

Statutory Instrument No. 163 of 1980

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

REGULATION OF WAGES (HOTEL, CATERING AND
ENTERTAINMENT TRADES) 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 --

Citation and commence- ment	1. This Order may be cited as the Regulation of Wages (Hotel, Catering and Entertainment Trades) Order, 1980, and shall come into operation on 1st August, 1980.
Application and inter- pretation	2. (1) This Order shall apply to all persons employed in any undertaking which consists of the carrying on, whether for profit or not, of one or more of the following activities -- (a) the supply of food or drink for premises licensed under the Liquor Act; (b) the provision of living accommodation for guests or lodgers; or (c) the provision of entertainment. (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 the 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.
Cap. 45:01	
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 the sections 52 and 53 of the Employment Act.

Capital cost

4. No employee shall be required to work, other than provided for in paragraph 7 (3), more than 8½ hours in any one working day or a total of 51 hours in any working week of 6 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:

Hours of work

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

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:

Weekly rest period

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

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

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 8½ hours in a working day or a total of 51 hours in a working week of 6 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 at 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.

Annual paid
leave

8. (1) Where the normal working week is 5 days, 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.

(2) Where the normal working week exceeds 5 days, —

(a) an employee shall be entitled to paid leave at the rate of at least 18 working days in respect of the first period of 12 months' service calculated at the rate of one-and-a-half working days for every completed month of service; and

(b) after completion of the first 12 months an employee, other than a person employed by the undertaking solely to watch over any property of the industry, shall be entitled to at least 24 working days in respect of each period of 12 months' service calculated at the rate of 2 working days for every completed month of service.

Protection
of existing
wages and
conditions of
employment

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.

Revocation
of S.I. 82
of 1977

10. The Regulation of Wages (Hotel, Catering and Entertainment Trades) Order, 1977, is hereby revoked.

MADE this 1st day of August, 1980.

K.L. DISELE,
Minister of Home Affairs.

L2/7/174 III