

Statutory Instrument No. 111 of 1974

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

REGULATION OF WAGES (WHOLESALE AND RETAIL DISTRIBUTIVE TRADES) ORDER, 1974

(Published on the 2nd August, 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 --

1. This Order may be cited as the Regulation of Wages (Wholesale and Retail Distributive Trades) Order, 1974, and shall be deemed to have come into operation on 15th July, 1974. Citation and commencement

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

- (a) the retail supply of goods and merchandise of any description;
- (b) the wholesale supply of goods and merchandise of any description;
- (c) operations such as warehousing, storing, packing or clerical or other work which are associated with such retail or wholesale supply;

(d) restaurants being restaurants licensed under the Trading Act, 1966; 6 of 1966

Provided that persons employed in an undertaking or part of an undertaking --

- (i) in any trade affected by any other Wages Council Order made under the Act; or
- (ii) which is operated by the Government; or
- (iii) persons employed to watch over any property in the industry,

shall be excluded.

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

3. There shall be paid to employees in the industry a basic minimum wage of 10 cents per hour, but nothing shall prevent payment of a higher wage than the basic minimum wage at the discretion of the employer. Basic minimum wage

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

(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 8½ hours in any one working day or a total of 47½ working hours in any one week of 5½ 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.

Paid Public
Holidays

7. The following Public Holidays shall be treated as paid Public Holidays --

New Year's Day
Good Friday
President's Day
Botswana Day
Christmas Day

Overtime

8. (1) If an employee works for any period in excess of 8½ hours in a working day or 47½ hours in a working week of 5½ 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").

(2) If an 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.

Annual
paid leave

9. An employee shall be entitled to a 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 per every completed month of service.

Protection
of existing
wages and
conditions of
employment

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 as 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.

MADE this 15th day of July, 1974.

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

L2j7j174