

Statutory Instrument No. 102 of 1974

REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT ACT, 1969
(22 of 1969)

**REGULATION OF WAGES (BUILDING AND CONSTRUCTION TRADES)
ORDER, 1974**

(Published on the 12th July, 1974)

IN EXERCISE of the powers conferred by section 8 of the Regulation of Wages and Conditions of Employment Act, 1969, the Minister of Health, Labour and Home Affairs hereby makes the following Order —

Citation and commencement **1.** This Order may be cited as the Regulation of Wages (Building and Construction Trades) Order, 1974, and shall come into operation on 15th July, 1974.

Application **2.** (1) This Order shall apply to all persons employed in any undertaking or part of an undertaking which consists of the carrying on, for gain, of one or more of the following activities, that is to say —

- (a) the construction, structural alteration, maintenance or repair of any building, the demolition of any building, and the preparation for, and laying the foundations of, any intended building;
- (b) the construction of any railway line or siding, and the construction, structural alteration or repair, or the demolition of any airfield, dock, harbour, wharf, quay, pier, inland navigation works, road, tunnel, bridge, viaduct, waterworks, dam, reservoir, pipeline, aqueduct, sewer, sewage works, or lattice work structure designed solely for the support of electric lines:

Provided that —

- (i) persons employed in an undertaking or part of an undertaking which is operated by Government;
- (ii) persons employed to watch over any property in the industry; and
- (iii) persons engaged in building or construction work who are employed in recognized Building Brigades (except in the case where employees are fully employed, as opposed to trainees, and are engaged in public contract work, in which case the labour clauses in public contracts apply) shall be excluded.

(2) Casual employees shall be entitled to the minimum wages and overtime remuneration of the rates as prescribed in this Order.

Basic minimum wage **3.** There shall be paid in respect of each category of employees such basic minimum wages as are prescribed in the Schedule to this Order, but nothing shall prevent payment of a wage higher than the basic minimum wage at the discretion of the employer.

Increments **4.** (1) There shall be paid, in respect of unskilled workers only, an increment at the rate of one cent per hour above the basic minimum wage for each completed year of service up to a maximum of 3 years.

(2) On the coming into force of this Order, an employee with more than one year of service with his employer shall be granted an increment equivalent to the completed years of service up to a maximum of 3 years.

5. No employee shall be required to work more than 9 hours in any one working day or a total of 45 working hours in any one week of 5 days. Hours of work

6. An employee shall be given one period of at least 24 consecutive hours rest in the course of each week at the employer's absolute discretion to determine when this period is taken: Rest days

Provided that the employee shall be notified at least 7 days before the proposed rest period.

7. The following Public Holidays shall be treated as paid Public Holidays — Paid Public Holidays

New Year's Day
 Good Friday
 President's Day
 First Monday in August
 Botswana Day
 Christmas Day

8. (1) If an employee works for any period in excess of 9 hours in any working day, or 45 hours during a working week of 5 days, he shall be paid at an overtime rate of his normal hourly rate plus one-half of such rate (otherwise known as "time-and-a-half"). Overtime

(2) If any employee works on any Public Holiday or rest period as prescribed in this Order, he shall be paid an overtime rate of twice his normal hourly rate (otherwise known as "double-time").

(3) Any overtime work shall be at the discretion of the employee only, or that of the employer during emergency for the preservation of the industry.

9. An employee shall be entitled to paid leave of at least 15 working days in respect of each period of 12 months service, calculated at the rate of one-and-a-quarter working days for every completed month of service. Annual paid leave

10. The wages and conditions of employment in force between employers and employees at the commencement of this Order shall not be altered for the worse in respect of employees but to the extent that the same are not in conflict with this Order shall be deemed to be made under this Order and the parties thereto shall be subject to and entitled to the benefit of the provisions of this Order. Protection of existing wages and conditions of employment

SCHEDULE

(para. 3)

Minimum Wages

1. Category of employee	Rate per hour	Equivalent rate per week
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Unskilled	14 cents	6 - 30
Semi-skilled/tractor drivers	20 cents	9 - 00
Lorry drivers	23 cents	10 - 35
Lorry drivers (extra heavy)	57 cents	25 - 65
Tradesmen	41 cents	18 - 45
Plant operators	57 cents	25 - 65
Supervisory tradesmen	77 cents	34 - 65

2. In this Schedule —

- “basic minimum wage” means the lowest wage paid to an employee in the industry;
- “lorry driver” means any person employed in the industry to drive a vehicle for which he must be in possession of a heavy duty driver’s licence;
- “lorry driver (extra heavy)” means any person employed in the industry to drive a vehicle of at least 15 000 kg.;
- “plant operator” means any person employed in the industry to operate equipment such as power-driven cranes, derricks, excavators, loading shovels, earthmoving tractors and attachments, graders, mechanical spreaders and big dumpers (Euclid or similar);
- “semi-skilled worker” means any person employed in the industry as a chargehand or ganger or who operates a mechanical device such as a concrete mixer, hoist, vibrator, dumper, compressor, compactor and/or drives a vehicle for which he must be in possession of a light duty driver’s licence;
- “supervisory tradesman” means any person employed in the industry possessing the minimum qualification of a Botswana Government Trade Test Category ‘B’ certificate or an equivalent certificate recognized by the Commissioner of Labour, has two years subsequent experience, and employed in a supervisory capacity;
- “tradesman” means any person employed in the industry who is employed in any one or more of the recognized trades and who holds, as a minimum qualification, a Botswana Government Trade Test Category ‘C’ certificate in the relevant trade, or an equivalent certificate recognized by the Commissioner of Labour;
- “unskilled worker” means any person employed in any work in the industry which requires no particular training or skill;
- “week” means the period from one Sunday up to and including the next Saturday following.

MADE this 8th day of July, 1974.

P.L. PILANE,
Permanent Secretary,
Ministry of Health, Labour and Home Affairs.