

SUPPLEMENT TO

THE

SWAZILAND GOVERNMENT

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PART C - LEGAL NOTICE

59. The Regulation of Wages (Support Employees in Schools and Educational Institutions)
Order, 2013 S1

LEGAL NOTICE NO. 57 OF 2013**THE WAGES ACT, 1964
(Act No. 16 of 1964)****THE REGULATION OF WAGES (SUPPORT EMPLOYEES IN SCHOOLS
AND EDUCATIONAL INSTITUTIONS) ORDER, 2013
(Under Section 11)**

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

Citation and Commencement

1. This order may be cited as the Regulation of Wages (Support employees in Schools and Educational Institutions) Order, 2013, and shall be deemed to have come into force on the 1st January 2013

Application

2. (1) This Order shall apply to all persons employed in all public or private schools and other educational institutions, who are non-teaching staff in respect of wages and other basic conditions of employment.

(2) This order shall not apply to persons employed by the government.

Interpretation

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

“Accounts Officer” means an employee who is employed to perform accounting duties for a school or for educational institution;

“Boarding Matron or Master” means an employee who supervises pupils or students and people employed to work in hostels facilities;

“Casual Employee” means any employee the terms of whose engagement provides for his payment at the end of each day and who is not engaged for longer period than twenty four hours at a time;

“Cook” means an employee who performs cooking duties in the school or educational institution;

“Driver” means an employee who is in possession of a valid driver’s license employed to drive a motor vehicle and whose duties include, collecting and dropping cargo, mails and transportation of staff and students;

“Kitchen Matron” means an employee who supervises the kitchen and prepares the daily menu for the students or pupils;

“Labourer or Groundsman” means an employee who performs duties pertaining to the cleaning and tidying of the grounds of the undertaking and other duties that are not so different in nature from those pertaining to cleaning and tidying the grounds;

“Laboratory Technician” means an employee who assists a science teacher in the laboratory in assembling scientific equipment and chemical reagents and maintains them;

“Librarian” means an employee who is in charge of or works in the library;

“Receptionist” means an employee who receives clients, helps and directs them and also handles incoming and outgoing telephone calls;

“Redundancy” has the same meaning~s provided in the Employment Act of 1980 or its successor;

“Secretary” means an employee who types and processes official documents for his/her employer, keeps a diary of official appointments and activities of the Principal of the school or institution or administration. He also issues receipts and receives bank deposits slips and where necessary handles all incoming and outgoing calls and also fills in the analysis book;

“Storekeeper” means an employee who keeps the stores and records of the school;

“Watchman” means an employee who is engaged during the day or night to guard the premises or property of the school or institution;

Hours of Work

4. (1) The normal hours of work for all employees covered by this Order, subject to subsection (2) below, shall be eight hours per day and be from Monday to Friday.

(2) The normal hours of work for a watchman, shall be seventy two hours per week spread over a period of six days.

Overtime Payment

5. (1) An employee other than a watchman who is required to work in excess of the agreed normal hours specified under Regulation 4 (1) shall be paid overtime as follows:

(a) for time worked in excess of the normal hours in anyone 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) A watchman who is required to be on duty and work in excess of the hours specified in Regulation 4 (2) shall be entitled to be paid for such overtime at the rate of one and half times his normal rate of wages.

(3) No employee shall be compelled to work overtime.

(4) School’s holidays according to the Ministry of Education’s calendar shall be normal working days for employees covered by this order except when they are on leave.

Annual Leave

6. (1) On completion of each period of twelve months’ continuous service with an employer, an employee shall be entitled to annual leave as follows-

- (a) for an employee who has worked for less than 12 months, leave shall be one day for each completed month;
- (b) for an employee who has worked for 12 months and more, but less than 3 years leave shall be 18 working days;
- (c) for an employee who has worked for more than three (3) years, leave shall be 25 working days.

(2) On completion of each period of twelve months' continuous service a watchman shall be entitled to annual leave of twelve (12) days with full pay.

(3) Eleven (11) days with full pay in compensation for public holidays worked will be added if it was not paid in the month in which such holidays fall.

(4) The holidays shall not be in lieu of an employee's off-day.

(5) Where employment is terminated after three months' service with an employer or after returning from annual leave as provided for in sub-regulation (1) and (2) an employee shall be entitled to one day's pay for each completed month of service following that employee's initial engagement or return from leave as the case may be.

Sick Leave

7. After three consecutive months of 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 of up to a maximum of fourteen days with full pay and thereafter to sick leave of up to maximum of fourteen days on half pay in each period of twelve months' continuous service.

Maternity Leave

8. (1) A female employee, whether married or unmarried, shall be entitled to twelve weeks maternity leave, six weeks of which on full pay upon delivering to her employer:-

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

(2) No employee shall be entitled to maternity leave for two consecutive years:

(3) A female employee who has been on maternity leave resulting to the birth of a child, shall be entitled, on return from such leave, to a paid nursing break of one hour for a period not exceeding three months. Such nursing break shall not run concurrently with such employee's lunch or break.

Compassionate Leave

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

Widow	- 30 working days
Widower	- 10 working days
Biological parents	- 7 working days
Biological child	- 7 working days

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

Retirement Age

10. The retirement age shall be 55 years.

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.

Public Holidays

12. (1) The following shall be Public Holidays with full pay:-

- (a) Christmas Day;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Easter Monday;
- (e) Ascension Day;
- (f) King's Birthday;
- (g) Somhlolo day;
- (h) Reed Dance Day;
- (i) National Flag Day;
- (j) Incwala Day;
- (k) Workers Day (1st May);
- (l) July 22; and
- (m) National Secondary Parliamentary Elections 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.

Payment of Severance Allowance

13. (1) Severance allowance calculated as outlined in Section 34 of the Employment Act 1980 or as it may be amended, shall be payable to an employee who leaves employment at the instance of the employer.

Casual Work

14. An employee employed in casual employment shall be paid for each day or shift worked at a rate not less than the basic minimum wage applicable thereto. An employee continuously employed by that employer for a period longer than three months shall not be considered as a casual employee.

Payment Protective Clothing

15. (1) The employer of a watchman shall provide such employee free of charge with two pairs of boots, a police whistle, a club, a torch and batteries and an overcoat or raincoat as is reasonably necessary in prevailing weather conditions.

(2) Any protective clothing, equipment or appliances referred to in Sub-Regulation (1) shall be of a reasonable quality and shall remain the property of the employer.

(3) Protective clothing and necessary equipment must be provided to cooks, cleaners, labourers, grounds men and laboratory technicians.

Redundancy / Retrenchment or Voluntary Exit Schemes

16. When an employee has been employed for a period of three years or more and the employee's employment is terminated for reasons of redundancy, the employee 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 it may be amended, whichever is greater, but will not be entitled to be paid both severance pay and redundancy pay.

Transport

17. An employee who by nature of his employment is required on any day to remain on duty after 17.00 hrs or is required to start work before 6.30 hrs shall be provided free of charge with transport between the place of work and home of such employee or such point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Service

18. (1) Continuous service is service in the employment of the employer interrupted only by the death, retirement or discharge of the employee concerned, provided that an employee who is re-engaged within two months of such employee's 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 the new owner without interruption, his service shall be deemed to be continuous service in the employment of the new owner.

Employment Protection

19. An employee who at the commencement of this order has been enjoying better conditions of employment shall not suffer any reduction in such terms by the coming into force of this order.

Revocation of Legal Notice No. 29 of 2012

20. The Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2012 is hereby revoked.

FIRST SCHEDULE

**BASIC MINIMUM WAGE
(EMALANGENI PER HOUR)**

Accounts Officer	E15.80
Boarding Master/ Matron	E15.80
Cleaner	E 4.40
Cook	E 5.40
Driver	E 5.70
Grounds man	E 5.45
Kitchen Matron	E 7.95
Laboratory Technician	E 6.25
Librarian	E 8.50
Receptionist	E 7.70
Secretary / Clerk	E10.15
Watchman	E 3.25

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 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 Schedule, Provident Fund Gratuity Schedule etc. (if any, other than SNPF)
17. Any other matter either party wishes to include
.....

Notes:

- (a) An employee is free to join a trade union or staff association, which is recognized by the undertaking. The address of the Trade Union of Staff Association is:
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- (b) The grievance procedure and disciplinary procedure in this undertaking requires to be followed when a grievance arises or disciplinary action that needs to be taken.
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- (c) When any heading is inapplicable enter NIL.

.....
Employer's Signature

.....
Witness

.....
Employee's Signature

.....
Date

.....
Witness

.....
Date

LUTFO E. DLAMINI
MINISTER
MINISTRY OF LABOUR & SOCIAL SECURITY

