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

THE REGULATION OF WAGES (MANUFACTURE AND SALE
OF HANDICRAFT INDUSTRY) ORDER, 2024
(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. (1) This Order may be cited as the Regulation of Wages (Manufacture and Sale of Handicraft Industry) Order, 2024.

(2) This Order shall come into force on the date of publication in the gazette.

Application

2. (1) This Order shall apply to all persons employed in any undertaking which consists, wholly or mainly in the carrying of one or more of the following activities -

- (a) the manufacture, primarily by hand and with minimal use of powered machines of spinning, glass-work, grass-plaiting, weaving, knitting, sewing, batic-work, carving, dyeing, casting, forging, pottery, tanning, painting, screen printing, candle-making, moulding and drawing, of goods to be sold as handcraft; and
- (b) the sale of handicraft in establishments responsible for or associated with or part of undertakings for the manufacture of goods described in the preceding paragraph(a).

(2) Except as otherwise expressly provided, these Regulations shall not apply to -

- (a) the Government of Eswatini;
- (b) a local government; or
- (c) such charitable, or religious organization or medical institution declared in writing by the Ministry to be exempt from the provisions of these Regulations.

Interpretation

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

“bobbin winder” means an employee who winds yarn into a bobbin in preparation for weaving with hand;

“candle-maker” means an employee who performs one or more of the operations in making candles;

“carder” means an employee who cards by hand or machine;

“casual labourer” shall have the same meaning as that ascribed in the Employment Act, 1980 or its successor;

“checker” means an employee who checks the receipt of unfinished goods and raw materials or the batch of finished goods or unfinished goods and checks quality and quantity;

“cleaner” means an employee who performs cleaning duties other than those of labourer.

“Clerk/storeman” means an employee who undertakes clerical duties, correspondence preparation, filing and dispatch, keeping stores and stock control, invoicing and the handling of petty cash;

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

“craftsman” means a person who, after completing a 6 months period as a trainee craftsman, is appointed to be craftsman in spinning, weaving, knitting, sewing, carving, casting, grass work, forging, moulding, pottery, tanning, painting, drawing, bating, candle-making or in whatever other aspect of handicraft he may be assigned to exercise his skill or skills;

“driver (L.D.V)” means an employee in possession of a current driving licence who drives a vehicle of not more than 3 tons tare weight, and whose responsibilities include the care and cleanliness of the vehicle, simple maintenance, the handling of cargo to and from the vehicle and such other duties as may from time to time, be assigned to him;

“dyer” means an employee who prepares dyes, mixes and supervises the dying of materials;

“engraver assistant” means an employee who engraves, soothes, polishes finished glassware and carries out duties given by the engraver;

“engraver” means an employee who engraves, smooths, polishes finished glassware and carries out duties related thereto;

“finisher” means a person who is employed to complete the manufacture of any article and makes final preparations for its sale or display;

“general labourer” means a person employed to perform tasks not requiring the exercise of particular skills or scholastic attainment;

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

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

“machinist” means an employee who operates an electrical sewing machine to manufacture clothing or garment;

“machinist assistant” 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;

“maintenance worker” means an employee who fixes and keeps buildings, shops, machinery or equipment in good order;

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

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

“master weaver” means a person who knows all aspects of weaving both frame and loom weaving, preparing of warps and warping materials and production of woven articles to specification;

“master silversmith” means an employee who is capable of working silver to any specification;

“melter” means an employee who melts glass in a glass factory;

“office clerk” means an employee who does general clerical duties including typing and answering the telephone;

“packer” means an employee who is mainly engaged in packing of goods in the storeroom or for display and for sale to the public;

“piece worker” means a person whose payment is calculated by the amount of work performed, irrespective of the time utilized in its performance;

“porter” means an employee who makes pots by hand or pot wheels;

“screen-printer” means an employee who screen-prints by hand using a squeegee;

“security guard” or “watchman” shall mean a person employed to protect his employer’s premises and property and generally, to safeguard the lives of the employer’s workforce;

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

“shop assistant” means a person employed to sell goods to the public, to transact business with customers, to display goods that are for sale, to prepare invoices and receipts, to receive and disburse cash remittances, to pack goods purchased by customers and to ensure the cleanliness and good appearance of the sales premises;

“silversmith” means an employee who is capable of working silver by hand;

“spinner” means an employee who carries out spinning operations of wool or other material according to specification;

“supervisor” means a person employed to oversee the work, quality of work and productivity of the personnel placed in his charge and who is responsible for their conduct and discipline;

“trainee craftsman” means a person who, after successful completion of the probationary period has been appointed to be a trainee craftsman” and who serves in that capacity in whatever skill or craft he may be assigned for a period, not exceeding 6 months from the date of appointment;

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

“washer” means an employee who washes and dries material or wool and if necessary moth-proof the wool.

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 wage higher than that prescribed by the Order, shall not suffer any reduction in such wages by reason of this Order; and
- (b) where a particular employee does not fall in any of the jobs defined in these Regulations, such employee shall be paid a basic wage not less than that applicable to a general labourer.

Written Particulars of employment to be provided

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

Hours of Work

6. The normal working hours of employees, other than those engaged as outworkers, piece workers and casual labourers and subject to the provisions of Regulation 6 of this Order shall be -

- (a) for those engaged, other than as watchman or casual labourers, forty five (45) hours spread over a period of six (6) days a week; and
- (b) for those engaged as security guards or watchman, sixty (60) hours in five shifts of twelve (12) hours each in a week.

7. (1) An employee required to work hours in excess of the daily hours specified in Regulation 6 shall be remunerated as follows for any hours so worked -

- (a) for hours worked on a day, other than Sunday or a public holiday specified in Regulation 8 in excess of those specified in Regulation 6 of this order shall be at the rate of one and a half times the hourly rate; and
- (b) for hours worked on a Sundays or public holiday specified in Regulation 8, in excess of those specified in Sub-regulation 6(a) payment shall be two times or double the hourly rate for each hour worked plus the normal rate applicable to all other employees whether at work or not on that paid public holiday.

(2) An employee engaged as a security guard or watchman required to work hours in excess of those specified in Sub-regulation 6(b) or who is required to work on a public holiday specified in Regulation 8 shall be remunerated for the hours so worked at twice the hourly rate or, by agreement between the employee and the employer, be granted an equivalent amount of time off in lieu thereof;

(3) The basic hourly rate of wages shall be calculated-

- (a) in respect of employees whose hours are specified in Sub-regulation 6(a) by dividing the monthly or weekly rate of wages specified in the First Schedule by one hundred and ninety three hours and half an hour (193.5 hours); and
- (b) in respect of employees whose hours are specified in Sub-regulation 6(b), by dividing the monthly or weekly rate of wages specified in the First Schedule by two hundred and ten hours (210 hours).

Public Holidays

8. (1) Public holidays shall be observed in line with the Public Holiday Act No. 71 of 1938 or its successor as the case may be.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

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

Annual Leave

9. (1) An employee who has worked for twelve (12) months shall be entitled to fourteen (14) working days leave on full pay, accumulated at a rate of 1.16 days per month.

(2) An employee who has worked for twenty four (24) months and more, leave shall be fifteen (15) working days accumulated at a rate of 1.25 days per month.

(3) 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, the employer shall pay to the employee a sum not less than one day's wages for each completed month of such period.

Sick Leave

10. After three (3) months of continuous service with an employer and subject to the production of a medical certificate signed by a medical practitioner, as defined in the Medical and Dental Practitioners Act 1970, an employee shall be entitled to sick leave up to fourteen (14) days on full wages and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months continuous service.

Maternity leave

11. (1) A female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave as provided for by the Employment Act 1980 or its successor upon delivering to her employer a certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement, provided that no employee shall be entitled to maternity leave provided for under sub-regulation (1) for two (2) consecutive years.

(2) An employer shall only be liable to pay the employee wages for twenty two (22) days during maternity leave.

(3) A female employee, whether married or unmarried, on returning from maternity leave shall be entitled to an hour's nursing break daily for three (3) months as per the provisions of the Employment Act of 1980.

Compassionate Leave

12. (1) After three (3) months of continuous service, an employee shall be entitled to compassionate leave with full pay as follows -

Widow	-	37 calendar days
Widower	-	12 Calendar days;
Biological Child	-	7 Calendar days;
Natural Parents	-	7 calendar days

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

Change of business ownership

13. Where, following upon a change of ownership of an establishment, business or undertaking, an employee enters the service of a new owner without interruption, section 33*bis* of the Employment Act of 1980 or its successor, shall apply.

Protective Clothing, equipment or appliances

14. Where it is necessary to protect an employee from physical or chemical injury which may arise from the work he is required to do, after every twelve (12) months, the employer shall supply the employee, free of charge with protective clothing, equipment or appliances, as the case may be and such employee shall use the protective clothing as instructed.

Lay-Off

15. (1) Where an employer is unable to provide work for any employee due to -

- (a) unavailability of working material;
- (b) temporary cessation of work; or
- (c) any other occurrence, not of the employer's making, which renders continued employment during the subsistence of such occurrence or its effects, he may, subject to him giving the employee not less than twenty four (24) hours' notice, lay-off the employee, without pay, for a maximum period of fifteen (15) working days in the circumstances mentioned in sub- regulation (a) and for a maximum period of thirty (30) working days in the circumstances mentioned in sub- regulation (b) or (c).

(2) At the expiry of fifteen (15) working days or thirty (30) working days as may be applicable, the employer shall either provide work for the employee, or terminate his employment subject to the provisions of the Employment Act, 1980 or its successor.

(3) An employee, who is engaged for a specific project or in connection with such project, shall upon commencement of work be informed of the date upon which it is estimated the project will be completed.

(4) Where the date of the completion is specified, the employer may not give an employee notice of termination of employment.

Piece Work

16. An employee engaged on piece work shall be remunerated at a rate not less than that specified in the First Schedule, in relation to the type of work he performs.

Revocation of the Regulation of Wages (Manufacture and Sale of Handicrafts) Order, 2023

17. The Regulation of Wages (Manufacture and Sale of Handicrafts) Order, Legal Notice No. 202 of 2023 is revoked.

FIRST SCHEDULE
(Regulation 4)

BASIC MINIMUM WAGE
(Emalangení per week)

General Labourer
Cleaner
Trainee Craftsman
Piece Worker
Washer
Cook
Casual Labourer

E 324.90

Carder
Bobbin Winder
Spinner
Handyman
Finisher
Melter
Engraver Assistant
Machinist Assistant
Semi- skilled Kiln hand
Security Guard
Packer

E413.70

Office Clerk
Shop Assistant
Machine Operator
Machinist
Weaver
Engraver
Craftsman
Potter
Screenprinter
Silversmith
Dyer

E494.20

Candle-Maker	
Maintenance	
Master Potter	
Master Weaver	
Master Silversmith	E728.50
Master Screenprinter	
Clerk / Storeman	
Driver (L.D.V.)	
Checker	
Supervisor	25% above the wage of the highest paid employee underhis 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 at which wages are paid
6. Short description of employees' work
-
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than S.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
- (a) An Employee is free to join a trade union of his or her own choice.

- (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

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 172 OF 2024

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

THE REGULATION OF WAGES (AGRICULTURAL INDUSTRY)
ORDER, 2024
(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

1. (1) This Order may be cited as the Regulation of Wages (Agricultural Industry) Order, 2024.

(2) This Order shall come into force on the date of publication in the gazette.

Interpretation

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

“artisan” means a skilled employee who has undergone and passed a trade test from a recognized government institution or who has served an apprenticeship programme from a recognized employer;

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

“basic wage” means the hourly, weekly or monthly wages determined by the hours of work or number of days worked paid to an employee excluding benefits;

“casual employee” means an employee the terms of whose engagement provide for the employee’s payment at the end of each day and who is not engaged for a longer period than twenty-four (24) hours at a time;

“heavy duty driver” means an employee who is employed to drive a motor vehicle and be in charge of a vehicle which is over four (4) tons’ tare weight, and the duties shall also include handling cargo to and from the tailboard, and daily maintenance and cleaning of such vehicle;

“farm clerk or storeman” means an employee whose duties include keeping all relevant records in a storeroom or farm office;

“field indvuna” means an employee who is in charge of a number of general workers of any category;

“general worker” means an employee who is employed to carry out non-specific tasks;

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

“irrigator” means an employee involved in the application of water on field crops and work associated with irrigation;

“light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver and who is in charge of a motor vehicle and its daily care;

“normal pay” means the remuneration received by an employee when carrying out the main job or task;

“plant or pump attendant” means an employee who attends stationary plant and equipment and is also responsible for operating pumps;

“seasonal worker” means an employee who is employed for a period of which cannot be pre-determined, for a particular season or in connection with a specific project or activity;

“stockman” means an employee who attends or herds animals and work associated with the keeping or rearing of cattle;

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

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

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

Application

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

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

Basic Minimum Wage

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

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

Hours of work

5. (1) The normal hours of work shall, subject to the provision of Regulation 6 be fifty-four (54) hours of work spread over a period of six (6) days in a week exclusive one (1) hour rest period per day;

(2) The normal hours of work for watchman, stockmen, irrigators, plant and pump house attendants shall be sixty (60) hours per week.

(3) An employee on duty shall be entitled to twenty (20) minutes tea break per day to be taken at his work station.

Overtime

6. (1) An employee who is required to work in excess of the normal working hours specified in Regulation 5 or perform an extra task work than what is specified under Regulation 17 shall be paid overtime for-

- (a) time or task work worked in excess of the normal hours or task target from Monday to Saturday, the employee shall be paid at one and half ($1\frac{1}{2}$) time the basic hourly rate or task rate for such time or task; and
- (b) the time worked on a rest day and Sunday, where the Sunday is not a working day and Public Holiday, the employee shall be paid at twice the employee's basic hourly rate or task rate.

Public Holidays

7. (1) Public holidays shall be observed in line with the Public Holidays Act No. 71 of 1938 or its successor.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be deemed a public holiday.

Annual Leave

8. (1) On completion of twelve (12) months continuous service with an employer, an employee shall, at a time convenient to the employer and the employee, be entitled to annual leave of not less than twelve (12) working days.

(2) On completion of five (5) years continuous service with an employer, an employee shall, at a time convenient to the employer and the employee, be entitled to annual leave of fourteen (14) working days.

(3) An employee whose services is terminated after three (3) months service with an employer but not amounting to a year from the date of its commencement shall be entitled to one (1) day's pay for each completed month of service following his engagement or following his return from leave as the case may be.

Compassionate Leave

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

- | | |
|---|---|
| (a) Widows | - thirty (30) calendar days ten (10) days on full pay |
| (b) Widower | - eight (8) calendar days |
| (c) Natural father or mother | - eight (8) calendar days |
| (d) Natural child/Legally adopted child | - eight (8) calendar days |

(2) In all the above cases except for widows only six (6) days will be on full pay and the rest will be at the discretion of the employer.

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

Sick Leave

10. (1) After three (3) 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 up to minimum of fourteen (14) days on full pay and thereafter to a maximum of fourteen (14) days on half wages in each period of twelve (12) months.

(2) Notwithstanding sub-regulation (1) a certificate of incapacity issued by a registered nurse shall be accepted in place of a Medical Certificate if a Medical Practitioner is not available.

Maternity Leave

11. (1) A female employee, whether married or unmarried, who has been in continuous employment of her employer for twelve (12) months or more shall be entitled to twelve (12) weeks maternity leave, so arranged that she gets six (6) weeks before the date of confinement, the other six (6) weeks after delivery but only six (6) weeks on full pay and the rest at the discretion of the employer.

(2) For purposes of sub-regulation (1) an employee shall produce -

- (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.

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

Written particulars to be provided

12. An employer shall within two (2) calendar months from the day of appointment, give the employee a completed copy of the Form in the Second Schedule of this Order.

Continuous service

13. Where following the sale, transfer or takeover of a business or undertaking and an employee enters the service of a new employer without interruption, the employees' service shall be deemed to be in continuous service in the employment of the new employer unless otherwise agreed in writing by all the parties.

Task and ticket contracts

14. Nothing in this Order shall prevent an employer and employee from agreeing to the substitution of a Task for the normal hours of work in any day or hour.

Employment of women

15. A female employee shall be paid the same wage payable to as an adult male employee employed in a similar capacity and for work of equal value.

Employment of children and young persons

16. Employment of children and young person shall be in accordance with Part X of the Employment Act, 1980 as amended or its successor as the case may be.

Task work

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

Payment during inclement weather

18. (1) An employee who is available for work but does not work during a continuous period of wet or inclement weather shall be entitled to the employees' basic wage up to the third day of such wet or inclement weather and thereafter at the discretion of the employer for the rest of the duration of such condition.

(2) Temperatures from thirty nine (39) degrees Celsius and above shall be regarded as inclement weather.

Lay-Off due to other reasons other than inclement weather

19. An employee who is available for work, but the employer cannot provide that employee with normal work due to any reasons valid at law other than inclement weather, the employer shall -

- (a) through consent of the employee, provide the employee with task work and pay the employee normal pay for the first three (3) days and thereafter at the rate of that task work he is assigned.

- (b) pay the employee a normal pay for the first three (3) days, and nothing thereafter where the employee does not agree to the task work until the situation normalizes.

Transport arrangement

20. (1) Where an employee is required to start work on or before 6:00 am and remain on duty after 6:00 pm without accommodation, the employer shall-

- (a) provide transport for travel up to five (5) kilometers from the place of work, accessible by road, as may be agreed by the employer and employee; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of payment for transport for five (5) kilometers from the place of work of the employee

(2) Where the employer provides accommodation for the employee and the employee is required to start work on or before 6:30 am and remain on duty after 5:30 pm, the employer shall provide transport for that employee to place of abode.

Protective clothing

21. (1) An employer shall annually provide, free of charge, adequate and appropriate personal protective appliances, equipment and clothing to an employee who is performing activities or involved in processes which may 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 safety and health or cause undue damage to the employee's clothing.

(2) Protective clothing appliances and equipment shall be supplied to -

- (a) security Guards and firefighters who are normally exposed in their employment to inclement weather and such shall include water proof cap, overcoat, suitable coats for cold weather or other suitable protective clothing;
- (b) drivers and assistants and such shall include a minimum of two (2) dust coats, two (2) overalls or two (2) uniforms per annum;
- (c) mechanics, assistant mechanics and employees engaged in the loading, unloading and delivery of goods to and from vehicles, suitable overalls or other protective clothing;
- (d) employees who are normally exposed in their employment to cold weather, a minimum of a suitable coat for cold weather; and
- (e) employees normally required to use overalls and safety shoes, a minimum of two (2) pairs of overalls and one (1) pair of safety shoes annually.

(3) Save for clothing provided in terms of Regulation 21 (2) (v) any clothing supplied to an employee in terms of this Regulation shall remain the property of the employer and subject to fair wear and tear, may be returned to the employer in good condition on resignation.

Rations

22. (1) Subject to the provisions of Section 153 of the Employment Act, 1980, as amended, an employee who was in receipt of rations or meals or cash allowance in lieu of rations shall continue to receive such rations or such cash allowance.

(2) As a condition of employment, an employer shall supply rations in quantities not less than those specified in the Third Schedule of this Order.

Housing

23. Where an employee is employed in circumstances where it is impracticable, for reasons of distance, for the employee to return to that employee's home or normal place of residence at the end of the employees day's work, the employer shall cause such employee to be housed in such a manner as may be prescribed.

General health measures

24. (1) An employer shall ensure that every workroom or place in which persons are employed by that employer is kept in a clean and sanitary condition and that in each workroom or place-

- (a) each employee is provided with not less than four hundred (400) cubic feet of air space and not less than thirty-five (35) square feet of floor space;
- (b) there is adequate ventilation and circulation of fresh air;
- (c) there is adequate and suitable lighting, and that windows and fanlights are kept clean and free from obstruction;

(2) An employer shall ensure that-

- (a) there is adequate supply of wholesome drinking water for the employees at their place of work;
- (b) sufficient and suitable sanitary conveniences are available for the employees at or near their place of work and that -
 - (i) the conveniences are adequately lit and ventilated;
 - (ii) the conveniences are kept in clean condition; and
 - (iii) where applicable, and where more than six (6) persons are employed, separate conveniences are provided for male and female employees.

(3) Any employer shall, where a substantial proportion of the work being which can be carried out by the employees whilst sitting, the employer shall provide suitable seating for such employees.

First aid equipment and medical aid

25. (1) An employer shall provide at each place of employment-

- (a) adequate first aid facilities for the treatment of accidents; and

(b) one (1) or more suitably stocked first aid boxes in the care and control of a responsible person which shall be readily available during working hours.

(2) The locality of every first aid box and the name of the person in charge of it shall be prominently displayed.

(3) An employer shall at the expense of the employer provide for the employees and members of their families living with them on the employer's property, essential first aid facilities in accordance with such scales as may be prescribed.

(4) Where an employer has reasonable cause for believing that any of the employees or any of their dependants living on the employer's property, is suffering from any serious injury or ailment the employer shall take all reasonable measures to obtain skilled medical aid for such person without undue delay and where required to do so by the Commissioner of Labour, or any labour inspector or medical officer, or in case of danger to life or serious illness, the employer shall transport the said person as soon as reasonably practicable to the nearest hospital where such skilled medical attention is available.

(5) An employer shall not be liable for any medical or hospital fees charged for any treatment provided for the dependants of any employee under subsection (4) unless that employer specifically assumes liability or unless such liability is part of the conditions under which the employee is employed.

Savings

26. An employee who enjoys more favourable terms and conditions of employment and better benefits than are provided by this Order shall not be disadvantaged or suffer any reduction by its coming into effect.

Revocation of the Regulation of Wages (Agricultural Industry), Order, Notice, 2023

27. The Regulation of Wages (Agricultural Industry) Order, Notice 2023 promulgated under Legal Notice No. 201 of 2023 is revoked.

FIRST SCHEDULE

(Regulation 4)

BASIC MINIMUM WAGE PER DAY

General Worker	E74.67
Seasonal Worker	E74.67
Stockman	E74.67
Watchperson	E111.90
Irrigator	E77.64
Plant or Pump House Attendant	E77.64

Field Induna	E110.78
Handyman	E93.90
Tractor Driver	E99.29
Farm Clerk/ Storeman	E116.20
Heavy Machine Operator	E133.45
Artisan	E174.60
Driver (Light duty)	E100.15
Driver (heavy duty)	E133.45

SECOND SCHEDULE
(Regulation 12)

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 ENPF).

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 or Staff Association is:

.....

(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.

.....

.....

(c) When any heading is inapplicable enter NIL.

.....

.....

.....

Employer's Signature

Witness

.....

Employee's Signature

Witness

.....

Date

Date

THIRD SCHEDULE

(Regulation 22)

MINIMUM MONTHLY RATION SCALE

1. Mealie Meal twenty-five (25) kilograms

Meat five point five (5.5) kilograms

Sugar Ten (10) kilograms

Dry beans, Peas or Groundnuts..... five (5) kilograms

Fresh vegetables Four (4) kilograms

Salt five hundred (500) grams

Fat three (3) litres

Alternatives

2. The following rations may be supplied in lieu of the items of food mentioned above;

(a) Mealie Meal -

For every nine (9) kilograms of mealie meal it shall be four point five (4.5) kilograms of bread; three point four (3.4) kilograms of rice or zero point two three (0.23) kilograms of cheese.

(b) For the first two point three (2.3) kilograms of meat it shall be two point three (2.3) kilograms of offal; or for the first zero point four five (0.45) kilograms of fish it shall be zero point two three (0.23) kilograms of cheese.

(c) For every zero point four six (0.46) kilograms of fresh vegetables, zero point four five (0.45) kilograms of fresh fruit or a proportionate ration of dehydrated vegetables.

Permitted Variations

3. The rations of mealie meal shown in paragraph (2) (a) may be reduced by an amount not exceeding two point seven two (2.72) kilograms 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 is issued in a week to the employee by the employer.

MANDLA TSHAWUKA

ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 173 OF 2024

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

THE REGULATION OF WAGES (MOTOR ENGINEERING TRADES)
ORDER, 2024
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security issues this Order -

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Motor Engineering Trades) Order, 2024.

(2) This order shall come into force on the date of publication in the Gazette.

Interpretation

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

“artisan” means a skilled employee who has undergone and passed a trade test from a recognised government institution or has served an apprenticeship programme from a recognised employer;

“artisan assistant” means an employee who assists an artisan in performing tasks and has not acquired three (3) years’ experience in artisan activities;

“assistant battery man” means an employee with less than six (6) months’ experience who assists a battery man in performing required tasks;

“assistant greaseman” means an employee with less than six (6) months’ experience who assists greaseman in performing required tasks;

“assistant tyreman” means an employee with less than six (6) months’ experience who assists a tyreman in performing required tasks;

“batteryman” means an employee engaged in the servicing and maintenance (including charging) of batteries;

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

“clerk” means an employee who is a holder of a junior certificate of education with two years’ relevant experience engaged in general clerical duties and supervises the junior clerk;

“senior clerk” means an employee who is the holder of O’level or IGCSE certificate of education, engaged in general clerical duties and supervises the clerk and junior clerk;

“continuous employment” has the same meaning as defined in the Employment Act, 1980 or its successor;

“continuous service” means where following upon a change of ownership of an establishment or undertaking, an employee enters the service of the owner without interruption, the service shall be deemed to be continuous service in the employment of the new owner;

“Light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver, who is in charge of a motor vehicle and its daily care;

“general worker” means an employee who is employed to carry out non-specific tasks including being a sweeper, cleaner or spanner man;

“heavy duty driver” means an employee who is employed to drive a motor vehicle which is over four tons’ tare weight, and the duties shall also include handling of cargo, daily maintenance and cleaning of the vehicle;

“grease man” means an employee who lubricates vehicles including operating the necessary equipment when lubricating the vehicle;

“petrol pump attendant” means an employee engaged to fill up petrol, diesel or oil and includes cleaning of the driveway;

“sales representative” means an employee who solicits customers for the employer by demonstrating or displaying the company’s product or goods, assists customers in providing the necessary services and can also travel around a particular area selling the company’s goods or products;

“semi-skilled worker” means a person who is employed to perform duties other than sweeping and cleaning;

“storeman” means an employee who is responsible for taking care of goods that are stored in the storeroom;

“switchboard or telephone operator” means an employee whose duties include the operation of a telephone switchboard;

“tyreman” means an employee wholly engaged in repairing, fitting, rethreading of tyres and tubes;

“trainee switchboard” means an employee whose duties include the operation of telephone switchboard and is under training for a period not exceeding three (3) months;

“watchman” means an employee who is engaged during the day or night to guard the premises or property of the employer.

Application

3. This Order shall apply to all employees whose specific occupation appears in the First Schedule.

Basic minimum wage

4. (1) A basic minimum wage per hour in this Order shall not be less than the rate specified in the First Schedule.

(2) A specified rate per hour in the First Schedule shall not be reduced by any amount for housing, accommodation or food supplied.

(3) An employee who, at the date of the commencement of this Order earns a higher wage or enjoys better employment conditions than those prescribed by this Order, shall not suffer any reduction in wages or employment conditions.

Hours of work

5. (1) The normal weekly hours of work for an employee in this Order other than a watchman or petrol pump attendant, shall not be more than forty-five (45) hours, exclusive of one (1) hour meal breaks per day, spread over five and a half (5 ½) days.

(2) Where the employee is a watchman or petrol pump attendant, the hours of work shall be as follows -

- (a) watchman - seventy-two (72) hours per week spread over six shifts, each of twelve (12) hours; or
- (b) petrol pump attendant - forty-eight (48) hours spread over a period of six (6) days

Overtime payment

6. (1) An employee who is required to be on duty and work in excess of the hours specified in Order 5, shall be paid overtime in the following manner -

- (a) any normal working day and on a Saturday before 1.00 p.m. at one and a half (1½) times the employee's basic hourly rate; or
- (b) after 1.00 p.m. on Saturdays, public holiday and during rest day of an employee twice his basic hourly rate.

(2) An employee shall not be compelled to work overtime, provided the employer and employee are in agreement that the overtime is necessary.

Annual leave

7. (1) Where an employee, has completed twelve (12) months of continuous service with the employer, the annual leave shall be fourteen (14) working days on full pay.

(2) Where the period of continuous service with the employer is for five (5) years, the annual leave shall be seventeen (17) working days' or twenty two (22) calendar days, on full pay.

(3) Where the employment contract is terminated after three (3) months from the date of commencement or after a year in respect of which the paid annual holiday has been taken, the employer shall, on or before the date of the termination, pay the employee a sum equal to not less than one (1) day's wage for each completed month of the period.

Public holidays

8. (1) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be deemed a public holiday.

Retirement age

9. (1) The retirement age for employees in this Order shall be sixty (60) years.

Sick leave

10. (1) Subject to sub-order (2), an employee after three (3) consecutive months of continuous service with an employer shall be entitled to sick leave to a maximum of fourteen (14) days with full pay and then after that to a maximum of fourteen (14) days on half pay in each period of one (1) year.

(2) An employee in this Order shall be entitled to sick leave, and shall furnish the employer with the following -

- (i) a medical certificate signed by a registered Medical Practitioner; or
- (ii) in the absence of a Medical Practitioner, a certificate issued by a registered nurse bearing the name and qualifications or official address of the nurse.

Maternity leave

11. (1) A female employee, whether married or unmarried shall be entitled to twelve (12) weeks maternity leave, four (4) weeks of which shall be 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 such 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) The maternity leave shall be six (6) weeks' before the date of confinement and six (6) weeks after confinement.

(3) Notwithstanding sub-order (1), an employee shall be entitled to maternity leave at least once after the lapse of twenty-four (24) months from the last maternity leave.

(4) An employee from maternity shall be entitled to a one (1) hour nursing break with pay per day for three (3) months after maternity leave.

Compassionate leave

12. (1) Where an employee has completed the probation period, the entitlement to compassionate leave shall be as follows -

- (a) Widow — thirty (30) working days, only twenty (20) working days on full pay;

- (b) Widower – fourteen (14) working days on full pay;
- (c) Child – fourteen (14) working days, only three (3) working days on full pay; and
- (d) Natural parents – fourteen (14) working days, only three (3) working days on full pay.

(2) The entitlement to compassionate leave for other relatives not in sub-order (1), shall be at the discretion of the employer.

Written particulars of employment

13. (1) An employer shall, within six (6) weeks' of the commencement of employment give the employee a completed copy of the form in the Second Schedule.

Protective clothing

14. (1) An employer shall, on annual basis supply free of charge and without payment of any deposit to the employee, protective clothing material in respect of the occupation to promote health and safety in the work place.

(2) The protective clothing supplied to an employee in this Order shall remain the property of the employer, and subject to fair wear and tear, be returned to the employer in good condition on the resignation, retirement or discharge of an employee.

Trade testing

15. (1) An employer shall grant paid leave to an employee that requests to undergo a trade test at the Directorate of Industrial and Vocational Training or any recognised training institution.

(2) Where an employee undergoes a trade test, the employee shall on return furnish the employer with the results of the examination.

(3) The employer shall upon receipt of the trade test results accordingly remunerate the employee in terms of artisans rates in the First Schedule.

Subsistence allowance

16. (1) An employee that is away from the normal place of work for longer than 7 hours in a day, shall be paid sixty emalangen (E60.00) lunch out allowance.

(2) Where an employee is required to travel out of the country on duty and return the same day, the employer shall pay the employee one hundred emalangeneni (E100) food allowance

(3) An employee who is on duty and is required to spend a night outside the country shall be provided by the employer with free accommodation and meals or food allowance by the employer.

Revocation of Legal Notice No. 195 of 2023

17. The Regulation of Wages (Motor Engineering Trade) Order promulgated under Legal Notice No. 195 of 2024 is revoked.

FIRST SCHEDULE

(Order 4)

BASIC MINIMUM WAGE

(Emalangeneni per hour)

Occupation	Rate
Office Attendant	16.92
Casual Labourer	16.92
General Worker	16.92
Semi-skilled Labourer	20.11
Light duty driver	20.11
Heavy duty driver	20.15
Driver operator	22.70
Grease man	22.70
Assistant Grease man	20.11
Battery man	20.11
Assistant Battery man	16.92
Tyreman	25.49
Assistant Tyreman	16.92
Clerk	20.11
Junior Clerk	18.53
Senior Clerk	19.91
Trainee (Switchboard Operator)	16.92
Switchboard/telephone operator	18.53
Storemen	19.21
Sales Representative	19.21
Artisan Assistant	18.53
Artisan (Trade Tested) Grade III	22.33
Artisan (Trade Tested) Grade II	26.27
Artisan (Trade Tested) Grade I	45.13

*****Watchman to be as per the Regulation of Wages (Security Industry), Order.

*****Petrol pump attendant to be paid as per Regulation of Wages (Retail, Hairdressing, Wholesale and Distributive Trades), Order.

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
- 6. Short description of employees' work
.....
- 7. Probation Period
- 8. Annual Leave Entitlement
- 9. Paid Public Holiday
- 10. Payment during sickness
- 11. Notice employee entitled to receive
- 12. Notice employer required to give
- 13. Pension Scheme (if any, other than E.N.P.F. Scheme)
- 14. 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

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 174 OF 2024

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

THE REGULATION OF WAGES (MINING AND QUARRYING INDUSTRY)
ORDER, 2024
(Under Section 11)

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

Citation and Commencement.

1. (1) This Order may be cited as the Regulation of Wages (Mining and Quarrying Industry) Order, 2024

(2) This Order shall come into force on the date of publication in the Gazette.

Interpretation.

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

“clerk A1” means a clerical worker capable of simple reading, minimal writing, collecting and carrying items, keeping calendars up to date, recording times for arrival and departure, receiving and carrying documents and correspondence internally and performing work of a messenger;

“clerk A2” means a clerical worker capable of performing all the functions of clerk A1 and writing, copying, simple filing and operating simple office machine, entering petty cash payments and receipts, transcribing information into registers and to forms and cards without analysis, sorting mail, photocopying and duplicating;

“clerk B1” means a clerical worker capable of analyzing, accounting, operating fax machines, scrutinizing and utilizing information, interviewing according to prescribed procedure, interpreting, supervising the works of clerks A1 and A2;

“driver Grade 1” means a person employed to be a driver of;

(a) an ambulance;

(b) a heavy duty vehicles (in excess of five tons capacity);

(c) a power-driven earth moving equipment; and primary hoists;

“driver Grade 2” means a person employed to be a driver of -

(a) a light duty vehicles other than ambulance;

(b) a secondary hoists;

(c) a rocker arm loaders;

(d) a tractor; and

(e) locomotives.

“supervisor” means a person who oversees the work of general labourers working in the Mining and Quarrying Industry; and

“unqualified tradesman” means a person who undertakes such tasks as rough glazing, painting and simple mechanical work on rock drills, locomotives, pumps, simple vehicle servicing and similar uncomplicated work requiring skill below the artisan’s standard.

Application.

3. (1) This Order shall apply to persons, other than articulated apprentices, employed in any undertaking or any part of an undertaking which carries on one or more of the following activities for gain-

(a) mining and quarrying operations;

(b) winning of sand and gravel from any source; or

(c) ancillary work connected with the running of mineral extraction Operations, excluding contractors and suppliers to a mine or quarries.

Particulars of Employment.

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

Hours of Work.

5. (1) The basic working week shall be forty five (45) hours spread over a maximum period of six days.

(2) Notwithstanding sub-regulation (1), where shifts are maintained, the basic week shall consist of six-twelve hour shifts (72 hours) in the case of a security guard;

(3) The consent of the employer, and employee may extend the daily hours of work by up to one (1) hour in order to reduce the hours of the last shift for own convenience without the entitlement to overtime.

(4) Subject to Order 6 where an employer requires an employee to work in excess of the hours specified in this Order, an employee shall be paid for overtime in accordance with Order 6.

Overtime.

6. An employee who works in excess of the normal hours of work specific Order 5 shall be paid overtime as follows -

- (a) for time worked in excess of thirty (30) minutes after the specified hours per shift as specified in Order 5, at one and a half times the hourly rate of the employee.
- (b) for time worked on Sundays, where the Sunday is not a working day, or on an employee's rest day at double the basic hourly rate.
- (c) for time worked on a Public Holiday, payment shall be two times or double the hourly rate for each hour worked plus the normal rate applicable to all other employees whether at work or not on that paid public holiday.

Work Stoppage

7. (1) In the event of a temporary work stoppage of any of the employer's operations whether partial or complete, occasioned by circumstances beyond the control of the employer or of the employee, but excluding stoppage occasioned by a strike, lockout, sit-in or other form of industrial action or dispute, collective or individual, an employee who is present, available, capable and willing to work for the normal period during normal working hours at times appointed by the employer, shall be paid at full rate applicable to that job as follows -

- (a) in the case of a watchman or security guard, for a minimum of seventy-two (72) hours in any week; and
- (b) in the case of all other employees for a minimum of forty-five (45) hours in any week -
 - (i) an employee shall perform any task as assigned by the employer;

- (ii) such task shall not expose or subject an employee to peculiar risk or unfavorable conditions than those pertaining to the original or normal form; and
- (iii) the provision of such alternative work shall not prejudice the employer's right to terminate the employee's contract of service in accordance with the law.

(2) Where the employer cannot assign a productive task and the employee is present, available, capable and willing to work, the employer shall pay the employee full daily wages for two (2) days immediately succeeding the day upon which work was stopped and thereafter pay the employee the daily rate until work is resumed or his employment is lawfully terminated.

(3) For purposes of this regulation, work stoppage shall also include instances of cancellation of orders and occupational or industrial accident which warrants temporary cessation of work.

Security of Wages and conditions of employment.

8. (1) The rates of pay and other conditions of employment set forth in this Order are the basic minimum conditions of service and no part of this Order shall be construed as justifying non advancement or denying advancement to, or freezing the wage of an employee.

(2) An employer affected by this Order shall not reduce remuneration or other conditions of service from those which were applicable to the employee at the effective date of this order.

Categories of work.

9. Employees affected by this Order shall be graded into categories A1, A2, B1, B2, B3, C1 and C2 as set out in the First Schedule.

Basic Minimum Wage.

10. The basic minimum wage for the various categories set out under Order 9 shall be in respect of a forty-five (45) hour week except in the case of a Security Guard, where the shift shall be twelve hours and as set out in the table hereunder

Rates per hour.

A1	A2	B1	B2	B3	C1	C2
E13.15	E14.40	E14.89	E16.19	E18.14	E20.33	E22.28

Public Holidays

11. For purposes of this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

Annual Leave

12. On completion of each period of twelve (12) months' continuous service with an employer, an employee shall be entitled to paid annual leave of not less than eighteen (18) working days excluding the public holidays, sick leave and the employee's rest day.

Sick Leave

13. (1) An employee under this Order shall be entitled to sick leave of up to a maximum of fourteen (14) days on pay in each period of twelve (12) months continuous service.

(2) An employee shall be eligible for sick leave after submission to the employer of a medical certificate signed by a medical practitioner under the Medical and Dental Practitioners Act, 1970 of its successor.

Maternity Leave

14. (1) An employee, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave as provided for in the Employment Act, 1980 or its successor 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 evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case.

(2) Notwithstanding subsection (1), an employee entitled to maternity leave by virtue of subsection (1), shall be so entitled to a monthly leave at least once after the lapse of a period of twenty four (24) months from the last maternity leave.

Housing.

15. Where an employee is employed in circumstances where it is impracticable, for reasons of distance, to return home or normal place of residence at the end of the day's work, the employer shall cause such employee to be housed in accordance with section 152 of the Employment Act, 1980 or its successor and the Third Schedule to this Order.

Feeding of employees.

16. (1) An employer, who, by virtue of section 153 of the Employment Act, 1980, is required to supply food to employees, shall add to the basic wage of the employees such an amount equivalent to the value of the food required to be supplied in terms of the Third Schedule to this Order.

(2) Nothing in this section shall be deemed to preclude an employer from supplying rations to an employee in pursuance of a collective agreement.

Redundancy

17. In the case of redundancy by reason of closure, cessation or curtailment of an employer's operation, each affected employee shall receive the benefits provided for by section 33 and 34 of the Employment Act, 1980 or its successor.

Pay Advances

18. (1) An employer shall appoint a day approximately half way through the pay day, where an employee whose basic wages are in excess of one thousand emalangeni (E1000.00) per month, may be entitled to draw an advance from the wages for the current month not exceeding 40% of the monthly wages.

(2) An advance under sub-order (1) may be made available to an employee, if -

- (a) there are funds standing to the credit of the employer to meet the amount of the required advance; and
- (b) the acceptance of the advance has to be deemed as an authorization to the employer to deduct the full amount advanced at the end of the pay month from the salary.

(3) An employer's advance to the employee shall bear no interest.

(4) An employer, shall in cases of bereavement, treat such a request with sympathy and consideration.

Retirement Age

19. The retirement age for employees under this Order shall be 60 years.

Revocation of Legal Notice No. 189 of 2023

20. The Regulation of Wages (Mining and Quarrying Industry) Order, Legal Notice No. 189 of 2023 is revoked.

FIRST SCHEDULE
(Under Order 9)

CATEGORY OF EMPLOYEES

Category A1 includes employees who are employed in any of the following occupations:

Beer Makers
Block Makers
Bell maintenance helper
Belt sorter
Bag printer
Plaster's Labourers
Boiler attendants
Chimney sweepers
Conveyor attendants
Clerk A1
Cleaners
Change-house attendants
Coal cutters Grade 3
Dracco plant attendants
Fuel issuers
Haulage labourers
House maids
Kitchen hands
Lashers
Laundry workers
Messengers
Siding labourers
Sweepers
Sampler (Supervised)
Survey Assistant (Grade 2)
Sanitation workers
Stone sorters
Tippler attendants
Trammers
Tally checker/trip attendant
Ventilation Labourers
Whitewashers
Waiters
Underground transport labourers

Category A2 includes employees who are employed in the following occupations:

Artisan's Assistants
Battery charging attendants
Blasting licence holder's assistants
Box operations
Clerk A2 (as defined in paragraph 2)
Cooks
Compressor attendants
Coal samplers
Driller's assistance
Eleison feeder attendants
Forklift operators
First aid attendants
Geological sapling assistant / drivers
Golf club attendant
Greaser
Jackhammer operator's assistant
Laboratory attendants (Grade A2)
Lamproom attendants (uncertificated)
Loco shunters
Loading hands
Nursing aids
Onsetters
Pest control workers
Power station maintenance
Care (supervised)
Portable saw operators
Pump attendants
Receptionist
Rotary and Drifter helpers
Shortcrete Nozlemen
Sorters
Scraper winch drivers
Section timber workers
Stockpile attendants
Sawmill assistants (supervised)
Sample plant attendants
Security guards/watchman
Toolroom attendants
Tracers
Torch cutters
Tower dryer attendants

Typist (copy)
Tub loaders
Tyre inspectors
Water purification plant attendants
Winch operators
X-Ray orderlies

Category B1 includes employees who are employed in the following occupations:

Accounting machine operator
Analysis
Barman
Boiler operators (Power station)
Blocklayers (without Trade Qualification)
Beer makers (chargehand)
Crusher shiftmen
Clerk (Grade B1)
Caperters (without Trade Qualification)
Coal Cutter (Grade 2)
Driver (Grade 2)
Domestic Science Instructors
Dust Samplers
Electric drill operators
Gardening Supervisors
Guesthouse attendants
Geological samplers (other than coal)
Gang bosses (Grade 2 surface)
General gang Supervisors
Jack hammer operators
TLB Operator

Category B2 includes employees who are employed in the following occupations:

Blasting licence holder
Coal cutters (grade 1)
Drillers (mobile rig and core)
Drivers (Grade 1)
Dyke gang supervisors
Electricians (to 380 volts)
Front end loader Operator
Gangbosses (Grade 1 surface)
Gangbosses (Grade 3 underground)
Laboratory assistants (Asbestos)

Medical orderlies
Truck busters
Village administration clerk
Welders
Weighbridge clerk

Category B3 includes employees who are employed in the following occupations:

Artisans (Grade 2)
Blasting supervisors (Iron ore)
Drill supervisor
Electrician (to 550 volts)
Excavator Operator
Gang bosses (grade 1 underground)
Hospital clerks
Personnel assistants
Section bosses (surface/village induna)
Stores / Accounts clerk
Transport controllers
Washing supervisors (iron ore)
X-Ray clerk

Category C1 includes employees who are employed in the following occupations other than qualified artisans who have served the period of apprenticeship or a government recognized trade test:

Carpenters
Mason/Fumance bricklayers
Mechanic (maintenance)
Plumber/Sheet metal workers
Ropeway servicemen
Sewage / Water supervisors
Section bosses (underground)
Storekeepers

Category C2 includes employees whom Management considers to have such qualities as to warrant categorization above category C1.

SECOND SCHEDULE**(Under Order 4)****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. Short description of employees' work
.....
.....
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....
 - (a) An Employee is free to join a trade union of his or her own choice.
 - (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

THIRD SCHEDULE

(Under Order 16)

FEEDING OF EMPLOYEES

Minimum Ration Payable per Day

The minimum ration payable to each employee shall be E21.50; alternatively the daily rations may be supplied in items of food equivalent to this amount.

Minimum Housing Allowance per Month

The minimum housing allowance payable per month to each employee shall be E350.00; alternatively the employer shall provide the employee with decent housing in the manner and with the amenities required by the Employment Regulations of 1981.

MANDLA TSHAWUKA

ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 175 OF 2024

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

THE REGULATION OF WAGES (FUNERAL UNDERTAKERS) INDUSTRY
ORDER, 2024
(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, the Minister of Labour and Social Security issues this Order -

Citation and Commencement.

1. (1) This Order may be cited as the Regulation of Wages (Funeral Undertakers) Industry Order, 2024.

(2) This Order shall come into force on the date of publication of the Gazette.

Interpretation.

2. In this order, unless the context otherwise requires –

“funeral attendant” means an employee whose duties include cleaning and maintaining facilities and equipment, washing and dressing deceased bodies, preparing items such as tents, chairs, and trimmings of coffins, receiving and releasing human and deceased bodies from the mortuary and any other related duties which do not require any formal training”

“continuous service” means service in the employment of the employer interrupted only by the death, retirement, or discharge of the employee concerned;

“driver” means an employee who performs the duties of a funeral attendant and also drives and maintains vehicles;

“Junior clerk” means an employee engaged in performing clerical tasks, including filing, operation of duplicating machines, sorting and registration of incoming mail, assisting in the checking and preparation of invoices, and may be required to do other duties as management may determine;

“Senior Clerk” means an employee whose duties include clerical duties, receiving money from clients, supervision of company operations, and any other duties allocated by management; and

“Watchman” means an employee who is engaged during the day or night to guard the premises or property of the employer.

Application.

3. This Order shall apply to persons employed by Funeral Undertakers, Funeral Directors, Burial Societies, and Funeral Retailers.

Basic minimum wage.

4. (1) The basic minimum wage to be paid to employees whose occupation is specified in the First Schedule shall be -

- (a) calculated at a rate not less than that specified in the Schedule;
- (b) deemed to include the rations element; and
- (c) not reduced by any amount for housing or accommodation which may be provided by the employer.

(2) An employee in receipt of a higher wage than the prescribed wage in this Order shall not suffer a reduction in wage.

Hours of work.

5. (1) Subject to sub-order (3) and (4), the normal hours of work for an employee other than a watchman shall be 48 hours (forty-eight hours) per week.

(2) An employee shall not work for a consecutive period of more than five (5) hours per day without a rest period of not less than an hour.

(3) The working days for an employee in this Order shall be from Monday to Sunday, with an entitlement of at least one (1) day off each week.

(4) Where necessary an employer may require and negotiate with an employee to work overtime after giving a twenty- four (24) hours' notice of the requirement and the employee shall not unreasonably refuse.

(5) The normal hours of work and wages that apply to a watchman, shall be provided under the Regulation of Wages Order of the Security Industry.

Overtime payment.

6. (1) An employee other than a watchman required to be on duty and work more than the hours specified in Order 5, shall be paid at one and a half the basic hourly rate.

(2) The overtime worked by an employee other than a watchman in this Order on a rest day or public holiday shall be paid at double the normal hourly rate.

(3) A watchman's overtime shall be paid in terms of the Regulation of Wages Order of the Security Services Industry.

(4) The payment of overtime worked by an employee in this Order shall be paid the same month during which the overtime was worked.

Travel allowance.

7. (1) If an employee is required to travel out of the country on duty and return on the same day the employer shall pay a sum of E170.00 as food allowance and a further E150.00 as inconvenience allowance.

(2) An employee on duty and required to spend a night outside the country shall be provided free accommodation to stay by the employer.

(3) If an employee has gone for a funeral within the Country, payment of food allowances shall be as follows -

(a) Full- time driver	E 50.00
(b) Full- time Attendant	E 50.00
(c) Part-time Driver	E 70.00
(d) Part-time Attendant	E 70.00

Annual leave.

8. (1) In this Order, an employee after twelve (12) consecutive months of service with an employer, shall be entitled to twelve (12) working days' leave on full pay.

(2) Where an employee completes three (3) years' continuous service with an employer, that employee shall be granted fifteen (15) working days' leave on full pay.

(3) If the continuous period of service to an employer is five (5) years, an employee shall be granted twenty-one (21) working days' leave on full pay.

(4) Where the employment is terminated after three (3) months' service with an employer or after returning from annual leave, an employee shall be entitled to one day's pay in each completed month of service.

Sick leave

9. (1) Subject to sub-order (2), an employee after three consecutive months of continuous service with an employer, shall be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and after that up to a maximum of fourteen (14) days on half ($\frac{1}{2}$) pay in each period of twelve (12) months continuous service.

(2) An employee to be entitled to sick leave shall produce to an employee a medical certificate signed by a registered Medical Practitioner or issued by a Registered Nurse.

Maternity leave.

10. (1) An expectant mother in continuous employment for twelve (12) months or more shall be entitled to maternity leave for a period not exceeding twelve (12) weeks (84 calendar days).

(2) The employee on maternity leave shall be on full pay for one (1) month and the remaining months paid at the discretion of the employer upon delivery to the employer the following-

- (a) certificate issued by a Medical Practitioner or Midwife setting forth the expected date of confinement;
- (b) certificate issued by a Medical Practitioner or Midwife setting forth the actual date of confinement;

- (c) other evidence in support of the entitlement to maternity leave as is reasonably necessary, having regard to all the circumstances of the case.

(3) An employee shall not be entitled to maternity leave for two (2) consecutive years.

Compassionate leave.

11. (1) An employee in this Order after completion of the probation period, shall be granted compassionate leave with full pay as follows -

- | | |
|--------------------------------|--|
| (a) widow | - thirty (30) days from the date of application; |
| (b) widower | - thirty (30) days from the date of application. |
| (c) biological parent or child | - seven (7) days from the date of application. |

(2) The entitlement to compassionate leave in respect of any other relative and the granting of longer periods other than as specified in this Order, shall be at the discretion of the employer.

(3) The employee shall not suffer any loss of pay where the employer prevents the employee from working after bereavement.

Public holidays.

12. Employees under this Order shall be paid full days' wage on all designated public holidays that falls on their normal working day.

Retirement Age

13. The retirement age of an employee in terms of this Order, shall be fifty (55) years with effect from the commencement of this Regulation.

Payment of severance allowance

14. (1) The severance allowance of an employee shall be payable under the following circumstances -

- | |
|--|
| (a) retirement; |
| (b) ill health, subject to the production of a medical certificate signed by a registered Medical Practitioner; or |
| (c) redundancy. |

(2) The payment of severance allowance other than as provided for in this Order shall be by the Employment Act of 1980 as amended

Casual work.

15. (1) A casual employee shall be paid for each day or shift worked at a rate not less than the basic minimum wage specified in this Order.

(2) The continuous employment of an employee for a period over one week shall not be considered casual work.

Watchman's protective clothing and equipment.

16. The employer shall provide a watchman, free of charge with two (2) pairs of boots, a police whistle, club, hat, and an overcoat as is reasonably necessary to effectively carry out a watchman's duties.

Redundancy.

17. Where an employee has served the same employer continuously for a period of at least two (2) years and the employment is terminated for reasons of redundancy, the employee shall be paid severance allowance in terms of the Employment Act of 1980 as amended.

Transport.

18. Where the nature of employment requires the employee on any day to remain on duty after 6:00 pm or to start work before 6:00 a.m., the employee shall be provided, free of charge with transport between the place of work and reasonable point on a public road as may be mutually agreed upon between the parties.

Protective clothing and equipment

19. The respective employers in this Order, shall provide free of charge to full time and part time employees the following protective clothing and equipment -

- (a) mortuary - dust coats, aprons, gumboots, theatre hats, gloves;
- (b) funeral service - prescription by the employer; or
- (c) pauper exhumations - safety shoes, masks, gloves, two-piece dust coat suits.

Particulars of employment.

20. (1) The employer shall on the engagement of an employee, give to the employee a completed copy of the form set out in the Second Schedule of this Order.

(2) If an employer varies an existing condition of employment which result in the loss of favourable terms and conditions to an employee, the employee shall complain in terms of the Employment Act of 1980 as amended

Existing conditions of employment.

21. If at the commencement of this Order, an employee was enjoying better terms and conditions of employment than those provided for in this Order, an employee shall not be prejudiced by the coming into force of this order.

Revocation of Legal Notice No. 200 of 2023.

22. The Regulation of Wages (Funeral Undertakers Industry) Order promulgated under Legal Notice No. 200 of 2023 is revoked.

FIRST SCHEDULE**(Under Order 4)****BASIC MINIMUM WAGE****(EMALANGENI PER MONTH)**

Funeral Attendant	E 2662.38
Driver	E 3327.99
Junior clerk	E 3042.73
Senior clerk	E 3780.81
Watchmen	In line with applicable Regulation of Wages (Security Industry) Order.

SECOND SCHEDULE**(Under Order 20)****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. Short description of employees' work
-
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than S.N.P.F. Scheme)

14. Any other matter either party wishes to include

- (a) An Employee is free to join a trade union of his or her own choice.
- (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

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 176 OF 2024

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

THE REGULATION OF WAGES (MICRO-MONEY LENDERS)
INDUSTRY ORDER, 2024
(Under Section 11)

In the exercise of powers conferred by Section 11 of the Wages Act, the Minister for Labour and Social Security issues this Order.

Citation and Commencement.

1. (1) This Order may be cited as the Regulation of Wages (Micro-Money Lenders) Industry Order, 2024.

(2) This Order shall come into force on the date of publication in the Government gazette.

Interpretation.

2. 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 clients provided that this latter function is not routine or regular;

“continuous employment” means the continuous employment of an employee in an undertaking and the employment is deemed not to be discontinued by the termination of a contract of employment entered into by the employee if within seven (7) days of the termination the employee is re-engaged in the same undertaking;

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

“Junior clerk” means an employee that performs general clerical duties;

“medical practitioner” means medical practitioner as defined under the Medical and Dental Practitioners Act, 1970 or its successor;

“messenger” means a person employed to convey messages, and parcels, carry out elementary office jobs and other related duties;

“micro-money lender” means a licensed person or institution that lends out between E001.00 up to E5 000 or any higher amounts;

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

“receptionist” means an employee who -

- (a) receives people coming into an establishment, ascertains their wants, and directs them accordingly;

- (b) greets the caller and ascertains wants;
- (c) supplies information or announces the arrival and directs visitors to a person called upon;
- (d) deals with telephone calls requesting information or appointments; and
- (e) keep records of callers and may perform other limited clerical duties;

“senior clerk” means an employee who performs more senior clerical duties.

Application.

3. (1) This Order shall apply to persons employed in the micro-money lending industry in relation to basic employment conditions.

(2) Where this Order is silent on basic employment conditions, the provisions of the relevant legislation shall apply.

Basic minimum wage.

4. (1) The basic minimum wage to be paid to an employee in terms of this Order shall be at a rate specified in the First Schedule.

(2) The rate specified in the First Schedule shall not be reduced by any amount for housing, meal allowance, accommodation, or transport, which the employer may provide.

(3) Where an employee at the date of commencement of this Order is in receipt of a higher wage or enjoys better employment conditions than those prescribed by this Order, that employee shall not suffer a reduction in wages or conditions.

Hours of work.

5. (1) An employee shall work forty-five (45) hours a week, spread over six (6) days and this is inclusive of meal breaks.

(2) Where there exists a need to vary the hours in sub-order (1), the employer and employee may agree on the variation.

Overtime payment.

6. (1) If an employee is engaged to work overtime, contrary to Order 5 (1), that employee shall be entitled to overtime pay.

(2) The overtime payment under sub-order (1), shall be calculated at a rate of one and a half times the employee’s normal hourly rate of wages.

(3) Where the employee is engaged to work on public holidays, the overtime rate shall be twice the employee’s basic hourly rate.

(4) If an employee consents to work overtime, the time worked shall not exceed eight (8) hours a week.

Annual leave.

7. (1) An employee shall be entitled to an annual leave of eighteen (18) working days with full pay, upon completion of twelve (12) months of continuous service.

(2) Where the employment contract is terminated after three (3) months from the date of commencement or after completion of a year's undertaking in respect of which the paid annual holiday has been taken, the employer shall on or before the date of the termination pay to the employee a sum equal to not less than one (1) day's wages for each completed month of the period.

Sick leave.

8. (1) An employee shall be entitled to sick leave of up to fourteen (14) days on full pay after three (3) months of continuous employment, but not exceeding a year.

(2) Employees in every period of twelve (12) months of continuous service, shall be entitled to a sick leave of up to fourteen (14) days, but on half pay.

(3) Where the employee has less than three (3) months of continuous service, the granting of sick leave shall be at the discretion of the employer.

(4) An employee under this Order shall produce to the employee a medical certificate as proof of sickness, signed by a registered qualified medical practitioner.

(5) Notwithstanding sub-order (4), a certificate issued by a registered nurse shall be accepted.

Maternity leave.

9. (1) An employee who has been in continuous employment for twelve (12) months or more, shall be entitled to maternity leave of at least four (4) weeks, with full pay upon delivery, and the remaining months to be paid at 50% (percent) of the employee's salary.

(2) The employee under this Order shall produce to the employer -

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

(3) Notwithstanding sub-order (1), maternity leave shall be at least once after the lapse of a period of twenty-four (24) months from the last maternity leave.

Compassionate leave.

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

- | | | |
|---|---|--------------------|
| (a) widow | - | 30 working days; |
| (b) widower | - | 15 working days; |
| (c) biological or legally adopted child | - | 7 working days; |
| (d) biological parents | - | 7 working days; or |
| (e) biological siblings | - | 7 working days. |

(2) The entitlement to compassionate leave for employees who have not completed the probation period and in respect of any other relatives, shall be at the discretion of the employer.

Particulars of employment.

11. An employer shall give an employee within two (2) calendar months of engagement a copy of the form in the Second Schedule to this Order.

Public holiday.

12. An employer shall pay employees full pay for a public holiday and double pay where an employee has been engaged to work on a public holiday.

Retirement age.

13. (1) The retirement age for an employee under this Order shall be fifty-five (55) years.

(2) Notwithstanding sub-order (1), an employee may apply for early retirement at the age of forty-five (45) years.

Transport.

14. An employer shall provide free transport between the place of work and residence, or at any point on a public road as may be mutually agreed upon between the employer and the employee, for employees who by the nature of their employment are required to be on duty after 1800 hours or are required to be at work before 0600 hours.

Revocation of Legal Notice No. 203 of 2023

15. The Regulation of Wages (Micro and Money Lenders) Industry Order under Legal Notice No. 203 of 2023 is revoked.

FIRST SCHEDULE**BASIC MINIMUM WAGE****(EMALANGENI PER MONTH)**

	Rate per month
Cleaner	E3014.34
Messenger	E 3014.34
Receptionist	E2980.79
Office Assistant /Administrator	E 3617.28
Junior Clerk	E 5124.43
Senior Clerk	E 9042.87
Debt Collector	E 6031,02

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. Short description of employees' work
.....
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than S.N.P.F. Scheme)

14. Any other matter either party wishes to include

- (a) An Employee is free to join a trade union of their own choice.
- (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

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 177 OF 2024

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

THE REGULATION OF WAGES (SUPPORT EMPLOYEES IN SCHOOLS
AND EDUCATIONAL INSTITUTIONS) ORDER, 2024
(Under section 11)

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

Citation and Commencement.

1. (1) This Order may be cited as the Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, 2024.

(2) This Order shall come into force on the date of publication in the Government gazette.

Interpretation.

2. In this Order unless the context otherwise requires -

“accounts officer or bursar” means an employee who is employed to perform accounting duties for a school or for an educational institution;

“boarding matron or master” means an employee who supervises pupils or students and people employed to work in hostels facilities;

“bookshop assistant” means an employee who distributes books, stationery and school uniform in the school’s bookshop and is responsible for stocktaking and maintaining cleanliness and hygiene in the book shop;

“casual employee” means an employee the terms of whose engagement provides for the payment at the end of each day and who is not engaged for a longer period than twenty four (24) hours at a time;

“computer instructor” means an employee who equips students with basic computer skills;

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

“continuous service” means unbroken service with the same employer, interrupted only by the death, retirement or discharge of the employee concerned, and includes the re-engagement of an employee within two (2) months of the discharge from employment by the employer;

“extracurricular activities coach” is an employee who serves to teach or train students in swimming, music or other extracurricular activities or sports, either on a fulltime or part-time basis;

“farming assistant” means an employee responsible for agricultural activities of the school.

“general worker” means an employee who performs duties related to the cleaning and tidying of the premises of the undertaking, and also performing any other duties that are not so different in nature from those pertaining to cleaning and tidying the ground;

“handyman” means a person who is capable of carrying out elementary tasks in either masonry, plumbing, carpentry or mechanics associated with such work on a school or educational institution with reasonable proficiency and without supervision but does not include an artisan;

“hostel cook” means an employee who performs cooking duties in the hostel of a school or educational institution;

“heavy duty driver” means an employee who is employed to drive a tractor and also a motor vehicle which is over 4 tons’ tare weight, and his duties shall also include handling of cargo, transporting students, daily maintenance and cleaning of the vehicle;

“herdsman” means an employee who attends or herds livestock and performs tasks associated with the keeping or rearing of livestock;

“kitchen matron” means an employee who supervises the kitchen in a hostel and prepares the daily menu for the students or pupils;

“laboratory technician” means an employee who assists a science teacher in the laboratory in assembling and maintain scientific equipment and chemical re-agents;

“librarian” means an employee who is in charge of or works in the library by organizing, developing and maintaining systematic collections of books and other recorded materials and making them available to the library users;

“light duty driver” means an employee in possession of a light duty driver’s licence employed as a driver, who is in charge of the motor vehicle and whose duties include, servicing and cleaning a vehicle, collecting and dropping cargo, mail and transportation of staff and students;

“normal place of residence” means a place where an employee normally resides when at work;

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

“redundancy” has the same meaning as provided in the Employment Act of 1980 or its successor;

“secretary” means an employee who types and processes official documents for the employer, keeps a diary of official appointments and activities of the head teacher of the school or institution or administration, issues receipts and receives bank deposits slips, fills the analysis book and where necessary handles all incoming and outgoing calls;

“storeman” means an employee who keeps record of stock at the stores of the school or educational institution and has the responsibility of maintaining the inventory;

“temporary employee” means an employee who is engaged on a temporary basis, for instance to relieve an employee who is on sick, maternity or annual leave;

“tuck-shop attendant” means an employee who sells wares, serves customers at the school’s tuck-shop, and is responsible for buying as well as taking stock and maintaining cleanliness and hygiene in the tuck-shop;

“watchman” means an employee who is engaged during the day or night to guard the premises or property of the school or institution against fire, burglary, personal injury to staff and or pupils and similar services connected with or related to the foregoing.

Application.

3. (1) This Order shall apply to persons listed in the First Schedule to this Order and employed in public or private schools, and other educational institutions, in relation to wages and other basic conditions of employment.

(2) This Order shall not apply to Government employees.

Basic minimum wage.

4. The basic minimum wage to be paid to an employee in terms of this Order shall be at a rate specified in the First Schedule to this Order.

Hours of Work.

5. (1) The normal hours of work for a watchman, shall be seventy two (72) hours per week spread over a period of six (6) days.

(2) The normal working hours for a boarding master or matron, or hostel cook shall be seventy two (72) hours per week spread over a period of six (6) days.

(3) Notwithstanding the provisions of sub-order (1) and (2), the normal hours of work for employees under this Order shall be eight (8) hours per day, from Monday to Friday.

Overtime Payment.

6. (1) An employee other than a watchman, boarding master or matron, hostel cook or hostel cleaner who is required to work in excess of the normal hours specified in sub-order 4 (3) shall be paid overtime in relation to -

(a) 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; and

(b) the time worked on a rest day, Sunday or Public Holiday, and the payment to be as twice the hourly rate.

(2) A watchman, boarding master or matron, hostel cook or hostel cleaner required to be on duty and work in excess of the hours specified in Order 4 (1) and (2), shall be entitled to be paid overtime at the rate of one and half times the normal rate of wages and two times the normal rate where the employee has been required to be on duty on a day off.

(3) Employees under this Order shall not be compelled to work overtime.

(4) A school holiday shall be a normal working day for employees under this Order except where an employee has been granted leave or there has been a mutual agreement between the employee and the school authorities that the employee may not work.

Annual Leave.

7. (1) An employee on completion of each period of twelve (12) months with an employer, shall be entitled to annual leave as follows -

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

(2) A watchman shall in addition to the annual leave, specified in sub-order (1), be entitled to eleven (11) days with full pay in compensation for public holidays worked where the employee was not paid in the month such holiday falls due.

(3) A public holiday shall not be replaced with an employee's off-day.

(4) Where the employment of an employee is terminated after a period exceeding three (3) months but not amounting to one (1) year from the date of commencement, or after a period of employment following the completion of one (1) 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 (1) day's wage for each completed month of such period.

Sick Leave.

8. (1) Subject to sub-order (2), an employee under this Order shall after three (3) months continuous employment with the same employer be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and thereafter to sick leave of up to a maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service.

(2) An employee shall be eligible for sick leave upon production to the employer a medical certificate signed by a Medical Practitioner as defined by the Medical and Dental Practitioners Act, 1970 or its successor,

Maternity Leave.

9. (1) An employee shall be entitled to twelve (12) weeks maternity leave, six (6) weeks of which on full pay upon delivering to the employer-

- (a) a certificate issued by a medical practitioner or a midwife setting the expected or actual date of such 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) Notwithstanding sub-order (1), an employee shall be entitled to maternity leave at least once after the lapse of twenty-four (24) months' from the last maternity leave

(3) An 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 (1) hour for a period not exceeding three (3) months.

(4) A nursing break shall not run concurrently with the employee's lunch or break.

Compassionate Leave.

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

- | | | |
|-----------------------------|---|---------------------|
| (a) Widow | - | 30 working days; |
| (b) Widower | - | 10 working days; |
| (c) Biological parents | - | 8 working days; |
| (d) Biological child | - | 8 working days; and |
| (e) Father or mother in law | - | 8 working days |

(2) Employee entitlement to compassionate leave under this Order in relation to additional members other than those specified in sub-order (1), shall be at the discretion of the employer.

Retirement Age.

11. The retirement age for employees under this Order shall be sixty (60) years.

Particulars of employment.

12. (1) An employer shall within two (2) calendar months of the date of appointment, give an employee a completed copy of the form in the Second Schedule to this Order.

(2) The probationary period under sub-order (1), shall not extend beyond three (3) months, except in the case of employees engaged on supervisory, technical or confidential work,

Public Holiday.

13. Employees under this Order shall be paid a full day's wage in respect of designated public holidays that fall on their normal working day.

Casual Work.

14. (1) An employee employed on casual basis shall be paid for each day or shift worked at a rate not less than the basic minimum wage applicable.

(2) Employees who are continuously employed by an employer for a period longer than three (3) months shall not be considered as a casual employee.

Protective Clothing.

15. (1) The employer of a watchman shall, on an annual basis provide the employee free of charge with two (2) pairs of boots, a police whistle, a club, a torch with batteries , and an overcoat or raincoat as is reasonably necessary to combat adverse weather conditions.

(2) A protective clothing, equipment or appliance under sub-order (1), shall be of a reasonable quality and remains the property of the employer.

(3) For purposes of this Order, protective clothing and necessary equipment shall be provided to cooks, cleaners, labourers, grounds men and laboratory technicians.

Transport.

16. An employer shall provide transport free of charge to employees between their place of work and home or such point on a public road as may be mutually agreed by the parties, if the nature of the employment require the employees to be at work after 1700 hours or to start work before 0630 hours,

Employment Protection.

17. An employee who at the commencement of this Order has been enjoying better conditions of employment than those provided under this Order shall not suffer any reduction in such terms by the coming into force of this Order.

Revocation of Legal Notice No. 194 of 2023

18. The Regulation of Wages (Support Employees in Schools and Educational Institutions) Order, promulgated under Legal Notice No. 194 of 2023 is revoked.

FIRST SCHEDULE

BASIC MINIMUM WAGE

(EMALANGENI PER HOUR)

Accounts Officer /Bursar	E 26.48
Boarding Master or Matron	E 26.48
Bookshop assistant	E13.03
Cleaner	E 7.62
Computer instructor	E26.48
Cook	E 9.73
Extracurricular Activities Coach	E13.32
Farming assistant	E13.03
General Worker	E9.35
Handyman	E9.35
Heavy duty driver	E13.03
Herdsmen	E13.03
Hostel cook	E9.73

Kitchen Matron	E13.32
Laboratory Technician	E10.76
Librarian	E14.23
Light duty driver	E9.73
Receptionist	E13.03
Storeman	E13.03
Secretary or Clerk	E17.08
Tuck-shop Attendant	E13.03
Watchman	E6.13

******An employee to whom this Order is applicable, as listed in this Schedule, who at the time of its publication are being remunerated at rates higher than those stipulated in this Order, shall also be awarded an increment to be determined by both the employer and employee.**

*****An employee who performs duties of another employee as classified in this Schedule where the school has no such employee shall be remunerated at the higher rate of the two. For instance, a Secretary or Clerk who also performs duties of that of Accounts Officer where the school has no such employee shall be remunerated at a rate of Accounts Officer.**

*****Temporary employees are to be remunerated according to the position they hold temporarily as provided for in the First Schedule.**

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 ENPF).....
.....
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 -
.....
- (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.
.....
.....
- (c) When any heading is inapplicable enter NIL.

.....
Employer's Signature

.....
Witness

.....
Employee's Signature

.....
Witness

.....
Date

.....
Date

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 178 OF 2024

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

THE REGULATION OF WAGES (PRE-SCHOOLS AND DAY-CARE
CENTRES INDUSTRY) ORDER, 2024
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Pre-schools and Day-care Centres Industry) Order, 2024.

(2) This Notice shall come into force on the date of publication in the gazette.

Application

2. This Order shall apply to persons employed in Pre-schools and Day-Care Centres in respect of basic conditions of employment.

Interpretation

3. In this Order unless the context otherwise requires –

“assistant early childhood carer” means a person who has an early childhood carer certificate and assists an early childhood carer;

“assistant teacher” means an employee who is engaged as such, and is in possession of a Junior Certificate or O’Level Certificate of Education and or a Pre-school Teacher’s Certificate, who may be in charge of a class in the absence of the class teacher;

“continuous employment” has the same meaning as ascribed to it in the Employment Act No 5 of 1980 or its successor;

“cleaner” means an employee who performs cleaning duties other than those of a labourer;

“clerk” means an employee who is a holder of a Junior Certificate or O’level Certificate, who is engaged in secretarial or other general clerical duties;

“cook” means an employee who is engaged to prepare meals in Pre-schools or Day-Care Centres;

“early childhood carer” means a person who takes care of children who are from zero to three (0-3) years of age and who holds an Early Childhood Carer certificate;

“labourer” means an employee who performs duties pertaining to the tidying of the grounds of the school;

“maintenance worker” means an employee who is engaged to service electrical appliances,

furniture, do painting and perform other such duties which involve maintenance of existing infrastructure, fittings and simple machinery or appliances used in the school; and

“teacher” means an employee who is engaged to teach in the pre-school, and is in possession of a Junior Certificate or O’Level Certificate or a Pre-School Teachers Certificate.

Basic Minimum Wage

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

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

(2) Where an employee performs more than one (1) duty as specified in the job category, shall be paid, in addition to wages, half the wages payable to a labourer.

Hours of work

5. (1) The normal hours of work for an employee, other than a Day-Care Centre employee, shall be from 0700Hrs to 1330hrs, inclusive of a lunch break of one (1) hour, from Monday to Friday for pre-school employees.

(2) The hours of work for Day-Care Centre employees shall be ten (10) hours from 0700Hrs to 1700Hrs (ten hours), inclusive of a lunch break of one (1) hour from Monday to Friday.

Overtime

6. (1) An employee of a pre-school, other than a Day-Care Centre employee, who is required to work in excess of the hours specified in Order 5, shall be paid at one and half (1 ½) the basic hourly rate.

(2) Overtime worked on Sundays or Public Holidays shall be paid at twice the employee’s basic hourly rate.

(3) An employer shall consult with the employee to work overtime and such employee may not unreasonable refuse, except where, the employee’s written contract of employment provides that the employee shall be available for overtime work as and when required to do so.

Annual Leave

7. (1) An employee of a Pre-school shall be entitled to paid annual leave during the days when schools are closed as per the school calendar. Annual leave applied for and to be taken during the period when schools are opened may be at the discretion of the employer.

(2) An employee of Day-care Centre which close when schools close, shall be entitled to annual leave subject to sub-Order (1).

(3) An employee of Day-care Centre that does not close when schools close shall be entitled to paid annual leave by the employer as follows –

- (a) an employee who has worked for less than twelve (12) months, leave shall be one (1) day per each completed month;
- (b) an employee who has worked for twelve (12) months but less than three (3) years, annual leave shall be fifteen (15) days; and
- (c) an employee who has worked for more than three (3) years, annual leave shall be eighteen (18) days.

(4) Subject to sub-Order (2), the days on which schools are closed or on break shall be included in the computation periods.

(5) Where employment is terminated after three (3) months' service with an employer, an employee shall be entitled to one (1) day's pay in lieu of untaken leave for each completed month of service following that employee's initial engagement.

Sick Leave

8. (1) An employee shall be entitled to sick leave up to a maximum of fourteen (14) days on full pay and thereafter to a maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service after three (3) consecutive months of continuous service with an employer, and subject to the submission of a Medical Certificate signed by a Medical Practitioner as defined under the Medical and Dental Practitioners Act, 1970.

(2) Notwithstanding sub-Order (1), a certificate issued by a registered nurse shall be acceptable in the place of a Medical Certificate mentioned in sub-Order (1) if, at the time the employee goes for medical treatment or examination, a Medical Practitioner is not available.

Maternity Leave

9. (1) A female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave for a period not exceeding twelve (12) weeks (84 calendar days) with only six (6) weeks on full pay. Payment of wages for the rest of the period shall be at the discretion of the employer. The employee shall furnish the employer with a certificate signed by a Medical Practitioner or a Midwife, stating the expected or actual date of her confinement.

(2) An employee shall not be entitled to maternity leave provided for under sub-Order (1) and for two (2) consecutive years.

(3) An employee who has been on maternity leave shall be entitled, on return from such leave, to a paid nursing break of one (1) hour for a period not exceeding three (3) months, such nursing break shall not be in lieu of such employee's lunch break.

Written Particulars of employment to be provided

10. An employer shall give an employee a completed copy of the form in the Second Schedule of this Order, in the manner required by the Employment Act, 1980 or its successor.

Public Holidays

11. (1) Public holidays shall be observed in line with the Public Holiday Act No. 71 of 1938 or its successor as the case may be.

(2) In this Order, employees shall be paid a full day's wage on all designated public holidays that falls on their normal working day.

(3) Where a public holiday is on a Sunday, the following Monday shall be deemed a public holiday.

Compassionate Leave

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

- | | | |
|------------------------|---|--|
| (a) widow | - | thirty-seven (37) calendar days with full pay; |
| (b) widower | - | fifteen (15) calendar days with full pay; |
| (c) biological parents | - | ten (10) calendar days with full pay; and |
| (d) biological child | - | ten (10) calendar days with full pay. |

(2) Entitlement to compassionate leave in respect of any other immediate family in addition to the above shall be in terms of the Employment Act, 1980 or its successor.

Retirement Age

13. The retirement age for an employee shall be sixty (60) years.

Payment of Severance Allowance

14. Severance allowance calculated as outlined in the Employment Act of 1980 or its successor, shall be payable to an employee.

Casual Work

15. An employee engaged on casual basis as envisaged in the Employment Act of 1980 or its successor, shall be paid for each day or shift worked at the end of each day's work.

Redundancy

16. An employee who has served the same employer continuously for a period of two (2) years or more and whose employment is terminated for reasons of redundancy shall be paid severance allowance in terms the Employment Act, 1980, or its successor.

Transport

17. An employee who, by the nature of employment is required on any day to remain on duty after 17.30 Hours or is required to start work before 06.00 Hours, shall be provided by the employer, with transport between the place of work and home or place of residence as the case may be or at such point on a public road as may be mutually agreed between the employer and the employee.

Protective Clothing

18. The employer shall supply an employee, free of charge with appropriate clothing to protect the employee from occupational injuries and diseases and other risks associated with such employment.

Existing Conditions of Employment

19. At the commencement of this Order an employee who has been enjoying better terms and conditions of employment than those provided for in this Order, shall not suffer any reduction or unfavourable variation in such terms and conditions as a result of coming into force of this Order.

Revocation of Legal Notice No. 199 of 2023

20. The Regulation of Wages (Pre-Schools and Day Care Centres Industry) Order, Legal Notice No. 199 of 2023 is revoked.

FIRST SCHEDULE
BASIC MINIMUM WAGE
(EMALANGENI PER MONTH)

The areas mentioned in (A) below are for purposes hereof regarded as urban areas.

	All areas
Teacher	E2606.23
Assistant Teacher	E2255.78
Maintenance Employee	E2085.7
Cleaner or Labourer	E1737.54
Clerk	E2432.66
Cook	E2085.07
Early Childhood Carer	E2013.35
Assistant Early Childhood Carer	E1737.54

- 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. Short description of employees' work
.....
.....
- 7. Probation Period
- 8. Annual Leave Entitlement
- 9. Paid Public Holiday
- 10. Payment during sickness
- 11. Notice of termination of employment employee entitled to receive

12. Notice of termination of employment employer required to give

13. Social Security Scheme (if any, other than S.N.P.F. Scheme)

14. Any other matter either party wishes to include

(a) An Employee is free to join a trade union of own choice.

(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

MANDLA TSHAWUKA

ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 179 OF 2024

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

THE REGULATION OF WAGES (SECURITY SERVICES INDUSTRY)
ORDER, 2024
(Under Section 11)

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

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Security Services Industry) Order, 2024.

(2) This Notice shall come into force on the date of publication in the Government gazette.

Application

2. (1) This Order shall apply to persons employed in detective, investigative, cash in transit, patrolling and security services, providing protection against burglary, fire, personal injury and similar services.

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

(a) government; and

(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 (3) months or less service;

“group B” means an employee with more than three (3) months’ service;

“group C” means a patrol supervisor Grade II; and

“group D” means a patrol supervisor Grade I.

Basic Minimum Wage

4. (1) A basic minimum wage to be paid to an employee shall be calculated at a rate specified in the First Schedule.

(2) An 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 (72) hours spread over a period of six (6) days.

Overtime Payment

6. (1) An employee who is required to be on duty and work in excess of the hours specified in Order 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 (312).

Annual Leave

7. (1) On completion of each period of twelve (12) months' continuous service, an employee shall be entitled to an annual leave of twelve (12) working days with full pay.

(2) An employee with four (4) years or more service with an employer shall be entitled to fifteen (15) working days with full pay.

(3) Twelve (12) days with full pay in compensation for public holidays worked shall be added where 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 is terminated after a period exceeding three (3) months but not amounting to one (1) 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) A female employee, whether married or unmarried, who has been in continuous employment with an employer for twelve (12) months or more shall be entitled to twelve (12) weeks maternity leave, so arranged that she gets six (6) weeks before the date of confinement, the other six (6) weeks' from the date of confinement but only at least two (2) weeks paid, the rest at the discretion of the employer, when she produces -

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

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

Compassionate Leave

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

- | | | |
|---|---|---|
| (a) widow | – | thirty seven (37) working days with full pay; |
| (b) widower | – | nine (9) working days with full pay; |
| (c) biological or legally adopted child | – | six (6) working days with full pay; |
| (d) biological parents | – | six (6) working days with full pay; and |
| (e) married person's mother-in-law or father-in-law | – | five (5) working days with full pay. |

(2) Entitlement to compassionate leave for 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 shall be produced to establish the relationship of the deceased family member to the employee.

Sick Leave

10. An employee shall be entitled to a maximum of fourteen (14) days with full pay and thereafter to a maximum of fourteen (14) days on half pay in each period of one (1) year, after three (3) consecutive months of continuous service with an employer and subject to the production of a Medical Certificate signed by a Medical Practitioner, as defined under the Medical and Dental Practitioners Act no. 3 of 1970 or its successor.

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) Public holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 or its successor as the case may be.

(2) In this Order, an employee shall be paid a full day's wage on all designated public holidays that falls on his normal working day.

(3) Where a public holiday is on a Sunday, the following days shall be deemed a public holiday.

Day Off

13. (1) An employee shall be entitled to a minimum of one (1) 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 (4) days off, in each month.

Travelling Expenses

14. (1) An employee of an undertaking who is on duty and is required to be away from the employee's normal place of residence, shall be entitled to be paid before the journey, all travelling, lodging and meal expenses to be incurred, where the employee is to remain away from place of work for a period of forty-eight (48) hours or more.

(2) Where an employee is transferred from place of employment, the payment of expenses under-sub Order (1) shall not apply and the employer shall provide such employee with suitable accommodation or payment in lieu off for a period of up to three (3) months, to allow the employee obtains 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.

(2) 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, No. 5 of 1980.

(3) The employer shall not engage any other employee to fill a vacancy of the affected employees during the lay-off period.

(4) An employer who intends to lay-off an employee shall give such an employee a notice of not less than twenty-four (24) hours before the lay-off commences.

Pay Day

16. An employee's wages shall be paid in terms of Part VI of the Employment Act, 1980 or its successor as the case may be.

Uniforms, Protective Clothing and Equipment

17. (1) The employer of a security guard shall provide such employee free of charge a shirt, trouser, boots (shoes for female security guards) a whistle, a club, torch and where reasonably required under the prevailing weather conditions, a hat, raincoat or overcoat.

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

(3) A refundable "once-off" uniform, protective clothing and equipment security deposit amounting to eight hundred emalangen (E800.00) shall be deducted from all employees who receive the same from employer. The deductions shall be made on an employee's wages for a period not exceeding four (4) months and this money shall be refundable on return of the employer's property at the termination of the employment relationship by either party.

Retirement Age

18. The retirement age for an employee shall be sixty (60) years.

Revocation of Legal Notice No. 190 of 2023

19. The Regulation of Wages (Security Services Industry) Order, promulgated under Legal Notice No. 190 of 2023 is revoked.

FIRST SCHEDULE
(Under Order 4)

Rate per shift	
Group A	E84.90
Group B	E109.20
Group C	E112.60
Group D	E133.60
Telephonist	E92.80
Clerk	E133.60
Cash in Transit guard	E119.90
Cash in Transit driver	E133.20

SECOND SCHEDULE
(Under Order 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. Short description of employees’ work
.....
.....
- 7. Probation Period
- 8. Annual Leave Entitlement

9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than E.N.P.F. Scheme)
14. Any other matter either party wishes to include.....

(a) An Employee is free to join a trade union of his or her own choice.

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

(c) When any heading is inapplicable enter n/a.

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

Signed..... Employer

..... Employee

..... Witness

..... Date

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 180 OF 2024

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

THE REGULATION OF WAGES (RETAIL, HAIRDRESSING, WHOLESALE
AND DISTRIBUTIVE TRADES INDUSTRY) ORDER, 2024
(Under Section 11)

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

Citation

1. (1) This Order may be cited as the Regulation of Wages (Retail, Hairdressing, Wholesale, and Distributive Trades Industry) Order, 2024.

(2) This Notice shall come into force on the publication date of the Gazette.

Application

2. This Order shall apply to all persons employed in the retail and wholesale supply of goods or merchandise of any description, beauty-care, hairdressing services and in such operations as warehousing, storing, packing, clerical or other work which is associated with such retail, beauty care, hairdressing services, and wholesale supply.

Interpretation

3. In this Order unless the context otherwise requires -

“assistant baker” means an employee who assists a baker;

“assistant hairdresser” means a person who prepares, shampoos, and sets hair in a salon without relaxing and styling who has less than six (6) months of experience;

“baker” means a person mainly employed to order ingredients, scale ingredients, mix ingredients, other than wheat or flour products and make confectionery, pack the finished product for display or sale to customers;

“barber man” means a person mainly employed to cut, or shave hair in a saloon, beauty parlor, and, or hairdressing services;

“beautician” means a person who does skincare, manicure, pedicure, waxing, massaging, plugging, tweezing, and make-up;

“block man” means a person employed in a butcher’s shop or butchery whose duties are the cutting, dressing, and preparation of meat, and may include attending to customers;

“cashier” means a person responsible for receiving, issuing, and checking money about a transaction of sale or the rendering of a service;

“*cashier-salon*” means a person who is employed to handle cash, keep records, take money to the bank, receive money from and issue receipts to customers;

“copy typist” means an employee wholly or mainly engaged in typing, checking figures, and filing, and who is capable of typing a minimum of twenty five (25) words per minute;

“commercial cleaner” means a person who performs the duties of a cleaner in an office, block of offices, shops or business establishment, or private homestead through an establishment that provides commercial cleaning services;

“deliveryman” means an employee wholly or mainly engaged in the delivery of goods or merchandise;

“driver (heavy vehicle)” means a person who is employed to drive a motor vehicle with a weight of over one and a half (1 1/2) tons whose duties include the handling of cargo and daily maintenance and cleaning of such vehicle;

“driver (light vehicle)” means a person who is employed to drive a motor vehicle with a weight of one and a half (1 1/2) tons or less, whose duties include handling cargo to and from the tailboard and the daily maintenance and cleaning of such vehicle;

“forklift driver” means a person employed to drive a forklift in the establishment or other place as the case may be;

“general labourer” means a person employed to perform duties of a sweeper, cleaner, shopman, or other general work assigned to him;

“general labourer (salon)” means a person who does general cleaning of floors, windows, rollers, trolleys, and washing of towels;

“hair braider” means a person who braids hair and makes braid styles in a salon or beauty parlour;

“hairdresser” means a qualified person who performs work in scalp treatment, hair texturing, hair relaxing, braiding, perm, blow-out, and other forms of hairstyling;

“handyman” means a person who is capable of carrying out elementary tasks in either masonry, plumbing, carpentry, or mechanics associated with such work and who has reasonable proficiency and can work without supervision but does not include an Artisan;

“heavy duty labourer” means an employee wholly or mainly engaged in the handling, loading, and stocking of heavy packages of goods or items of 33.75 kilograms’ weight or more and who has been specially employed for such work;

“junior clerk” means an employee who is the holder of a Junior Certificate of Education who is engaged in general clerical duties;

“lorry man” means an employee wholly or mainly engaged in a vehicle conveying goods or merchandise and assisting in their loading and unloading and whose duties may also include those of a general labourer;

“merchandise” means a person employed by a merchandising company to work in a place, where goods are exhibited for promotion or sale to the public, who transacts business with customers and displays goods, including the making up of orders and checking incoming goods and who has acquired one (1) year experience in such activities;

“messenger” means an employee wholly or mainly engaged in carrying out errands, delivering or fetching mail or goods, making bank deposits, and carrying out simple routine tasks in the employer’s establishment;

“petrol pump attendant” means a person wholly or mainly employed at a filling station selling fuel and oil including cleaning of driveway and forecourt;

“pre-packer” means an employee wholly or mainly engaged in the pre-packing of goods from bulk to small quantities, for display for sale to the public;

“redundancy” shall have the same meaning as provided in the Employment Act, 1980 or any other law that may succeed it;

“senior clerk” means an employee who is the holder of a Senior Certificate of education and who is engaged in general clerical duties and also supervises the Junior Clerk;

“shop assistant” means a person wholly or mainly employed for purposes of transacting business with customers or displaying goods in a place where such goods are exhibited for sale to the public in a supermarket or similar establishment and who has acquired one (1) year experience in such work;

“supervisor” means an employee other than staff who the employer appoints after twelve (12) months of service to supervise other employees directly, and coordinate and delegate tasks to ensure efficiency;

“telephone or switchboard operator” means a person whose duties consist wholly or mainly of the operation of a telephone switchboard;

“trainee cashier” means a person responsible for issuing and receiving money and who has been employed as such for a continuous period of not more than six (6) months;

“trainee merchandiser or promoter” means a person employed by a merchandising company to: work in a place where goods are exhibited for sale to the public, transact business, display goods, make orders, check incoming goods, and has not acquired one (1) year experience working as such;

“trainee shop assistant” means a person employed in a place, where goods are exhibited for sale to the public and who assists a shop assistant or other person serving customers, including the making up of orders and checking of incoming goods and who has not acquired (1) year experience in such activities; and

“watchman” means an employee who is engaged during the day or night to guard the premises or property of the employer.

Basic Minimum Wage

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

(a) be calculated at a rate not less than that specified in the schedule; and

(b) not be reduced by any amount for housing or accommodation that may be provided by the employer.

(2) Subject to sub-Order (1), an employee who, at the date of commencement of this Order receives a higher wage for his particular occupation than the wage prescribed by this Order, shall not be because this Order suffers a reduction in such wage.

Hours of work

5. (1) Subject to sub-Orders (2) and (3) and Order 6, the normal hours of work for an employee other than a petrol pump attendant and a watchman shall consist of forty-eight (48) hours per week divided into eight and a half (8 ½) hours per day excluding a rest period of one (1) hour on Monday to Saturday at 1:00 p.m

(2) The normal hours of work for a petrol pump attendant shall, subject to the provisions of Order 6, be forty-eight (48) hours spread over six (6) days.

(3) The normal hours of work for a watchman shall be sixty-six (66) hours per week divided into six (6) shifts each of eleven (11) hours.

Overtime Payment

6. (1) An employee other than a petrol pump attendant and a watchman, who is required to be on duty and work more than the hours specified Order 5 shall be paid at one and half times the basic hourly rate, provided that overtime worked on Sundays or Public Holidays or after 1.00 p.m. on Saturdays shall be paid at twice the employee's basic hourly rate.

(2) Overtime shall be paid to a petrol pump attendant as follows –

(a) for all time worked more than the normal hours of work (other than on a public holiday) at one and a half times the employee's basic hourly rate;

(b) for all time worked on a public holiday at twice the employee's basic hourly rate.

(3) The calculation of the employee's basic hourly rate, the monthly basic rate shall be divided by two hundred and eight (208) hours (48 hours per week x 4.33 weeks per month).

(4) An employee shall not be required to work overtime unless necessary.

Annual Leave

7. (1) An employee shall be entitled to twelve (12) working days leave on full pay after twelve (12) consecutive months of service with an employer.

(2) An employee shall be entitled to fifteen (15) working days leave on full pay on completion of three (3) years' continuous service with an employer.

(3) An employee shall be entitled to eighteen (18) working days leave on full pay on completion of eight (8) years' of continuous service with an employer.

(4) Where employment is terminated after three (3) months' service with an employer or after returning from annual leave as provided for in sub-Order (1) an employee shall be entitled to one (1) day's pay for each completed month of service or at initial engagement or at return from leave as the case may be.

Sick leave

8. An employee shall be entitled to sick leave of up to a maximum of fourteen (14) days with full pay and thereafter to sick leave up to a maximum of fourteen (14) days on half pay in each period of twelve (12) months' continuous service, after three (3) consecutive months of continuous service with an employer, and subject to the production of a medical certificate signed by a medical practitioner as defined in the Medical and Dental Practitioners Act, 1970 or its successor.

Maternity Leave

9. (1) A female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve (12) months or more shall be entitled to maternity leave as provided for in the Employment Act, 1980 or its successor, upon submission 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 evidence in support of the entitlement to maternity leave as is reasonable, having regard to all circumstances of the case.

(2) Notwithstanding sub-Order (1), a female employee entitled to maternity leave shall be entitled at least once after the lapse of a period of twenty-four (24) months from the last maternity leave.

Written Particulars to be provided

10. Subject to section 22 (2) of the Employment Act, No. 5 of 1980 or its successor, 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

11. Public Holidays shall be observed in line with the Public Holidays Act, No. 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time.

Compassionate Leave

12. (1) An employee who has a contract of employment whether a permanent or fixed-term contract, shall be entitled to compassionate leave as follows;

- (a) Widow - thirty (30) working days with full pay;
- (b) Widower - seven (7) working days with full pay;
- (c) Biological parent - seven (7) working days but five (5) days with full pay; and
- (d) Biological child - six (6) days working days but five (5) days with full pay,

(2) A compassionate leave of any other relative in addition to the above shall be in terms of the Employment Act, or at the discretion of the employer.

Retirement Age

13. The retirement age for an employee in this industry shall be sixty (60) years.

Casual Work

14. A casual employee shall be paid at the end of each day or shift worked at a rate not less than the basic minimum wage applicable to the job category.

Watchman's Clothing and Equipment

15. (1) A watchman shall be provided with, free of charge, with two pairs of boots, a police whistle, a club, a hat, and an overcoat or raincoat as is reasonably necessary in prevailing weather conditions.

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

Redundancy

16. Where an employee has been employed for two (2) years or more and whose employment is terminated for reasons of redundancy the employee's terminal benefits shall be paid in terms of the Employment Act, 1980 (as amended)

Piece or task work

17. An employee engaged in task or piece work shall be entitled to wages and conditions of employment not less than those specified in this Order, provided that where the employee has performed work that would entitle such employee to a wage that is higher than the rates stated in the schedule, the employee shall be paid according to the amount of work the employee has performed.

Transport

18. An employee who, by the nature of the employment, is required on any day to remain on duty from 6 p.m. or is required to start work before 6.00 a.m. shall be provided, free of charge, with transport between the place of work and the place of residence or such point on a public road as may be mutually agreed upon between the employer and the employee.

Continuous Employment / Service

19. Employment shall be deemed to be continuous so long as the employee continues to be employed in the undertaking and shall be deemed not to be discontinued by the termination of any contract of employment entered into by the employee, if within seven days of such termination such employee is re-engaged in the same undertaking.

Protective Clothing

20. Where it is necessary to protect an employee from physical or chemical injury or from any hazardous situation that may arise from the work the employee shall do so, the employer shall

supply, free of charge, the employee with adequate protective clothing and equipment and the employee shall use the protective clothing as instructed.

Revocation of Legal Notice No. 196 of 2023

21. The Regulation of Wages (Retail, Hairdressing, Wholesale, and Distributive Trades Industry) Order, Legal Notice No. 196 of 2023 is revoked.

FIRST SCHEDULE

(Under Order 4)

BASIC MINIMUM WAGE

(EMALANGENI PER MONTH)

The areas mentioned in (A) below are for purposes of this order regarded as urban areas.

- (A) Bhunya, Big Bend, Havelock Mine, Luyengo, Matata, Malkerns, Manzini, Mbabane, (including establishments situated along and within 5km on either side of the Mbabane /Manzini main road stretching 20 km from Mbabane);
- (B) Matsapha Industrial Area, Mhlambanyatsi, Mhlume, Ngwenya, Nhlangano, Piggs Peak, Sidvokodvo, Simunye, Siteki, Tabankulu, Tshaneni, Vuvulane, Mankayane , Lavumisa, Hlathikhulu and Siphofaneni
- (C) Nsoko Shopping Complex, Ngonini Shopping Complex, Ebuhleni Shopping Complex, Lomahasha Shopping Complex, situated along and including 5km on either side of the complex and stretching 3km.
- (D) Ludzeludze, Mhlaleni, situated along and including 5km on either side of the road and stretching 3km.

	A Urban Areas	B All other areas
General Labourer	E 2126.09	E 1856.14
General Labourer (Salon)	E 2126.09	E 1856.14
Lorry man	E 2126.09	E 1856.14
Watchman	E 2126.09	E 1856.14
Messenger	E 2126.09	E 1856.14
Deliveryman	E 2126.09	E 1856.14
Heavy duty labourer	E 2023.35	E1835.44

S84

Pre-Packer	E 2189.92	E 1987.86
Commercial cleaner	E 2192.21	E 1856.19
Junior clerk	E 2075.45	E 1906.30
Senior clerk	E2190.24	E1893.82
Junior shop assistant	E 2126.83	E 1856.14
Junior merchandiser	E 2126.83	E 1856.14
Switchboard operator	E 2220.96	E 1856.14
Copy typist	E 2126.83	E 1856.14
Driver (Light Vehicle)	E 2220.96	E 1856.14
Petrol pump attendant	E 2220.96	E 1856.14
Driver (Heavy Duty)	E 2343.56	E 1914.85
Supervisor	E 2706.25	E 2165.00
Shop assistant	E 2343.56	E 1914.85
Merchandiser or promoter	E 2343.56	E 1914.85
Blockman	E 2616.70	E 2228.31
Trainee cashier	E 2126.83	E 1986.16
Cashier	E 2671.54	E 2109.74
Beautician	E 2712.16	E 2109.74
Cashier (saloon)	E 2325.26	E 1510.58
Hairdresser	E 2130.56	E 1505.80
Assistant Hairdresser	E 1744.54	E 1175.99
Hair braider	E 1744.54	E 1175.99
Baker	E 2345.09	E 1987.13
Assistant Baker	E 2126.77	E 1856.14
Forklift driver	E 2343.70	E 1987.13
Handyman	E 2190.41	E 1856.14
Barber man	E 1591.54	E 1034.40

SECOND SCHEDULE**WRITTEN PARTICULARS OF EMPLOYMENT**

(Under Order)

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. Short description of employees' work
-
-
7. Probation Period
8. Annual Leave Entitlement
9. Paid Public Holiday
10. Payment during sickness
11. Notice of termination of employment employee entitled to receive
12. Notice of termination of employment employer required to give
13. Social Security Scheme (if any, other than S.N.P.F. Scheme)
14. Any other matter either party wishes to include
- (a) An Employee is free to join a trade union of his or her own choice.
- (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

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY

LEGAL NOTICE NO. 181 OF 2024

THE WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (DOMESTIC EMPLOYEES) ORDER, 2024

(Under Section 11)

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Labour and Social Security issues this Order -

Citation and Commencement

1. (1) This Order may be cited as the Regulation of Wages (Domestic Employees) Order, 2024

(2) This Order shall come into force on the date of publication in the Gazette.

Interpretation

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

“caregiver” means an employee who provides direct care for children, elderly people or chronically ill or disabled people;

“primary caregiver” means a house matron who does all the duties done by a caregiver;

“assistant house aunt” means a person who does the cleaning, assists during the day and does everything during off days of the house mother;

“casual employee” means an employee the terms of whose engagement provides for the payment at the end of each day and is not engaged for a longer period than twenty four (24) hours at a time;

“children’s nurse” means a person that takes care of children and oversees their activities, gives them all necessary assistance, carries out other duties in connection with the care of children, including the washing of clothes, as may be required;

“cook” means a person employed in a household, whose capable of and mainly engaged in the preparing and cooking of meals suitable to the dietary needs of the household may be required to assist in other household duties;

“domestic work” means work performed in or for a household;

“domestic worker” means an employee who performs domestic work in the home of the

employer, this may include -

- (a) gardener;
- (b) driver of a motor vehicle; or
- (c) caretaker of children, the aged, the sick, the frail or the disabled,

but shall not include a farm worker;

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

“gardener” means a person who carries out all gardening activities including the planting and cultivation of flowers, shrubs and vegetables, maintains lawns and paths, attends to cleanliness of compounds or yards and may be required to carry out other duties such as cleaning vehicles;

“herdsman” means a person who looks after domestic animals such as goats, cattle, donkeys and may include any other general domestic duties such as cleaning the yard, mending a kraal and carrying out other duties associated with those of a handyman provided the pastures are protected;

“house attendant” means a person who carries out domestic duties which may include the preparation of food, washing of dishes, cleaning rooms, dusting and polishing furniture, washing windows, washing clothes and textiles by hand and ironing, and making beds;

“laundress” means a person who is mainly employed to carry out washing of clothing using either a washing machine or by hand and ironing using any kind of iron and packing the clothes;

“night work” means work done by a domestic worker between 18:00 and before 06:00 the next day, performed only where agreed to in writing and the worker must be compensated by an allowance; and if the domestic worker resides at the workplace or transport is available between the domestic worker’s place of residence and the workplace at the beginning and the end of the domestic worker’s shift;

“part time employee” means an employee, other than a casual employee, who is employed for less than twenty four (24) hours in a week and whose wages are calculated at a rate similar to the hourly scale of a full time employee;

“public holiday” means a public holiday in terms of the Public Holidays Act No. 71 of 1938 or its successor;

“standby” means any agreed period in writing between a domestic worker and the employer between 20:00pm and 06:00am the next day, where the domestic worker is required to be at the workplace and is permitted to rest or sleep, but be available where necessary at a payment allowance of at least 25% of the daily rate, the engagement shall not be for more than five (5) times per month; and

“watchman” means a person who is responsible for the safeguard of the employer’s property against fire, theft and illegal entry, the employee may carry out other duties similar to a watchman’s responsibilities, as required by the employer.

Application

3. This Order shall apply to employees whose occupation is specified in the First Schedule.

Basic minimum wage

4. (1) The basic minimum wage to be paid to employees, shall be calculated at a rate specified in the First Schedule.

(2) The daily and hourly rates specified in the First Schedule shall apply to part time and casual employees.

Written particulars of employment to be provided

5. An employer shall within two (2) calendar months of the appointed date of engagement give an employee a completed copy of the form as specified in the Second Schedule.

Employment records

6. An employer shall inform the employee of the written terms and conditions of employment in appropriate, clear and easily understandable language in accordance with the national laws.

Hours of work

7. (1) A normal working week in this Order, shall consist of forty-eight (48) hours from Monday to Saturday exclusive of meal breaks of one (1) hour as may be agreed between the employer and the employee.

(2) An employer shall prepare and co-sign with the employee the attendance register as set out in the Third Schedule.

(3) A signing on sheet shall be made available by the employer to specify the period of disposal of the employee to the employer.

Overtime

8. (1) An employee required to work in excess of the hours specified in Order 7 (1) shall be paid at one and half (1 ½) times the basic hourly rate.

(2) Where the overtime is worked on public Holidays or a rest day the employee shall be paid at twice the basic hourly rate.

Annual leave

9. (1) Where an employee completes twelve (12) months' continuous service with an employer, that employee shall be entitled to annual leave of not less than thirteen (14) working days with full pay, to be taken at a time convenient to both parties.

(2) Where an employer terminates the services of an employee after three (3) months' service, the employee shall be paid a pro rata cash payment in respect of leave days earned but not taken in service.

(3) The pro rata cash payment in sub-order (2) shall be equal to not less than one (1) day's wage for each month during which leave had been earned but not taken by the employee.

Sick leave

10. (1) Subject to sub-order (3), an employee shall be entitled to sick leave after three (3) consecutive months' of continuous service.

(2) The sick leave in terms of sub-order (1) shall be a maximum of fourteen (14) days' on full wages and after that a maximum of fourteen (14) days on half wages in each period of twelve (12) months continuous service.

(3) An employee before the grant of sick leave, shall produce to the employer a medical certificate signed by a registered medical practitioner.

Public holidays

11. (1) Public holidays shall be observed in line with the Public Holidays Act No 71 of 1938 as may be determined by the Minister responsible for public holidays from time to time and the employer shall on all designated public holidays, pay an employee a full day's wage.

Transport arrangement

12. Where an employee is required to start work on or before 7.00am and remain on duty after 5.30pm without accommodation, the employer shall -

- (a) provide transport for travel up to sixteen (16) kilometers from the place of work, accessible by road, as may be agreed by the employer and employee; or
- (b) pay to the employee in addition to wages, an amount equivalent to the cost of payment for transport for sixteen (16) kilometers from the place of work of the employee.

Maternity leave

13. (1) Subject to sub-order (2), an expectant mother in continuous employment for twelve (12) months or more shall be entitled to maternity leave.

(2) Maternity leave shall be for a period not exceeding twelve (12) weeks (84 calendar days') of which full pay is to be made for thirty (30) days, upon delivering to the employer-

- (a) a certificate issued by a registered medical practitioner or registered nurse setting out the expected or actual date of confinement; or
- (b) other evidence in support of the entitlement to maternity leave as is reasonably necessary, having regard to all the circumstance of the case.

(3) Maternity leave shall be in addition to sick leave that an employee may be entitled to under Order 10.

(4) An employee shall not be entitled to maternity leave for two (2) consecutive calendar years.

(5) Where an employee has been on maternity leave, on return that employee shall be entitled to a paid nursing break instead of a lunch break, of one (1) hour for a period not exceeding three (3) months.

Uniforms, protective clothing and equipment

14. (1) An employer shall provide an employee with two (2) pairs of a suitable quality uniform or protective clothing, in every two (2) year period.

Compassionate leave

15. (1) An employee, after three (3) months' of continuous service to an employer, shall be entitled to compassionate leave with full pay as follows -

- (a) widow - Thirty-Seven (37) working days;
- (b) widower - Ten (10) working days;

- (c) natural father or mother - Seven (7) working days;
- (d) natural child - Ten (10) working days; and
- (e) mother or father in-law - Seven (7) working days.

Rest day

16. An employer shall grant an employee one (1) rest day each week, to be fixed by mutual agreement between the parties.

Accommodation

17. Where an employer offers an employee accommodation as part of the conditions of employment, the accommodation shall be free of charge.

Revocation of Legal Notice No. 191 of 2023

18. The Regulation of Wages (Domestic Employees) Order, 2023, under Legal Notice No 191 of 2023 is revoked.

FIRST SCHEDULE
(Under Order 4)

Basic Minimum Wage

	Monthly	Daily	Hourly
Cook	E1488.37	E85.17	E13.74
Caregiver	E1717.35	E108.77	E17.17
Driver	E1717.35	E108.77	E17.17
Gardner	E1453.21	E81.32	E12.13
House Attendant	E1453.21	E81.32	E12.13
Laundress	E1453.21	E81.32	E12.13
Children’s nurse	E1453.21	E81.32	E12.13
Herdsmen	E1453.21	E81.32	E12.13
House Mother	E1926.00	E86.67	E12.13
House Aunt	E1712.00	E77.81	E12.13

*****3.5% shall be added to the employee who already earns more than the basic minimum wage.

*****Watchman is paid as provided under the Regulation of Wages (Security Services Industry) Order.

*****The monthly rate specified in the first column of the above Schedule shall be the basic minimum wage for employees engaged on a monthly contract.

*****The daily rate specified in the second column of the Schedule shall be the basic minimum wage for part time employees engaged on a daily contract.

*****The hourly rate specified in the third column of the Schedule shall be the basic minimum wage for casual employees paid on an hour.

*****An additional 28% shall be added in each job category to the employee’s wages if the employee is made to work more than one job as specified in the job categories.

SECOND SCHEDULE
(Under Order 5)

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 employee required to give

15. Notice 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 a trade union of his or her own choice.

(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

Name of Employee

MANDLA TSHAWUKA
ACTING MINISTER FOR LABOUR AND SOCIAL SECURITY