

- (g) the advances, if any, given to the employee and the manner of repayment thereof;
 - (h) the conditions of repatriation;
 - (i) provision for the payment of not less than half wages to the employee during any period which a qualified medical practitioner certifies that the employee is unable, for reasons of sickness, to carry out the employment set out in the contract;
 - (j) any special conditions of the contract.
- (3) A foreign contract of employment shall not be attested unless the attesting officer is satisfied —
- (a) that the contract is in proper legal form;
 - (b) the terms of the contract comply with this Act and that such terms have been fully understood by the employee before he signs the contract or otherwise indicates his assent thereto;
 - (c) that the employee has been certified medically fit to perform his duties under the contract.
- (4) Notwithstanding any other law, the fee for the attestation of each foreign contract of employment, including the copies thereof, shall be ten Emalangenis or such other amount as may be prescribed.
- (5) The fee specified in subsection (4) shall be paid to the attesting officer, by the employer and shall not, in any circumstances, be recoverable from an employee.
- (6) On receipt of the fee specified in subsection (4) the attesting officer shall —
- (a) affix to the copy of the contract to be retained by the attesting officer under the provisions of subsection (1) a "face value" receipt of the amount of the fee;
 - (b) cancel such receipt.
- (7) The maximum period of employment which may be stipulated in a foreign contract of employment shall be one year, except that the Minister, after considering the circumstances of a particular case and where he is of the opinion that it would be in the interest of the employee so to do, may waive this restriction and permit a contract of longer duration.
- (8) In any case where the Minister exercises his authority under subsection (7), the foreign contract of employment in question shall stipulate that the employee will be permitted, at the employers expense, to return to Swaziland after each period of twelve months employment, for a period of not less than two weeks paid leave, excluding travel time, between the place of employment and the employee's home in Swaziland.

Medical Examination of employees.

71. An employer who brings a person before an attesting officer for attestation in accordance with section 70 shall produce to the attesting officer a certificate, signed by a medical practitioner, to the effect that the practitioner has examined such person and found him to be in a sound state of health and physically capable of performing the employment referred to in the contract.

Termination of contract.

72. (1) A foreign contract of employment shall be terminated by the expiry of the term for which it was made, or by the death of the employee before the expiry of the term for which it was made, or by the mutual consent, in writing of the employer and the employee, or by the giving of two week's notice by either party, or where, because of sickness or accident, the employee is unable to fulfil the conditions of the contract.

(2) Where a foreign contract of employment is terminated by the death of an employee any benefits or other payments owing out of the foreign contract of employment or the death of the employee shall be assigned to his estate.

(3) When a foreign contract of employment is terminated for any cause other than the death of an employee, the employer shall provide the employee with a written statement —

- (a) certifying that the employee has been paid all wages due to him up to and including the date of termination;
- (b) showing the amounts of any wages due to the employee which have been deferred during the period of the contract;
- (c) setting out the arrangements for the payment of any compensation which may be due to the employee as a result of any accident or disease suffered by the employee during the course of his employment.

(4) When a foreign contract of employment is terminated because of the death of the employee, a statement containing the particulars referred to in subsection (3) shall be provided for the estate of the deceased employee.

(5) In every case when a foreign contract is terminated because of the sickness or death of the employee, or because of an accident to the employee suffered during the course of his employment, a statement containing the particulars referred to in subsection (3) shall be sent to the Labour Commissioner and, where applicable, to the labour agent who signed the foreign contract of employment on behalf of the employer.

(6) Where the statement required by subsection (5) has not been provided for the Labour Commissioner within four weeks of the termination of the contract and the employee concerned has been recruited by a labour agent, the Labour Commissioner may order the labour agent to provide the statement forthwith.

Transport and welfare employees.

73. The employer or the labour agent, as may be applicable, shall at his own expense provide an employee with transport to his place of employment and for his repatriation, and shall take all necessary steps to ensure that —

- (a) the vehicles used to transport the employees are suitable for such purpose and that they are in good sanitary condition and not overcrowded;
- (b) if it is necessary to break the journey for the night, suitable accommodation is provided for the employees;
- (c) employees are provided with everything necessary for their welfare, including drinking water.

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Repatriation of employees.

74. (1) The employer, or the labour agent, as may be applicable, shall at his expense repatriate a recruited employee who —

- (a) becomes incapacitated, by sickness or accident, during the journey to the place of employment;
- (b) is found, on medical examination, to be unfit for employment;
- (c) is not engaged after recruitment;
- (d) is found to have been recruited by misrepresentation or mistake.

(2) An employee who was brought to the place of employment by the employer or a labour agent shall have the right, in the following circumstances to be repatriated, at the expense of the employer or the labour agent as the case may be, to the place of origin or engagement of the employee, whichever is the nearer to the place of employment —

- (a) on the expiry of the period of employment stipulated in the contract;
- (b) of the termination of the contract by reason of the inability of the employer to fulfil the contract;
- (c) of the termination of the contract by agreement between the parties.

(3) The expenses of repatriation shall include subsistence expenses during the journey, and if applicable, for the period between the date of expiry of the contract and the date of repatriation, except in the case where the repatriation of the employee is delayed by the choice of the employee himself.

(4) In any case where the member of the immediate family of an employee has been authorised to accompany him to the place of employment, the provisions of this section and section 73 shall, *mutatis mutandis*, apply to such member.

Printing of summaries in the English and siSwati languages.

75. The Labour Commissioner shall, where he considers it necessary, cause concise summaries of this Part of the Act to be printed in the English and siSwati languages and may —

- (a) make these summaries available to employers and employees affected thereby; and
- (b) direct any employer or labour agent to post and keep posted in his premises, such summaries in a place where they can be easily read by persons who are being engaged on a foreign contract of employment.

Age of employees entering into contracts.

76. No person shall enter into a foreign contract of employment with another person under the age of eighteen years nor employ any person under such age on a foreign contract of employment.

Regulations.

77. Without prejudice to the power of the Minister to make regulations under any other provision of this Act, the Minister may make regulations —

- (a) prescribing the security to be provided by an employer in respect of money deposited by an employee with him for safe keeping;
- (b) approving financial institutions in which money deposited by an employee with his employer may be placed.

Offences and Penalties.

78. Any person who —

- (a) being a labour agent fails to provide for the Labour Commissioner the statement required to be provided by section 72(6);
- (b) being a labour agent or an employer, contravenes any of the provisions of section 73;
- (c) being a labour agent or an employer, contravenes the provisions of section 74; or
- (d) having been directed by the Labour Commissioner under the provisions of section 75 to post and keep posted a summary of this Part of the Act, fails to comply with such direction,

shall be guilty of an offence and liable on conviction to a fine of not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both. (Amended A.5/1997.)

PART IX — RECRUITING

Application.

79. This Part applies to the recruiting of persons for employment on foreign contract of employment.

Restriction on recruitment.

80. (1) No public officer shall, either directly or indirectly, recruit any person for employment.

(2) No chief shall —

- (a) perform the functions of a labour or recruiting assistant;
- (b) exercise any pressure upon any person to enter into a foreign contract of employment;
- (c) receive from any source any remuneration or inducement for assistance in recruiting.

(3) No person shall recruit another person under the age of eighteen years.

Licensing of labour agents.

81. (1) No person shall perform the functions of a labour agent in Swaziland unless he is the holder of a labour agent's licence issued in the approved form by the Labour Commissioner.

(2) The following provisions shall apply to labour agent's licences —

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- (a) no licence will be valid for a longer period than twelve months and in any event will expire on the thirty first day of December in the year in which the licence was issued; and
- (b) licences will not be transferable between one person and another.
- (3) The fees payable for a labour agent's licence shall be —
 - (a) for a licence granted for a period of up to one month and permitting the recruitment or engagement of up to twenty five persons during that period E25.00
 - (b) for a licence granted for a period exceeding one month E200.00
 - (c) for a temporary licence granted to a person acting instead of and during the temporary absence from Swaziland of the labour agent to whom a licence has been issued under paragraph (b) above —
for each month or part thereof of such absence. E25.00
- (4) The Minister may, after consultation with the Labour Advisory Board, amend the fees set out in subsection (3).

Conditions of labour agent's licences.

82. (1) A labour agent's licence shall be issued subject to such conditions as the Labour Commissioner may impose, including —
- (a) the geographical limits which recruiting may be carried on;
 - (b) the number of persons to be recruited; or
 - (c) any other conditions which may appear on the face of the licence.
- (2) No labour agent shall carry out the functions of a labour agent other than in the manner authorised by the licence, nor, except as provided by subsection (3) shall he exercise any rights granted by the licence within any urban area, or otherwise than with the consent of the owner thereof, upon any private property.
- (3) Notwithstanding the provisions of subsection (2) a labour agent may, at his place or residence or business inside an urban area recruit persons who present themselves for recruitment at such place of residence or business.
- (4) Any person who contravenes the conditions of a labour agent's licence issued to him or who contravenes any provision of this section shall in addition to any other penalty imposed for the offence, forfeit his labour agent's licence.

Recruiting assistants.

83. (1) Every labour agent who wishes to employ any person as a recruiting assistant shall make application to the Labour Commissioner in the approved form.
- (2) Where the Labour Commissioner approves an application made to him under subsection (1), he shall issue a permit to the person named in the application and no labour agent shall employ a recruiting assistant unless such assistant has been issued with, and is in possession of a valid recruiting assistant's permit.

- (3) The following provisions shall apply to recruiting assistant's permits —
- (a) no permit will be valid for a longer period than twelve months and in any event will expire on the thirty first day of December in the year in which the permit was issued, or the date on which the licence issued to the labour agent employing the recruiting assistant expires, whichever date occurs first;
 - (b) a permit shall not be transferable;
 - (c) a permit shall only be valid so long as the licence held by the labour agent employing the recruiting assistant remains in force.
- (4) The fees payable for a recruiting assistant's permit shall be paid at the time the permit is issued and shall be —
- (a) for a permit granted for a period of up to one month E25.00
 - (b) for a permit granted for a period in excess of one month E35.00
- (5) The Labour Commissioner may, at any time, cancel a permit issued under subsection (2) if —
- (a) in his opinion the recruiting assistant conducts himself in such a way that it is undesirable that he continues to be employed as a recruiting assistant;
 - (b) the recruiting assistant is convicted of an offence under this Act;
 - (c) in his opinion, it is undesirable that the recruiting assistant should continue to be employed in that capacity.
- (6) When a labour agent ceases to employ a recruiting assistant or where the Labour Commissioner, under subsection (4) cancels a permit issued to a recruiting assistant, the labour agent shall cause the permit issued to the recruiting assistant to be delivered forthwith, by hand or by registered post, to the Labour Commissioner.
- (7) The Labour Commissioner may refuse to issue or renew a recruiting assistant's permit.
- (8) The Minister may, after consultation with the Labour Advisory Board, amend the fees set out in subsection (4).

Unauthorised recruiting assistants.

84. A person who is not in possession of a valid permit as required by section 83 shall not canvas or recruit on behalf of a labour agent.

Liability for acts of recruiting assistants.

85. (1) A labour agent shall be responsible for any act done or representation made by a recruiting assistant within the scope of his employment and shall himself be liable to the penalties, if any, prescribed for such act or representation as if he himself had committed such an act or made such a representation.

(2) Upon the conviction of a labour agent under subsection (1) the permit issued to the recruiting assistant shall become void and shall be delivered forthwith, by hand or by registered post, to the Labour Commissioner.

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Application for labour agent's licence.

86. (1) An application for a labour agent's licence, or for the renewal of such licence shall be in the approved form and shall be accompanied by a written statement signed by each employer for whom the labour agent proposes to recruit employees giving the following particulars:

- (a) the name and address of the employer;
- (b) the nature of the proposed employment;
- (c) the rate of wages at which employees are to be engaged;
- (d) a summary of the terms and conditions of employment to be offered to employees; and
- (e) such further information as the Labour Commissioner may require.

(2) Before issuing or renewing a labour agent's licence, the Labour Commissioner shall satisfy himself that the applicant for a licence is a fit and proper person to carry out the functions of a labour agent and, in addition may —

- (a) require the applicant to furnish, and maintain, as a guarantee for the proper conduct of the applicant, such financial or other security as the Labour Commissioner may deem fit; and
- (b) require the applicant to furnish security in Swaziland for the payment of wages which may become due to persons to be recruited by the labour agent during the course of their contracts of employment.

(3) The Labour Commissioner may, in his sole discretion, refuse to issue or to renew a labour agent's licence.

Revocation or suspension of labour agent's licence.

87. (1) The Labour Commissioner may revoke or suspend a labour agent's licence if he is satisfied that the person holding the licence —

- (a) has failed, when required, to furnish such security as is specified in the preceding section;
- (b) has conducted himself in such a way, that it is undesirable that he should continue to hold a labour agent's licence.

(2) A person whose licence is revoked or suspended under subsection (1) may, within seven days of being notified in writing of such action, appeal in writing to the Minister against the revocation or suspension as the case may be; where such appeal is lodged the revocation or suspension shall be stayed until the Minister has made his decision, which shall be final, on the appeal.

(3) Where the licence of a labour agent has been revoked in accordance with this section, the labour agent shall forthwith deliver to the Labour Commissioner by hand, or by registered post, the labour agent's licence issued to him together with all current recruiting assistants' permits issued to recruiting assistants employed by him.

Production of licences and permits.

88. The Labour Commissioner, an Inspector, an administrative officer or police officer, may at any time demand the production, by a person exercising the functions of a labour agent or a recruiting assistant, of the licence or permit of such person.

Court may order payments to be made from security.

89. Where —

- (a) a person who has been recruited by a labour agent sues the labour agent for any cause connected with a contract of employment and the Court awards him a sum of money whether in satisfaction of a debt or for wages or damages or costs; or
- (b) a labour agent fails to pay a fine imposed on him under the provisions of this Act;

the court may, in its discretion, order that the security furnished in pursuance of section 86(2) or such portion thereof as may be sufficient, shall be applied toward the payment of the sum of money or the fine as the case may be.

Forms, documents and records to be kept by labour agents.

90. Every labour agent shall maintain the following forms, documents and records in respect of all persons recruited and/or forwarded by him for employment on foreign contracts of employment —

- (a) copies of all foreign contracts of employment attested under the provisions of section 70 which shall be filed *seriatim*;
- (b) a record of every person, who during the currency of a foreign contract of employment dies or suffers any injury resulting in permanent incapacity, (including incapacity resulting from cardio respiratory diseases), such record shall contain the following particulars —
 - (i) name and home address of the employee;
 - (ii) name and address of employer;
 - (iii) in the case of a deceased person, the date and cause of death and the name and address of any dependants, and in the case of an injured person, the date of the injury and the degree of incapacity;
 - (iv) the amount of any compensation, wages, deferred pay or other money due to any person mentioned in sub-paragraph (iii);
 - (v) the date and method of settlement of all claims relating to wages, deferred pay, workmen's compensation or other payments due to any person or the dependants of any person mentioned in sub-paragraphs (ii) and (iii).

False representation.

91. No person shall induce any other person to engage himself for employment by either a representation as to terms and conditions which he knows to be false, or a promise as to terms and conditions of employment which he knows himself to be unable to fulfil or has no intention of fulfilling.

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Advances .

92. (1) No person who engages in recruiting under this Part shall make an advance of wages in excess of the sum or value of twenty Emalangeni in the case of a person being engaged on a foreign contract of employment.

(2) A person shall be deemed to engage in recruiting if he enters into a foreign contract of employment with an employee.

(3) No person other than a labour agent or an employer shall make an advance to an employee and no labour agent or employer shall authorise a recruiting assistant to make an advance to an employee.

Fixing of maximum recruitment and grouping of recruited employees.

93. (1) In order to safeguard the population concerned against any untoward consequences of the withdrawal of adult males and where the circumstance make the adoption of such policy practicable necessary, the Minister may, by order published in the Gazette, determine the maximum number of persons who may be recruited in a district or other area.

(2) The Minister may make it a condition of permitting recruiting that the recruited employees are grouped at the place of their employment in accordance with their ethnic origin.

Offences and Penalties.

94. Any person who —

- (a) being a public officer or a chief contravenes the provisions of section 80;
- (b) recruits a person under the age of eighteen years;
- (c) performs the function of a labour agent in Swaziland in contravention of section 81(1);
- (d) contravenes the conditions of a labour agent's licence issued to him;
- (e) being a labour agent employs a recruiting assistant in contravention of section 83(2);
- (f) being a labour agent fails to comply with the requirements of section 83(6);
- (g) canvasses or recruits in contravention of section 84;
- (h) being a labour agent fails to comply with the provisions of section 87(3);
- (i) being a labour agent or recruiting assistant fails to produce a licence or permit as required by section 88;
- (j) being a labour agent, fails to maintain the forms, documents and records required to be maintained under section 90;
- (k) contravenes the provisions of section 91; or
- (l) makes an advance of wages to an employee in contravention of section 92,

shall be guilty of an offence and liable on conviction therefor to a fine of not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both. (Amended A.5/1997.)

PART X — SPECIAL PROVISIONS COVERING THE EMPLOYMENT OF WOMEN,
YOUNG PERSONS, CHILDREN AND DOMESTIC EMPLOYEES

Interpretation and Application.

95. (1) For the purposes of this Part, the expression —

“equal pay” means the rate of wages actually and legally payable to an employee in which there is no differentiation between male employees and female employees based on the sex of the employees;

“equal work” means work performed for one employer by male and female employees alike in which —

- (a) the duties, responsibilities or services to be performed are similar or substantially similar in kind, quality or amount;
- (b) the conditions under which such work is to be performed are similar or substantially similar;
- (c) similar, or substantially similar, qualifications, degrees of skill, effort and responsibility are required; and
- (d) the differences (if any) between the duties of male and female employees are not of practical importance in relation to terms and conditions of employment, or do not occur frequently.

(2) Sections 102 to 105 inclusive shall not apply to outworkers.

Equal pay for equal work.

96. (1) With effect from a date to be appointed by the Minister by notice in the Gazette, no employer shall, by failing to pay equal pay for equal work, discriminate between male and female employees employed by him.

(2) No treatment accorded to females as provided by this or any other Act in connection with the birth or expected birth of a child or in connection with terms or conditions of employment related to retirement, marriage or death, shall be deemed to be in contravention of subsection (1).

(3) Any provision of any contract of employment or collective agreement which contravenes subsection (1) shall be null and void and the provisions of subsection (1) shall be deemed to apply.

(4) No employer shall reduce the salary or wages of an employee in order to comply with subsection (1).

(5) In any prosecution of a person for a contravention of subsection (1) it shall lie on that person to prove that he has paid equal pay for equal work in accordance with its provisions.

Employment of children.

97. (1) No person shall employ any child in any industrial undertaking other than —

- (a) an industrial undertaking in which only members of his immediate family are employed;

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- (b) a technical school under the supervision of a teacher or person authorised by the Minister responsible for Education;
 - (c) an industrial undertaking which is not being conducted for commercial profit and where the work is essentially of an educative character approved as such by the Labour Commissioner in writing.
- (2) No person shall employ any child in any undertaking —
- (a) during school hours;
 - (b) between the hours of 6.00 p.m. of one day and 7.00 a.m. of the following day;
 - (c) for more than six hours in any one day;
 - (d) for more than 33 hours in one week;
 - (e) for more than four hours continuously, without an interval of at least one hour for a meal or rest.

(3) In this section "schoolhours" means the school hours prescribed in accordance with the Education Act, 1964.

Employment of young persons.

98. (1) No person shall employ a young person in any undertaking other than an agricultural undertaking between the hours of 6.00 p.m. on one day and 7.00 a.m. on the following day except for the purposes of apprenticeship or vocational training approved by the Minister in writing after consultation with the Labour Advisory Board.

(2) Where the Minister approves the employment of a young person pursuant to subsection (1), that young person shall be granted a period of rest of at least 13 consecutive hours between any two periods of such employment.

- (3) No person shall employ a child or young person in —
- (a) premises or any part thereof which are wholly or mainly used for the sale of intoxicating drinks for consumption on the premises;
 - (b) work which is likely to cause injury to his morals or conduct;
 - (c) work underground;
 - (d) dangerous or unhealthy work;
 - (e) such other employment as the Minister may prescribe.

Minister may grant exemptions.

99. (1) Notwithstanding sections 97 and 98 a child or young person may be employed during the prohibited hours in the interest of art, science or education, or any form of public entertainment or for the purposes of making cinematographic films, under and in accordance with the conditions of a licence granted by the Minister who may at any time, at his absolute discretion, revoke, vary or suspend the conditions of the licence.

(2) No licence shall be granted by the Minister under this section when, because of the nature of the entertainment, or the circumstances in which it is carried on, or the nature of the cinematographic film or the conditions under which it is made, participation in the entertainment or in the making of the film may be dangerous to the life, health or morals of the child or young person.

- (3) Every licence shall contain the following conditions —
- (a) that the period of employment shall not continue after midnight;
 - (b) that the child or young person shall be allowed a rest period of at least 14 consecutive hours; and
 - (c) safeguards to protect the health and morals of the child or young person and to avoid interfering with his education.

Medical examination of young persons.

100. (1) An employer shall ensure that every young person employed by him in an industrial undertaking shall be medically examined by a medical practitioner at the time of first being taken into employment and at intervals of twelve months thereafter until reaching the age of eighteen years.

(2) No person shall employ a young person certified by a medical practitioner as being unfit for employment in an industrial undertaking in that undertaking.

(3) Any young person, who, being employed in an industrial undertaking and who, subsequent to his being employed therein is found by a medical practitioner to be unfit to continue in that employment, shall thereupon be discharged by his employer and shall be paid all benefits to which he is entitled by virtue of his contract of employment, including wages in lieu of any notice he would have received under the provisions of Part V.

(4) Medical examinations required by this section shall not involve the young person, or his parents, in any expense.

Employment of females.

101. (1) No employer shall employ any female in any industrial undertaking between the hours of 10.00 p.m. of one day of 6.00 a.m. of the following day unless he obtains a certificate from the Labour Commissioner authorising him to do so.

(2) No employer shall employ any female underground in any mine.

(3) The Labour Commissioner shall, before issuing a certificate under subsection (1) satisfy himself that —

- (a) where female employees are required either to start or finish work between 10.00 p.m. and 6.00 a.m., adequate means are available for the transport of employees to their places of work before starting work and to their homes within a reasonable time after work, as the case may be;
- (b) the employer has provided, at the place of employment, adequate rest room facilities and facilities for eating meals;
- (c) employees are given adequate opportunities for rest and meal breaks between periods of employment.

(4) The provisions of subsection (1) shall not apply —

- (a) in cases of emergencies which could not be controlled or foreseen, or which are not of a recurring character and which interfere with the normal working of the undertaking;

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- (b) in cases where the work has to do with raw materials, or materials in the course of treatment which are subject to rapid deterioration and when night work is necessary to preserve the materials from certain loss;
- (c) to persons holding responsible positions of a managerial or technical nature;
- (d) to undertakings in which only members of the employer's immediate family are employed.

Maternity leave.

102. (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 with at least two weeks full pay upon delivering to her employer —

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

(Amended A.5/1997.)

(2) Notwithstanding subsection (1), a female employee entitled to maternity leave by virtue of subsection (1), shall be so entitled at least once after the lapse of a period of 24 months from the last maternity leave. (Added A.5/1997.)

Duration of maternity leave.

103. (1) Subject to subsection (2), maternity leave shall not be less than twelve weeks, so arranged that the employee is allowed —

- (a) such period as she desires not exceeding six weeks, before the date of confinement;
- (b) a period of not less than six weeks from the date of the confinement.

(2) Except where it is a written condition of her employment that maternity leave shall not be less than twelve weeks, an employee may, entirely at her own option, agree to a period of maternity leave of less than twelve weeks.

(3) Where confinement takes place without an employee having been granted her entitlement of maternity leave, or where the period of such leave taken before her confinement amounts to less than six weeks, the period of maternity leave after confinement shall, if the employee so desires, be extended so that the total period of such leave amounts to not less than twelve weeks.

(4) Where an employee has been granted maternity leave and the date of confinement is a later date than that stated in the certificate or other evidence delivered to the employer under section 102 as being the date on which confinement was expected, her maternity leave shall be extended to include the period that elapsed between those dates.

(5) Every female employee shall be entitled to a one hour nursing break with pay per day three months after maternity leave. (Added A.5/1997.)

Additional leave.

104. An employee who suffers any illness arising out of her confinement, shall be granted, in addition to the maternity leave to which she is entitled under section 103, such additional leave, not exceeding six weeks, as a medical practitioner may recommend.

Protection of employment.

105. (1) Subject to subsection (2), an employer shall not —

- (a) terminate the services of, or give notice of such termination to an employee at any time between the date of her delivery to him of a certificate or other evidence of her entitlement to maternity leave under section 102 and the date of the expiration of her maternity leave or additional leave granted under section 104;
- (b) give notice of termination of services to an employee so that it would expire during her maternity leave or the additional leave granted under section 104 or terminate her services during such leave;
- (c) terminate the services of an employee or require an employee to resign on the grounds that she is pregnant;
- (d) require an employee to resign during any of the times referred to in paragraphs (a) en (b).

(2) Subsection (1) shall not apply to an employee whose services are terminated for any of the reasons set out in section 36.

Protection of seniority.

106. Where an employee resumes employment after being granted maternity leave or additional leave under section 104 she shall be entitled to continue in her former work or equivalent work without loss of seniority and she shall not, by reason only of the fact that she went on maternity leave, be paid lower wages or employed on less advantageous terms and conditions than those which applied to her employment before she went on leave.

No obligation to pay for maternity leave.

107. Except as provided in section 102, nothing in this part shall be construed as requiring any employer to pay an employee for any time spent on maternity leave. (Replaced A.5/1997.)

Special provisions for domestic employees.

108. (1) No person shall employ a domestic employee —

- (a) for more than eight hours actual work in any one day;
- (b) for more than 48 hours actual work spread over six days in any one week;
- (c) continuously for a longer period than 4½ hours actual work without a break of at least one hour which shall not be included in the computation of actual hours worked by that employee.

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(2) A domestic employee shall be granted, in each week, a period of rest of not less than one day to be taken at such time as may be mutually agreed between the employer and the domestic employee.

(3) Notwithstanding the provisions of subsections (1) and (2), a domestic employee may consent to perform overtime in excess of the hours set out therein in which case he shall be paid for such overtime at not less than one and one-half times his normal rate of wages.

(4) For the purposes of this section "actual work" shall be deemed to be the time during which the domestic employee is at the disposal of his employer, provided that in the case of a domestic employee whose time is at the disposal of the employer during the whole or any part of the daytime and who, by the terms of the contract of employment between them, is required to be on the premises of the employer during the night, such period of time during the night shall not be deemed to be hours of actual work, unless the parties agree that the whole or any part thereof shall be hours of actual work.

Offences and Penalties.

109. (1) Any person who employs a child or a young person in contravention of any of the provisions of this Part shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both.

(2) Any person who contravenes section 102 or section 104 shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both.

(Amended A.5/1997.)

PART XI — EMPLOYMENT SERVICES

Interpretation.

110. For the purposes of this Part the expression —

"employment exchange" means any office or place established by the Labour Commissioner for the following purposes —

- (a) the maintenance of a register or registers of persons seeking employment and of employers seeking to engage workers in Swaziland;
- (b) to direct persons seeking employment to vacancies for which, by their training, skill and previous experience they may be suited;
- (c) to collect and provide information to workseekers regarding employment opportunities, and to prospective employers regarding workseekers;
- (d) to help devise special employment placement plans for persons who are physically handicapped, or who have been declared redundant and who require vocational retraining.

"private employment agency" means the business (whether or not it is carried on for profit or whether or not it is carried on in conjunction with any other business) of providing services or information for the purpose of finding persons employment in Swaziland with employers in Swaziland or of supplying employers with persons for employment by them.

Evidence of skill and experience and particulars of employment vacancies.

111. (1) Any person seeking employment through an employment exchange may be requested to produce such documents and evidence of skill and experience together with other particulars as may reasonably be required by the officer in charge of the exchange.

(2) Any person wishing to engage another person through the employment exchange shall supply to the officer in charge of the exchange full details of the conditions of employment offered, together with any other particulars which may reasonably be required.

Private employment agencies to be authorised.

112. (1) With effect from the appointed day, no person shall carry on a private employment agency unless he has received the written authority of the Labour Commissioner so to do.

(2) Any person wishing to carry on a private employment agency shall make written application to the Labour Commissioner who may, on receipt of such application authorise the applicant to operate a private employment agency for such period and subject to such terms and conditions as the Labour Commissioner may consider desirable.

(3) The Labour Commissioner may refuse to grant an authority to operate a private employment agency, and may suspend or cancel any authority issued under this section.

(4) Any person who, having applied for authority to operate a private employment agency, is —

- (a) refused such authority by the Labour Commissioner; or
- (b) is aggrieved by the conditions attached to such authority; or
- (c) is aggrieved by the cancellation or suspension of such authority,

may appeal to the Minister whose decision thereon shall be final.

Power to inspect etc..

113. An Inspector may, in addition to any other powers conferred on him by this Act —

- (a) enter any premises used or to be used for, or in connection with the carrying on of a private employment agency, or any premises which he has reasonable cause to believe are used for, or in connection with, the carrying on of a private employment agency;
- (b) inspect those premises and any records or other documents kept in pursuance of this Act;
- (c) require any person on those premises to furnish him with such information as he may reasonably require for the purposes of ascertaining whether the provisions of this Act or any authority granted under section 91(2) are being complied with.

Records and registers.

114. Every person who holds a licence to operate a private employment agency shall keep or cause to be kept such registers and records, and shall submit to the Labour Commissioner such returns as may be prescribed.

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Restriction on charges.

115. No person carrying on a private employment agency shall charge to prospective employers fees or expenses in excess of those contained in a scale of fees and expenses approved in writing by the Labour Commissioner.

Exemptions.

116. Nothing in this Part shall apply to —

- (a) any service provided without charge by an organisation of employers or any organisation of employees for its members;
- (b) any business carried on by a licensed labour agent for the purpose of engaging persons for employment on foreign contracts of employment;
- (c) any business carried on, or any services provided by such persons or classes of persons as may be prescribed.

Regulations.

117. Without prejudice to the power of the Minister to make regulations under any other provision of this Act, the Minister may make regulations for any of the following purposes —

- (a) regulating the conduct of employment exchanges;
- (b) regulating the conduct of, and the provision of services by private employment agencies in respect of persons seeking employment;
- (c) prescribing the forms and records to be used or kept by employment exchanges;
- (d) prescribing the registers and records to be kept and the form of returns to be submitted by private employment agencies.

Offences and Penalties.

118. Any person who —

- (a) knowingly makes any false statement or false representation to an officer of an employment exchange;
- (b) carries on, after the appointed date, the business of a private employment agency without the written authority of the Labour Commissioner;
- (c) carries on the business of a private employment agency and fails to keep or cause to be kept such registers and records or fails to submit such returns as may be required;
- (d) demands or directly or indirectly receives from any person any fee or charge, however described, for finding him employment,

shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both. (Amended A.5/1997.)

PART XII — ANNUAL HOLIDAYS AND SICK LEAVE

Application.

119. This Part shall not apply to —

- (i) an outworker;
- (ii) a member of the employer's immediate family who works exclusively on the employer's behalf and who lives in the employer's house.

Employer to give paid annual holidays.

120. (1) Notwithstanding any other law for the time being in force every employer shall give every employee in his employment paid holidays in accordance with this Part.

(2) Nothing in this Part shall prevent any employer giving to an employee paid annual holidays in excess of those required to be given by this Part.

Entitlement to paid annual holidays.

121. (1) After each twelve months of employment with an employer, an employee shall be given not less than two weeks holiday and shall be paid in respect of such holiday the wages he would have been paid for the time (other than overtime) he would normally have worked during that period.

(2) An employee shall not be entitled to the paid annual holiday in respect of any twelve months during which he attended work if he has been absent from work for more than thirty-six normal working days during that period, except where such absence has been due to sickness certified by a medical practitioner, maternity leave to which the employee is entitled or for any other reason approved by his employer.

Paid holiday to be given within a certain period.

122. (1) Except as provided in subsection (4) every employee shall be given the paid holiday provided for in this Act not later than six months after the completion of the twelve months in which the holiday has been earned.

(2) Where an employee is entitled to a paid annual holiday under this Part the employer shall permit the employee to take the annual holiday in one unbroken period, or at the request of the employee, in two or more periods, one of which must be a continuous period of not less than one week.

(3) When an employer elects to close a section or sections of his establishment for a fixed period in any year, all or part of the paid annual holiday may, by agreement between the parties, be taken before the completion of the twelve months in respect of which the paid annual holiday may be due.

(4) An employer may agree in writing with all or any of his employees that one week of the annual holiday in each twelve months may be deferred and accumulated over a period not exceeding four years.

(5) An employee shall be entitled to a total of one month compassionate leave annually but nothing in this section shall be construed as requiring an employer to pay an employee for any time spent on such leave. (Added A.5/1997.)

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(6) This section shall apply only upon the death of an employee's immediate family.
(Added A.5/1997.)

Payment for annual holiday when employment is terminated..

123. (1) 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, 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.

(2) When an employee has completed one year's continuous service with an employer and the employment is subsequently terminated, the employer shall, if the employee has not taken the paid annual holiday due to him in respect of that year's employment on or before the date of such termination, pay to the employee the wages due to him in respect of such paid annual holiday, together with a sum equal to not less than one day's wages due to him in respect of each completed month of employment following the completion of the last year in respect of which he has earned a paid annual holiday.

(3) When an employer gives notice of termination of employment of the employee, payment to the employee of all or any part of the wages on account of the paid annual holiday to which he is entitled shall be deemed not to be payment of all or any part of his wages in respect of the period for which he is, under this Act, or by custom or agreement, or under his contract of service, entitled to continue in the employment after the giving of the notice.

Continuity of employment.

124. For the purpose of this Part, employment shall be deemed to continue 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 a period of seven days of such termination such employee is re-engaged in the same undertaking.

Wages in respect of annual holiday.

125. (1) Wages in respect of the paid annual holiday shall be paid in advance not later than the last working day preceding such holiday.

(2) Any payments made to an employee in respect of an annual holiday under this Part shall be in addition to and not in substitution for any other payment or consideration to which the employee is entitled under his contract of employment and this Act and no employer shall require any employee to take his annual holiday during the period of notice of termination of employment by the employer.

Public holidays occurring during annual holiday.

126. Where during any annual holiday or part thereof being taken by an employee, any paid public holiday occurs, the period of the annual holiday shall be increased by one day in respect of that public holiday and wages payable to the employee in respect of the annual holiday shall include one day's wages for each such public holiday.

Record of annual holiday.

127. (1) Every employer shall at all times keep a record showing in the case of each of his employees —

- (a) the name of the employee;
- (b) the dates of the commencement and termination of his employment;
- (c) the dates on which the paid annual holiday is taken;
- (d) the amount paid to the employee in respect of the paid annual holiday to which he is entitled.

(2) The record of paid annual holidays may be incorporated in the wages record required to be kept under section 151.

Agreement contrary to Act null and void.

128. Any agreement by an employee to forego his entitlement to the paid holiday provided for by this Act, even in return for compensation, shall be null and void.

Payment during sickness.

129. (1) After three months continuous employment with the same employer, an employee shall be eligible, in each year of employment with that employer, for a maximum of fourteen days sick leave on full pay and a maximum of fourteen days sick leave on half pay.

(2) Payment for sick leave shall be made by the employer at the employee's basic rate of wages, except that where the employee is employed on a wage other than a fixed wage he shall be paid, in respect of each day's sick leave on full pay the same amount, and in respect of each day's sick leave on half pay, half such amount, as equals the average amount of wages he received in respect of each day's employment during the week in which he was last employed before the week during which his sick leave commenced.

Sickness to be certified by medical practitioner.

130. (1) Payment in respect of sick leave shall be subject to the employee producing a certificate of incapacity covering the period of sick leave claimed signed by a medical practitioner and no employee shall be entitled to paid sick leave unless this section has been complied with.

(2) Nothing in subsection (1) shall be deemed to prevent an employer granting paid sick leave in excess of that provided for in section 129, or from granting paid sick leave to an employee who satisfies him, other than by the production of a medical certificate, that he was, for reasons of sickness, unable to carry out his normal duties on any day.

Offences and Penalties.

131. Any employer who —

- (a) fails to grant an employee an annual holiday as required by this Part or who fails to pay an employee the wages to which he is entitled under section 121;
- (b) fails to pay an employee whose services are being terminated the amount to which is entitled under section 123; or

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(c) fails to pay to an employee any amount to which he is entitled in respect of paid sick leave under section 129;
shall be guilty of an offence and shall be liable on conviction to a fine of not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both.
(Amended A.5/1997.)

Power to order payments on conviction.

132. Where a prosecution for an offence under this Part has been instituted, a court may, in addition to any fine or sentence it may impose, order an employer convicted of such an offence to pay to the employee any payments due to him under this Part.

PART XIII — LABOUR CLAUSES (PUBLIC CONTRACT)

Provisions etc. deemed to be included in public contract.

133. Every public contract shall be deemed to include and to incorporate the provisions contained in this Part to all intents and purposes as if the same were expressly set out as conditions or covenants therein to be observed and performed on the part of either or both of the parties to the contract.

Wages to be paid and conditions of employment to be observed.

134. A contractor shall pay rates of wages and observe hours and conditions of employment (hereinafter referred to as established rates and conditions) not less favourable than those established by collective agreement covering a substantial proportion of employees and employers in the trade or industry concerned in the contract.

Labour Commissioner to prepare schedule of wages etc..

135. In the absence of any established rates and conditions as defined in section 134, the Labour Commissioner shall, after consultation with representatives of employers and representatives of employees in the trade or industry concerned, prepare a schedule of wages and conditions of employment to be observed in the execution of the contract, having regard to —

- (a) established rates and conditions of employment of persons employed in a similar capacity and in similar circumstances to those persons who are likely to be employed on the contract; or
- (b) in the absence of such established rates and conditions, to fair standards of rates and conditions commonly recognised in respect of persons employed in a similar capacity and in similar general circumstances to those persons who are likely to be employed on the contract.

Contractor to certify wages and conditions.

136. Before being awarded a public contract the contractor shall certify in writing, that the wages and hours and conditions of work of persons to be employed by him on the contract are not less favourable than the established rates and conditions as defined in section 134, or those contained in the schedule prepared by the Labour Commissioner in accordance with section 135, as the case may be.

Industrial Court to decide questions on wages etc..

137. (1) In the event of any question arising as to whether or not the wages to be paid or the hours or other conditions of employment to be observed in the fulfilment of any contract awarded or to be awarded to any contractor are less favourable than the established rates and conditions as defined in section 134 or those contained in the schedule prepared by the Labour Commissioner in accordance with section 135, the question shall, if not otherwise disposed of, be referred by the Labour Commissioner to the Industrial Court which shall decide the matter.

(2) In arriving at its decision on any question referred to it under subsection (1), the Industrial Court shall have regard to any established rates and conditions, or to any agreement, custom, practice or award that may be brought to its notice relating to the wages, hours or conditions of work or persons employed in a similar capacity and in a similar trade or industry to that of the person to whom the matter relates.

(3) The decision of the Industrial Court shall be final.

Provisions applicable to sub-contracts.

138. (1) Any sub-contractor to whom a contract has been sublet shall comply with all the conditions of the main contract and the main contractor shall be responsible for the observance of all contract conditions on the part of such sub-contractor.

(2) No portion of the work to be performed on a contract shall be done at the home of any employee except in so far as such work is so performed by practice or custom.

Contractor to file certificates.

139. A contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract unless he has filed, together with his claim for payment, a certificate —

- (a) stating whether any wages due to employees are in arrears;
- (b) stating that all the employment conditions of the contract are being complied with.

Contractor to supply information.

140. A contractor shall provide the Labour Commissioner with such information as the Labour Commissioner may require to satisfy him that the conditions of this Part have been complied with.

Labour Commissioner may arrange for employees to be paid.

141. Where the Labour Commissioner is satisfied that a contractor has defaulted in the payment of wages due to any employee employed on a contract, he may, failing payment of such wages by the contractor, arrange for the payment of the wages to the employee out of any sum payable to the contractor under the contract and the amount so paid shall be deemed to be a payment to the contractor.

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Contractor to display notices containing conditions of work.

142. Every contractor shall keep displayed in a conspicuous place in his establishment and work places for the information of the employees employed therein a notice containing the conditions of their work and so printed that it may easily be read by all employees.

Failure to comply with this Part.

143. Where a contractor fails to comply with any of the requirements of this Part, the Government may, upon the recommendations of the Labour Commissioner, withdraw its approval of such contractor as an approved contractor for such period and on such conditions as the Government may determine.

PART XIV — FORCED LABOUR

Interpretation.

144. (1) In this Part unless the context otherwise requires —

“forced labour” means all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily, but does not include —

- (a) any work or service exacted by virtue of any compulsory military service law for work of a military character;
- (b) any work or service exacted from any person as a consequence of a conviction in a court of law;
- (c) any work or service exacted in case of emergency, that is to say, in the event of war or a calamity or threatened calamity such as fire, flood, famine, earthquake, epidemic, or epizootic disease, invasion by animals or insect pests or plant diseases or pests and in general any circumstances which might endanger the existence or well-being of the whole or part of the population;
- (d) communal services of a kind which are to be performed by the members of a community in the direct interests of the community and not being for purposes of financial gain.

(2) No work or service specified in paragraphs (a) (b) (c) or (d) of sub-section (1) shall be imposed as a means of —

- (i) political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (ii) mobilizing and using, labour for purposes of economic development;
- (iii) labour discipline or as a punishment for having participated in strikes; or
- (iv) racial, social, national or religious discrimination.

(3) Any work or service carried out under the supervision or control of a public authority as required by paragraphs (a) and (b) of subsection (1) shall not be carried out on behalf of, or for the benefit of any private person.

(4) Before communal services of the kind mentioned in paragraph (d) of subsection (1) are exacted, the persons concerned or their representatives shall be consulted with regard to the need for those services.

Exaction of forced labour prohibited.

145. Any person who exacts or imposes forced labour or causes or permits forced labour to be exacted or imposed contrary to this Part shall be guilty of an offence and liable to a fine of five hundred Emalangeni or to imprisonment for six months.

Concessions not to include forced labour.

146. No concession granted to any person shall involve any form of forced labour for the production or collection of products which such private person utilizes or in which he trades.

Penalty for official coercion.

147. Any person who, acting in his official capacity, puts any coercion upon the population under his charge, or upon any individual members of such population to work for any private individual, company or association shall be guilty of an offence and liable to a fine of not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both. (Amended A.5/1997.)

PART XV — MISCELLANEOUS

Application.

148. The provisions of sections 149, 150 and 151 shall not apply to the employment of a domestic employee by any employer.

General health measures.

149. (1) Every employer shall ensure that every workroom in which persons are employed by him is kept in a clean and sanitary condition and that in each workroom —

- (a) each employee is provided with not less than 400 cubic feet of air space and not less than 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) Every employer shall ensure that —

- (a) there is an adequate supply of wholesome drinking water for his employees at their place of work;
- (b) sufficient and suitable sanitary conveniences are available for his employees at or near their place of work and that —

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- (i) the conveniences are adequately lit and ventilated;
- (ii) the conveniences are kept in a clean condition; and
- (iii) where applicable, and where more than six persons are employed, separate conveniences are provided for male and female employees.

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

First aid equipment and medical aid.

150. (1) Notwithstanding any provision of any other Act relating to the availability or supply of first aid equipment at places of employment, every employer shall provide at each place of employment —

- (a) adequate first aid facilities for the treatment of accidents;
- (b) one or more suitably stocked first aid boxes in charge 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) Every employer shall at his own expense provide for his employees and members of their families living with them on his property essential first aid facilities in accordance with such scales as may be prescribed.

(4) If an employer has reasonable cause for believing that any of his employees or any of their dependants living on the employer's property is suffering from any serious hurt or ailment he shall take all reasonable measures to obtain skilled medical aid for such person without undue delay and if required to do so by the Labour Commissioner, District Commissioner or any labour officer or medical officer, or in case of danger to life or serious illness, he 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 he specifically assumes liability therefor or unless such liability is part of the conditions under which the employee is employed. (Amended A.11/1981.)

Records and registers.

151. (1) Every employer shall keep the following records and registers of all persons employed by him —

- (a) a wages register, containing in respect of each employee all the particulars required to be given to an employee under section 61;
- (b) a record of each employee who is employed by him containing his name, address date of birth, the date on which he entered employment and, where applicable, left employment, the dates, where applicable, on which the employee was granted annual leave, sick leave, maternity leave and on which the employee was issued with a written warning;

- (c) a register of all young persons and children containing all the details required by paragraphs (a) and (b) and, in addition, in the case of young persons employed in an industrial undertaking, the date and results of the medical examinations, supported by a medical certificate, carried out under the provisions of section 100.
- (2) Records and registers kept by employers under the provisions of this section shall —
 - (a) be written in ink or in typescript or in a mixture or such writing and type-script; and
 - (b) be kept by the employer for a period of three years from the date of the last entry therein.

Housing.

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

Feeding of employees.

153. (1) With effect from such date as the Minister may appoint by notice in the Gazette, any employer, who, by virtue of section 98 of the Employment Act, 1962, repealed by this Act, was required to supply food to his employees, shall cease to have such an obligation, but shall in lieu thereof, add to the basic wage of his employees such amount equivalent to the value of the food previously supplied, as the Minister may prescribe in the said notice.

(2) For the avoidance of doubt and notwithstanding of the Employment Act, 1962, any obligation imposed on an employer by section 98 of that Act shall continue in force until the date to be appointed by the Minister under subsection (1).

(3) Nothing in this section shall be deemed to preclude an employer from supplying rations to any employee in pursuance of an agreement made under section 48.

Notices.

154. Every employer who is a party to a collective agreement covering the terms and conditions of service of any of his employees, shall, by the fixing of a notice where it can be seen and read by such employees, indicate the existence of such agreement, the parties signatory to it, the dates of its commencement and expiry and the place where a copy of the agreement can be examined.

Offences and penalties.

155. (1) Any employer who, after being informed by notice in writing by an Inspector that he is contravening a provision of section 149 or section 150 and who fails to rectify that contravention within the time prescribed by the Inspector in that written notice, shall be guilty of an offence, and liable on conviction therefor to a fine of two hundred and fifty Emalangeni or imprisonment for three months.

(ISSUE 2)

(2) Any employer who fails to keep any register or record in the manner required by section 151 shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred and fifty Emalangeni or imprisonment for three months.

Criminal liability of officers of body corporate.

156. (1) Where there is reasonable cause to believe that an offence under this Act has been committed by a body corporate, criminal proceedings may be instituted against any person who at the time of the commission of the offence was a director, manager, secretary or other office bearer of such body who was purporting to act in any such capacity.

(2) Without prejudice to any other defence, where criminal proceedings are instituted against a person referred to in subsection (1) in respect of an offence committed by a body corporate, it shall be a defence if such person proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to his functions in that capacity and to all the circumstances relating to the commission of the offence.

Regulations.

157. The Minister may make regulations for prescribing anything which is required to be prescribed or for any purpose for the better carrying out of this Act.

Repeal.

158. The following laws are repealed —

The Employment Act, 1962.

The Labour Advisory Board Act, 1966.

The Employees Wages Protection Order, 1973.

The Registration of Employers Order, 1975.

FIRST SCHEDULE

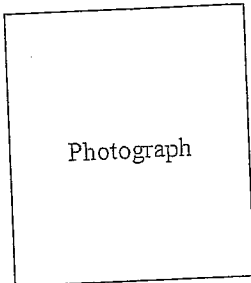
Section 10.

CERTIFICATE OF APPOINTMENT OF INSPECTOR
1. FRONT OF CERTIFICATE OF APPOINTMENT

SWAZILAND
CREST

CERTIFICATE OF APPOINTMENT ISSUED UNDER SECTION 10 OF THE
EMPLOYMENT ACT, 1980

This is to certify that whose
photograph appears hereon, has been appointed an Inspector for all the
purposes of the Employment Act, 1980



.....
Labour Commissioner

.....
Date

.....
Signature of Inspector

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2. BACK OF CERTIFICATE

1. Under the Employment Act, 1980 an Inspector is required to produce this certificate when asked to do so by an employer or his representative.
2. The Acts sets out the powers and duties of an Inspector. These entitle him to —
 - Enter and inspect at any reasonable time, with or without notice, any premises which he believes to be liable to inspection.
 - Require an employer to provide him with information relative to wages, hours of work, etc. of his employees.
 - Carry out examinations, tests, or enquiries relating to employment legislation.
 - Interrogate employers and employees concerning any employment law applying to them and require the production of books, registers etc., relating to employment.
 - Enforce the posting of notices required by employment legislation.
 - Take or remove for purposes of analysis substances or materials used or handled by employees.

SECOND SCHEDULE

Section 22.

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

(ISSUE 2)