

In exercise of the powers conferred by Section 11 of the Wages Act, 1964, the Minister for Commerce, Industry and Trade has made the following Orders:

- The Regulation of Wages(Micro and Money Lenders) Order, 2008 effective 01 October 2007
- The Regulation of Wages(Building and Construction Industry) Order, 2008 effective 01 July 2007
- The Regulation of Wages(Manufacturing and Processing Industry) Order, 2008 effective 01 July 2007
- The Regulation of Wages(Pre-Schools and Day-Care Centres) Order, 2008 effective 01 October 2007
- The Regulation of Wages(Hotel, Accomodation, Catering and Fast Foods Trades) Order, 2008 effective 01 October 2007
- The Regulation of Wages(Retail, Hairdressing, Wholesale and Distributive Traders) Order, 2009 effective 01 July 2009
- The Regualtion of Wages(Textile and Apparel Industry) Order, 2009 effective 01 January 2009

The Regulation of Wages (Transport Industry)

The Transport Industry –Wages Council has closed negotiations on these years' terms and conditions for the transport sector. The Gazette has been published, and already operational. However we, as the office will only make it available to members not later than the 15th October 2006. We will advise members on the contents and implications, as soon as we receive the Gazette.

The Employment Bill (2006)

The Employment Act in its current form has been found to be lacking, as such; the LAB has held countless meetings overhauling the Employment Act. In the month of May 2006, a draft Bill was agreed on and it was submitted to the Minister of Enterprise and Employment, who in turn tabled it to Cabinet, then to Parliament. Currently the Bill is in Cabinet and it is anticipated that before year-end, the Bill would have been passed into law. The Bill introduces the following concepts, most of which did not form part of our labour law in the past:

- Part-time employment – which entitle employees to work for more than one employer provided the employee is employed for not less than 24 hours a week, for a cumulative period of six weeks per annum (with that respective employer). The Bill also discourages employers from engaging employees on part-time if the nature of the work for which the employee is engaged requires permanent employment.
- Unfair Labour Practice – unfair treatment regarding promotions, probation training and

dismissals will be reported and accepted by CMAC.

- Compassionate leave – the Bill entitle employees a maximum of seven days on half pay for death of their spouse and biological children and five days on half pay for other siblings.

- Hours Of work are clearly regulated as well as provisions for domestic workers
- Maternity leave- The employer will be expected to pay at least 4weeks of the period an employee is away on leave
- Payment of severance allowance now extends to cover the employee’s beneficiaries, in the event the employee dies while in employment

NEW ACTS & APPOINTMENTS

People Trafficking & People Smuggling (Prohibitions) Act 2009.

The Companies Act No. 8/2009 (the commencement date is yet to be published)

Appointments of Magistrates & Registrars

In the exercise of the power conferred by section 160 of the Constitution of Swaziland Act, 2005, the Judicial Services Commission appointed the following with effect from 14th September 2009:

Thulane Abande Dlamini

Deputy Registrar of the Supreme Court

Mpendulo Simelane	Registrar of the High Court
Phathaphatha Mdluli	Magistrate
Joseph Dlamini	Magistrate
Nonhlanhla Dlamini	Magistrate
Sebenzile Ndlela Kunene	Magistrate
Sindisile T. Zwane	Magistrate
Ndumiso Shongwe	Magistrate

Appointment of Members of the Medical Board

It pleased the Minister for Labour and Social Security to issue the following notice cited as the Appointment of Members of the Workmen's Compensation Medical Board.

Commission and to provide for other matters incidental to the prevention of corruption. The Act is divided into seven parts. The second part provides for the Establishment and Functions of the Anti Corruption Commission. To date however, the Anti -Corruption Commission does not have a commissioner in charge of the commission. The Prevention of Corruption Order of 1993 was repealed.

The Income Tax (Amendment) Bill, 2007

The Amendment amongst other things, introduces the following changes;

1. Secondary rebate for taxpayers over the age of 60 as well as an increase in the primary rebate for all individual taxpayers
2. Deduction of any contributions, grants or donations for OVCs made to projects approved by NERCHA.
3. Withholding tax on rental payments for use of property, land or buildings
4. Enabling powers to the Commissioner to institute proceedings for the sequestration of an estate of any taxpayer.

The Employment Bill, 2007

The Employment Bill has been published in the gazette and it introduces the following amendments:

1. **Part-time employment** (sec 26) – defines “part-time” employee to mean an employee not employed on a full time basis, working less than the normal hours of work and allowed to work for other employers provided the person provided the employee is employed for not less than 24 hours a week, for a cumulative period of six weeks per annum (with that respective employer). The Bill also discourages employers from engaging employees on part-time if the nature of the work for which the employee is engaged requires permanent employment.
2. **Unfair Labour Practice** (sec 84) – defined to mean any unfair act or omission that arises between an employee and an employer involving, unfair treatment regarding promotions, probation training, unfair suspension of an employee or other unfair disciplinary action short of dismissal, etc
3. **Compassionate leave** (sec56) – an employee who has complete probation shall be entitled to compassionate leave with pay, in the event of death of a

4. Husband – 30 days on half pay
5. Wife – 7 days on half pay
6. Parent, adoptive parent, child, adopted child – 7 days on half pay
7. Grandparent, grand child – 5 days on half pay
8. Special provisions for **domestic workers** (sec 46)
9. **Maternity leave** (sec 59)- The Bill obligates employers to pay employees at least 4weeks during maternity leave
10. **Severance Allowance** (sec 74) will be payable to an employee's estate where an employee dies while in employment.
11. Integrated labour inspection
12. Inclusion of HIV/AIDS in the definition of discrimination

Structure of the bill:

In its structure the Bill gives primacy to fundamental rights at work. The principles and protection of the rights at work are expressed first before the other labour conditions. Further to that; the bill differentiates in the penalties associated with the offences committed in terms of the Bill. The violation of fundamental rights attracts a heavy sentence as opposed to failure to comply with other provisions of the Act.