(2) *Low-risk - group 2.*

Residential area where the gross floor area of the dwelling house including outbuildings is generally likely to vary between 100 sq.m. and 300 sq.m.

(3) *Low-risk - group 3.*

Residential areas where the gross floor area of the dwelling house including outbuildings is generally likely to be less than 100 sq.m. but more than 55 sq.m.

(4) *Low-risk - group 4.*

Residential areas where the gross floor area of the dwelling house including outbuildings are not more than 55 sq. m. This group includes most low-cost housing schemes and squatter areas.

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SCHEDULE II

TABLE 1

## REQUIRED FIRE FLOW

Fire-risk Category	Fire-flow lts./minute	Duration in hrs.
High-risk	11,000lts.	6
Moderate-risk	5,000lts.	4
Low-risk groups 1&2	2,000lts.	2
Low-risk group 3	1,000lts.	1
Low-risk group 4	—	—

TABLE II

## FLOW AND SPACING OF HYDRANTS

Fire-risk category	Required flow from each hydrant lts./minute	distance between hydrants in all vehicular thorough-fares metres	Residual Head (M)
High-risk	1,500 lts.	120	15
Moderate-risk	1,500 lts.	200	15
Low-risk group 1	900 lts.	200	7
Low-risk group 2	500 lts.	200	3
Low-risk group 3	350 lts.	200	3
Low-risk group 4	—	At convenient points on mains 75mm diameter and larger	— "

E.R. SHABALALA

*Minister for Interior and Immigration*

MBABANE,  
8th August, 1989.

The Government Printer, Mbabane