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LEGAL NOTICE NO. 198 OF 2012

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

THE REGULATION OF WAGES (SECURITY SERVICES INDUSTRY)
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 (Security Industry) Order, 2012 and shall be deemed to have come into force on the 1st November 2012.

Application

2. (i) This Order shall apply to all persons employed in detective, investigative, cash in transit, patrolling and security services, providing protection against burglary, fire, personal injury and similar services connected with or related to the foregoing.

(ii) This Order shall not apply to persons employed by:-

- (a) The Government;
- (b) A local Authority.

Interpretation

3. In this Order unless the context otherwise requires -

"clerk" means an employee engaged on full time general clerical duties;

"group A" means an employee, other than a patrol supervisor, with three months or less service;

"group B" means an employee with more than three months' service;

"group C" means a patrol supervisor Graden;

"group D" means a patrol supervisor Grade I.

Basic Minimum Wage

4. (1) The basic minimum wage to be paid to an employee shall,

- (i) include a ration allowance; and
- (ii) be calculated at a rate specified in the First Schedule hereto.

(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.

Hours of work

5. The basic week shall consist of seventy-two hours spread over a period of six days.

Overtime Payment

6. (1) An employee who is required to be on duty and work in excess of the hours specified in Regulation 5 shall be entitled to be paid for such overtime at the rate of one and a half times the employee's normal hourly rate of wages. Payment shall be calculated on the basis of the overtime worked each day in excess of the daily working hours.

(2) Normal hourly rate shall mean the employees' monthly rate of wages divided by three hundred and twelve.

Annual Leave

7. (1) On completion of each period of twelve months' continuous service, an employee shall be entitled to an annual leave of twelve working days with full pay;

(2) Employees with five years or more service with an employer shall be entitled to fifteen working days with full pay;

(3) Twelve days with full pay in compensation for public holidays worked will be added if it was not paid in the month such holidays fall in. These holidays shall not be in lieu of an employee's off-days;

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

Maternity Leave

8. (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 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 two weeks paid; the rest 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

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

Widow	-37	working days with full pay;
Widower	-7	working days with full pay;
Biological/ legally adopted Child	-5	working days with full pay;
Biological parents	-5	working days with full pay;
Married woman's mother-in-law or father-in-law	-4	working days with full pay.

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

(3) Proof by way of birth, marriage, death certificates or a sworn affidavit must be produced to establish the relationship of the deceased family member to the employee.

Sick Leave

10. (1) After three consecutive 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's Act no. 3 of 1970, an employee shall be entitled to a maximum of fourteen days with full pay and thereafter to a maximum of fourteen days on half pay in each period of one year.

Written Particulars of employment to be provided

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

Paid Public Holidays

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

- Ascension Day;
- Boxing Day;
- Christmas day;
- Good Friday;
- Easter Monday;
- Incwala day;
- King's birthday;
- Somhlolo day;
- Umhlanga day;
- National Flag day;
- Workers day;

New years day and;

National Secondary Election's day

Day Off

13. (1) An employee shall be entitled to a minimum of one day off each week.

(2) An employee and employer may mutually agree that the day-off be deferred so as to allow the employee to accumulate a minimum of four days off each month.

Travelling Expenses

14. (1) An employee who undertakes on duty travelling and remains away from his place of residence shall be paid before the journey all travelling, lodging and meal expenses to be incurred, if the employee is to remain away from his place of work for a period of 48 hours or more.

(2) Where an employee is transferred from his place of employment the payment of expenses under-sub regulation (1) shall not apply and the employer shall therefore provide such employee with suitable accommodation or payment in lieu thereof for a period of three months, to allow the alternative accommodation.

Lay-Off

15. (1) A Lay-Off due to circumstances beyond an employer's control shall not exceed fourteen (14) working days, and such lay-off shall be without pay and at the end of such period the employer shall either re-instate the employee or where the circumstances which led to the lay-off have not been improved, terminate the employee's employment in accordance with the Employment Act, 1980.

(2) During the lay-off the employer shall not engage any other employee to fill a vacancy created by the lay-off.

(3) The employer shall give a lay-off notice of not less than twenty-four hours to an employee before the lay-off.

Pay Day

16. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980.

Uniforms, Protective Clothing and Equipment

17. (1) The employer of a security guard shall provide such employee free of charge with,

(a) boots (shoes for female security guards) a whistle, a club, torch; and

(b) when reasonably required under the prevailing weather conditions, a hat, raincoat or overcoat.

(2) Any clothing referred to in sub-regulation (1) shall be of reasonable quality and shall remain the property of the employer.

Revocation of Legal Notice No 139 of 2011

18. The Regulation of Wages (Security Services Industry) Order, 2011 is revoked.

FIRST SCHEDULE
(Regulation 4)

	Rate per shift
Group A	49.23
Group B	63.32
Group C	65.04
Group D	77.53
Telephonist	53.73
Clerk	77.53
Cash in Transit Guard	74.07
Cash in Transit Driver	82.30

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
-

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 E. DLAMINI
MINISTER
MINISTRY OF LABOUR AND SOCIAL SECURITY

