

SUPPLEMENT TO  
THE  
SWAZILAND GOVERNMENT  
GAZETTE

---

---

VOL. XXXI]

MBABANE, Friday, July 16th, 1993

[No. 964

---

---

CONTENTS

No. Page

**PART B - ORDERS**

**KING'S ORDERS-IN-COUNCIL**

- |     |  |    |
|-----|--|----|
| 10. | The Establishment of Parliament of Swaziland (Amendment) Order, 1993 ..... | S1 |
| 11. | Pharmacy (Amendment) Order, 1993 .....                                     | S2 |

**PART C - LEGAL NOTICES**

- |      |   |    |
|------|---|----|
| 119. | The Regulation of Wages (Road Transportation) Order, 1993 ..... | S3 |
|------|---|----|

THE ESTABLISHMENT OF PARLIAMENT OF SWAZILAND  
(AMENDMENT ) ORDER, 1993

(King's Order-In-Council No.10 of 1993)



I ASSENT  
MSWATI III  
KING OF SWAZILAND  
9th July, 1993

---

AN ORDER  
entitled

A King's Order-In-Council to amend the Establishment of Parliament of Swaziland Order, 1992  
ENACTED by the King in collaboration with the Council.

*Short title.*

1. This Order may be cited as the Establishment of Parliament of Swaziland (Amendment) Order, 1993.

*Amendment of Section 7.*

2. The Establishment of Parliament of Swaziland Order, 1992 is amended by replacing section 7 with the following -

"The election of the elected members of the House of Assembly shall be done by secret ballot at both primary and secondary levels."

DONE AT LOZITHA ON THIS 9TH DAY OF JULY, 1993.

PHARMACY (AMENDMENT) ORDER, 1993

(Order, 11 of 1993)



I ASSENT  
MSWATI III  
KING OF SWAZILAND

9th July, 1993

AN ORDER  
entitled

An Order to amend the Pharmacy Act, 1929.

ENACTED by the King in Collaboration with the Council.

Short title.

1. This Order may be cited as the Pharmacy (Amendment) Order, 1993 and shall be read as one with the Pharmacy Act, 1929 referred to in this Order as the "principal Act."

*Amendment of section 12.*

2. Section 12 of the principal Act is amended by replacing subsection (1) with the following:  
*"Unlawful importation, exportation, manufacture, possession, conveying etc. of poisons or potentially harmful drugs.*

12. (1) A person who -

- (a) is found in unlawful possession of a poison or potentially harmful drug;
- (b) unlawfully conveys a poison or potentially harmful drug; or
- (c) without a written permit issued by the Minister imports, exports or manufactures any poison or potentially harmful drug,

shall be guilty of an offence and liable on conviction -

- (i) for a first offence, to a fine not exceeding E15,000 or imprisonment not exceeding 15 years;
- (ii) for a second or subsequent offence to a fine not exceeding E20,000 or imprisonment not exceeding 20 years."

LEGAL NOTICE NO. 119 OF 1993

WAGES ACT, 1964

(Act No. 16 of 1964)

THE REGULATION OF WAGES (ROAD TRANSPORTATION) ORDER, 1993  
(Under Section II)

In exercise of the powers conferred on him by Section II of the Wages Act, 1964, the Minister for Labour and Public Service hereby makes the following Order -  
*Citation.*

1. This Order may be cited as the Regulation of Wages (Road Transportation) Order, 1993 and shall come into effect on the 1st March, 1993.

*Interpretation.*

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

"Assistant mechanic" means an unskilled employee who assists a Mechanic;

"Cleaner" means a person who is employed to clean vehicles or the premises of his employer;

"Clerk Grade II" means a clerk from one day to 3 months service, "Grade III" above 3 months up to 12 months, "Grade IV" - from 13 months up to 24 months and "Grade V" - more than 24 months service and who is engaged in general clerical duties. The service referred to above should be continuous and with the same employer;

"Conductor" means a person who is employed to sell tickets on a public service vehicle and who is responsible for the control of passengers on that vehicle;

"Driver" means a person who is employed to drive a goods vehicle, public service vehicle, Hire car or taxi as the context may require;

"Grade" means any grade listed in the First Schedule;

"Greaser" means an employee in the elementary greasing of vehicles and trailers;

"General worker" means an employee who performs manual tasks of simple routine nature, requiring mainly physical effort and little or no experience, which is not performed by workers classified elsewhere;

"Head Driver" means an employee who supervises other drivers;

"Public Holiday" means any day prescribed as a paid public holiday in paragraph 10;

"Journeyman/Mechanic" means an employee who has completed an apprenticeship with a Grade I;

"Lay over" means a period of duty performed by a driver for the purpose of booking-off his vehicle which shall not include driving duty;

"Loader" means an employee engaged in the loading or off-loading of vehicles or Rail transportation;

"Lorrymate" means an employee who assists in the execution of driver's duties other than driving;

"Messenger" means an employee engaged to convey messages and to carry out elementary office jobs;

"Mobile crane driver" means an employee who operates a mobile crane to load and off-load/ materials;

"Night " means the period between the hours of 6.00 p.m. and 6.00 a.m.;

"Overtime" means any time worked outside the ordinary hours of work as defined in Section 5;

"Senior Clerk" means an employee engaged in General clerical duties including supervisory work and has a senior Certificate;

"Short time" means the employment of employees on short time working at not less than fifty percent of their basic wage;

"Suitable accommodation" means a weatherproof structure containing bed or camp bed with a palliasse or similar covering;

"Switchboard operator" means an employee who operates a telephone switchboard;

"Tyre hand" means a person who is employed in the repairing of tyres and tubes, including the use of equipment necessary for such work;

"Watchman" means an employee who guards property or premises of his employer;

"Working day" means any day other than a day off or a public holiday listed in section 10;

*Application.*

3. This Order shall apply to all persons employed in any undertaking comprising the carriage, for hire or reward, of passengers and or goods by a motor vehicle required to be licenced under the Road Transportation Act 1963.

*Basic minimum wage.*

4. (1) The basic minimum wage to be paid to the employees specified in the First Schedule shall be calculated at a rate specified therein in relation to the employee's grade;

(2) A casual employee shall be paid not less than one and one third times the basic minimum wage for the occupation and grade in which he is employed.

(3) An employee who is required to perform duties in a lower grade than that in which he is normally employed, shall be paid the wages applicable to the grade in which he is normally employed.

(4) Any employee who is required to temporarily perform duties in a higher grade than that in which he is normally employed, shall be paid the wage applicable to such higher grade on and after the third day of such work.

(5) Except in the case of short time, no employer shall reduce the wages of any employee who is able and willing to work and who presents himself for work at the appointed time and place but for whom the employer is unwilling or unable to provide work.

*Hours of work.*

5. (1) The ordinary hours of work subject to the provisions of section 7 shall not exceed forty eight hours per week, spread over 6 days.

(2) Except in case of emergency, no employer shall require or permit an employee other than a watchman or taxi-driver to work more than sixty hours including overtime, in any week or for more than five continuous hours without a break of at least thirty minutes.

(3) Every employee shall receive one day off-work in each week and no employee shall be required to work on his day-off in successive weeks unless mutually agreed to by prior arrangement.

(4) Where two drivers are engaged in driving a vehicle, the total driving hours per day for both drivers shall not exceed sixteen hours and each driver shall be paid for driving time only, which driving hours shall be apportioned equally between both drivers.

(5) A Driver of a Public Transport vehicle shall be allowed breaks amounting in aggregate to not less than forty minutes in a period of Eight consecutive hours working time, and in the event of him working more than Eight consecutive hours, he shall, in addition to aggregate break of forty minutes, be given a thirty minutes rest period at the end of Eight hours.

(6) No driver shall be required or permitted to drive for eleven or more hours in one day except in the case of an emergency.

*Conversion rates.*

6. For the purpose of converting a weekly wage to -

- (a) an hourly rate, the weekly wage shall be divided by the number of hours ordinarily worked in a week;
- (b) a daily rate, the weekly wage shall be divided by the number of days ordinarily worked in a week;
- (c) a monthly rate, the weekly wage shall be multiplied by four and one third.

*Payment of overtime.*

7. (1) Subject to provisions of Section 5 an employer may require an employee to work overtime and, whenever possible, shall give twenty-four hours notice of such requirement.

(2) The first thirty minutes of overtime worked on any day shall qualify for payment at the employee's normal rate of wage applicable to that day.

(3) Overtime in excess of thirty minutes on normal working day shall qualify for payment at the rate of time and one half the employee's normal rate of wages.

(4) Overtime worked by an employee on his day off or on a public holiday shall qualify for payment at double the employee's normal wage.

*Allowances.*

8. (1) A driver (other than a Taxi-Driver) who is required to drive at night on a night shift shall be paid at one and one quarter times his normal wage rate;

(2) A taxi-driver shall be paid, in addition to his normal wage, commission of not less than two percent, of his takings during any month in respect of which wages are due to him.

(3) A driver who has been in the continuous employment of the same employer for more than six months and who is required to obtain an annual public driver's licence, shall be re-imbursed by his employer the cost of any medical examination required as a condition for the issue of that Licence.

(4) An employee shall be paid the following subsistence allowance in respect of each continuous period of twelve hours on duty away from his principal place of employment up to a maximum of six days -

- (a) where the employer provides suitable accommodation and food - E13.20

(b) where the employer does not provide food, but provides suitable accommodation or where the accommodation is available on the vehicle - E18.98

(c) where the employer provides neither food nor accommodation - E33.00

(5) An employee who is on duty away from his principal place of employment for more than seven days but not exceeding thirty days, shall be paid the following subsistence allowance in respect of each absence -

(a) if the employer provides suitable accommodation and food - E26.00

(b) if the employer provides neither food nor accommodation - E60.00.

(6) The payment of a subsistence shall be limited to a maximum of thirty days, following which the employee shall be regarded as permanently transferred.

(7) Whenever a transfer is deemed to be permanent in nature from the outset, a transfer allowance of E55.00 shall be paid to the transferee.

*Annual leave.*

9. (1) During the first two years of continuous service with an employer, an employee shall earn leave at the rate of one and a quarter working days for each completed month of service.

(2) After the completion of two years service but not exceeding seven years continuous service with an employer, an employee shall earn leave at the rate of two working days for each completed month.

(3) An employee with more than seven years continuous service with an employer shall earn leave at the rate of two and a half working days for each completed month.

(4) Period of unpaid leave or sick leave shall not be counted as leave earning employment.

(5) An employer who observes a holiday other than a public holiday in section 10, shall not offset such holiday against an employee's leave.

*Public holiday.*

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

- New Year's Day
- Good Friday
- Easter Monday
- National Flag Day
- Ascension Day
- Public Holiday
- King's Birthday
- Umhlanga (Reed dance) Day
- Somhlolo Day
- Incwala day
- Christmas Day
- Boxing Day

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

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

*Sick leave.*

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

(2) Notwithstanding sub-section (1) -

- (i) An employee shall not be entitled to the benefits if the sickness or accident causing his absence was caused by his own negligence or misconduct;
- (ii) A certificate issued by a Regional Secretary or registered nurse shall be accepted in place of a medical certificate if a Medical Practitioner is not available.

*Written particulars to be provided.*

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

*Continuous service.*

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

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

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

*Protective clothing*

14. (1) Subject to sub-section (2) an employer shall supply, free of charge and without payment of a deposit by the employee, the following items.

- (a) to employees who are normally exposed in their employment to inclement weather, a waterproof cap, overcoat or other suitable protective clothing;
- (b) to drivers and conductors - two dust coats, two overalls or two uniforms per annum; and
- (c) to journeyman/mechanics, assistant mechanics and employees engaged in the loading, unloading and delivery of goods to or from vehicles, suitable overalls or other protective clothing.

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

*Short time.*

15. (1) If an employer finds it necessary for reasons beyond his control to employ an employee on short time, he may do so subject to the Labour Commissioner consenting in writing to such an arrangement, and on the understanding that the employer intends resuming full time working within three weeks.

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

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

*Termination of employment after three months.*

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

*Revocation of Legal Notice No. 89 of 1992.*

17. The regulation of Wages (Road Transportation Industry) Order, 1992 is hereby revoked.

### FIRST SCHEDULE

(Section 4)

#### BASIC MINIMUM WAGE PER WEEK

##### GRADE I:

Cleaner	Lorry mate	E75.12
Greaser	Messenger	
Loader	Conductor	
	General worker	

##### GRADE II:

Fuel Issuer		
Tyre Hand		
Watchman		
Clerk		E111.50
Driver (vehicles up to 200 kg tare weight)		

##### GRADE III:

Driver (Vehicles from 2001 kg to 7000 kg tare weight)		E120.31
Assistant Mechanic		
Clerk		

##### GRADE IV:

Driver - mobile crane Driver (Vehicles from 7001 kg to 12000 kg tare weight)		E126.87
--	--	---------

##### GRADE V:

Driver (Vehicle 12001 kg to 20000 kg tare weight)		E135.23
Clerk		

GRADE VI:

Driver (Vehicles of 20001 kg tare weight and above  
Senior Clerk

E135.95

GRADE VII:

Driver Supervisor  
Journeyman

E248.62

---

SECOND SCHEDULE

(Section 12)

WRITTEN PARTICULARS OF EMPLOYMENT FORM

1. Name of Employer.....
2. Name of Employee.....
3. Date employment began.....
4. Wage and method of calculation.....
5. Intervals at which wages are paid.....
6. Normal hours of work.....
7. Short description of employee's work.....  
.....  
.....
8. Probation period.....
9. Annual holiday entitlement.....
10. Paid public holidays.....
11. Payment during sickness.....
12. Maternity leave (if employee female).....
13. Notice employee entitled to receive.....  
.....
14. Notice employee required to give.....  
.....
15. Pension scheme (if any, other than National Provident Fund Scheme).....  
.....

16. Any other matter either party wishes to include.....

.....  
.....

NOTES: (a) An Industry Union is recognised by this undertaking. Any employee is free to join it.

The address of the Industry Union is.....

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

.....

(c) When any heading is inapplicable enter Nil

Signed..... Employer

..... Employee

..... Witness

..... Date

S.B. CEKO

*Ministry of Labour and Public Service*