

Statutory Instrument No. 105 of 1980

REGULATION OF WAGES AND CONDITIONS OF EMPLOYMENT ACT
(Cap. 47:04)

**REGULATION OF WAGES (BUILDING, CONSTRUCTION,
EXPLORATION AND QUARRYING INDUSTRIES) ORDER, 1980**

(Published on 1st August, 1980)

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IN EXERCISE of the powers conferred on the Minister of Home Affairs by section 8 of the Regulation of Wages and Conditions of Employment Act, the following Order is hereby made –

1. This Order may be cited as the Regulation of Wages (Building, Construction, Exploration and Quarrying Industries) Order, 1980, and shall come into operation on 1st August, 1980. 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, for gain, of one or more of the following activities – Application and interpretation

- (a) the construction, structural alteration or maintenance or repair of any building, the demolition of any building or the preparation for and laying the foundations of any intended building;
- (b) the construction of any railway line or siding or the construction, structural alteration, repair or demolition of any airfield, dock, harbour, wharf, quay, pier, inland navigation works, road, tunnel, bridge, viaduct, waterworks, dam, reservoir, pipeline, aqueduct, sewer, sewerage works or lattice work structure designed solely for the support of electric lines;
- (c) the surveying, exploration and drilling for water and minerals;
- (d) the surveying and recording of information for the purpose of mapping of all kinds;
- (e) the making of all kinds of bricks for use in construction; or
- (f) the quarrying of stone, rocks or other materials.

(2) In this Order "undertaking" includes any person, firm, business, company or club and the activities of any body, whether corporate or incorporate, whether carried on by way of trade or not:

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 Government,
shall be excluded.

(3) Casual and part-time employees shall be entitled to the minimum wages and other conditions at the rates prescribed by this Order.

Basic
minimum
wage

3. There shall be paid to employees in the industry a basic minimum wage of 36t per hour, except that persons employed by the undertaking solely to watch over any property of the industry shall be paid a basic minimum wage of 26t per hour:

Provided that nothing shall prevent --

- (i) payment of a higher wage than the basic minimum wage; or
- (ii) any agreement or contract with an employee for the partial payment of wages in the form of allowances in kind in accordance with sections 52 and 53 of the Employment Act.

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Hours of
work

4. No employee shall be required to work, other than provided for in paragraph 7 (3), more than 9 hours in any one working day or a total of 45 hours in any working week of 5 days or, in the case of persons employed by the undertaking solely to watch over any property of the industry, more than 10 hours in any one working day or a total of 60 hours in any working week of 6 days:

Provided that no employee with the exception of persons employed by the undertaking solely to watch over any property of the industry shall be required to work continuously for more than 5 hours without an interval of at least half-an-hour.

Weekly
rest period

5. An employee shall earn a rest period at the rate of not less than 24 consecutive hours in the course of each week at the employer's discretion to determine when this period shall be taken:

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

Paid public
holidays

6. The following public holidays shall be treated as paid public holidays --

New Year's Day
Good Friday
Easter Monday
President's Day
Day following President's Day
Botswana Day
1st October
Christmas Day:

Provided that --

- (i) nothing shall prevent the treatment of additional public holidays as paid public holidays; and
- (ii) an employee who was on unauthorized leave on a working day immediately prior to, or on a working day immediately following, a paid public holiday shall not be entitled to receive payment for that paid public holiday if he is not required to work, or payment at overtime rates if he is required to work, on the paid public holiday.

7. (1) Where an employee works for any period in excess of 9 hours in a working day or a total of 45 hours in a working week of 5 days or, in the case of a person employed by the undertaking solely to watch over any property of the industry, any period in excess of 10 hours in a working day or a total of 60 hours in a working week of 6 days, he shall be paid an overtime rate of his normal hourly rate plus one-half of such rate (otherwise known as "time-and-a-half").

Overtime

(2) Subject to the proviso to paragraph 6, where an employee works on any paid public holiday or rest period prescribed by this Order, he shall be paid an overtime rate of twice his normal hourly rate (otherwise known as "double-time").

(3) Any overtime work required by the employer shall normally be at the discretion of the employee except in the event of urgent business demands or emergencies.

8. An employee shall be entitled to paid leave at the rate 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

9. 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 and the parties thereto shall be subject and entitled to the benefits of the provisions of this Order.

Protection of existing wages and conditions of employment

10. The Regulation of Wages (Building, Construction, Exploration and Quarrying Industries) Order, 1977, is hereby revoked.

Revocation of S.I. 79 of 1977

MADE this 1st day of August, 1980.

K.L. DISELE,
Minister of Home Affairs.

L2/7/174 III