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SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

VOL. XLX]

MBABANE, Thursday, SEPTEMBER 13th 2012

[No. 97

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15. Pension Scheme (if any, other than S.N.P.F. Scheme)
16. Any other matter either party wishes to include

(a) An Employee is free to join an industry union which is recognized by the undertaking.

The address of the Industry Union is:

.....

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

.....

(c) When any heading is inapplicable enter nil

(d) Please give a copy of this form to the employee after it has been duly signed.

Signed	Employer
.....	Employee
.....	Witness
.....	Date

LUTFO DLAMINI
MINISTER
MINISTRY OF LABOUR AND SOCIAL SECURITY

Clerk / Storeman Assistant (with junior certificate)

Driver

Artisan Grade 111

Cattle buyer

Master Screen printer

455.05

Master Potter

Master Silversmith

Salesman

Salesman (Senior)

Storeman (Printing)

433.00

Assistant foreman Confectioner

Assistant foreman Baker

551.68

Clerk/ Storeman (with senior certificate)

Printers Grade 1

661.66

Artisan Grade 11

Foreman Baker

810.67

Foreman Confectioner

867.42

Artisan Grade 1

1,188.90

Laboratory Technician

1,256.98

Supervisor

25% above the wage to the highest paid employee under his direct supervision

SECOND SCHEDULE

WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of Employer
2. Name of Employee
3. Date Employment began
4. Wage and method of calculation
5. Interval and which wages are paid
7. Short description of employees' work
-
-
8. Probation Period
9. Annual Leave Entitlement

 Divider Operator

Click-High Frequency	
Clicker- Insolers/ toepuffs/ counters	
Clicker- Linings/ Trims/ Socks/ Velcro	
Dispatch Clerk	
Heelseat Laster	364.03
Invoice Clerk	
Leather Sorter	
Quality Controller	
Sole Spotter	

Kiln Operator	
Melter	
Saw Sharpener	
Design Draftsman's Assistant	
Inspector	
Machine Operator	409.46
Machine Attendant	
Solder Bath Attendant	
Tester	
Guillotine Operator (Printing)	
Machine Minder (Printing)	

Boiler	
Driver (H.D.V)	
Kardex Clerk / Storeman	370.96
Aligner	
Final Inspector / Tester	

Clicker-textile	
Rebater Controller	383.99
Repairers' Assistant	

Liner Feeder	
Repairer's Assistant	395.31

Baker	
Confectioner	
Handy-Man	415.18
Chef	
Clicker- Suede Split	

Charge hand	
Final Aligner and Tester	
Jumper	
Plant attendant	
Tool Setter	429.45
Fitter	
Personal Secretary	
Sewing Mechanic	
Toelaster	

Printers Grade 11	437.98
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Assembler (soldering)	
Binder Assistant	
Compositor	
De-Boner	
Dark Room Attendant	
Mechanical Assembler	
Proof Reader	
AJS Operator	
Assembler Upper-Components	
Counter inserter	
Counter Moulder	
Leather Baler	319.36
Loader F.O.F	
Recutter	
Sewing Machinist 1	
Shop Assistant	
Clerk/Storeman (Printing)	
Rubber Stamp maker	
Stitching Machine operator (Printing)	
Sewer/ Binder	
Skiver- Upper/toepuffs	
Soaker	
<hr/>	
Slaughter man	
Driver/Messenger	
Laboratory Assistant	
Presser Attendant	
Electrical Maintenance Assistant	
Office Clerk	
Rougher Uppers	333.07
Senior Watchman	
Sole Presser	
Printing Machine Minder (Junior)	
Photo lithographer	
Reception Clerk (Printing)	
Sales Assistant	
Wages Clerk	
<hr/>	
Cabinet Fitter	
Chassis Fitter	
Clerk/ Stores Assistant	
Driver (L.D.V)	
Forklift Operator	
Picture Tube Assembler	356.30
Soakline attendant	
Switchboard Operator	
Utility	
D.T.P Operator	
Printers Grade 111	
<hr/>	
Baker's Assistant	
Blower	
Confectioner's Assistant	358.27
Dough Mixer	
Engraver	

Toelaster feeder
 Upper brusher
 Workshop assistant

Assemble socks
 Box preparer
 Cementer
 Edward maker
 Foam strip cutter
 Hole perforator
 Lubricator/Riveter/Buckler
 Sewing Machinist II
 Shoe Boxer 295.75
 Sole Chlorinator
 Stamper
 Staple extractor
 String lacer
 String cutter
 Toepuff positioner
 Unlaster
 Upper cleaner
 Plate filer (printer)

Assembler-Button Components
 Box labeler
 Canteen assistant/Cashier
 Insole Moulder/stamper
 Last Preparer
 Last Transporter 301.41
 Rougher-sole Margin
 Shoe Repairer
 Sticker attacher
 Upper splitter
 Weighs Clerk

Coil Winder
 Component Assembler
 Copy Typist
 Dough Panner
 Driver Salesman's Assistant
 Entrepreneur's Assistant Grade 1
 Flour sifter
 General Labourer
 Hoist Operator 307.17
 Loader/Packer
 Messenger
 PC Board Trimmer
 Plant Assistant
 Security Guard/Stonehand
 Machinist
 Learner Machine Minder (Printing)
 Assistant Receptionist
 Digital/Duplicator Operator (Riso)

FIRST SCHEDULE

BASIC MINIMUM WAGE
(Emalangeni per week)

Learner Craftsperson	
Learner Finisher	
Learner Spinner	
Learner Weaver	
Casual Employee	200.04
Seasonal Labourer	
Carder	
Checker	
Cleaner	
Cook	
<hr/>	
Engraver's Assistant	
Entrepreneur's Assistant	
Finisher	
Grinder	
Loader	
Potter	255.93
Runner	
Trimmer	
Bagger	
Learner Machine Operator	
<hr/>	
Screenprinter	
Semi skilled kiln hand	
Silversmith	
Spinner	
Tablehand	
Presser (garment)	
Washer	
Layer	270.17
Presser	
Folder	
Packer	
Box folder	
Canteen Assistant	
Cartoon Sealer	
Painter	
Dispatch Clerk (Printing)	
<hr/>	
Upper Printer	
Backstream Reducer	
D-ring inserter	
Foam attacher	
Hand trimmer	
Lacer	
Stacker	281.59
Receiver-Second Stock	
Sorter	
Textile preparer	
Toecap positioner	

(2) Where an employee has been placed on short time under sub-regulation (1) the employee shall be paid not less than fifty percent of the employee's weekly wages where the employee is employed to periods which, in aggregate, are equivalent to or less than fifty percent of the employee's normal weekly hours of work.

(3) No reduction shall be made in an employee's earnings where the employee has been placed on short time, and works in aggregate more than fifty percent of his normal weekly hours of work during any week he has been paid placed on short time.

Piece Work

17. An employee engaged on piece work shall be entitled to wages and conditions of employment not less than those specified in this Order.

Re-imbursement of expenses

18. A salesman, driver or salesman assistant shall be re-imbursed all expenses reasonably incurred on lodging and meals for the period of absence from his place of residence on duty.

Lay-Off

19. (1) Due to proved circumstances beyond the employer's control he may lay off employees for up to fourteen working days, on condition that no lay-off may be effected without the written consent of the Commissioner of Labour. Such consent shall be granted after the meeting between the employer and the workers or recognized workers organization.

(2) During the period of any lay-off, the employer shall not engage other employees to replace the employees he has laid off.

(3) The employer shall give-

- (a) a permanent employee fourteen days notice before the lay off; and
- (b) a seasonal employee twenty-four hours notice before the lay-off.

(4) An employer may apply to the Minister responsible for Labour for a temporary exemption for a specified period according to the circumstance of the enterprise, from the application of regulation 19(3), (a), after negotiating with the employees' organization, for a reduction of the period of notice to be given to employees, before lay-off.

Trade Testing

20. (1) An employer shall grant paid leave to an employee who requests to undergo a trade test at the Swaziland College of Technology or any similar institution to enable him to take tests.

(2) An employee undergoing a trade test shall furnish the employer with the results of his examination.

Revocation of Legal Notice No. 61 of 2011

21. The Regulation of Wages (Manufacturing and Processing Industry) Order, 2011 is hereby revoked.

- (b) in the case of an employee who has completed three consecutive months of continuous service with the same employer and subject to the production of a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages on in each period of twelve months continuous service.

(2) Notwithstanding Sub-Regulation (1) -

- (a) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a Medical Practitioner is not available.

Compassionate leave

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

Widow	-	30 working days
Widower	-	7 working days
Biological Child	-	7 working days
Biological parents	-	7 working days

(2) Entitlement to compassionate leave or other relatives in addition to the above shall be at the discretion of the employer.

(3) Nothing in this Order shall be construed as requiring an employer to pay an employee for any time spent on compassionate leave.

Maternity Leave

13. An employee who has completed the probation period shall be to 30 days maternity leave with full pay.

Written particulars to be provided

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

Continuous service

15. Where, following upon a change of an establishment or undertaking an employee enters the service of a new owner without interruption, his service shall be deemed to be continuous service in the employment of the new owner.

Short Time

16. (1) If an employer finds it necessary for reasons beyond his control to employ an employee on short time, the employer may do so subject to the Commissioner of Labour consenting in writing to such an arrangement, having satisfied himself that the employees organization recognized in the undertaking has been fully consulted and is fully aware that the employer intends resuming full time work within three weeks.

- (c) Easter;
- (d) Ascension Day;
- (e) Christmas Day;
- (f) Boxing Day;
- (g) Reed Dance Day;
- (h) Somhlolo Day;
- (i) Kings Birthday;
- (j) New year's Day;
- (k) May Day; and
- (m) National Secondary election's day

(2) Where a public holiday falls on a Sunday, the following day shall be deemed to be a public holiday.

(3) An employee who is absent without leave on the working day before or the working day after a public holiday shall not be entitled to any payment in respect of that public holiday in terms of this regulation.

Annual Leave

10. (1) An employee shall have two weeks annual leave with full pay after each period of twelve months continuous employment with the same employer as follows;

- (a) twelve working days in the case of an employee who works a six day week or;
- (b) ten working days in the case of an employee who works a five day week.

Provided that in the case of a security guard annual leave shall be twenty-one calendar days with full pay after each period of twelve months continuous service with an employer.

(2) Where the employment of an employee is terminated after a period exceeding three months but amounting to one year from the date of its commencement the employer shall pay to the employee a sum not less than one day's pay for each completed month of such period.

Sick Leave

11. (1) An employee taken into the employment of the employer shall be considered for payment during his/her absence on sick leave as follows;

- (a) in the case of an employee who is absent from work for reason of sickness during the first three months of his or her employment and who on return from sick leave produces a medical certificate signed by a Medical Practitioner, registered under the Medical and Dental Practitioners Act, 1970, payment shall be at the discretion of the employer;

- (e) The basic hourly wage of a casual labourer shall be calculated by dividing his daily wage by eight.

Statement of condition of employment

5. (1) The employer shall provide an employee with a written statement at the commencement of his employment, stating whether the employee is employed permanently or seasonally, the conditions of the employee's employment, the starting wage, including the learning period.

(2) The learning period referred to in sub-regulation (1) shall be -

- (a) six months in the case of the weaving industry; and printing industry and;
- (b) three months in the case of other occupations.

Hours of work

6. (1) The normal working week for employees other than security guard and casual labourers shall consists of not more than forty-eight hours of work spread over six days.

(2) The normal working week for employees other than security guards shall consist of not more than six shifts of twelve hours each.

(3) The normal hours of work for a casual labourer shall consist of eight hours per day.

Overtime

7. (1) An employee who is engaged other than on shift work or as a security guard and is required to work in excess of the normal hours specified in regulation 6 shall be paid as follows:-

- (a) for time worked in excess of the normal hours on a weekday, payment shall be at one and a half times his basic hourly wage; and
- (b) for time worked on a Sunday or a public holiday specified in regulation 8, payment shall be at twice his hour rate.

(2) An employee employed on shift work, or as a security guard who is required to work on his rest day or on a public holiday specified in regulation 8, may be paid for such overtime or alternatively, be given an equivalent amount of time off in lieu of overtime payment.

Transport

8. An employee, who by nature of his employment is required on any day to remain on duty after 6 p.m shall be provided free of charge with transport between his place of work and his normal place of residence home or such point on a public road as may be mutually agreed upon between the employer and he employee.

Public Holiday

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

- (a) Incwala;
- (b) Good Friday;

"upper cleaner" means an employee who cleans finished footwear by means of various cleaning material;

"upper primer" means an employee who primes the nylon upper at the lasting margin to ensure cement adhesion;

"upper splitter clerk" means an employee who splits uppers by means of a splitting machines;

"upper spotter" means an employee who places the correct upper onto the last prior to toelasting;

"upper/bottom preparer" means an employee who loads the sewn and corresponding bottom components onto the making conveyor;

"utility" means an employee who has the knowledge of jobs and who is able to relieve other workers on production line;

"weaver" means an employee who carries out duties either by operating hand loom or other equipment to manufacture the required goods;

"wage clerk" means an employee who prepares and controls wage payments according to the time worked taken from clock cards or any other source and keeping relevant records related to pay;

"washer" means an employee who washes and dries material or wool and if necessary, mothproofs to wool;

"weight clerk" means an employee who weighs cartons of finished goods prior to dispatch;

"weight clerk" means an employee who weighs cartons of finished goods prior to dispatch;

"workshop assistant" means an employee who assists to fitter and handyman in general maintenance.

Basic Minimum Wage

4. The Basic Minimum wage inclusive of rations or cash in lieu thereof to be paid to employees specified in the First Schedule shall be calculated at a rate not less than that specified therein provided that-

- (a) an employee who, at the date of commencement of this Order, is in receipt of a higher wage than that prescribed by this Order, shall not suffer any reduction in such wage by reason of this Order;
- (b) where no definition of an employee duties exists, such employee shall be paid a basic minimum wage not less than that applicable to a general labourer; and
- (c) nothing in this regulation shall prevent an employer, if he so wishes from-
 - (i) supplying cooked or uncooked food to an employee in addition to his basic wage; and
 - (ii) providing free transport or free accommodation to an employee.
- (d) The basic hourly wage of an employee on a weekly wage shall be calculated by dividing such wage by the number of hours the employee normally works in a week.

"shoe repairer" means an employee who repairs sub quality footwear;

"shop assistant" means an employee who assists a shop supervisor in the stock control, displays and selling of products in a retail shop;

"stone hand" means an employee with the knowledge of composition who places jobs set out by a compositor into steel frames locking them into printing machines ready for printing;

"stamper" means an employee who stamps logos/information onto components by means of stamping machine;

"staple extractor" means an employee who removes staples from the insole of a shoe;

"sticker attacher" means an employee who attaches stickers to indicate size or customer code;

"stitching machine operator (printing)" means an employee engaged in the operation of an automatic stitching machine including adjustments, changing wire thickness and maintenance;

"storeman (printing)" means an employee engaged in storekeeping who holds a senior certificate of education and a recognized certificate in storekeeping and competent knowledge of all printing papers, materials and sundries;

"string lacer" means an employee who strings uppers for toe lasting;

"strips cutter" means an employee who cuts material into strips by means of a machine;

"supervisor" means an employee who supervises other employees under his/her control;

"switchboard operator" means an employee whose duties consist wholly or mainly in the operation of a telephone switchboard;

"tablehand" means an employee who prepares material and places them on the table for cutting or weaving according to specification;

"tester" means an employee who tests the function of assembled PC Boards using electronic equipment;

"toecap positioner" means an employee who precements toecaps into position prior to toecap stitching;

"toelaster" means an employee who supplies the toelaster with uppers and on completion replaces;

"toelaster feeder" means an employee who supplies the toelaster with uppers and on completion replaces them back on the conveyer;

"toepuff positioner" means an employee who positions and presses a toepuff onto the upper by means of a heated press;

"tool setter" means an employee who fits and sets tools on a machine;

"unlaster" means an employee who removes the last from the finished shoe;

"upper brusher" means an employee who brushes finished footwear so as to clean and improve the look of the shoe;

"senior watchman" means and employee who is in charge of other watchmen;

"sewer/binder" means a binder capable of doing thread sewn books;

"sewing machinist I" means and employee who has more than six months experience and turns stitches collars, stitches toecaps, facing, o/s counters, d-rings and attaches bindings;

"sewing machinist II" means and employee who has more than six months experience and stitches back seams, side flashes, collar toughies, Velcro, brand tags and zigzags pieces together;

"screen printer" means an employee who screen prints by hand pulling a squeegee;

"semi-skilled kiln hand" means and employee who has limited knowledge in operating kiln and packs it according to specification;

"silver-smith" means and employee who is capable of working on silver by hand;

"seasonal labourer" means an employee engaged for the duration of a season to carry out unskilled work, canning fruit and vegetables;

"side-laster" means and employee who lasts the waist section of shoe by means of a shoe;

"size painter" means an employee who colour-codes components according to size by means of a brush;

"skiver-upper/toepuffs" means an employee who skives or reduces the thickness of the edge of components by means of skiving machine;

"slaughter man" means an employee engaged in stunning, bleeding, skinning eviscerating and splitting livestock;

"spinner" means and employee who carries out spinning operation of wool or other materials according to specification;

"soaking attendant" means an employee who operates solder bath, prepares fluxes, and checks solder levels;

"soaker" means an employee who applied adhesives and inserts socks into finished footwear;

"sole chlorinator" means an employee who chlorinates or halogenates a sole prior to cement application;

"sole presser" means an employee who, by means of a press, ensures that there is good bond between sole and upper;

"sole spotter" means and employee who places the precededented upper and sole accurately together prior to pressing;

"sorter R" means and employee who sorts goods into racks by item and size ready for dispatch;

"sorter" means an employee who puts together according to sizes the material, which is to be sewn;

"shoe boxer" means and employee who packs finished footwear into boxes;

"presser attendant" means an employee who operates a pressing machine to iron materials or clothing;

"printers grade 1, 11, 111" means an employee who is in possession of a trade test certificate signed by a trade testing officer appointed by the government;

"printing machine minder (junior)" means an machine minder only able to operate printing machines for single or spot colour work;

"proof controller" means an employee mainly engaged in checking the quality and making reports of finished products;

"proof reader" means an employee who edits documents before final presentation, checking spelling, grammar and lay-out;

"quality section controller" means an employee who checks and controls the quality of goods leaving their section;

"rebate clerk" means an employee who controls the stocks and documentation for a rebate store;

"receiver-second stock" means an employee who checks, receives and controls the stock of factory seconds;

"reception clerk (printing)" means an employee who attends to customers, answering calls and queries, acting as a telephonist, filling, opening job-cards, faxing and general office duties;

"repairs assistant" means an employee with a basic knowledge of electronics mainly engaged in making simple repairs on PC board;

"recutter" means an employee who arranges re-cuts and repairs poor quality work;

"riveter/buckler" means an employee who attaches rivets or bucklers;

"rougner-upper" means an employee who reduces the bumps on the lasting margin by means of roughing machine;

"rougner-sole margin" means an employee who roughs the sole margin on rubber soles;

"rubber stamp maker" means an employee engaged in the making of rubber stamps;

"runner" means an employee who performs unskilled duties such as conveying from one point to the other, materials used in garment manufacture;

"saw sharpener" means an employee who sharpens saws and carries out simple maintenance work on them;

"salesman" (senior) means an employee who packs erected boxes into cartons and stacks, ready for transportation to the factory;

"seasonal labourer" means an employee engaged for the duration of a season to carry out unskilled work, canning fruit or vegetables;

"security guard or watchman" means an employee mainly engaged in the protection and security of his employers premises;

"machine attendant" means an employee, other than a learner machine operator, who attends and operates a guillotine machine, bending machine, spot welding machine or any other machine requiring similar skills;

"machine minder" (printing) means an employee engaged in operating a printing machine and capable of full colour printing, numbering and perforating, maintenance and cleaning;

"machine operator" means an employee, other than a learner operator, engaged in operating a machine;

"master screen printer" means an employee who is capable of cutting screen, mixing pigments and has thorough knowledge of screen printing techniques;

"master potter" means an employee who is skilled in making pots to any specification, who has a general knowledge of glazing and firing techniques;

"master silversmith" means an employee who is capable of working on silver to any specification;

"mechanical assistant" means an employee mainly engaged in the mechanical assembly of television and radio accessories and placement of products in the appropriate area of assemble or dispatch;

"melter" means an employee who melts glasses in a glass factory;

"messenger" means an employee engaged in carrying messages, banking, collecting and delivering mail or carrying out simple tasks in an office;

"mono caster attendant" means an employee who attends a monotype caster under the supervision of a key board operator;

"office clerk" means an employee who does general clerical duties;

"painter" means an employee who cleans and paints equipment, machines and buildings;

"packer" means an employee who packs garments which are finished into cartons;

"personnel clerk" means an employee who control and updates personnel records;

"pc board trimmer" means an employee mainly engaged in trimming excess components lead on soldered board;

"photo lithographer" means an employee who is capable of doing make-up, imposition and pasting (from artwork provided) darkroom work and plate making;

"picture tube assembler" means an employee mainly engaged in preparing picture tubes for the assembly line;

"plant attendant" means an employee mainly in operating a galvanizing plant and if necessary, taking of the plant;

"plate filer (printing)" means an employee who is responsible for the gumming and filing of printing plates;

"potter" means an employee who makes pots by hand or on pot wheels;

"jumper" means an employee who has knowledge of several jobs and who is able to relieve any other worker on a production line;

"kardex clerk/storeman" means an employee who operates a kardex system of stock control;

"kiln operator" means an employee who is capable of operating and maintaining a kiln;

"laboratory assistant" means an employee who generally carries out unskilled work in a laboratory or who assists a laboratory technician;

"laboratory technician" means an employee qualified to carry out all duties allocated to him in a laboratory;

"lacer" means an employee who inserts and ties laces for footwear;

"last preparer" means an employee who prepares and loads lasts onto the conveyor according to the uppers loaded;

"last transport" means an employee who returns last to last-bins after delasting;

"layer" means an employee who lays the material for cutting for a garment manufacture;

"leaner finisher" means an employee who is learning on the job to become a finisher and who has not completed six months in the case of the weaving industry or three months for other industries;

"learner craftsperson" means an employee who is learning on the job to become a potter, screen printer, silversmith or any craftwork for a period of not less than three months or more than six months;

"learner machine operator" means an employee with three months or less continuous service of operating a machine for other industries or not more than six months in the weaving and printing industry;

"learner machine minder (printing)" means an employee with six months or less continuous service of operating a printing machine;

"learner spinner" means an employee who is learning on the job to become a weaver and who has not completed six months in the case of the weaving industry or three months for other industries;

"leather baler" means an employee who bales leather for storage purposes;

"leather sorter" means an employee who sort leather by means of the point system;

"line feeder" means an employee mainly engaged in feeding the assembly line with components;

"loader" means an employee who loads goods on to vehicle by hand;

"loader/packer" means an employee who packs bread or confectionery into or off a vehicle or who packs finished products into cartons, concluding the transfer of good material from large to smaller containers;

"lubricator" means an employee who has the responsibility of lubricating and greasing machines;

"machinist" means an employee who operates an electrical sewing machine to manufacture clothing/garment;

"fitter" means an employee who repairs and maintains machinery;

"foam attacher" means an employee who attaches foam to the topline of the quarters for collar padding;

"foam strip cutter" means an employee who cuts foam into strips by means of a machine;

"folder" means an employee who folds the garment after pressing;

"flour sifter" means an employee who sifts flour;

"foreman baker" means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

"foreman confectioner" means an employee engaged in a supervisory capacity who is capable of carrying out all processes relating to the manufacture of confectionery;

"forklift operator" means an employee mainly engaged in operating a forklift;

"general labour" means an employee engaged in unskilled work;

"grinder" means an employee who grinds, smoothens, and polishes a finished glassware product;

"guillotine operator (printing)" means an employee engaged in cutting paper/board to be printed and trimming of jobs to finish size for packing including working out paper cuts from full sheets, maintenance of machine and knowledge of paper and board stocks;

"handyman" means an employee who does not hold a trade test certificate, who carries out simple repairs and supervises and allocates work to subordinate staff under his control;

"hand trimmer" means an employee who trims by means of a pair of scissors, all excess threads, binding and tapes after all closing operations have been done;

"heel seat laster" means an employee who lasts the heel part of a shoe by means of a machine;

"hole perforator" means an employee who punches holes by means of a press;

"hole perforator" means an employee who punches holes by means of a machine;

"hole perforator" means an employee who punches holes by means of a press;

"hoist perforator" means an employee who operates a dough hoist;

"insole attacher" means an employee who attaches the insole to the last by means of a tacking machine;

"insole moulder/stamper" means an employee who moulds to stamp insoles by means of a machine;

"inspector" means an employee with not less than six months experience as an assembler who inspects the work on a production line;

"invoice clerk" means an employee who prepares and issues invoices and statements to customers for goods supplied;

"divider operator" means an employee who operates a divider machine and who checks the weight of dough pieces;

"dough mixer" means an employee who operates a divider machine and who checks the weight of dough pieces;

"dough panner" means an employee who places dough pieces into pans;

"driver (Heavy Duty Vehicle)" means an employee in possession of a current heavy duty driving licence who is in charge of a vehicle of over one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

"driver (Light Duty Vehicle)" means an employee in possession of a valid driving licence who is in charge of a motor vehicle of less than one and one half tons tare weight whose duties include handling cargo to and from the tailboard, and the daily maintenance and cleaning of such vehicle;

"driver messenger" means an employee who is mainly engaged in carrying messages, who delivers and collects goods and/or mail by vehicle or motor cycle and performs simple routine tasks in an office;

"driver salesman" means an employee in possession of a current licence who sells and delivers bread, confectionery or other articles by motor vehicle and who is responsible for accepting written orders for goods and the collection and safe custody of cash for C.O.D Sales, and also canvass for orders;

"D.T.P operator" means an employee engaged in typesetting and designing of documents on the computer and being able to operate laser printers, scanners and allied equipment;

"driver salesman assistant" means an employee who marks components to assist closing department by means of a marking machine;

"electrical maintenance assistant" means an employee who assists an electrician in improving and repairing electrical installation;

"engraver" means an employee who engraves, smoothens, polishes the finished glassware, and carries out duties related thereto;

"engraver assistant" means an employee who engraves, smoothens, polishes the finished glassware and carries out duties given by the engraver;

"entrepreneur assistant grade I" means an employee who is capable of performing the work of an entrepreneur without the assistance of such an entrepreneur;

"entrepreneur assistant grade II" means an employee who assists a person who is capable of carrying out the work of the entrepreneur's workshop;

"final inspector/final tester" means an employee mainly engaged in the final alignment and testing of finished products, using electronic test equipment;

"final inspector/final tester" means an employee mainly engaged in the final inspection or testing of finished products, if necessary, using electronic equipment;

"finisher" means an employee who smoothens, trims carpets and makes knots on the fringes to make such carpets adaptable for sale;

"clicker-insoles/toe puffs/counters" means an employee who cuts insoles, toe puffs or counters by means of a clicking press;

"clicker-linings/trims/socks/Velcro" means an employee who cuts linings, trims or velcro by means of a clicking press;

"clicker-textile" means an employee who cuts suede split or textile by means of a clicking press;

"coil winder" means an employee mainly engaged in winding coils;

"components-assembler" means an employee engaged in fitting electronic components on PC boards and include an employee engaged in pre-assembly work;

"compositor" means an employee engaged in the setting of type including the operation of typesetting and typecasting machines and putting into position for printing and the make up of forms;

"confectioner assistant" means an employee who assists a confectioner;

"cook" means an employee who is engaged in cooking and issuing food to other employees;

"copy-typist" means an employee who is engaged in typing and is capable of typing a minimum of 25 words per minute, filing, checking and recording incoming mail;

"counter inserter" means an employee who dips and inserts the counter stiffener into the pocket at the heel of a machine;

"continuous service" continuous service" means service in the employment of the employee interrupted only by death, retirement, completion on discharge of the employee concerned and an employee who is re-engaged within two months of his discharge shall be deemed to be in the continuous service of that employer;

"counter moulder" means an employee who moulds the newly inserted counter stiffener over a mould by means of a machine;

"darkroom attendant" means an employee who make negatives, positives, contacts, spotting and obliteration of all marks and pinholes and including enlarging and reductions on the camera;

"de-boner" means an employee engaged in dissecting carcass;

"d-ring inserter" means an employee who inserts D-Rings into the shoe facing prior to being stitched;

"design draughtsman's assistant" means an employee who assists a draughtsman to design mechanical layouts;

"dispatch clerk" means an employee who selects and packs goods according to customers' orders;

"dispatch clerk" (printing) means an employee who selects, checks and packs goods according to instructions from job cards or any other source and assist with deliveries;

"digital/duplicator (operator)" means an employee engaged in operating a risograph or equivalent digital printer or duplicator;

"backseam-reducer" means an employee, who reduces the becom, join on leather quarters by means of a machine;

"binder assistant" means an employee who receive plain or printed material from the machine for collating, stitching, padding, rounding corners, punching, folding, counting, numbering perforating, stapling, binding and basic guillotining, (although not essential);

"boiler operator" means an employee who operates a boiler;

"box folder" means an employee who folds and erect boxes ready for use;

"box labeler" means an employee who labels boxes with the information required to identify the contents thereof;

"box preparer" means an employee who collect and prepares boxes accordingly;

"blower" means an employee who carries out blowing duties in the manufacture of glassware according to specification;

"cabinet fitter" means an employee who fits accessories to a television cabinet;

"canteen assistant" means an employee who assists the canteen supervisor in preparing, cooking and dishing-up food in the employees' canteen;

"carder" means an employee who operate a carder machine and carries out simple lubrication on it;

"carton sealer" means an employee who seals cartons of finished goods for dispatch to customers;

"casual labourer" means an employee who is not employed for more than twenty four hours at a time;

"cattle buyer" means an employee who buys livestock for his employer;

"charge hand" means an employee who assists a supervisor to supervise employees;

"chassis fitter" means an employee who fits chassis components to television sets;

"cementer" means an employee who applies adhesive to a surface by means of either a brush or machine'

"chef" means an employee who is responsible for the cooking of food for the employees' canteen;

"checker" means an employee who check and record outgoing and incoming goods;

"cleaner" means an employee who is responsible for the cleaning of a factory, offices, toilets and canteen and/or tea-making duties;

Clerk/storeman (with Senior Certificate)" means an employee who is engaged in general clerical duties or storekeeping who holds a Senior Certificate of education;

"clerk/storeman assistant" means an employee who engaged in general clerical duties or storekeeping duties and he is in possession of a Junior Certificate;

"clicker-high frequency" means an employee who cuts and welds high frequency components;

LEGAL NOTICE NO. 123 OF 2012

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

REGULATION OF WAGES (MANUFACTURING AND PROCESSING
INDUSTRY) ORDER, 2012
(Under Section 11)

In exercise of powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security hereby makes the following Order:-

Citation and Commencement

1. This order may be cited as the Regulation of Wages (Manufacturing and Processing Industry) Order, 2012 and shall be deemed to have come into effect on 1st July, 2012

Application

2. This order shall apply to all persons employed in the Manufacturing and Processing Industries including the Manufacture of Bricks, Dry Cleaning and Laundry, Timber Processing, Printing and Weaving who are engaged in the occupations specified in the First Schedule.

Interpretation

3. In this Order, unless the context otherwise requires:-

"aligner" means an employee who aligns a finished product before final inspection with the aid of electronic test equipment;

"a.j.s Operator" means an employee who operates an automatic junior sewing machine;

"artisan" means an employee who is in possession of a Trade Test Certificate signed by a Trade Testing Officer appointed by the Government;

"assembler soldering" means an employee who solders and assembles components by hand;

"assembler-bottom components" means an employee who assembles good quality bottom components such as soles and insoles into specific batches according to the box loading plan;

"assembler-socks" means an employee who assembles good quality socks into batches according to article and size;

"assembler-upper components" means an employee who assembles good quality upper components such as vamps, quarters etc into specific batches according to the box loading plan;

"assistant foreman baker" means an employee who is capable of manufacturing confectionery, adjusting bakery machinery and supervising the workers under his control;

"assistant foreman confectioner" means an employee who is capable of manufacturing and decorating several lines of confectionery, adjusting bakery machinery and supervising workers under his control;

"baker assistant" means an employee who assists a baker;

Notes: (a) If a n 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 requires that a grievance should be first referred to

(c) When any heading is inapplicable enter nil.

Signed Employer

..... Employer

..... Witness

..... Date

LUTFO DLAMINI

MINISTER

MINISTRY OF LABOUR AND SOCIAL SECURITY

0.45kg of Fresh Vegetables 0.45kg of Fresh Fruit or a proportionate ration of Dehydrated Vegetables;

3. Permitted Variations,

- (a) The Drink known as "Mahewu", or
- (b) Appropriately vitamised drink, if either drink is issued in the week to the employee by the Employer.

SECOND SCHEDULE

(Regulation 10)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

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 employer required to give
15. Notice Scheme (if any, other than S.N.P.F Scheme)
.....
16. Any other matter either party wishes to include
.....

S22

	A	B	C	D
Trainee Cashier	954.00	943.00	893.00	
Trainee dealer/croupier	1606.00			
Trainee field guide	976.00			
Trainee Handyman	1004.00	992.00	812.00	808.00
Trainee Receptionist	988.00	945.00	808.00	808.00
Trainee Technician	1575.00			
Trainee Telephonist	899.80	752.00	699.00	699.00
Trainee Barman	842.00	699.00	699.00	

THIRD SCHEDULE

(Weekly Ration Scale)

Minimum Ration Scale

1. Mealie Meal	6.36kg
Meat	1.36kg
Sugar	0.45kg
Dry Beans, peas or groundnuts	0.68kg
Fresh Vegetables	0.90kg
Salt	0.114kg
Oil	0.75kg

2. Alternative -

The following weekly rations may be supplied in lieu of the items of food mentioned in paragraph 1 -

- (a) Mealie Meal
9.53kg of mealie, 4.5kg of Bread, 373
Grams of rice or 0.23 kg of Sweet Potatoes;
- (b) Meat
 - (i) 249 grams of offal; or
 - (ii) 0.45kg of Fish or 249 grams of Cheese
- (c) Fresh Vegetables

S21

	A	B	C	D
Banquet Waiter	994.00	834.00	741.00	
Linen Keeper	1000.00	943.00	869.00	862.00
Luggage Porter	791.00	751.00	700.00	
Porter	1068.00	943.00	779.00	
Receptionist	1236.00	1151.00	1107.00	
Room Maid	745.00	701.00	701.00	700.00
Room Service Person	994.00	799.00	699.00	699.00
Seamstress	907.00	916.00	916.00	
Security Guard	1029.00	998.00	949.00	
Short Order Cook	907.00	841.00	736.00	736.00
Storeman	1953.00	1507.00	1015.00	968.00
Stores Assistant	1000.00	982.00	865.00	858.90
Supervisor	933.92	869.40	842.10	842.00
Surveillance officer	2080.00			
Telephonist	994.00	820.00	741.00	741.00
Tractor Driver	970.00	937.00	934.00	822.00
Waiter/Waitress	977.00	842.00	770.00	701.00
Watchman	972.00	799.00	770.00	700.00
Wine Steward	989.00	842.00	770.00	
Valet	958.00	699.00	699.00	

SECOND SCHEDULE
(Emalangenì per month)

TRAINING PERIOD

Trainee Assistant Housekeeper	895.00	861.00	843.00	741.00
Trainee Bar Steward	842.00	699.00	699.00	
Trainee Billing Clerk	983.00	916.00	894.00	

S20

	A	B	C	D
Butcher	2172.00	1486.00	1140.00	755.00
Casino Admin Clerk	2080.00			
Casino Cashier	2080.00			
Cashier	1200.00	1107.00	1079.00	1079.00
Chips frier	1400.00	1110.00	950.00	770.00
Clerk	1070.00	988.00	980.00	981.00
Cleaner	794.00	750.00	699.00	699.00
Cocktail Barman	1881.00	1440.00	1337.00	
Count Account	1560.00			
Barman	1741.00	1295.00	1191.00	
Cook/Chef de partie	2171.00	1500.00	1155.00	772.00
Dealer/ croupier	2080.00			
Dressmaker	1208.00	982.00	799.00	
Driver	1030.00	992.00	954.00	926.00
Field Guide	1260.00			
Gaming floor security	2080.00			
Guest Relations Officer	1872.00			
Head Porter	1131.00	1107.00	833.00	
Handyman	1342.00	981.00	911.00	911.00
Head Waiter	1699.00	981.00	937.00	937.00
Housekeeper	1699.00	1089.00	966.00	966.00
Inspector	3640.00			
Junior Barman	1222.00	966.00	910.35	
Junior field guide	1155.00			
Kitchen Assistant	1207.00	926.00	883.00	840.00
Labourer	791.00	752.00	699.00	699.00
Laundry Worker	973.00	951.00	699.00	699.00

(2) An employee shall, unless otherwise permitted by the employer, wear the supplied uniforms only during working hours.

Inclement weather (field workers only)

21. 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 wage for the subsequent two days of such interruption and thereafter receive no wage for the duration of interruption if it continues.

Training period

22. No employee shall be engaged as trainee for more than six months inclusive probation for jobs appearing in the Second Schedule.

Revocation of Legal Notice No.137 of 2011.

23 Legal Notice No.137 of 2011 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE

For the purpose of this schedule:

Group A shall mean any undertaking licenced under the Casino Act, 1963 or having 75 or more bedrooms for guests.

Group B shall mean any hotel, motel, guesthouse, bed & breakfast, lodge, restaurant, bar or club with or without a liquor licence or which serve food and beverages, which is not included in Group A; and which is situated in Mbabane or Manzini urban areas or within 8km, of the road joining Mbabane and Manzini.

Group C shall mean any hotel, lodge, bar, motel, bed & breakfast, restaurant or club with liquor licence which is not included in Group A or B.

Group D mean any hotel, take-away, motel, lodge, bed & bed & breakfast restaurant or guesthouse undertaking without a liquor licence and any accommodation establishment or caravan park not included in Group A, B or C.

(Emalangen per Month)

	A	B	C	D
Assistant Cook	1395.00	1111.00	950.00	735.00
Assistant housekeeper	1038.00	966.00	939.00	
Attendant officer	1560.00			
Bar steward	905.00	738.00	703.00	
Billing Clerk	1873.00	1236.00	1105.00	

Paid Public Holidays

16. (1) The following shall be public holidays with double the hourly rate of pay -

Boxing Day;
Christmas day;
Good Friday;
Incwala day;
King's birthday;
Somhlolo day;
Umhlanga day;
National Flag day;
Worker's day; and
National Secondary Election's day

Day off/ Rest day.

17. (1) An employee shall be entitled to a minimum of one day off with full pay in every period of seven days. An employee may in agreement with his employer accumulate two such rest days in any period of seven days.

Casual work

18. A person employed on casual basis shall be paid for each hour worked not less than one over two hundred (1/200) of the basic minimum wage specified in the First Schedule.

Transport arrangement.

19. Where an employer does not provide accommodation for an employee (including casuals) and such employee is required to start work on or before 7.00 am or to remain on duty after 5. 30 pm, 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 the employee concerned, or,
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of public transport between the place of work and such other places as may be agreed by the employer and the employee.

Uniforms

20. (1) Uniforms shall be provided by the employer to all employees who are handling foodstuffs or drinks who are in direct contact with guests, but such uniforms shall remain the property of the employer.

Maternity Leave

10. (1) Every female employee, whether married or unmarried, who has been in continuous employment of her employer for twelve months or more shall be entitled to twelve weeks maternity leave, so arranged that she gets six weeks before the date of confinement, the other six weeks from the date of confinement.

(2) An employee on maternity leave shall be paid at least thirty days wages, the rest of which at the discretion of the employer, provided 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;
- (c) a female employee shall not be entitled to the maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

Compassionate Leave

11. (1) An employee who has completed the probation period shall be entitled to compassionate leave with full pay as follows:

Widow	- 37 working days;
Widower	- 7 working days;
Biological/ legally adopted Child	- 7 working days;
Biological parents	- 7 working days;

(2) Entitlement to compassionate leave of other relatives in addition to the above shall be at the discretion of the employer.

Written Particulars of employment to be provided

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

Retirement Age

13. An employee shall retire at the age of 60, but may take early retirement at 50.

Payment of Severance

14. Severance allowance shall be paid to an employee as per section 34 of the Employment Act, 1980 as amended or its successor.

Continuous service

15. Where, following upon a sale, transfer or takeover of the business or undertaking an employee enters the service of a new employer without interruption, his services shall be deemed to be continuous service in the employment of the new employer.

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 payment

7. (1) Overtime work for all employees, other than those employed on 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 over two hundred and thirty fourth ($1/234$) which is total hours per month of the employee's basic minimum wage.

(3) Where an employee has worked on a public holiday under Regulation 16 or on his off day he shall be paid double the normal hourly rate.

Annual leave

8. (1) After twelve months continuous service with an employer, an employee shall be entitled to a minimum of fifteen (15) working days paid leave which period shall exclude any public holidays specified in Regulation 16 which occur during that leave.

Provided that-

(a) after two years of continuous service with an employer an employee shall be entitled to twenty one (21) 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 three (23) working days annual leave with full pay.

(2) Any employee who goes on annual leave, in addition to the payment for the 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 not taken leave.

(3) Where employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of employment, or after a period of employment following the completion of a year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of such termination, pay to the employee a sum equal to one day's wages for each completed month of such period.

Sick Leave

9. (1) After three consecutive months of service with an employer and subject to the production of a medical certificate signed by the Medical Practitioner as defined under the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave of up to a maximum of fourteen days on full wages, and thereafter to a maximum of twenty one days on half wages in each period of twelve months continuous service.

(2) Notwithstanding Sub- Regulation (1) a certificate issued by a registered nurse shall be accepted in place of a Medical Practitioner's certificate if he is not available.

"tour guide/ field guide" means a person responsible for guiding and providing information to tourist and visitors in a game reserve;

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

"trainee dealer/ croupier" means a person who deals with cards and spinning wheels in a casino and who has less than six months experience;

"trainee field guide" means a person who is responsible for providing information to tourists and has less than one year experience

"trainee technician" means a person who has less than six months experience and is responsible for repair of machines;

"inspector" means a person who works in the casino and oversees the dealers/ croupiers;

"waiter/waitress" means a person who -

- (a) has knowledge of all items on the menu, and receives orders from customers in the dining room;
- (b) prepares and serves sandwiches, salads, snacks and other light refreshments throughout the establishment; and
- (c) is responsible for preparation of tables and cleaning of the work/working station;

"wine steward" means a person who presents a wine list to guests, and advises on and serves wine- and other drinks and serves light refreshment and snacks throughout the establishments;

"valet" means a person who is responsible for ironing, pressing, collection and the delivery of guests' garments;

"watchman" means a person who guards the property of his employer against fire, theft and illegal entry and who watches or guards against any other irregularities;

Basic Minimum Wage

4. (1) The employees specified in the First Schedule shall be paid a basic minimum wage not less than that specified therein, which shall not be reduced by any amount for housing or accommodation.

(2) Any employee who, at the date of the commencement of this Order is in receipt of a higher wage, or enjoys better conditions of employment than those prescribed by the Order shall not suffer a reduction in such wage or condition by reason of this Order coming into operation.

Rations

5. (1) At his expense, an employer shall supply weekly rations to an employee in accordance with the scale specified in the Third Schedule. This may also be in a form of meals supplied while the employee is on duty.

(2) Notwithstanding sub-regulation (1) an employer, with the consent of the employee and after notifying the Commissioner of Labour, may pay the employee in lieu of rations/ meals, such allowances as may be approved by the Commissioner of Labour from time to time.

"laundry worker" 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;

"lounge/ pool waiter/ waitress" means a person who serves food, beverages, cigarettes e.t.c and clears/ cleans tables in the lounge or pool area;

"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's;

"porter" means a person who-

- (a) carries out the duties allocated to him by reception staff;
- (b) conducts guests to their room;
- (c) performs 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 guests in and out of the establishment, and allocates rooms to guests and submit 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 area for service, delivers food and beverage orders to guests bedrooms and offices, and-clears bedrooms, corridors and offices of dirty cookery, cutlery, glasses and trays;

"security guard" means a person with a working knowledge of the laws relating to the sale of liquor and the industry, who is responsible for the security of premises belonging to the establishment in which he is employed and carries out investigation and prepares reports 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 management or a cook;

"stores assistant" means a person who, under the instruction of a storeman, 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 management;

"surveillance officer" means a person responsible for monitoring security camera in the control room;

"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 guests' messages;

(d) checks the arrival of food stuffs and raw material 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;

"dealer/ croupier" means a person who deals with cards, spinning wheel in a casino and has acquired more than six months experience;

"driver" means a person who is in possession of a valid driver's licence to drive a vehicle allocated to him, ensures that it is clean and carries out simple maintenance or service tasks on it;

"gaming floor security" means a person working in the casino who is responsible for handling of keys and cleaning of the machines;

"guest relations officer" means a person working at a casino front desk, assisting customers, marketing of casino promotions and maintaining data base;

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

"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;

"head waiter/ waitress" means a person who-

(a) is in charge of the dining room, and supervises waiters and dining room staff;

(b) arrange table reservation for individual customers or parties;

(c) ensures that high standard of service is maintained and deals with customers complaints concerning food or service; and

(d) may also be required to take customers orders and pass them to the waiter;

"house keeper" means a person who-

(a) is responsible for cleaning bedrooms and public areas in a hotel or other accommodation establishment and for the cleanliness and repair of all linen, blankets and soft furnishings under his control and advising management on the durability and replacement thereof; and

(b) supervises room maids and other staff;

"kitchen assistant" means an unskilled person employed to assist in a kitchen.

"junior field guide" means a person who guides and helps guests and provide interpretation to tourist and visitors;

"labourer" means a person who, under supervision, carries out manual work including irrigation, and who if so required, works as a pump house attendant;

"basic minimum wage" means the basic minimum wage payable to an employee excluding allowances in cash or in kind and overtime payments;

"banqueting waiter" means a person who sets up and prepares a banqueting area for functions, conferences, meetings and banquets, serves food, beverages and cigarettes and clears the room ready for setting up the next function;

"billing clerk" means a person who prepares and controls guests accounts, receives and acts upon reception reports and may also be required to carry out the duties of a receptionist;

"butcher" means a person who prepares and cuts meat, fish and or poultry in its raw state and carries out associated duties assigned by the Head Chef or Assistant Chef;

"cashier" means a person who prepares bills of accounts, operates an accounting machine, cash register or a manual accounting system and is responsible for cash under his control;

"casino administration clerk" means a person responsible for daily banking and other clerical duties;

"casino cashier" means a person who issue smart cards to clients and is responsible for casino computer programme, data and any related accounting duties;

"casino waiter" means a person who serves food, beverages and cigarettes e.t.c ordered by guests, prepares and polishes casino tables, empties ashtrays and assists in setting of tables;

"chips frier" means a person whose principal responsibility is working as a deep fat frier;

"cleaner" means a person who carries out the cleaning of any area or item required by a supervisor;

"cocktail barman" means a person other than a barman, who -

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

"continuous service" means service in the employment of an employer interrupted only by death, retirement, or discharge of the employee concerned. Provided that an employee who is re-engaged within two months of his discharge shall be deemed to be in the continuous service of that employer;

"count accounts" means a person responsible for counting money and gambling chips;

"chef de partie/ cook" means a person who-

- (a) compiles menus in consultation with the management;
- (b) prepares food;
- (c) supervises and allocates work in the kitchen;

LEGAL NOTICE NO. 122 OF 2012

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

THE REGULATION OF WAGES (HOTEL, ACCOMMODATION, CATERING
AND FAST FOODS TRADES) ORDER, 2012
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security hereby makes the following Order.

Citation and Commencement.

1. This Order may be cited as the Regulation of Wages (Hotel, Accommodation, Catering and Fast Foods Trades) Order, 2012 and shall be deemed to have come into force on the 1st July 2012.

Application.

2. This Order shall apply to all persons specified in the First Schedule employed in the Hotel, Accommodation, Catering, Casino, Fast Foods, Bed & Breakfast and Game Reserves Trades.

Interpretation.

3. In this Order unless the context otherwise requires -

"assistant house keeper" means person who-

- (a) assists and carries out 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 cleaning of such areas of the establishment as are designated by the management;

"assistant waiter/ waitress" means a person who assists a waiter/ waitress and carries out the duties of a waiter/ waitress under his/her directive;

"attendant" means a person working in a casino and who is responsible for assisting clients when playing gambling machines, serve beverages and is responsible for cleanliness of the gambling area.

"barman/ bar lady" means a person other than a junior barman/ lady 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 payment of the beverages;
- (c) is responsible for 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 serves drinks to customers;

4. Wage and method of calculation
5. Intervals 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. Maternity leave (if employee female)
13. Notice employee entitled to receive
14. Notice employer required to give
15. Pension Scheme (if any, other than National Provident Fund Scheme)
16. 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. The addresses of the industry Union is...

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

When any heading is inapplicable enter Nil.

Signed	Employer
.....	Employee
.....	Witness
.....	Date

LUTFO DLAMINI
MINISTER FOR LABOUR & SOCIAL SECURITY

SECOND SCHEDULE
(Regulation 5)

MINIMUM MONTHLY RATIONS SCALE

Mealie Meal	25kg
Meat	5kg
Sugar	5kg
Dry Beans, Peas or Groundnuts	3kg
Peanut Butter	1 kg
Fresh Vegetables (interchangeable with fruits)	9kg
Salt	500grams
Vegetable oil	2litres

Alternatives

1. The following rations may be supplied in lieu of the Items of Food mentioned in paragraph 1;

(a) Mealie Meal:

For every 9kg Mealie Meal -4.5 kg of bread; 34kg of rice 23kg of cheese.

(b) For the first 23kg of meat - 23kg of offal; or for the first 45kg of fish -23kg of cheese.

For every 45kg of Fresh Vegetables 45kg of Fresh Fruit or a proportionate ration of Dehydrates Vegetables.

Permitted Variations

2. The rations of 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 drinks is issued in a week to the employee by the employer.

THIRD SCHEDULE
(Regulation 13)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

1. Name of employer
2. Name of employee
3. Date of employment

Grade A2

Artisan Assistant	E163.30
Fire tower Watchman	
Firewatchers/ Forest Monitors	
Forest Guard	
Forklift Driver	
Tally Clerk	
Cook	

Grade B1

Chainsaw Operator	E172.50
Clerk	
Driver (L.D.V)	
Excavator Operator	
Induna (Nursery)	
Jackhammer Operator	
Loading/ Loader Operator	
Machine Operator	
Security guard	
Switchboard Operator	
Tractor Driver	

Grade B2

Cross-cut Saw Operator	E188.23
Driver (H.D.V)	
Induna (Forest)	
Saw Sharpener	
Skidder Operator	
Timber Grader	
Workshop Assistant	

Grade B3

Blaster	E225.74
Bulldozer Operator	
Driver (Logging)	
Driver Instructor	
Grader Operator	
Telephone Linesman	
Saw doctor	

- (b) to drivers and assistants - two dust coats, two overalls or two uniforms per annum.
- (c) to journey man/mechanics, assistant mechanics and employees engaged in the loading, unloading, and delivery of goods to or from vehicles, suitable overalls or other protective clothing.
- (d) to employees who are normally exposed in their employment to cold weather, suitable coats for cold weather.
- (e) To employees normally required to use overalls and safety shoes, two-pairs of overalls and one pair of safety shoes annually, which shall be non-returnable after twelve months.

(2) Any clothing supplied to an employee in terms of this regulation shall remain the property of the employer and shall subject to fair wear and tear, be returned to him in good condition on the resignation, or discharge of the employee.

Short Time

17 1) If an employer finds it necessary for reasons beyond his control to employ an employee on short time, he may do so subject to the Commissioner of Labour consenting in writing to such arrangement, through consultation with employee organizations or representatives and on the understanding that the employer intends resuming full time operations within three weeks.

(2) Where an employee has been placed on short time under Sub-Regulation (1) he shall not be paid less than fifty percent of his weekly wages where he is employed for periods which in aggregate, are equivalent to or less than fifty percent of his normal weekly hours of work.

(3) No reduction shall be made to an employee's earnings where the employee has been placed on short time, and work, in aggregate, more than fifty percent of his normal weekly hours of work during any week he has been placed on short time.

Savings

18. No employer shall reduce the wages, ration allowance, annual leave or sick leave to which the employee was entitled prior to the commencement of this order.

Revocation of Legal Notice No. 98 of 2010.

19. The Regulation of Wages (Forestry and Forest industry) Order, 2006 is hereby revoked.

FIRST SCHEDULE (EMALANGENI)

BASIC MINIMUM WAGE PER WEEK

Grade A1

Cleaner
General Labourer
Loader

E161.00

Continuous Service

14. (1) Continuous service is service in the employment of the employee interrupted only by the death, retirement or discharge of the employee concerned.

Provided that an employee who is re-engaged within three months of his discharge, shall be deemed to be in the continuous service of that employer.

(2) Where, following upon a change of ownership of an establishment or undertaking an employee enters the service of a new employer without interruption, his service shall be deemed to be continuous service under the employ of the new employer.

Public holidays

15. (1) The following shall be public holidays with full pay:-

- (a) New Years Day;
- (b) Good Friday;
- (c) Easter Monday;
- (d) King's Birthday;
- (e) Incwala Day;
- (f) Somhlolo Day
- (g) Christmas Day;
- (h) Boxing Day
- (i) Workers' Day and
- (j) National Secondary Parliamentary Election's day

(2) No employee shall be entitled to payment under sub regulation (1) unless he is available for working day immediately before and after the public holiday.

(3) Where a public holiday falls on a Sunday, the following day shall be deemed to be a public holiday.

Protective Clothing

16. (1) An employer shall provide, free of charge, adequate and appropriate personal protective appliances, equipment and clothing to an employee who is performing activities or processes which expose such employee to wet, dusty or noisy conditions, extreme heat or extreme cold, or to any other poisonous, corrosive or injurious substance or material liable to affect the employee's life, safety and health or cause undue damage to the employees clothing. This clothing or equipment shall be supplied in the following manner:

- (a) to security guards, fire tower watchmen and fire fighters who are normally exposed in their employment to inclement weather, water proof cap, overcoat, suitable coats for cold weather or other suitable protective clothing.

Sick Leave

10. (1) After three months' continuous service with an employer and subject to the production of a medical certificate signed by a medical practitioner, as defined by the Medical and Dental Practitioners Act, 1970, an employee shall be entitled to sick leave up to a maximum of fourteen days on full wages and thereafter to a maximum of fourteen days on half wages in each period of twelve months continuous service.

(2) Notwithstanding sub-Regulation (1) -

- (i) a medical certificate issued by a registered nurse shall be accepted in place of a medical certificate under sub-regulation (1) if a medical practitioner is not available.
- (ii) An employee on sick leave shall be entitled to rations and other allowances as the case maybe

Compassionate Leave

11. (i) An employee who has completed the probation period shall be entitled to compassionate leave with full pay as follows:

Widows	-	30 working days
Widower	-	7 working days
Biological mother	-	7 working days
Biological Father	-	7 working days
Biological Child	-	3 working days

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

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 maternity leave on full pay for a period not exceeding 22 working days upon delivering to her employer:-

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

(2) No employee shall be entitled to 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 in the Third Schedule, of this order and job description.

(3) Where rations are incorporated into the wages of an employee, such arrangement shall remain in force unless the (sum of the) actual minimum wage and the (sum of the) value of the rations are not below the requirements stipulated in the First and Second Schedule or what has been agreed upon in writing between the employer and employee.

Hours of work

6. (1) The normal weekly hours shall consist of forty-eight hours spread over a period of five days.

(2) In the case of an employee engaged on shift work, his normal weekly hours shall be forty-eight hours spread over a period of six days.

(3) In the case of a watchman or security guard, the normal week shall consist of seventy-two hours spread over a period of 6 days.

(4) An employee required to work on a continuous shift system shall have not less than one rest day in each seven day period.

(5) In case of a forest monitor, the normal week shall consists of forty-eight hours spread over six days

Overtime

7. (1) An employee other than a security guard or a watchman who is required to work in excess of the hours specified under regulation 6 (1) shall be paid overtime as follows:

- (a) for the time worked in excess of the normal hours in any one day, he shall be paid at one and half times his hourly rate;
- (b) for time worked on a rest day, Sunday or public holiday specified in Regulation 12, he shall be paid at twice his hourly rate.

(2) Any employee on shift work, or a Security Guard who is required to work on a rest day or on a public holiday specified in Regulation 15, shall be paid for such overtime or be given an equivalent amount of time off in lieu of overtime payment.

Standby Allowance

8. An employee who is required to be on standby at his normal place of residence shall be paid an allowance equal to a day's wage for each 7 day standby period.

Annual Leave

9. (1) On completion of each period of twelve months continuous service with an employer, an employee shall be entitled to an annual leave of not less than ten working days for a five day week and not less than twelve working days for a six day week with full pay.

(2) When the employment of an employee is terminated after a period exceeding three months but not amounting to one year from the date of its commencement the employer shall pay to the employee a sum not less than one day's wages for each completed month of such period.

"skidder operator" means an employee who operates a skidder and carries-out simple maintenance on it;

"tally clerk" means an employee who collects and records information for further processing;

"telephone linesman" means an employee who checks and carries out repair work for his employer on a telephone communication system;

"timber grader" means an employee who grades timber to the required specification, and;

"tractor driver" means an employee who drives a tractor and carries out simple maintenance work on it.

"workshop assistant" means an employee who operates an excavator and carries out simple maintenance work on it;

Application

3. This order shall apply to a person employed-

- (a) in any undertaking having at least 70% of its productive holding under tree development, not including orchard and flower development and engaged in the occupation specified in the First Schedule; and
- (b) by a person engaged in the clearing, felling or stripping of trees in a forest area.

Basic Minimum Wage

4. (1) The minimum wage to be paid to employees to whom this order applies shall be calculated at a rate not less than that specified in the First Schedule.

(2) For the purpose of calculating hourly, daily, weekly or monthly rates, the following conversion table shall be used-

- (a) hourly rate, divide basic minimum wage by weekly hours;
- (b) daily rate, divide basic minimum wage by days to be worked in a week;
- (c) weekly rate, divide monthly wage by four and one third; and
- (d) monthly rate, multiply weekly wage by four and one third.

(3) A young person general labourer shall receive not less than the rate of pay applicable to an adult general labourer.

(4) Any employee who is paid his wage through the bank shall receive cash payment in lieu of transport and bank charges equivalent to an amount not less than E20.00 per month.

Rations

5. (1) As a condition of employment, an employer shall supply rations in quantities not less than those specified in the Second Schedule.

(2) With the employee's consent, the employer may pay the employee a cash sum in lieu of ration.

"driver (H.D.V)" means an employee who is in possession of a valid driver's licence and drives a vehicle of 5 to 10 tons tare weight and whose duties include handling of cargo and the daily maintenance and cleaning of the vehicle;

"driving instructor" means an employee who trains other employees to drive a vehicle;

"excavator operator" means an employee who operates an excavator and carries out simple maintenance work on it;

"fire tower watchman" means an employee, who by means of a fire tower, oversees, or locates fire on or near the project of his employer and reports the fire to his employer;

"fire watchers/ forest monitors" means an employee who monitors any anomalies in as far as fire is concerned and report to the control tower;

"fork-lift driver" means an employee who drives a fork lift and carries out simple maintenance work on it"

" forest monitor" means an employee who is engaged to safeguard the property of the employer;

"general labourer" means an employee who carries out unskilled work that includes civi-cultural activity, cleaners, sweepers, loaders and tea severs;

"grader operator" means an employee who operates a grader and carries out simple maintenance work on it;

"young person" means a person who has attained the age of fifteen years but is under the age of eighteen years;

"loading/ loader operator" means an employee who operates a machine in a sawmill and carries out simple maintenance work of it;

"indvuna grade B1" means an employee who supervises other employees, and has two years or less work experience;

"indvuna grade B2" means an employee who supervises other employees under his control, and has acquired more than two years working experience with the same employer;

"jack hammer operator" means an employee who operates a jack hammer and carries out simple maintenance work on it;

"machine operator" means an employee who operates a machine in a sawmill and carries out simple maintenance work on it;

"medical orderly" means an employee who provides medical assistance to out-patients in the clinic;

"saw sharpener" means an employee who sharpen saw blades and carries out simple maintenance work on it;

"security guard" means an employee who is engaged to safe guard property of his employer;

LEGAL NOTICE NO. 121 OF 2012

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

THE REGULATION OF WAGES (FORESTRY AND FOREST INDUSTRY)
ORDER, NOTICE, 2012
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security hereby makes the following Order:-

Citation and Commencement

1. This order may be cited as the Regulation of Wages (Forestry and Forest Industry) Order, 2012 and shall be deemed to have come into force on the 1st July 2012

Interpretation

2. In this order unless the context otherwise requires:

"artisan" means an employee who has undergone a trade test from a recognized government institution;

"artisan assistant" means an employee who assists an artisan in a workshop or in carrying out work allocated to an artisan;

"blaster" means an employee who is the holder of a recognized Blasting Certificate and carries out blasting operations;

"bulldozer operator" means an employee who operates a bulldozer and carries out simple maintenance work on it;

"chainsaw operator" means an employee who operates a chainsaw and carries out simple maintenance work on it;

"clerk" means an employee who is engaged in general clerical duties other than a tally clerk;

"cook" means an employee who is engaged in cooking and issuing of food to employees;

"cross-cutter" means an employee who operates a crosscut saw and carries out simple maintenance work on it;

"driver (L.D.V)" means an employee who is in possession of a valid driver's licence who drives a vehicle of less than 5 tons tare weight, whose duties include the transportation of cargo and the daily maintenance and cleaning of the vehicle;

"driver (logging)" means an employee who is in possession of a valid driver's licence and drives a log carrying truck of over 10 tons tare weight and is responsible for daily maintenance and cleaning of the vehicle;