



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PART C - LEGAL NOTICE

50. The Regulation of Wages (Micro-Money Lenders) Industry Order, 2013 S1

LEGAL NOTICE NO. 50 OF 2013

THE WAGES ACT, 1964
(Act No. 16 of 1964)THE REGULATION OF WAGES (MICRO-MONEY LENDERS)
INDUSTRY ORDER, 2013
(Under Section 11)

In exercise of powers conferred by Section 11 of the Wages Act, 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 (Micro-Money Lenders Industry) Order, 2011 and shall be deemed to have come into force on the 1st March 2013.

Application

2. (i) This Order shall apply to all persons employed in the Micro-Money Lending sector in respect of basic conditions of employment and where such order is silent, the provisions of relevant legislation shall be applicable.
- (ii) In terms of this order a Micro-Money Lender means a person or institution lending money to another between E001.00 up to E5 000 or any higher amounts the case may be.

Interpretation

3. In this Order unless the context otherwise requires -

“cleaner” means an employee who performs cleaning duties and may be called upon in some organizations to also serve refreshments to client provided that this latter function is not routine or regular;

“debt collector” means an employee who performs field duties of physical visits to clients, for the purpose of collecting debts or giving reminders to debtors;

“office assistant/administrator” means an employee engaged in carrying out simple routine tasks in the employer’s office;

“junior clerk” means an employee who is a holder of a junior certificate of education and is engaged in general clerical duties;

“senior clerk” means an employee who is a holder of a GCE O’Level or SGCSE certificate and is engaged in general clerical duties;

“redundancy” shall have the same meaning as in the Employment Act, 1980 (as amended) or its successor.

“continuous service” means a service only interrupted by death retirement ill-health sale of business not of a going concern or discharge of the employee concerned. Provided that an

employee who is re-engaged within two months of this discharge shall be deemed to be in continuous service in the employment of the new owner.

Basic Minimum Wage

4. (1) The basic minimum wage to be paid to the employee specified in the First Schedule shall-

- (i) be calculated at a rate not less than that specified in the schedule; and
- (ii) not be reduced by any amount for housing, meal allowance, accommodation or transport which the employer may provide.

(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. An employee shall work forty-five (45) hours a week, spread over six (6) days exclusive of meal breaks. Where there is need for variation of these hours, such must be agreed upon between the employer and employee.

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, provided that time worked on Saturdays after normal time, shall be paid at one and half times the hourly rate, and on Sundays and public holidays shall be paid at twice the employee's basic hourly rate.

(2) No employee shall be required to work overtime against his will unless it is understood by both parties that such overtime is necessary. Such overtime worked, may not exceed eight (8) hours a week.

Annual Leave

7. (1) On completion of twelve months' continuous service, an employee shall be entitled to an annual leave of twenty one (21) working days with full pay;

(2) 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.

Sick Leave

8. (1) After three months of continuous employment and subject to production of a medical certificate signed by a 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 pay and thereafter to sick leave of up to a maximum of fourteen days on full pay in every period of twelve months continuous service.

(2) Notwithstanding sub-regulation (1)

- (i) a certificate issued by a registered nurse shall be accepted in place of a medical certificate if a medical practitioner is not available.
- (ii) sick leave for an employee who has less than three months continuous service shall be at the discretion of the employer.

Maternity Leave

9. (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 form the date of confinement but only a month shall be on full pay and the remaining months shall be at the discretion of the employer, upon delivering to the employer-

- (a) a certificate issued by a medical practitioner or a midwife stating the expected or actual date of confinement; or
- (b) such other evidence in support of the entitlement to maternity leave,

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

Compassionate Leave

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

Widow	- 30 working days with full pay;
Widower	- 15 working days with full pay;
Biological/legally adoption Child	- 6 working days with full pay
Biological parents	- 6 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.

Written Particulars of employment to be provided

11. An employer shall within two calendar months of engagement, give each 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;
- Christmas Day;

Good Friday;

Easter Monday;

Incwala Day;

King's Birthday;

Somhlolo Day;

Umhlanga Day;

National Flag Day;

Workers Day;

July 22;

New Year's Day and;

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;

Retirement Age

13. The retirement age for an employee shall be fifty (50) years. However, an employee may apply for early retirement at the age of forty five (45) years.

Payment of Severance Allowance

14. Severance allowance shall be paid in appropriate cases to an employee in terms of section 34 of the Employment Act, 1980 or as its successor.

Pay Day

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

Redundancy

16. When an employee has been employed for a period of two years or more and his employment is terminated for operational reasons or reasons beyond the control of either the employer or the employee he will be paid either:

- (a) a redundancy payment equal to two-thirds of his monthly wage multiplied by four;
or
- (b) severance allowance in terms of the Employment Act, 1980 or as its successor whichever is greater, but the employee will not be entitled to be paid both severance allowance and redundancy pay.

Transport

17. An employee who by nature of his employment is required to be on duty on any day after 6 pm or is required to start work before 6.30 am shall be provided, free of charge, with transport between his place of work and his place of residence or such point on a public road as may be mutually agreed upon between the employer and the employee.

Revocation of Legal Notice No. 136 of 2011

18. The Regulation of Wages (Micro and Money Lenders) Industry Order, 2011 is hereby revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)

	A	B
	Urban Areas	All other areas
Cleaner	E1369.63	E1164.18
Office Assistant/Administrator	E1643.55	E1369.63
Junior Clerk	E2328.36	E2054.44
Senior Clerk	E4108.88	E3697.99
Debt Collector	E2740.35	E2328.36

(A) Bhunya, Big Bend, Bulembu, Luyengo, Matata, Malkems, Manzini, Mbabane (including establishment situated along and within 5 km on either side of the Mbabane-Manzini main road reaching 20 KIn from Mbabane), Matsapha, Mhlambanyatsi, Mhlume, Ngwenya, Nhlangano, Piggs Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Nsoko, Lavumisa, Mankayane, Lomahasha and Hlatikhulu.

N.B The areas mentioned in (A) above are, for purpose of this Order deemed to be Urban Areas:

SECOND SCHEDULE

(Regulation 11)
WRITTEN PARTICULARS OF EMPLOYMENT

1. Name of Employer
2. Name of Employee
3. Date 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 Holiday
11. Payment during sickness
12. Maternity Leave (if employee female)
13. Nursing break entitlement (for female employee)
14. Notice employee entitled to receive
15. Notice employer required to give
16. Pension Scheme, Provident Fund Gratuity Scheme etc. (if any, other than N.P.F. Scheme)
.....
17. Nominated beneficiary
18. Any other matter either party wishes to include
.....

Notes: (a) An Employee is free to join a union or staff association, which is recognized by the undertaking.

The address of the Union or Staff Association 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
.....	Employee
.....	Witness
.....	Date

LUTFO E. DLAMINI (MP)
MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 18 OF 2013

THE RATING ACT, 1995
(Act No. 4 of 1995)

ESTABLISHMENT AND APPOINTMENT OF VALUATION COURT
MEMBERS FOR VUVULANE NOTICE, 2013
(Under Section 18)

In exercise of the powers conferred by Section 18 of the Rating Act, 1995, the Minister for Housing and Urban Development issues the following Notice-

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Establishment and Appointment of Valuation Court Members for Vuvulane Notice, 2013.

(2) This Notice shall be deemed to have come into force on the 1st February, 2013.

Establishment and Appointment of Valuation Court Members for Vuvulane

2. The persons whose names appear herein under are appointed Members of the Valuation Court for Vuvulane for a period not exceeding 12 months with effect from the 1st February 2013.

- | | | |
|-------------------|---|----------------|
| a) Kush Vilakati | - | President |
| b) Phetsile Msibi | - | Member |
| c) Sicelo Tembe | - | Member |
| d) Amos Magagula | - | Member |
| e) Justice Qwabe | - | Clerk of Court |

L. T. DLAMINI
MINISTER

LEGAL NOTICE NO. 19 OF 2013

THE RATING ACT, 1995
(Act No. 4 of 1995)

ESTABLISHMENT AND APPOINTMENT OF VALUATION COURT
MEMBERS FOR LAVUMISA NOTICE, 2013
(Under Section 18)

In exercise of the powers conferred by Section 18 of the Rating Act, 1995, the Minister for Housing and Urban Development issues the following Notice-

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Establishment and Appointment of Valuation Court Members for Lavumisa Notice, 2013.

(2) This Notice shall be deemed to have come into force on the 1st February, 2013.

Establishment and Appointment of Valuation Court Members for Lavumisa

2. The persons whose names appear herein under are appointed Members of the Valuation Court for Lavumisa for a period not exceeding 12 months with effect from the 1st February 2013.

- | | | |
|-----------------------|---|--------------------|
| a) Nondumiso Simelane | - | President |
| b) Phumelele Masilela | - | Member |
| c) Urah Mngometulu | - | Member |
| d) Titus Mkhweli | - | Member (alternate) |
| e) Manzi Mthupha | - | Clerk of Court |

L. T. DLAMINI
MINISTER

LEGAL NOTICE NO. 20 OF 2013

THE RATING ACT, 1995
(Act No. 4 of 1995)

ESTABLISHMENT AND APPOINTMENT OF VALUATION COURT
MEMBERS FOR NHLANGANO NOTICE, 2013
(Under Section 18)

In exercise of the powers conferred by Section 18 of the Rating Act, 1995, the Minister for Housing and Urban Development issues the following Notice -

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Establishment and Appointment of Valuation Court Members for Nhlango Notice, 2013.

(2) This Notice shall be deemed to have come into force on the 1st February, 2013.

Establishment and Appointment of Valuation Court Members for Nhlango

2. The persons whose names appear herein under are appointed Members of the Valuation Court for Nhlango for a period not exceeding 12 months with effect from the 1st February 2013.

- | | | |
|-----------------------|---|--------------------|
| a) Peter Simelane | - | President |
| b) Phumelele Masilela | - | Member |
| c) Justice Nxumalo | - | Member |
| d) Gladwell Dube | - | Member (alternate) |
| e) Justice Qwabe | - | Clerk of Court |

L. T. DLAMINI
MINISTER

LEGAL NOTICE NO. 21 OF 2013

THE RATING ACT, 1995
(Act No. 4 of 1995)

ESTABLISHMENT AND APPOINTMENT OF VALUATION COURT
MEMBERS FOR HLATHIKHULU NOTICE, 2013
(Under Section 18)

In exercise of the powers conferred by Section 18 of the Rating Act, 1995, the Minister for Housing and Urban Development issues the following Notice-

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Establishment and Appointment of Valuation Court Members for Hlathikhulu Notice, 2013.

(2) This Notice shall be deemed to have come into force on the 1st February, 2013.

Establishment and Appointment of Valuation Court Members for Hlathikhulu

2. The persons whose names appear herein under are appointed Members of the Valuation Court for Hlathikhulu for a period not exceeding 12 months with effect from the 1st February 2013.

- | | | |
|-----------------------|---|--------------------|
| a) Nondumiso Simelane | - | President |
| b) Phumelele Masilela | - | Member |
| c) Danger Mkhonta | - | Member |
| d) Tubie Harries | - | Member (alternate) |
| e) Artwell Dlarnini | - | Clerk of Court |

L. T. DLAMINI
MINISTER

LEGAL NOTICE NO. 22 OF 2013

THE RATING ACT, 1995
(Act No. 4 of 1995)

ESTABLISHMENT AND APPOINTMENT OF VALUATION COURT
MEMBERS FOR PIGGS PEAK NOTICE, 2013
(Under Section 18)

In exercise of the powers conferred by Section 18 of the Rating Act, 1995, the Minister for Housing and Urban Development issues the following Notice-

Citation and Commencement

1. (1) This Notice may be cited as the Appointment of Establishment and Appointment of Valuation Court Members for Piggs Peak Notice, 2013.

(2) This Notice shall be deemed to have come into force on the 1st February, 2013.

Establishment and Appointment of Valuation Court Members for Piggs Peak

2. The persons whose names appear herein under are appointed Members of the Valuation Court for Piggs Peak for a period not exceeding 12 months with effect from the 1st February 2013.

- | | | |
|-----------------------|---|----------------|
| a) Henry Khumalo | - | President |
| b) Phumelele Masilela | - | Member |
| c) Thembi Shongwe | - | Member |
| d) Cinisani Zwane | - | Member |
| e) Nhlanhla Dlamini | - | Clerk of Court |

L. T. DLAMINI
MINISTER

