LESOTHO
Government Gazette
EXTRAORDINARY

Vol. 58 | Wednesday – 23rd October, 2013 | No. 62

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LEGAL NOTICE

152 Labour Code Wages (Amendment) Notice, 2013 454

Published by the Authority of His Majesty the King
Price: M9.50

LEGAL NOTICE NO. 152 OF 2013

Labour Code Wages (Amendment) Notice, 2013

Pursuant to section 51(1) of the Labour Code Order, 1992[1] and acting after considering the recommendations of the Wages Advisory Board, and informing the Board of my decision, I,

LEBESA MALOI

Minister of Labour and Employment, make the following Notice:

Citation and commencement

1. This Notice may be cited as the Labour Code Wages (Amendment) Notice, 2013 and shall be deemed to have come into operation on the 1st October, 2013.

Interpretation

2. In this Notice, 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 twenty 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 crushed stones, mining, stone cutting and brick making;

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

"domestic worker" includes gardeners, clothes washer at a home or residence, cooks, house cleaners and 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;

"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, cafes, gas and petrol filling stations with more than 5 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;

"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;

"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;

"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;

"watchman" means a person who is privately employed in a private dwelling house who is not deployed by a security company;

"wholesalers" includes the following undertakings;

(a) wholesalers;

(b) supermarkets;

(c) furniture shops; and

(d) bakeries with more than 40 employees.

Minimum wages

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

Repeal

The Labour Code Wages (Amendment) Notice, 2012[2] is repealed.

DATED:

LEBESA MALOI
MINISTER OF LABOUR AND EMPLOYMENT

NOTE

1. Order No. 24 of 1992
2. L.N. No. 126 of 2012

SCHEDULE

Basic Minimum Wages

Sector		Minimum Monthly (Maloti)	Minimum Weekly (Maloti)	Minimum Daily (Maloti)
A.	CLOTHING TEXTILE AND LEATHER MANUFACTURING SECTOR			
1. Employees with less than twelve (12) months continuous service with the same employer:				
(i)	Textile General Worker	972.00	243.00	51.00
(ii)	Textile Machine Operator	1045.00	261.00	54.00
(iii)	Textile Machine Operator Trainee	972.00	243.00	51.00
2. Employees with more than twelve (12) months continuous service with the same employer:				
(i)	Trained Machine Operator	1,143.00	287.00	59.00
(ii)	Textile General Worker	1,076.00	268.00	56.00
B.	CONSTRUCTION SECTOR			
1. Employees with less than twelve (12) months continuous service with the same employer:				
(i)	Construction Machine Operator, and Certificated (Bricklayer, Carpenter, Steel Fixer, Welder, Electrician and Plumber)	2,470.00	583.00	136.00
(ii)	Construction Worker (unskilled heavy physical worker)	1,569.00	393.00	83.00

2. Employees with more than twelve (12) months of continuous service with the same employer:

(ii)	Construction Machine operator and certificated (Bricklayer, Carpenter, Steel fixer, Welder, Electrician and Plumber)	2,753.00	651.00	168.00
(iv)	Construction Worker (unskilled heavy physical worker)	1,728.00	431.00	90.00

C. WHOLESALE AND RETAIL SECTOR

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

(i)	Wholesale, Supermarkets and Furniture Shops	1,515.00	345.00	74.00
(ii)	Bakeries with more than 40 employees	1,515.00	345.00	74.00

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

(i)	Wholesale, Supermarkets, Furniture Shops	1,608.00	367.00	73.00
(ii)	Bakeries with more than 40 employees:	1,608.00	367.00	73.00

D. RETAIL SECTOR (other than small Business):

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

(c) cafes;
(d) gas and petrol, filling stations:

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

1,361.00	339.00	73.00

2. **Employees with more than twelve (12) months continuous service with the same employer:**

1,448.00	365.00	78.00

E. HOSPITALITY SECTOR

(1) Hotels, Motels and Lodges

(a) Employees with less than twelve (12) months continuous service with the same employer:

1,515.00	387.00	79.00

(b) Employees with more than twelve (12) months continuous service with the same employer:

1,608.00	414.00	85.00

2. Restaurants, food caterers, and guest houses:

(a) Employees with less than twelve (12) months continuous service with the same employer:

1,378.00	346.00	74.00

(b) Employees with more than twelve (12) months continuous service with the same employer:

1,479.00	369.00	77.00

F. SERVICE SECTOR

1. Security Guard

(a) Security Guard with less than twelve (12) months continuous service with the same employer:

1,295.00	324.00	66.00

(b) Security Guard with more than twelve (12) months continuous service with the same employer and those certified by the Ministry of Home Affairs:

1,524.00	389.00	90.00

2. Watchman

(a) Watchman with less than twelve (12) months continuous service with the same employer:

1,172.00	292.00	64.00

(b) Watchman with more than twelve (12) months continuous service with the same employer:

1,272.00	321.00	73.00

3. Funeral Parlour

(a) Employees with less than twelve (12) months continuous service with the same employer:

1,515.00	380.00	80.00

(b) Employees with more than twelve (12) months continuous services with the same employer:

1,608.00	404.00	102.00

4. Cleaning Services

(a) Employees with less than twelve (12) months continuous service with the same employer:

1,515.00	380.00	80.00

(b) Employees with more than twelve (12) months continuous service with the same employer:

1,608.00	404.00	102.00

G. TRANSPORT SECTOR AND ANY OTHER DRIVERS

1. License code as appears in the Drivers licenses (Drivers)

(a) Employees with less than twelve (12) months service with the same employer:

B/EB/C1	:	1,501.00	372.00	92.00
C/EC1	:	1,626.00	407.00	101.00
EC	:	3,021.00	753.00	190.00

(b) Employees with more than twelve (12) months service with the same employer:

B/EB/C1	:	1,644.00	412.00	103.00
C/EC1	:	1,782.00	449.00	110.00
EC	:	3,710.00	925.00	229.00

2. Certificated (auto electrician, motor mechanic, panel beater and spray painter)

(a) Employees with less than twelve (12) months continuous service with the same employer:

2,290.00	541.00	126.00

(b) Employees with more than twelve (12) months continuous service

with the same employer:

2,424.00	570.00	131.00

H. SMALL BUSINESS

(1) Employees with less than twelve (12) months continuous service with the same employer:

769.00	190.00	42.00

(2) Employees with more than twelve (12) months continuous service with the same employer:

872.00	258.00	47.00

I. DOMESTIC WORKER (including light physical worker)

(1) Employees with less than twelve (12) months continuous service with the same employer

424.00	111.00	26.00

(2) Employees with more than twelve (12) months continuous service with the same employer

468.00	123.00	31.00

J. GENERAL MINIMUM WAGE

(1) Employees with less than twelve (12) months continuous service with the same employer:

1,101.00	274.00	60.00

(2) Employees with more than twelve (12) months continuous service with the same employer:

1,201.00	302.00	68.00

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 six (6) 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 sector and private security sector shall be entitled to receive six (6) weeks paid maternity leave before confinement and six (6) weeks paid maternity leave after confinement.

3. An employee who has completed more than one year of continuous service with the same employer in the private security sector shall be entitled to receive six (6) weeks paid maternity leave.

4. The benefit in (1) and (2) shall be limited to two confinements per employee during her employment with the same employer.

Printed by the Government Printer, P.O. Box 268, Maseru 100 Lesotho