

LEGAL NOTICE NO..... OF 2023

THE WAGES ACT, 1964

(Act No. 16 of 1964)

**THE REGULATION OF WAGES (MANUFACTURE AND SALE OF HANDICRAFT
INDUSTRY) ORDER, 2023**

(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, 2023.

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

Application

2. 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.

(b) the sale of handcraft in establishments responsible for or associated with or part of undertakings for the manufacture of goods described in the preceding paragraph(a)

- (i) the Government of Eswatini
- (ii) a local authority
- (iii) 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 a 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, grass plaiting is appointed to be craftsman in spinning, weaving, knitting, sewing, carving, casting, grass wok, 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 dyeing 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, smoothes, 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;

“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 this Regulation, 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 hours spread over a period of six days a week; and
- (b) for those engaged as security guards or watchman, sixty hours in five shifts of twelve hours each in a week.

Overtime

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 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 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 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 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

Public holidays shall be observed in line with Public Holidays Act No. 17 of 1938, as may be determined by the Minister responsible for public holidays from time to time.

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

Annual Leave

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

(2) An employee who has worked for 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

9. After three 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 days on full wages and thereafter to a maximum of fourteen days on half wages in each period of twelve months continuous service.

Maternity leave

10. (1) Every female employee, whether married or unmarried, who has been in the continuous employment of her employer for twelve 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) A certificate issued by a medical practitioner or a midwife setting the expected or actual date of her confinement.
- (b) 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 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 months as per the provisions of the Employment Act of 1980.

Compassionate Leave

11. (1) After three 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

Biological 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

12. 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 33bis of the Employment Act of 1980 or its successor, shall apply.

Protective Clothing, equipment or appliances

13. 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 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

14. (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 hours' notice, lay-off the employee, without pay, for a maximum period of fifteen working days in the circumstances mentioned in sub- regulation (a) and for a maximum period of thirty working days in the circumstances mentioned in sub- regulation (b) or (c).

(2) At the expiry of fifteen working days or thirty 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

15. 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, 2022

16. The Regulation of Wages (Manufacture and Sale of Handicrafts) Order, Legal Notice No. 251 of 2022 is hereby revoked.

FIRST SCHEDULE
 (Regulation 4)
BASIC MINIMUM WAGE
 (Emalangeneni per week)

General Labourer	
Cleaner	
Trainee Craftsman	E 324.90
Piece Worker	
Washer	
Cook	
Casual Labourer	
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Carder	
Bobbin Winder	
Spinner	
Handyman	
Finisher	
Melter	E413.70
Engraver Assistant	
Machinist Assistant	
Semi- skilled Kiln hand	
Security Guard	
Packer	
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Office Clerk	
Shop Assistant	
Machine Operator	
Machinist	E494.20
Weaver	
Engraver	
Craftsman	
Potter	
Screenprinter	
Silversmith	
Dyer	
Candle-Maker	
Maintenance	
<hr/>	
Master Potter	
Master Weaver	
Master Silversmith	E728.50
Master Screenprinter	
Clerk/ Storeman	
Driver (L.D.V.)	
Checker	
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Supervisor	25% above the wage of the highest paid employee under his direct supervision
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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
7. Short description of employees' work
.....
.....
8. Probation Period
9. Annual Leave Entitlement
10. Paid Public Holiday
11. Payment during sickness
13. Notice of termination of employment employee entitled to receive
14. Notice of termination of employment employer required to give
15. Social Security 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

PHILA W. BUTHELEZI

MINISTER FOR LABOUR & SOCIAL SECURITY