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LEGAL NOTICE

169 Labour Code Wages (Amendment) Order, 2009 607

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LEGAL NOTICE NO. 169 OF 2009

Labour Code Wages (Amendment) Order, 2009

Pursuant to section 51(1) of the Labour Code Order, 1992¹ and acting after considering the recommendations of the Wages Advisory Board, and informing the Board of my decision, I,

MOSES REFILOE MASEMENE

Minister of Labour and Employment make the following Wages Order:

Citation and commencement

1. This Order may be cited as the Labour Code Wages (Amendment) Order, 2009 and shall be deemed to have come into operation on 1st October, 2009.

Interpretation

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

“clothing, textile and leather manufacturing sector” means manufacturing of clothing or footwear apparel as well as processes leading to their manufacturing from weaving, dressing, dyeing, tanning inclusive of manufacturing of luggage, handbags, belts, shoes, and apparatus for export purposes as well as for marketing in Lesotho through formal wholesale and retail businesses but it does not include the formal and the informal sector where manufacturing of these items employs less than 20 people and or for marketing on the premises or streets or house to house, and includes other manufacturers of goods who employ a large scale of workers;

“construction machine operator” means a person operating machinery with an engine ranging from mobile crane, excavator, bull dozer, jack hammer, front - end loader, caterpillar and side scraper;

“construction sector” means any commercial or industrial business or undertaking operating in the building of physical infrastructure, houses or structures and employing more than 5 people e.g. roads, footpaths, houses, bridges walls

or related structures, and this includes those undertakings operating in the manufacture of building materials, like crush stones, mining, stone cutting and brick making;

“construction worker” means a person employed in construction sector as a manual labourer;

“domestic worker” work includes gardeners, clothes washer at a home or residence, cooks, house cleaners, children minders;

“general minimum wage” applies to any unskilled or manual labourer employed in any commercial or industrial undertaking other than construction worker, textile general worker, hospitality worker or any worker who is specified in this order;

“hospitality sector” means industrial and commercial undertaking involved in tourism, receiving and accommodating guests, with or without provision of food, drinks and beverages whether alcoholic or non alcoholic on the premises or away from the premises and includes hotels, lodges, motels, restaurants, food caterers and guest houses; and excludes those who fall under general minimum wage, and small businesses;

“textile general worker” means a person employed in the clothing, textile and leather manufacturing sector doing all kinds of tasks other than machine operator; security work, watchmen, administration, clerical work as well as messengers and gardeners;

“textile machine operator – trained” means a person who operates machinery within the clothing, textile and leather manufacturing sector and who has completed more than 12 months with the same employer or who has been certified as such and also includes garments sewing machine operator, miscellaneous products in textile and kindred material including shoe sewing;

“textile machine operator – trainee” means a person who is a machine operator within the clothing, textile and leather manufacturing sector and who has not completed 12 months with the same employer or who has not been certified as such;

“retailers” means commercial and industrial undertaking selling goods and services directly to the public and includes work related to the sector other than

small business, mini-supermarket, bakeries, cafés, gas and petrol filling stations with more than 5 employees;

“security industry” means any business or undertaking operating in the business of providing protection of goods, property or persons to other businesses and includes persons, company, or persons employing a person as a watchman;

“small business” means commercial or industrial undertaking which does not employ more than 10 persons and are wholly owned by Basotho companies or partnerships with majority shareholding of Basotho as natural persons, but does not include holders of traders licenses of supermarkets and wholesalers and includes the following:

- (a) butchery
- (b) café or snack bar
- (c) coal and wood dealer
- (d) general café
- (e) green grocer
- (f) public bar

“trained security guard” means a person who has completed more than 12 months service with the same employer within the security industry or holds a certificate as a security guard or person;

“transport sector” means any commercial or industrial business or undertaking which employs persons holding relevant drivers licenses to convey either goods, services and or passengers regardless of the sector in which the business or undertaking is engaged;

“wholesalers” includes the following undertakings:

- (a) wholesalers;
- (b) supermarkets;
- (c) furniture shops; and
- (d) bakeries with more than 40 employees;

“retail sector” means any commercial or industrial business or undertaking operating in the business of purchasing goods or products with the sole aim of re-sale and includes those businesses which manufacture goods for public consumption e.g. medium sized bakery, meat markets, vegetable markets with less

than 40 employees but more than 5 employees.

Minimum Wages

3. The minimum wages are as set out in the Schedule.

Repeal

The Labour Code Wages (Amendment) Order 2009² is repealed.

DATED:

**MOSES REFILOE MASEMENE
MINISTER OF LABOUR AND EMPLOYMENT**

NOTE

1. Labour Code Order No. 24 of 1992
2. L.N. No. 150 of 2009

SCHEDULE

BASIC MINIMUM WAGES

Sector	Minimum Monthly (Maloti)	Minimum Weekly (Maloti)	Minimum Daily (Maloti)
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A. CLOTHING TEXTILE AND LEATHER MANUFACTURING SECTOR

Employees with less than 12 months continuous service with the same employer:

(a) textile general worker	763.00	190.00	40.00
(b) textile machine operator	821.00	205.00	42.00
(c) textile machine operator trainee	763.00	190.00	40.00

Employees with more than 12 months continuous service with the same employer:

(a) trained machine operator	881.00	221.00	45.00
(b) textile general worker	830.00	206.00	43.00

B. CONSTRUCTION SECTOR

Employees with less than 12 months continuous service with the same employer:

(a) construction machine operator, and certificated (bricklayer, carpenter, steel fixer, welder and electrician, plumber):	1744.00	413.00	106.00
(b) construction worker (unskilled heavy physical worker):	990.00	249.00	52.00

Employees with more than 12 months of continuous service with the same employer:

- | | | | | |
|-----|--|---------|--------|--------|
| (a) | construction machine operator and certificated (bricklayer, carpenter, steel fixer, welder, electrician, plumber): | 1981.00 | 469.00 | 121.00 |
| (b) | construction worker
(unskilled heavy physical worker): | 1124.00 | 282.00 | 59.00 |

C. WHOLESALE AND RETAIL SECTOR**1. Employee with less than 12 months continuous service with the same employer:**

- | | | | | |
|-----|--|---------|--------|-------|
| (a) | wholesale, supermarkets and furniture shops: | 1107.00 | 252.00 | 54.00 |
| (b) | bakeries with more than 40 employees: | 1107.00 | 252.00 | 54.00 |

2. Employees with more than 12 months continuous service with the same employer:

- | | | | | |
|-----|---|---------|--------|-------|
| (a) | wholesale, supermarkets, furniture shops: | 1188.00 | 271.00 | 57.00 |
| (b) | bakeries with more than 40 employees: | 1188.00 | 271.00 | 57.00 |

D. RETAIL SECTOR (other than small business):

- (a) mini supermarkets;
- (b) bakeries with less than 40 employees;
- (c) cafés;

(d) gas and petrol filling stations:

1. **Employees with less than 12 months continuous service with the same employer:**

1005.00	250.00	54.00
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2. **Employees with more than 12 months continuous service with the same employer:**

1069.00	269.00	57.00
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E. HOSPITALITY SECTOR

Hotels, motels and lodges:

1. **Employees with less than 12 months continuous service with the same employer:**

1028.00	263.00	54.00
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2. **Employees with more than 12 months continuous service with the same employer:**

1097.00	282.00	57.00
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Restaurants, food caterers, and guest houses:

1. **Employees with less than 12 months continuous service with the same employer:**

974.00	244.00	52.00
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2. **Employees with more than 12 months continuous services with the same employer:**

1045.00	261.00	55.00
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F. SERVICE SECTOR**Security Guard or Watchman:**

1. **Employee with less than 12 months continuous service with the same employer:**

908.00	232.00	48.00
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2. **Employees with more than 12 months continuous service with the same employer:**

1136.00	290.00	66.00
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Funeral Parlour:

1. **Employees with less than 12 months continuous service with the same employer:**

1055.00	263.00	56.00
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2. **Employees with more than 12 months continuous services with the same employer:**

1118.00	281.00	70.00
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Cleaning Services:

1. **Employees with less than 12 months continuous service with the same employer:**

1055.00	263.00	56.00
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2. **Employees with more than 12 months continuous services with the same employer:**

1118.00	281.00	70.00
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G. TRANSPORT SECTOR AND ANY OTHER DRIVERS

License code as appears in the drivers licenses:

1. An employee with less than 12 months service with the same employer:

B/EB/C1:	1107.00	275.00	68.00
C/EC1:	1213.00	304.00	75.00
EC:	1550.00	387.00	97.00

2. An employee with more than 12 months service with the same employer:

B/EB/C1:	1229.00	308.00	77.00
C/EC1:	1346.00	338.00	83.00
EC:	1723.00	431.00	107.00

Certificated auto electrician, motor mechanic, panel beater, spray painter:

1. Employees with less than 12 months continuous service with the same employer:

1756.00	415.00	96.00
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2. Employees with more than 12 months continuous services with the same employer:

1885.00	446.00	103.00
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H. SMALL BUSINESS

1. Employees with less than 12 months service:

585.00	145.00	31.00
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2. Employees with more than 12 months service:

640.00	189.00	35.00
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I. DOMESTIC WORKER (including light physical worker)

1. Employees with less than 12 months continuous service with the same employer:

313.00 82.00 20.00

2. Employees with more than 12 months continuous service with the same employer:

345.00 91.00 22.00

J. GENERAL MINIMUM WAGE

1. Employees with less than 12 months continuous service with the same employer:

836.00 209.00 46.00

2. Employees with more than 12 months continuous service with the same employer:

912.00 229.00 51.00

K. CONDITIONS OF EMPLOYMENT

1. An employee who has completed more than one year of continuous service with the same employer in the textile, clothing and leather manufacturing shall be entitled to receive 2 weeks paid maternity leave.

2. An employee who has completed more than one year of continuous service with the same employer other than in the textile, clothing and leather manufacturing shall be entitled to receive 6 weeks paid maternity leave before confinement and 6 weeks paid maternity leave after confinement.

3. The benefit in 1 and 2 shall be limited to two confinements per employee.