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# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

# PART C

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LEGAL NOTICE NO. 48 OF 2007

THE WAGES ACT, 1964  
(Act No. 16 of 1964)

THE REGULATION OF WAGES (AGRICULTURAL INDUSTRY) ORDER  
NOTICE, 2007  
(Under Section 11)

In exercise of the powers conferred on him by Section 11 of the Wages Act, 1964. The Minister of Enterprise and Employment hereby makes the following Order:-

### ***Citation***

1. This Order may be cited as the regulation of Wages (Agricultural Industry) Order, 2004 and shall be deemed to have come into effect on the 1<sup>st</sup> April, 2007.

### ***Interpretation***

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

“artisan” means a skilled employee who has passed a Government Trade Test or who has served an apprenticeship recognised by the Government.

“basic minimum wage” means the wage provided for in Regulation 4 payable to an employee after the commencement of the Order;

“continuous service” means a service in the employment of a current heavy duty driving licence who is in charge of a vehicle of over one and half tons tare weight whose duties include handling cargo to and from the tailboard, and daily maintenance and cleaning of such vehicles;

“farm clerk of storeman” means an employee who is employed full time on day to day duties for keeping all relevant records associated therewith;

“field induna” means an employee who is in charge of a number of labourers of any category;

“general labourer” means an employee who requires only limited training and includes field labourers, cleaners, sweepers, pickers, produce packers, produce graders, field recorders, messengers, workshop assistant and spanner hands;

“handyman” means a person who is capable of carrying out elementary tasks in either masonry, Plumbing, Carpentry or Mechanics associated with such work on a farm with reasonable proficiency and without supervision but does not include an Artisan;

“irrigator” means an employee involved in the application of water to field crops and work associated herewith;

“Motor vehicle” means an employee employed as a driver and who is in charge of the vehicle and its daily care

“plant or pump attendant” means an employee who attends stationary Plant and Equipment;

“seasonal worker” means an employee whose contract of employment is entered into for a specific season, or for work to be done on or in connection with a specific project or activity;

“stockman” means an employee who attends or heads animals and work associated herewith;

“tractor driver” means an employee who drives a tractor and is able to take complete charge of the tractor, operate it and all its associated implements, to complete a given task without supervision and carry out daily care of the tractor;

“task-work” means any piece work to be done by a worker or group of workers, on a given time;

“watchperson” means an employee who is engaged during the day or night guarding and protecting premises or property as directed by his employer.

### ***Application***

3. (1) This Order shall apply to all persons employed in any undertaking carrying one or more of the following activities for gain -

- (a) cultivation of land and the use of land (irrigated or otherwise) for the purpose of animal husbandry, horticulture, civil-culture fruit growing, dairy farming, livestock small animal and poultry keeping or breeding, civil culture and the growth or production of seed;
- (b) the use of land as grazing or meadowlands, market gardens, nursery grounds;
- (c) all handling and processing normally carried out on a farm or estate including crop cleaning, winnowing, drying, sacking, cantoning, livestock food preparation;
- (d) The construction, maintenance and repair of a farm building and installation machinery, plant equipment, the running of irrigation scheme and the keeping of farm or estate accounts.

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

4. (1) The basic minimum wage to be paid to any employee specified in the First Schedule shall not be less than that specified therein for the employee concerned.

(2) An employee who at the date of commencement of this Order is in receipt of a higher wage for the employee's occupation than the wage prescribed in the First Schedule shall not suffer any reduction in such wage by reason of this Order.

### ***Hours of work***

5. The normal hours of work shall, subject to the provision of regulation 6 be fifty-four hours of work spread over a period not exceeding six days in a week;

Provided that the normal hours of work for watchman, stockmen, irrigators, plant and pump house attendants shall be sixty hours.

### ***Overtime***

6. An employee required to work in excess of the normal working hours specified in regulation 5 shall be paid at one and half times the basic hourly rate for such time worked from Monday to Saturday noon inclusive, and at twice the employee's basic hourly rate for time worked on Sundays, or the Public Holidays referred to in the Second Schedule.

**Public Holidays.**

7. (1) Subject to sub-regulation (2) hereof, the public holidays specified in the regulation 9 shall, subject to the provision of regulation 6, be holidays with full pay.

(2) The provisions of sub-regulation (1) shall only apply where the employee presents himself for the work on the working day immediately prior to the public holiday and the working day immediately following the public holiday except where the employee concerned has received permission from his employer to be absent on either day.

**Annually Leave**

8. (1) On completion of twelve months continuous service with an employer, an employee shall, at a time convenient to the employer, be entitled to annual leave of not less than twelve working days with full pay.

(2) An employee whose services are terminated after three months' initial service with an employer, or after returning for annual leave as provided for in sub-regulation (1) shall be entitled to one day's pay for each completed month of service following his initial engagement or following his return from leave as the case may be.

**Compassionate Leave**

9. (1) An employee who has completed the probation period shall be entitled to compassionate leave as follows:-

widows	- 30 calendar days
widower	- 7 calendar days
natural father or mother	- 7 calendar days
natural child	- 7 calendar days

(2) Out of all the above mentioned days only 3 days will be full pay.

(3) Entitlement to compassionate leave of any other relative in addition to the above shall be at the discretion of the employer.

**Public Holidays**

10. (1) The following shall be public holidays with full pay.

- New Year's days;
- Good Friday;
- King's Birthday;
- Umhlanga (Reed Dance)
- Somhlolo Day (Independence);
- Christmas Day;

Boxing Day;

Incwala Day;

May Day.

***Sick Leave***

11. (1) after three months of continuous service with an employer and subject to the production of a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioner Act, 1970, an employee shall be entitled to sick leave up to a minimum of fourteen days on full pay and thereafter to a maximum of fourteen days on half wages in each period of twelve months.

(2) Notwithstanding sub-regulation (1) -

- (i) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct.
- (ii) A certificate issued by a registered nurse shall be accepted in place of a Medical Certificate if a Medical Practitioner is not available.

***Maternity Leave***

12. (1) 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 twelve week's maternity leave, so arranged that she gets six weeks before the date of confinement, the other six weeks from the date of confinement but only at least one month's pay the rest at the discretion of the employer.

***Provident that she produces -***

- (a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of confinement; or
- (b) such other evidence in support of the entitlement to maternity leave as is reasonable, having regard to all the circumstances of the case.

(2) A female employee shall not be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

***Written particulars to be provided***

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

***Change of ownership***

14. Where, following upon a change of ownership of an establishment or undertaking, an employee enters the services of the new owner without interruption, the employee's service shall be deemed to be continuous service in the employment of the new owner.

***Task and ticket contracts***

15. (1) Nothing in this Order shall prevent an employer and employee from agreeing to the substitution of a Task for the normal hours of work in any day.

***Employment of women***

16. An adult female shall be paid the same wage payable to an adult male employee employed in a similar capacity.

***Employment of children and young persons***

17. Wages payable to young persons and children, shall, for a person under the apparent age of fifteen years, be calculated at a rate not less than 50% of the rates of wages specified in the First Schedule and 75% of the rates of wages for a person of the apparent age of fifteen but not exceeding the apparent age of eighteen years who are engaged in the occupation specified in the First Schedule.

Provided that where task work is being performed the rate of payment shall be the same for all persons engaged in the task, irrespective of age or sex, but payment shall be calculated in respect of the volume of work done or proportionate to the amount of task completed.

***Lay-Off due to inclement weather***

18. Any employee who makes himself available for work but does not work during a continuous period of wet or inclement weather shall be entitled to his basic wage on the second and third days of such wet weather, and nothing thereafter for the rest of the duration of the wet weather.

***Protective clothing***

19. If it is necessary to protect an employee from physical or chemical injury which may arise from the work he is required to do, the employer shall supply that employee with adequate protective clothing and such employee shall use the protective clothing as instructed.

***Rations***

20. Subject to the provision of Section 153 of the Employment Act, 1980, employee who where in receipt of rations or meals or cash allowance in lieu of rations continue to receive such rations or such cash allowance.

***Revocation of Legal Notice No. 130 of 2004***

21. The Regulation of Wages (Agricultural Industry) Order, 2004 is revoked;

**FIRST SCHEDULE**  
(Regulation 4)

BASIC MINIMUM WAGE PER DAY

General Labourer	E23.00
Seasonal Worker	E23.00
Stockman	E23.00

Watchperson	E34.44
Irrigator	E23.47
Plant or Pump House Attendant	E23.47
Field Induna	E28.48
Handyman	E28.70
Tractor Driver	E30.81
Farm Clerk/Storeman	E35.79
Heavy Machine Operator	E41.10
Artisan	E53.77
Driver (heavy duty)	E41.10

**THIRD SCHEDULE**  
(Regulation 20)

MINIMUM WEEKLY RATION SCALE

Mealie Meal .....	6.35kg
Meat .....	1.36kg
Sugar .....	4.5kg
Dry beans, Peas or Groundnuts .....	.68kg
Fresh vegetables .....	.9kg
Salt .....	.113g
Fat .....	.750ml

*Alternatives*

1. The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1;
  - (a) Mealie Meal:  
(For every .9 of mealie meal - 4.5kg of bread; 34kg. Of rice or .23kg of cheese.
  - (b) For the first .23kg of meat - .23kg of offal; or for the first .45kg of fish - .23 of cheese.
  - (c) For every .46kg of Fresh Vegetables, .45kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables.

**Permitted Variations**

2. The rations of mealie meal shown in paragraph 2 (a) may be reduced by an amount not exceeding 2.72kg equivalent to the amount mealie meal used in the preparation of:

- (a) The drink known as Mahewu or
- (b) a proprietary vitaminized drink if either drink is issued in a week to the employee by the employer

**SECOND SCHEDULE**  
(Regulation II)

**WRITTEN PARTICULARS OF EMPLOYMENT FORM**

1. Name of Employer .....
2. Name of Employee .....
3. Date of Employment .....
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 Holiday .....
11. Payment during sickness .....
12. Compassionate leave .....
13. Maternity Leave (if employee female) .....
14. Notice employee entitled to receive .....
15. Notice employee required to give .....
16. Pension Scheme (if any, other than N.P.F Scheme) .....
- .....
17. Any other matter either party wishes to include .....



Notes: (a) An industry Union is recognised by this undertaking. Any employee is free to join it.

(b) The grievance procedure in this undertaking requires that a grievance should be first referred to .....

.....  
.....

(c) When any heading is inapplicable enter nil.

Signed: ..... Employer

..... Employee

..... Witness

..... Date

**BERTRAM B. STEWART**  
*PRINCIPAL SECRETARY*  
*MINISTRY OF ENTERPRISE AND EMPLOYMENT*

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