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9 JULY 1965.

[No. 1177.

GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 1028.]

[9 Julie 1965.

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 265.

WOL-, ANGORAHAAR-, HUID- EN VELBEDRYF,
SEKERE GEBIEDE.

In opdrag van die Adjunk-minister van Arbeid word hierby ingevolge subartikel (2) van artikel *veertien* van die Loonwet, 1957, bekendgemaak dat hy, handelende namens en kragtens die bevoegdheid verleen aan die Minister van Arbeid, by subartikel (1) van artikel *veertien* van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn hy ten opsigte van die Wol-, Angorahaar-, Huid- en Velbedryf gemaak het en die 2de dag van Augustus 1965 bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Wol-, Angorahaar-, Huid- en Velbedryf in die volgende gebiede:—

Kaaprovinsie.—Die landdrostdistrikte Bellville, die Kaap, Kimberley, Mosselbaai, Port Elizabeth, Simonstad, Uitenhage en Wynberg en die munisipale gebied van Oos-Londen.

Natal.—Die landdrostdistrikte Durban, Inanda, Pinetown en Pietermaritzburg.

Oranje-Vrystaat.—Die landdrostdistrikte Bloemfontein, Kroonstad, Sasolburg en Welkom.

Transvaal.—Die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Randfontein, Roodepoort, Springs, Vanderbijlpark en Vereeniging en die munisipale gebied van Pretoria.

en op die werkgewers van sodanige werknemers.

2. WOORDOMSKRYWINGS.

(1) Tensy uit die samehang anders blyk, het iedere uitdrukking wat in hierdie Vasstelling gebruik en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in dié Wet en, tensy strydig met die samehang, beteken—

(i) „arbeider” ’n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede werksaam is:—

(a) ’n Persbediener help;

(b) op afleweringvoertuie help uitgesonderd dit te bestuur of herstelwerk daaraan te doen;

(c) wol- of angorahaarbale, wolsakke, huiide, velle of ander artikels dra, opstel, verplaas, verskuif of opstapel uitgesonderd met ’n kraggedrewe apparaat;

(d) persele, voertuie of meubels, masjinerie, installasies, gereedskap, werktuie of ander artikels skoonmaak;

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 1028.]

[9 July 1965.

WAGE ACT, No. 5 OF 1957.

WAGE DETERMINATION No. 265.

WOOL, MOHAIR, HIDES AND SKINS TRADE,
CERTAIN AREAS.

By direction of the Deputy-Minister of Labour, it is hereby notified in terms of sub-section (2) of section *fourteen* of the Wage Act, 1957, that he, acting on behalf of and under the powers vested in the Minister of Labour, by sub-section (1) of section *fourteen* of the said Act, has made the Determination in the Schedule hereto in respect of the Wool, Mohair, Hides and Skins Trade and has fixed the 2nd day of August, 1965, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the Wool, Mohair, Hides and Skins Trade in the following areas—

Cape Province.—The Magisterial Districts of Bellville, The Cape, Kimberley, Mossel Bay, Port Elizabeth, Simonstown, Uitenhage and Wynberg and the municipal area of East London;

Natal.—The Magisterial Districts of Durban, Inanda, Pinetown and Pietermaritzburg;

Orange Free State.—The Magisterial Districts of Bloemfontein, Kroonstad, Sasolburg and Welkom;

Transvaal.—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Randfontein, Roodepoort, Springs, Vanderbijlpark and Vereeniging and the municipal area of Pretoria,

and to the employers of such employees.

2. DEFINITIONS.

(1) Unless the context otherwise indicates, any expression which is used in this Determination and which is defined in the Wage Act, 1957, has the same meaning as in that Act and unless inconsistent with the context—

(i) “beamsman” means an employee who removes wool, mohair or hair by means of a scudding knife from skins placed or stretched over a beam or frame; (ii)

(ii) “boiler attendant” means an employee who, under general supervision, maintains the water level and steam pressure in a boiler and who may make, maintain or draw the fire in such boiler; (xi)

(iii) “casual employee” means an employee who is employed by the same employer on not more than three days in any week; (xix)

- (e) wol- of angorahaarbale, wolsakke, huide, velle of ander artikels met nie-kraggedrewe voertuie vervoer;
- (f) rantsoene kook of tee of soortgelyke drankie vir werknemers maak of hulle daarmee bedien;
- (g) wol- of angorahaarbale oopsny, 'n monster uit elke baal neem en dit langs die baal plaas;
- (h) met 'n nie-kraggedrewe masjien draad op vasgestelde lengte afknip of ogies daarin draai;
- (i) bale, sakke of ander houers vul;
- (j) tuinwerk;
- (k) verskillende klasse velle soos merino-, karakoel-, persie-, angorabok- of boerbokvelle saam groepeer;
- (l) kampongs, latrines, stalle, buitegeboue of dergelyke geboue of bouwerke afwit;
- (m) laai of aflaai uitgesonderd met 'n kraggedrewe apparaat;
- (n) vure maak, onderhou, stook of uithaal of as verwyder;
- (o) sakke of wolsakke met die hand heelmaak;
- (p) sakke, bale, kiste, dromme, pakkette of ander houers oop- of toemaak;
- (q) velle met chemikalieë verf;
- (r) draad of hoepels om wol- of angorahaarbale plaas en vasmaak met die doel om sodanige bale in geperste vorm te hou;
- (s) huide of velle in vate, bakke, droërs of soutbaddens plaas of daaruit haal;
- (t) wol, haar of angorahaar met die hand van velle af-trek of verwyder;
- (u) vet of vleis van vars of nat velle met 'n mes verwyder;
- (v) gevlekte of saderige stukkies, misklosse of ander vreemde stof uit wol of angorahaar verwyder of penswol, merkstof of loks uit vagwol pluk;
- (w) huide of velle met die hand of met skopgraaf insout;
- (x) sakke of wolsakke sorteer of uitskud;
- (y) huide of velle met gifstowwe spuit;
- (z) toewerker;
- (aa) bondels huide of velle vasbind of losmaak; (xvi)
- (ii) „balkman” 'n werknemer wat wol, angorahaar of haar van velle wat oor 'n balk of raam geplaas of gespan is met 'n nerfmes verwyder; (i)
- (iii) „bediener van 'n mobiele hystoestel” 'n werknemer wat 'n mobiele kraghystoestel bedien wat by die laai, aflaai of opstapel van wol- of angorahaarbale, huide of velle gebruik word en wat sodanige hystoestel mag olie of smeer, en dit sluit 'n werknemer in wat 'n nywerheids-trekker binne 'n bedryfsinrigting bestuur; (xix)
- (iv) „bedryfsinrigting” enige perseel waarop of in verband waarmee een of meer werknemers in die Wol-, Angorahaar-, Huid- en Velbedryf in diens is; (xiii)
- (v) „bestuurder” 'n werknemer wat deur sy werkgever belas is met die algemene—
(a) toesig oor,
(b) verantwoordelikheid vir en
(c) leiding van
die bedrywighede van 'n bedryfsinrigting en die werknemers daarin werksaam; (xvii)
- (vi) „bestuurder van 'n motorvoertuig” 'n werknemer wat 'n motorvoertuig bestuur en by die toepassing van hierdie woordomskriving omvat die uitdrukking „'n motorvoertuigbestuur” alle tyd waarin bestuur word, alle tyd wat die bestuurder aan werk in verband met die voertuig of die vrag bestee en alle tyd wat hy verplig is om op sy pos gereed te bly om te bestuur; (xi)
- (vii) „chauffeur” 'n werknemer wat 'n motorvoertuig bestuur wat bedoel is om passasiers te vervoer en wat vir die vervoer van sy werkgever of personeel, klante of besoekers gebruik word en wat ook vir die vervoer van boeke, stukke, wolmonsters of pakkette gebruik mag word; (v)
- (viii) „deeltydse bestuurder van 'n motorvoertuig” 'n werknemer wat in die reël ander werk doen as om 'n motorvoertuig te bestuur maar wat op meer as twee dae in enige week 'n motorvoertuig altesaam hoogstens drie uur op so 'n dag bestuur, en by die toepassing van hierdie woordomskriving omvat die uitdrukking „'n motorvoertuigbestuur” alle tyd waarin bestuur word en alle tyd wat die bestuurder, terwyl hy in beheer oor die voertuig is, aan werk in verband met die voertuig of die vrag bestee; (xxii)
- (ix) „eie gewig” die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat ten opsigte van sodanige motorvoertuig of sleepwa uitgereik deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat in die geval van 'n twee- of driewiel motorfiets, bromponie, bromfiets of trapfiets wat met 'n hulpmotor toegerus is die eie gewig geag word minder as 1,000 lb. te wees; (xlv)
- (iv) „chargehand” means an employee who is in charge of a group of labourers; (xxiv)
- (v) „chauffeur” means an employee who is engaged in driving a motor vehicle which is intended to carry passengers and used for the conveyance of his employer or of staff, clients or visitors and which may be used for the conveyance of books, documents, wool samples or parcels; (vii)
- (vi) „clerk” means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (xii)
- (vii) „clerk, female, qualified” means a female clerk who has had not less than four years' experience; (xv)
- (viii) „clerk, female, unqualified” means a female clerk who has had less than four years' experience; (xvi)
- (ix) „clerk, male, qualified” means a male clerk who has had not less than five years' experience; (xiii)
- (x) „clerk, male, unqualified” means a male clerk who has had less than five years' experience; (xiv)
- (xi) „driver of a motor vehicle” means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression “driving a motor vehicle” includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (vi)
- (xii) „emergency work” means—
(1) any work, which owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence or theft, must be done without delay;
(2) any work connected with the loading or unloading of trucks or vehicles of the South African Railways and Harbours, or with the shipping of wool, mohair, hides or skins and any work necessitated by incidental to or consequent upon such loading, unloading or shipping, including receiving, checking, invoicing, marking, pressing, weighing or despatching of wool, mohair, hides or skins and the preparation of sales documents and consignment or shipping documents conveying instructions for the consignment or shipping of wool, mohair, hides or skins;
(3) any work connected with the preserving of green hides or skins received at or from abattoirs at times of abnormally heavy slaughterings; (xxiii)
- (xiii) „establishment” means any premises in or in connection with which one or more employees are employed in the Wool, Mohair, Hides and Skins Trade; (iv)
- (xiv) „experience” means, in relation to—
(a) a clerk, the total period or periods of employment which an employee has had as a clerk in any trade or in the service of the State;
(b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Wool, Mohair, Hides and Skins Trade; (xxv)
- (xv) „grade I employee” means an employee who is engaged in any one or more of the following activities or capacities—
(a) beamsman;
(b) boiler attendant;
(c) chargehand;
(d) counting wool or mohair bales, woolpacks, hides or skins or recording the numbers thereof;
(e) marker;
(f) marking hides or skins by means of a marking pencil on the instructions of a hides or skins grader;
(g) mobile hoist operator;
(h) office messenger;
(i) press attendant;
(j) reading weights on a scale or calling out weights or numbers;
(k) sorter;
(l) trimmer;
(m) watchman; (xlv)
- (xvi) „labourer” means an employee who is engaged in any one or more of the following activities or capacities—
(a) assisting a press attendant;
(b) assisting on delivery vehicles other than by driving or effecting repairs;
(c) carrying, lifting, moving, shifting or stacking wool or mohair bales, woolpacks, hides, skins or other articles, other than by power-driven device;
(d) cleaning premises, vehicles or furniture, machinery, plant, tools, implements or other articles;

- (x) „kantoorbode” ’n werknemer wat boodskappe, briewe of pakkette binne of buite ’n bedryfsinrigting ophaal of aflewer, wat enige soort skryfwerk in verband met die ophaal of aflewer verrig en wat ’n motorfiets, fiets of ’n fiets wat met ’n hulpmotor toegerus is in die uitvoering van sy pligte mag gebruik; (xxi)
- (xi) „ketelbediener” ’n werknemer wat onder algemene toesig die waterpeil en die stoomdruk in ’n stoomketel in stand hou en wat die vuur in so ’n stoomketel mag maak of stook of daaruit haal; (ii)
- (xii) „klerk” ’n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook ’n kassier en ’n skakelbordtelefonis, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, ook al vorm klerklike werk ’n deel van so ’n werknemer se werk; (vi)
- (xiii) „klerk, man, gekwalifiseerd,” ’n manlike klerk met minstens vyf jaar ondervinding; (ix)
- (xiv) „klerk, man, ongekwalifiseerd,” ’n manlike klerk met minder as vyf jaar ondervinding; (x)
- (xv) „klerk, vrou, gekwalifiseerd,” ’n vroulike klerk met minstens vier jaar ondervinding; (vii)
- (xvi) „klerk, vrou, ongekwalifiseerd,” ’n vroulike klerk met minder as vier jaar ondervinding; (viii)
- (xvii) „korttyd” ’n tydelike vermindering van die getal gewone werkure te wyte aan ’n slapte in die bedryf, ’n tekort aan spoorwaens, ongunstige weersomstandighede of aan die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word; (xxx)
- (xviii) „loon” die geldbedrag wat ingevolge klousule 3 (1) aan ’n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klousule 5 voorgeskryf: Met dien verstande—
- dat, as ’n werkgever sy werknemer ten opsigte van sy gewone werkure gereeld ’n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit dié hoër bedrag beteken;
 - dat die eerste voorbehoudsbepaling nie so uitgelê word dat dit enige besoldiging raak of omvat wat ’n werknemer, in diens op enige basis kragtens artikel 9, ontvang het bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige basis in diens was nie; (xlv)
- (xix) „loswerknemer” ’n werknemer wat hoogstens drie dae in enige week by dieselfde werkgever in diens is; (iii)
- (xx) „merker” ’n werknemer wat wol- of angorahaarbale of wolsakke of bondels huide of velle merk of sjabloneer; (xviii)
- (xxi) „monsterbediende” ’n werknemer wat monsters wol of angorahaar by wol- of angorahaarpakhuisse ophaal en sodanige monsters afsonderlik en volgens verkoops-katalogusnommers in houters plaas; (xxix)
- (xxii) „motorvoertuig” enige kraggedrewe voertuig wat gebruik word vir die vervoer van goedere en omvat dit ook ’n voorhaker en ’n trekker maar nie ’n nywerheidstrekker wanneer dit binne ’n bedryfsinrigting gebruik word of ’n mobiele hystoestel nie; (xx)
- (xxiii) „noodwerk” alle werk—
- wat as gevolg van brand, storm, ongeluk, epidemie, geweld of diefstal sonder versuim verrig moet word;
 - in verband met die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens, die verskeping van wol, angorahaar, huide of velle en enige werk wat genoodsaak word deur, wat bykomstig is by of wat voortvloei uit sodanige laai of aflaai of verskeping, asook die ontvangs, nasien, faktureer, merk, pers, weeg of versending van wol, angorahaar, huide of velle en die voorbereiding van verkoopsdokumente en versendings- of verskepingdokumente wat instruksies vir die versending of verskeping van wol, angorahaar, huide of velle bevat;
 - in verband met die preservering van vars huide of velle wat in tye van abnormale slagwerk by of van slagpale ontvang word; (xii)
- (xxiv) „onderbaas” ’n werknemer wat in beheer is van ’n groep arbeiders; (iv)
- (xxv) „ondervinding” met betrekking tot—
- ’n klerk, die totale tydperk of tydperke diens wat ’n werknemer as ’n klerk in enige bedryf of in diens van die Staat gehad het;
 - ’n pakhuisman, die totale tydperk of tydperke diens wat ’n werknemer as ’n pakhuisman in die Wol-, Angorahaar-, Huid- en Velbedryf gehad het;
- conveying wool or mohair bales, woolpacks, hides, skins or other articles by means of non-power-driven vehicles;
 - cooking rations or making tea or similar beverages for, or serving it to, employees;
 - cutting open wool or mohair bales, extracting a sample from each bale and placing it next to the bale;
 - cutting to set length or twisting loops in wire by means of a non-power-driven machine;
 - filling bales, bags or other containers;
 - gardening work;
 - grouping together various classes of skins, such as merino, karakul, persian, angora goat or boer-goat skins;
 - lime-washing compounds, latrines, stables, out-buildings or similar buildings or structures;
 - loading or unloading other than by power-driven device;
 - making, maintaining, stoking or drawing fires, or removing ashes;
 - mending sacks or woolpacks by hand;
 - opening or closing bags, bales, boxes, drums, packages or other containers;
 - placing and fastening wire or hoops around wool or mohair bales in order to retain such bales in a compressed state;
 - placing hides or skins in or removing hides or skins from vats, tanks, driers or salting pits;
 - pulling or removing wool, mohair or hair from skins by hand;
 - removing fat or meat from green or wet skins by means of a knife;
 - removing from wool or mohair stained or seedy particles, dags or other foreign matter or picking bellies, brands or locks from fleece wool;
 - salting hides or skins by hand or shovel;
 - sorting or shaking out sacks or woolpacks;
 - spraying hides or skins with poisonous chemicals;
 - stitcher;
 - tying or untying bundles of hides or skins; (i)
- (xvii) „manager” means an employee who is charged by his employer with the overall—
- supervision over;
 - responsibility for, and
 - direction of,
- the activities of an establishment and the employees engaged therein; (v)
- (xviii) „marker” means an employee who is engaged in marking or stencilling wool or mohair bales or woolpacks or bundles of hides or skins; (xx)
- (xix) „mobile hoist operator” means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading or stacking of wool or mohair bales or hides or skins and who may or may not use such hoist and includes an employee who drives an industrial tractor within an establishment; (iii)
- (xx) „motor vehicle” means any power-driven vehicle used for conveying goods and includes a mechanical horse and a tractor but does not include an industrial tractor when used within an establishment nor a mobile hoist; (xxii)
- (xxi) „office messenger” means an employee who is engaged in collecting or delivering messages, letters or packages within or outside an establishment, who performs any writing connected with such collecting or delivering and who may use a motor cycle, a bicycle or a bicycle with an auxiliary motor in the performance of his duties; (x)
- (xxii) „part-time driver of a motor vehicle” means an employee who is ordinarily engaged on duties other than driving a motor vehicle but who on more than two days in any week is engaged in driving a motor vehicle for not more than three hours in the aggregate on any such day, and for the purpose of this definition the expression „driving a motor vehicle” includes all periods of driving and any time spent by the driver, while in charge of the vehicle, on work connected with the vehicle or the load; (vii)
- (xxiii) „peak period” means any period or periods not exceeding in total twenty-one weeks in any year, notification of the commencing date of which is given by an employer to the Divisional Inspector, Department of Labour, for his area not later than seven days after the commencement of each such period; (xxxv)
- (xxiv) „piece-work” means any system under which an employee’s remuneration is based on the quantity of work done; (xl)
- (xxv) „pelt sorter” means an employee in a peltery who is engaged in sorting pickled pelts according to quality; (xxxii)

- (c) enige ander klas werknemer, die totale tydperk of tydperke diens wat 'n werknemer in sy klas in die Wol-, Angorahaar-, Huid- en Velbedryf gehad het; (xiv)
- (xxvi) „pakhuislerk” ’n werknemer wat, onder die algemene toesig van ’n gekwalifiseerde manlike klerk of pakhuisman, een of meer van die volgende werksaamhede verrig—
- (a) tydkaarte nasien, lisseer of sorteer of die tye waarop werknemers by ’n bedryfsinrigting inkom of dit verlaat, kontroleer of aanteken;
 - (b) van pakhuisdokumente grade, nommers of gewigte vir kantoordoeleindes afskryf;
 - (c) aan vervoerkontrakteurs of kopers lewer;
 - (d) vrag-, afleverings- of verskepingsbriewe opstel;
 - (e) toesig hou oor die tel van wol- of angorahaarbale, wolsakke, huide of velle of oor die aantekening van die getalle; (xxvii)
- (xxvii) „pakhuislerk, gekwalifiseerd,” ’n pakhuislerk met minstens een jaar ondervinding; (xxvii)
- (xxviii) pakhuislerk, ongekwalifiseerd,” ’n pakhuislerk met minder as een jaar ondervinding; (xxviii)
- (xxix) „pakhuisman” ’n werknemer wie se werk dit is om—
- (a) wol of angorahaar te ontvang of te weeg; of
 - (b) huide of velle te ontvang en te weeg;
- en wat beheer voer oor pakhuislerke of werknemers wat wol, angorahaar, huide of velle vir versending merk of dit pers, stapel, uitstal of versend en wat moet toesien dat sodanige pakhuislerke of werknemers hulle werk doeltreffend verrig; (xxix)
- (xxx) „pakhuisman, gekwalifiseerd,” ’n pakhuisman met minstens vyf jaar ondervinding; (xl)
- (xxxi) „pakhuisman, ongekwalifiseerd,” ’n pakhuisman met minder as vyf jaar ondervinding; (xli)
- (xxxii) „pelsorteerder” ’n werknemer wat in ’n velblotery gepekelde pelse na kwaliteit sorteer; (xxv)
- (xxxiii) „pelsorteerder, gekwalifiseerd,” ’n pelsorteerder met minstens twee jaar ondervinding; (xxvi)
- (xxxiv) „pelsorteerder, ongekwalifiseerd,” ’n pelsorteerder met minder as twee jaar ondervinding; (xxvii)
- (xxxv) „persbediener” ’n werknemer wat oor die korrekte plasing van wol- of angorahaarbale of pakke huide of velle in ’n kraggedrewe pers toesig hou en wat sodanige pers aan- en afsit; (xxviii)
- (xxxvi) „regsnier” ’n werknemer in ’n velblotery wat gepekelde pelse regsnier; (xliii)
- (xxxvii) „sleepwa” enige vervoermiddel wat deur ’n motorvoertuig getrek word; (xlii)
- (xxxviii) „sorteerder” ’n werknemer wat wol na lengte of kleur sorteer of growwe wol verwyder; (xxxiv)
- (xxxix) „spitstydperk” enige tydperk of tydperke wat in die geheel hoogstens een-en-twintig weke in enige jaar beloop en waarvan die aanvangsdatum deur ’n werkgewer aan die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied bekendgemaak word binne sewe dae na die aanvang van sodanige tydperk; (xxiii)
- (xl) „stukwerk” enige stelsel waarby ’n werknemer se beloning op die hoeveelheid gedane werk gebaseer word; (xxiv)
- (xli) „toewerker” ’n werknemer wat wol of angorahaar in bale terugplaas en sodanige bale toewerk; (xxxv)
- (xlii) „velsorteerder” ’n werknemer in ’n velblotery wat velle na kwaliteit op na die lengte of tipe wol of angorahaar sorteer; (xxxix)
- (xliii) „velsorteerder, gekwalifiseerd,” ’n velsorteerder met minstens twee jaar ondervinding; (xxxii)
- (xliv) „velsorteerder, ongekwalifiseerd,” ’n velsorteerder met minder as twee jaar ondervinding; (xxxiii)
- (xlv) „wag” ’n werknemer wat persele of eiendom bewaak; (xlvii)
- (xlii) „werknemer, graad I,” ’n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede werksaam is—
- (a) balkman;
 - (b) ketelbediener;
 - (c) onderbaas;
 - (d) wol- of angorahaarbale, wolsakke, huide of velle tel of die getalle daarvan aanteken;
 - (e) merker;
 - (f) huide of velle op instruksies van ’n huid- of velgraderder met ’n merkpootlood merk;
 - (g) bediener van ’n mobiele hystoestel;
 - (h) kantoorbode;
 - (i) persbediener;
 - (j) gewigte op ’n skaal lees of gewigte of getalle uitroep;
 - (k) sorteerder;
 - (l) regsnier;
 - (m) wag; (xv)
- (xxvi) „pelt sorter, qualified,” means a pelt sorter who has had not less than two years of experience; (xxxiii)
- (xxvii) „pelt sorter, unqualified,” means a pelt sorter who has had less than two years of experience; (xxxiv)
- (xxviii) „press attendant” means an employee who is engaged in supervising the correct positioning of wool or mohair bales or of bundles of hides or skins in a power-driven press and who starts and stops such press; (xxxv)
- (xxix) „sample attendant” means an employee who is engaged in collecting wool or mohair samples from wool or mohair stores and who places such samples separately, and in accordance with sale-catalogue numbers, in containers; (xxi)
- (xxx) „short-time” means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, a shortage of railway trucks, adverse weather conditions or a general breakdown of plant or machinery or an actual breakdown or threatened breakdown of buildings; (xvii)
- (xxxi) „skin sorter” means an employee in a pultry who is engaged in sorting skins according to quality or length or type of wool or mohair; (xlii)
- (xxxii) „skin sorter, qualified,” means a skin sorter who has had not less than two years of experience; (xliii)
- (xxxiii) „skin sorter, unqualified,” means a skin sorter who has had less than two years of experience; (xliv)
- (xxxiv) „sorter” means an employee who is engaged in sorting wool according to length or colour or who removes coarse wool; (xxxviii)
- (xxxv) „stitcher” means an employee who is engaged in replacing wool or mohair into bales and stitching up such bales; (xli)
- (xxxvi) „stores clerk” means an employee who, under the general supervision of a qualified male clerk or storeman, is engaged in any one or more of the following activities—
- (a) checking, filing or sorting time cards or checking or recording times employees enter or leave an establishment;
 - (b) copying grades, numbers or weights from stores documents for office purposes;
 - (c) giving delivery to cartage contractors or buyers;
 - (d) making out consignment or delivery notes or marine bills of lading;
 - (e) supervising the counting of wool or mohair bales, woolpacks, hides or skins or the recording of the numbers; (xxv)
- (xxxvii) „stores clerk, qualified” means a stores clerk who has had not less than one year of experience; (xxvii)
- (xxxviii) „stores clerk, unqualified” means a stores clerk who has had less than one year of experience; (xxviii)
- (xxxix) „storeman” means an employee who is engaged in—
- (a) the receiving or weighing of wool or mohair; or
 - (b) the receiving and weighing of hides and skins;
- or who is in charge of stores clerks or employees engaged in the marking for despatch, pressing, stacking, exhibiting or despatch of wool, mohair, hides or skins and responsible for the efficient performance by them of their duties; (xxix)
- (xl) „storeman, qualified” means a storeman who has had not less than five years of experience; (xxx)
- (xli) „storeman, unqualified” means a storeman who has had less than five years of experience; (xxxi)
- (xlii) „trailer” means any conveyance drawn by a motor vehicle; (xxxvii)
- (xliii) „trimmer” means an employee in a pultry who is engaged in trimming pickled pelts; (xxxvi)
- (xliv) „unladen weight” means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles. Provided that in the case of a two or three wheeled motor cycle, motor scooter or motorcycle or cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb.; (xx)
- (xlv) „wage” means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5; Provided—
- (i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means, such higher amount;
 - (ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee, who is employed on any basis provided for in clause 9, received over and above the amount which he would have received if he had not been employed on such a basis; (xxviii)

(xlvii) „Wol-, Angorahaar-, Huid- en Velbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is in of in verband met die werksaamhede verrig deur wolmakelaars, wolkopers, wolverskepers of handelaars in huide of velle en omvat dit ook een of meer van die volgende werksaamhede naamlik:—

die ontvangs, sortering, gradering, weeg, katalogisering, bemarking, toemaak, pers, berging of verskeping van wol, huide, velle of angorahaar; die droogmaak of preservering van huide of velle; die skeen of aftrak van wol, hare of angorahaar van huide of velle;

en omvat dit verder alle werksaamhede wat met eenige van genoemde bedrywighede in verband staan or daaruit voortspruit. (xlvii)

(2) By die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitend of hoofsaaklik in diens is.

3. Beloning.

(1) Die minimum loon wat 'n werkgewer aan elkeen van sy werknemers in ondergenoemde klasse moet betaal, word hieronder uiteengesit:—

(a) *Werknemers uitgesonderd los werknemers.*

(i)

Bestuurder van 'n motorvoertuig waarvan die eie gewig, tesame met die eie gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—

(i) hoogstens 1,000 lb. is.....
(ii) oor 1,000 lb. maar hoogstens 6,000 lb. is.....
(iii) oor 6,000 lb. maar hoogstens 10,000 lb. is.....
(iv) oor 10,000 lb. is.....

Chaufeur.....
Deeltydse bestuurder van 'n motorvoertuig.....
Klerk, man, gekwalifiseerd.....
Pakhuisman, gekwalifiseerd.....
Klerk, man, ongekwalifiseerd.....
Pakhuisman, ongekwalifiseerd.....

gedurende die eerste jaar ondervinding.....
gedurende die tweede jaar ondervinding.....
gedurende die derde jaar ondervinding.....
gedurende die vierde jaar ondervinding.....
gedurende die vyfde jaar ondervinding.....

Klerk, vrou, gekwalifiseerd.....
Klerk, vrou, ongekwalifiseerd.....

gedurende die eerste jaar ondervinding.....
gedurende die tweede jaar ondervinding.....
gedurende die derde jaar ondervinding.....
gedurende die vierde jaar ondervinding.....

Pakhuisklerk, gekwalifiseerd.....
Pakhuisklerk, ongekwalifiseerd.....

gedurende die eerste ses maande ondervinding.....
gedurende die tweede ses maande ondervinding.....

(ii)

(xlv) „watchman” means an employee who is engaged in guarding premises or property; (xlv)

(xlvii) „Wool, Mohair, Hides and Skins Trade” means the trade in which employers and employees are associated in or in connection with the activities carried on by wool-brokers, woolbuyers, woolshippers or dealers in hides or skins and includes any one or more of the following activities viz.—

receiving, sorting, grading, weighing, cataloguing, marketing, closing, pressing, storing or shipping of wool, hides, skins or mohair; curing or preserving of hides or skins; shearing or pulling off wool, hair or mohair from hides or skins;

and further includes all operations incidental to or consequent on any of the aforesaid activities. (xlvii)

(2) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

3. Remuneration.

(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:—

(a) *Employees other than Casual Employees.*

In die landdros- distrikte Kroon- stad en Mossel- baai.	In alle ander gebiede.
Per week. R	Per week. R

7.50 9.50

12.00 12.90

14.50 15.70

18.60 20.80

10.00 10.00

9.50 10.00

21.23 23.07

8.31 9.23

10.85 12.00

13.38 14.77

15.92 17.55

18.46 20.31

13.85 15.69

7.85 8.54

9.35 10.32

10.85 12.12

12.35 13.90

10.50 12.50

8.50 9.50

9.50 11.00

	In die landdros- distrikte Bellville, die Kaap, Simonstad en Wynberg.	In die landdros- distrik Johannesburg.	In alle gebiede in Transvaal uitgesonderd die landdrosdistrikte Johannesburg en Klerksdorp.	In die munisipale gebied van Port Elizabeth.	In die landdros- distrikte Durban, Inanda en Pinetown.	In die landdros- distrikte Uitenhage en Port Elizabeth (uitgesonderd die munisipale gebied van Port Elizabeth).	In die landdros- distrikte Kroonstad en Mosselbaai.	In alle ander gebiede.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Arbeider, man, 18 jaar oud of ouer.....	8.25	8.00	7.50	7.25	7.00	6.75	6.00	6.25
Arbeider, man, onder 18 jaar.....	6.20	6.00	5.63	5.44	5.25	5.06	4.50	4.70
Arbeider, vrou.....	6.60	6.40	6.00	5.80	5.60	5.40	4.80	5.00
Monsterbediende.....	9.75	9.50	9.00	8.75	8.50	8.25	7.50	7.75
Peilsorteerder, gekwalifiseerd.....	13.50	13.25	12.75	12.50	12.25	12.00	11.25	11.50
Velsorteerder, gekwalifiseerd.....								
Peilsorteerder, ongekwalifiseerd.....								
Velsorteerder, ongekwalifiseerd.....								
gedurende die eerste ses maande onder- ondervinding.....	9.50	9.25	8.75	8.50	8.25	8.00	7.25	7.50
gedurende die tweede ses maande onder- vinding.....	10.50	10.25	9.75	9.50	9.25	9.00	8.25	8.50
gedurende die derde ses maande onder- vinding.....	11.50	11.25	10.75	10.50	10.25	10.00	9.25	9.50
gedurende die vierde ses maande onder- vinding.....	12.50	12.25	11.75	11.50	11.25	11.00	10.25	10.50
Werknemer graad I.....	9.25	9.00	8.50	8.25	8.00	7.75	7.00	7.25
Werknemer wat nie elders in hierdie subklou- sule spesifiek genoem word nie.....	9.25	9.00	8.50	8.25	8.00	7.75	7.00	7.25

(i)		In the Magisterial Districts of Kroonstad and Mossel Bay.	In all other Areas.
		Per Week.	Per Week.
		R	R
		10.00	10.00
		13.85	15.69
	Chauffeur.....		
	Clerk, female, qualified.....		
	Clerk, female, unqualified—	7.85	8.54
	during the first year of experience.....	9.35	10.32
	during the second year of experience.....	10.85	12.12
	during the third year of experience.....	12.35	13.90
	during the fourth year of experience.....	21.23	23.07
	Clerk, male, qualified.....		
	Storeman, unqualified—	8.31	9.23
	during the first year of experience.....	10.85	12.00
	during the second year of experience.....	13.38	14.77
	during the third year of experience.....	15.92	17.55
	during the fourth year of experience.....	18.46	20.31
	during the fifth year of experience.....		
	Driver of a motor vehicle, the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle—	7.50	9.50
	(i) does not exceed 1,000 lb.....	12.00	12.90
	(ii) exceeds 1,000 lb. but does not exceed 6,000 lb.....	14.50	15.70
	(iii) exceeds 6,000 lb. but does not exceed 10,000 lb.....	18.60	20.80
	(iv) exceeds 10,000 lb.....	9.50	10.00
	Part-time driver of a motor vehicle.....	10.50	12.50
	Stores clerk, qualified.....		
	Stores clerk, unqualified—	8.50	9.50
	during the first six months of experience.....	9.50	11.00
	during the second six months of experience.....		

(ii)	In the Magisterial Districts of Bellville, the Cape, Simons-town and Wynberg.	In the Magisterial District of Johannesburg.	In all Areas in the Transvaal, other than in the Magisterial Districts of Johannesburg and Klerksdorp.	In the municipal area of Port Elizabeth.	In the Magisterial Districts of Durban, Inanda and Pine-town.	In the Magisterial Districts of Uitenhage and Port Elizabeth (except the municipal area of Port Elizabeth).	In the Magisterial Districts of Kroonstad and Mossel Bay.	In all other Areas.
	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.	Per Week.
	R	R	R	R	R	R	R	R
Grade I employee.....	9.25	9.00	8.50	8.25	8.00	7.75	7.00	7.25
Labourer, male, of the age of 18 years or over	8.25	8.00	7.50	7.25	7.00	6.75	6.00	6.25
Labourer, male, under the age of 18 years.....	6.20	6.00	5.63	5.44	5.25	5.06	4.50	4.70
Labourer, female.....	6.60	6.40	6.00	5.80	5.60	5.40	4.80	5.00
Pelt sorter } qualified.....	13.50	13.25	12.75	12.50	12.25	12.00	11.25	11.50
Skin sorter } unqualified—								
Pelt sorter } during the first six months of experience	9.50	9.25	8.75	8.50	8.25	8.00	7.25	7.50
Skin sorter } during the second six months of experience	10.50	10.25	9.75	9.50	9.25	9.00	8.25	8.50
during the third six months of experience	11.50	11.25	10.75	10.50	10.25	10.00	9.25	9.50
during the fourth six months of experience	12.50	12.25	11.75	11.50	11.25	11.00	10.25	10.50
Sample attendant.....	9.75	9.50	9.00	8.75	8.50	8.25	7.50	7.75
Employee not elsewhere specifically mentioned in this sub-clause.....	9.25	9.00	8.50	8.25	8.00	7.75	7.00	7.25

Met dien verstande—

- (i) dat 'n werkgewer sy klerk, kantoorbode, pakhuisman of pakhuisklerk gedurende 'n spitsydyperk minstens die loon wat vir sy klas en gebied voorgeskryf is plus sewe en 'n half persent moet betaal;
- (ii) dat as van 'n kantoorbode vereis word of hy toegelaat word, om in die uitvoering van sy pligte, 'n motorfiets of 'n fiets met 'n hulpmotor te gebruik moet hy minstens vyftig sent per week meer betaal word as die loon wat vir 'n werknemer graad I in sy gebied voorgeskryf is.
- (b) *Los werknemers.*—'n Los werknemer moet vir elke dag of deel van 'n dag diens minstens een vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied en van dieselfde geslag wat dieselfde klas werk verrig as wat van die los werknemer vereis word: Met dien verstande dat, as die werkgewer vereis dat sy los werknemer die werk verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon” beteken die weekloon voorgeskryf vir 'n gekwalifiseerde werknemer van dié klas, en voorts met dien verstande dat, as die werkgewer vereis dat sy los werknemer 'n tydperk van hoogstens vier opeenvolgende ure op enige dag werk, sy loon met hoogstens vyftig persent verminder mag word.

(2) *Kontrakbasis.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer op 'n weeklikse grondslag berus en, behoudens die bepaling van klousule 4 (6), moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat in subklousule (1), gelees met subklousule (3), vir 'n werknemer van sy klas in die

Provided—

- (i) that an employer shall pay his clerk, office messenger, storeman or stores clerk, during a peak period, not less than the wage prescribed for his class and area, plus seven and a half per cent;
- (ii) that an office messenger who is required or permitted to use a motorcycle or a bicycle with an auxiliary motor in the performance of his duties shall be paid not less than fifty cents per week more than the wage prescribed for a grade I employee of his area.
- (b) *Casual Employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of works as the casual employee is required to do: Provided that, where the employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression “Weekly wage” shall mean the weekly wage prescribed for a qualified employee of that class and provided further that where the employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage may be reduced by not more than fifty per cent.

(2) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in sub-clause (1), read with sub-clause (3), for an employee of his class in the area in

gebied waarin hy werk voorgeskryf word en wel ongeag die vraag of hy in so 'n week die maksimum getal gewone werkure wat ingevolge klousule 5 vir hom geld, dan wel minder, gewerk het.

(3) *Differensiële loon.*—'n Werkgewer wat vereis of toelaat dat 'n lid van een klas van sy werknemers langer as altesaam een uur op enige dag, hetsy benewens sy eie werk of in die plek daarvan, werk verrig van 'n ander klas waarvoor hetsy—

(a) 'n hoër loon as dié van sy eie klas, of

(b) 'n stygende loonskaal wat uitloop op 'n hoër loon as dié van sy eie klas,

in subklousule (1) voorgeskryf word, moet vir dié dag aan so 'n werknemer as volg betaal—

(i) in die geval in paragraaf (a) vermeld, minstens die dagloon bereken teen die hoër tarief; en

(ii) in die geval in paragraaf (b) vermeld, minstens die dagloon bereken op die kerf in die stygende skaal net bo die loon wat die werknemer vir sy gewone werk ontvang;

Met dien verstande—

(i) dat die bepalings van hierdie subklousule nie geld wanneer die verskil tussen die klasse ingevolge subklousule (1) op ouderdom, ondervinding of geslag berus nie;

(ii) dat, tensy daar in 'n skriftelike kontrak tussen 'n werkgewer en sy werknemer uitdruklik anders bepaal word, niks in hierdie vasstelling só uitgelê mag word dat dit 'n werkgewer belet om te vereis dat 'n werknemer 'n ander klas werk verrig waarvoor die voorgeskryfde loon dieselfde of laer is as dié wat vir so 'n werknemer voorgeskryf word nie.

(4) *Loonberekening.*—(a) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—

(i) vyf, as hy 'n werkweek van vyf dae het;

(ii) ses, in die geval van enige ander werknemer.

(b) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.

(c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur ses-en-veertig.

4. BETALING VAN BELONING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalings van klousule 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure of binne vyftien minute na afloop van die werkdag op die dag waarop die bedryfs-inrigting so 'n werknemer gewoonlik betaal, of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n geslote koefert of houër wees waarop aangegee word of wat vergesel gaan van 'n staat wat aantoon—

(a) die werkgewer se naam;

(b) die werknemer se naam of sy nommer in die betaalstaat en sy klas werk;

(c) die getal gewone werkure wat die werknemer gewerk het;

(d) die getal ure wat die werknemer oortyd gewerk het;

(e) die werknemer se loon;

(f) die besonderhede omtrent enige ander beloning ter sake van die werknemer se diens;

(g) die besonderhede omtrent enige bedrae wat afgetrek is;

(h) die werklike bedrag wat aan die werknemer betaal word; en

(i) die tydperk waarvoor die betaling geskied;

en sodanige koefert of houër wat hierdie inligting verstrek of sodanige staat word die eiendom van die werknemer.

(2) *Los werknemer.*—'n Werkgewer moet die beloning wat aan 'n los werknemer verskuldig is, by die beëindiging van sy diens aan hom in kontant betaal.

(3) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgewer betaal of deur hom aangeneem word nie.

(4) *Koop van goedere.*—'n Werkgewer mag nie vereis dat sy werknemer van hom of van enige winkel, plek of persoon deur hom aangewys goedere koop nie.

(5) *Kos en inwoning.*—Behoudens die bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie vereis dat sy werknemer by hom of by enige ander persoon of plek deur hom aangewys, eet of inwoon of eet en inwoon nie.

(6) *Aftekings.*—'n Werkgewer mag sy werknemer geen boetes opleë of bedrae van sy werknemer se beloning afrek nie: Met dien verstande dat hy die volgende kan afrek:—

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektiefondsbystand-, versekerings-, spaarvoorsorg- of pensioenfonds of vir ledegedel van vakverenigings;

(b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer uit sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat so 'n werknemer ten tyde van sodanige afwesigheid vir sy gewone werkure ontvang het;

(c) iedere bedrag wat 'n werkgewer regtens of op bevel van 'n bevoegde hof verplig of toegelaat word om af te trek;

which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Differential Wages.*—An employer who requires or permits a member of one class of his employees to perform for longer than one hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

(a) a wage higher than that of his own class, or

(b) a rising scale of wages terminating in a wage higher than that of his own class,

is prescribed in sub-clause (1), shall pay to such employee in respect of that day—

(i) in the case referred to in paragraph (a), not less than the daily wage calculated at the higher rate, and

(ii) in the case referred to in paragraph (b), not less than the daily wage calculated on the notch in the rising scale immediately above the wage which the employee was receiving for his ordinary work.

Provided—

(i) that the provisions of this sub-clause shall not apply where the difference between classes in terms of sub-clause (1) is based on age, experience or sex;

(ii) that, unless expressly otherwise provided in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring an employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee.

(4) *Calculation of Wages.*—(a) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—

(i) five, in the case of an employee who works a five-day week;

(ii) six, in the case of any other employee.

(b) The monthly wage of an employee shall be four and a third times his weekly wage.

(c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by forty-six.

4. PAYMENT OF REMUNERATION.

(1) *Employees other than Casual Employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee, in cash or by cheque monthly during the hours of work or within fifteen minutes of ceasing work on the usual pay day of the establishment for such employee or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in a closed envelope or container, on which shall be recorded, or which shall be accompanied by a statement showing—

(a) the employer's name;

(b) the employee's name or his number on the pay roll and his occupation;

(c) the number of ordinary hours of work worked by the employee;

(d) the number of overtime hours worked by the employee;

(e) the employee's wage;

(f) the details of any other remuneration arising out of the employee's employment;

(g) the details of any deductions made;

(h) the actual amount paid to the employee; and

(i) the period in respect of which payment is made;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee.

(2) *Casual Employee.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment.

(3) *Premiums.*—No payment shall be made to or accepted by an employer, either directly or indirectly, in respect of the employment or training of an employee.

(4) *Purchase of Goods.*—An employer shall not require his employee to purchase any goods from him or from any shop, place or person nominated by him.

(5) *Board and Lodging.*—Save as provided in the Bantu (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge or board and lodge with him or with any person or at any place nominated by him.

(6) *Deductions.*—An employer shall not levy any fines against his employee nor shall he make any deduction from his employee's remuneration: Provided that he may make the following:—

(a) With the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or subscriptions to trade unions;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;

(c) a deduction of any amount which an employer by law or order of any competent court is required or permitted to make;

(d) wanneer 'n werknemer daarmee instem, of ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, verplig word, om kos en inwoning of kos of inwoning van sy werkgever aan te neem, 'n bedrag hoogstens gelyk aan onderstaande bedrae—

	Per week.	Per maand.
	R	R
(i) Kos.....	0.80	3.47
(ii) Inwoning.....	0.40	1.73
(iii) Kos en inwoning.....	1.20	5.20;

(e) wanneer die gewone werkure in klousule 5 voorgeskryf weens korttyd verminder word, 'n bedrag gelyk aan die werknemer (uitgesonderd 'n los werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande—

- dat sodanige bedrag, ongeag die getal ure waarmee die gewone werkure aldus verminder word, hoogstens een derde van die werknemer se weekloon mag wees;
- dat geen aftrekking ten opsigte van korttyd wat deur 'n slapie in die bedryf ontstaan, geskied nie, tensy die werkgever sy werknemer op die vorige werkdag kennis gee het van sy voorneme om die gewone werkure te verminder;
- dat ten opsigte van korttyd weens ongunstige weersomstandighede 'n tekort aan spoorwaens, 'n algemene onklaarraking van masjinerie of installasie of 'n werklike of dreigende onklaarraking van geboue geen aftrekking geskied vir die eerste uur waarin daar nie gewerk word nie, tensy die werkgever sy werknemer op die vorige dag kennis gee het dat daar geen werk sal wees nie;
- met die skriftelike toestemming van 'n werknemer iedere bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike bestuur betaal het aan huur van 'n huis, of aan huisvesting in 'n tehuis, wat die werknemer in 'n lokasie of Bantodorp onder die beheer van so 'n raad of ander plaaslike bestuur bewoon.

5. WERKURE, GEWONE EN OORTYD, EN DIE BETALING VIR OORTYD.

(1) *Gewone werkure.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n los werknemer, klerk, kantoorbode, pakhuisman of pakhuiswerker meer gewone werkure werk nie as—

- in die geval van 'n werknemer wat ses dae in 'n week werk—
 - ses-en-veertig in enige week van Maandag tot en met Saterdag; en
 - behoudens die bepalings van subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enigeen van die orige dae tot agt en 'n half verleng kan word;

- in die geval van 'n werknemer wat vyf dae in 'n week werk—

- ses-en-veertig in enige week van Maandag tot en met Vrydag; en
- behoudens die bepalings van subparagraaf (i) hiervan, nege en 'n kwart op enige dag.

(2) (a) Behoudens die bepalings van paragraaf (b), mag die gewone werkure van 'n klerk, 'n kantoorbode, 'n pakhuisman of 'n pakhuiswerker in enige week van Maandag tot en met Saterdag nie ses-en-veertig te bowe gaan nie.

(b) 'n Werkgever kan na minstens sewe dae kennis aan sy werknemer in paragraaf (a) vermeld, bepaal dat die gewone werkure van sodanige werknemer nie—

- vyf-en-dertig in enige week van Maandag tot en met Saterdag, uitgesonderd gedurende 'n spits tydperk;
- sestig in enige week van Maandag tot en met Saterdag gedurende 'n spits tydperk

te bowe sal gaan nie: Met dien verstande—

- dat 'n werkgever nie die grondslag van die gewone werkure van 'n werknemer mag verander binne twaalf maande vanaf die datum waarop sy werknemer, ooreenkomstig die genoemde kennis, op grondslag van die werkure wat in hierdie paragraaf voorgeskryf word, begin werk het nie;
- dat in die geval van 'n werknemer wie se diens om enige rede binne die genoemde tydperk van twaalf maande eindig (uitgesonderd as die werknemer dros of deur 'n bevoegde hof skuldig bevind word aan 'n misdryf wat oneerlikheid teenoor sy werkgever omvat), moet sodanige werknemer ondanks andersluidende bepalings in hierdie Vaststelling, deur sy werkgever by sodanige diensbeëindiging vir elke uur wat sodanige werknemer gedurende sodanige tydperk bo en benewens die getal ure bereken teen ses-en-veertig uur per week (van Maandag tot en met Saterdag) gewerk het, betaal word teen 'n tarief van minstens een en 'n derde maal die uurloon wat hy ten tye van die diensbeëindiging ontvang het.

(3) 'n Werkgever mag nie vereis of toelaat dat 'n los werknemer meer gewone werkure as agt en 'n half op 'n dag werk nie.

(4) *Etenspouse.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer meer as vyf uur aaneen werk sonder 'n etenspouse van minstens een uur waarin so 'n werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en dié pouse

(d) whenever an employee agrees or is required in terms of the Bantu (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer a deduction not exceeding the amounts specified hereunder—

Per Week. Per Month.

(i) Board.....	0.80	3.47
(ii) Lodging.....	0.40	1.73
(iii) Board and Lodging.....	1.20	5.20

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction to the amount of the employee's (other than a casual employee's) hourly wage in respect of each of such reduction: Provided—

- that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
- that no deduction shall be made in the case of short-time arising out of slackness of trade, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- that no deduction shall be made in the case of short-time owing to a shortage of railway trucks, adverse weather conditions or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;
- with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Bantu village under the control of such council or other local authority.

5. HOURS OF WORK, ORDINARY AND OVERTIME, AND PAYMENT FOR OVERTIME.

(1) *Ordinary Hours of Work.*—An employer shall not require or permit an employee, other than a casual employee, clerk, office messenger, storeman or a stores clerk, to work more ordinary hours of work than—

- in the case of an employee who works a six-day week—

- forty-six in any week from Monday to Saturday, inclusive; and
- subject to sub-paragraph (i) hereof, eight on any day, unless the hours on one day do not exceed five, in which case the hours on any of the other days may be extended to eight-and-one-half;

- in the case of an employee who works a five-day week—

- forty-six in any week from Monday to Friday, inclusive; and
- subject to sub-paragraph (i) hereof, nine-and-one-quarter on any day.

(2) (a) Save as provided in paragraph (b), the ordinary hours of work of a clerk, an office messenger, a storeman or a stores clerk, shall not exceed forty-six in any week from Monday to Saturday, inclusive.

(b) An employer may upon not less than seven days' notice to his employee mentioned in paragraph (a) stipulate that the ordinary hours of work of such employee shall not exceed—

- thirty-five in any week, from Monday to Saturday, inclusive, except during a peak period;
- sixty in any week, from Monday to Saturday, inclusive, during a peak period;

Provided—

- that an employer shall not change the basis of the ordinary hours of work of an employee within twelve months from the date on which, in terms of the said notice, his employee commenced working on the basis of the hours of work prescribed in this paragraph;
- that an employee whose employment terminates for any reason (other than desertion or upon a conviction by a competent court for an offence by the employee involving dishonesty against the employer) within the said period of twelve months, shall, notwithstanding anything to the contrary in this Determination, be paid by his employer on such termination for each hour worked during such period, in excess of the number of hours over such period calculated at the rate of forty-six hours per week (from Monday to Saturday, inclusive), at a rate of not less than one-and-a-third times the hourly wage he was receiving at such termination.

(3) An employer shall not require or permit a casual employee to work more ordinary hours of work than eight-and-one-half on any day.

(4) *Meal Intervals.*—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to

word geag geen deel van die gewone werkure of oortydwerk te vorm nie. Met dien verstande—

- (i) dat 'n werkgever met sy werknemer kan ooreenkom om die duur van so 'n etenspouse tot uiters 'n halfuur te verkort, en in dié geval en nadat die werkgever 'n weergawe van dié ooreenkoms by die Afdelingsinspekteur, Departement van Arbeid, van sy gebied ingedien het, kan die etenspouse aldus verkort word;
- (ii) dat werktye wat onderbreek word deur pouses van minder as 'n uur behalwe waar voorbehoud (i) of (vi) van toepassing is, geag word aaneen te loop;
- (iii) dat, as so 'n pouse langer as 'n uur is, elke tydperk van meer as een 'n kwart uur geag word tyd te wees waarin daar gewerk is;
- (iv) dat 'n bestuurder van 'n motorvoertuig wat in so 'n pouse geen ander werk verrig as om in die beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule geag word in dié pouse nie te gewerk het nie;
- (v) dat hoogstens een sodanige pouse gedurende die gewone werkure van 'n werknemer op enige dag geag word nie deel van die gewone werkure uit te maak nie;
- (vi) dat wanneer 'n werkgever op enige dag weens oortydwerk verplig is om aan 'n werknemer 'n tweede etenspouse toe te staan, sodanige pouse op die versoek van die werknemer tot vyftien minute verkort mag word solank as die totale tydperk wat die werknemer na die eerste etenspouse van die dag gewerk het, nie sewe uur te bowe gaan nie.

(5) *Ruspouses.*—'n Werkgever moet, so na as doenlik aan die middel van elke werkperiode in die voor- en namiddig, aan elkeen van sy werknemers 'n ruspouse van minstens tien minute toestaan, waarin die werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en so 'n pouse word geag deel van die gewone werkure van so 'n werknemer te vorm.

(6) *Werkure moet opeenvolgend wees.*—Behoudens die bepalings van subklousule (4), moet alle werkure van 'n werknemer op iedere dag op mekaar volg.

(7) *Oortyd.*—Alle tyd uitgesonderd op 'n Sondag, wat 'n werknemer langer as die getal gewone werkure in subklousules (1), (2) en (3) voorgeskryf, gewerk het, is oortyd.

(8) *Beperking van oortyd.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer langer oortyd werk nie as—

- (a) wat 'n los werknemer betref, twee uur op 'n dag;
- (b) gedurende 'n spitstydperk, wat betref 'n manlike klerk, 'n kantoorbode, 'n pakhuisman of 'n pakhuisklerk of 'n vroulike klerk wat in diens is op 'n perseel wat nie kragtens die Wet op Fabriek, Masjinerie en Bouwerk, 1941, as 'n fabriek geregistreer of aan registrasie onderhewig is nie, twee uur in enige week;
- (c) wat enige ander werknemer betref, tien uur in 'n week.

(9) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgever nie vereis of toelaat dat 'n vroulike werknemer wat in diens is op 'n perseel wat kragtens die Wet op Fabriek, Masjinerie en Bouwerk, 1941, as fabriek geregistreer of aan registrasie onderhewig is—

- (a) tussen 6-uur nm. en 6-uur vm. werk nie;
- (b) op meer as vyf dae in 'n week na 1-uur nm. werk nie;
- (c) meer as twee uur oortyd op 'n dag werk nie, behalwe dat 'n werknemer met 'n werkweek van vyf dae op 'n Saterdag tot vier uur oortyd mag werk;
- (d) op meer as drie opeenvolgende dae in 'n week oortyd werk nie;
- (e) op meer as sestig dae in 'n jaar oortyd werk nie;
- (f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd werk nie, tensy hy—

- (i) so 'n werknemer voor die middag kennis daarvan gegee het; of
- (ii) so 'n werknemer van 'n behoorlike ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
- (iii) so 'n werknemer minstens vyf-en-twintig sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat die oortydwerk begin.

(10) *Betaling vir oortydwerk.*—'n Werkgever moet 'n werknemer wat oortyd werk, betaal teen 'n tarief van—

- (a) wat 'n los werknemer betref, minstens een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk wat sodanige werknemer op enige dag aldus gewerk het;
- (b) wat enige ander werknemer betref, minstens een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk wat sodanige werknemer in enige week aldus gewerk het: Met dien verstande dat 'n werkgever sy klerk, kantoorbode, pakhuisman of pakhuisklerk wat gedurende 'n spitstydperk oortyd werk moet betaal teen 'n tarief van minstens dubbel sy gewone loon ten opsigte van die totale tydperk wat sodanige werknemer in enige week aldus gewerk het.

(11) *Uitsonderings.*—(a) Die bepalings van hierdie klousule is nie van toepassing nie op 'n werknemer indien en terwyl sodanige werknemer gereeld 'n loon teen 'n tarief van minstens R160 per maand ontvang.

(b) Die bepalings van subklousules (4), (5) en (6) is nie van toepassing nie op 'n werknemer onderwyl hy noodwerk verrig of op 'n chauffeur.

perform any work, and such interval shall be deemed not to be part of the ordinary hours of work or overtime: Provided—

- (i) that an employer may agree with his employee to reduce the period of such meal interval to not less than half-an-hour, and in that event and after the employer has lodged a statement of such agreement with the Divisional Inspector, Department of Labour, for his area, the meal interval may be so reduced;
- (ii) that periods of work interrupted by intervals of less than one hour, except when proviso (i) or (vi) applies, shall be deemed to be continuous;
- (iii) that, if such interval be longer than one hour, any period in excess of one-and-one-quarter hours shall be deemed to be time worked;
- (iv) that a driver of a motor vehicle who during such interval does not work other than being or remaining in charge of the vehicle shall for the purposes of this sub-clause be deemed not to have worked during such interval;
- (v) that not more than one such interval during the ordinary hours of work of an employee on any day shall be deemed not to form part of the ordinary hours of work;
- (vi) that when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to fifteen minutes so long as the total period worked by the employee after the first meal interval of the day does not exceed seven hours.

(5) *Rest Intervals.*—An employer shall grant to each of his employees a rest interval of not less than ten minutes as near as practicable in the middle of each morning and afternoon work period, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(6) *Hours of Work to be Consecutive.*—Save as provided in sub-clause (4), all hours of work of an employee on any day shall be consecutive.

(7) *Overtime.*—All time worked, other than on a Sunday, in excess of the number of ordinary hours of work prescribed in sub-clauses (1), (2) and (3) shall be overtime.

(8) *Limitation of Overtime.*—An employer shall not require or permit an employee to work overtime for more than—

- (a) in the case of a casual employee, two hours on any day;
- (b) during a peak period, in the case of a male clerk, an office messenger, a storeman or a stores clerk or a female clerk employed on premises not registered or liable for registration as a factory under the Factories, Machinery and Building Work Act, 1941, two hours in any week;
- (c) in all other cases, ten hours in any week.

(9) *Female Employees.*—Notwithstanding anything to the contrary contained in this clause, an employer shall not require or permit a female employee employed on premises registered or liable for registration as a factory under the Factories, Machinery and Building Work Act, 1941, to work—

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than sixty days in any year;
- (f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—

- (i) before midday given notice thereof to such employee; or
- (ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or
- (iii) paid such employee not less than twenty-five cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(10) *Payment for Overtime.*—An employer shall pay an employee who works overtime at a rate of not less than—

- (a) in the case of a casual employee, one-and-one-third times his ordinary wage in respect of the total period so worked by such employee on any day;
- (b) in the case of any other employee, one-and-one-third times his ordinary wage in respect of the total period so worked by such employee in any week: Provided that an employer shall pay his clerk, office messenger, storeman or stores clerk who works overtime during a peak period at a rate of not less than double his ordinary wage in respect of the total period so worked by such employee in any week.

(11) *Savings.*—(a) The provisions of this clause shall not apply to an employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R160 per month.

(b) The provisions of sub-clauses (4), (5) and (6) shall not apply to an employee while he is engaged on emergency work or to a chauffeur.

(c) Die bepalings van hierdie klousule is nie van toepassing nie op 'n wag as sy werkgewer hom ten opsigte van elke week diens 'n rusdag van vier-en-twintig opeenvolgende ure toestaan: Met dien verstande—

- (i) dat hy dienaangaande geen aftrekking van sodanige werknemer se loon maak nie;
- (ii) dat 'n werkgewer sy werknemer in plaas van aan hom sodanige rusdae toe te staan, vir elke sodanige rusdag wat nie toegestaan is nie, die loon betaal wat hy sou ontvang het as hy op sodanige rusdag nie gewerk het nie, plus 'n bedrag minstens gelyk aan sy dagloon.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalings van sub-klousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, op iedere voltooide tydperk van twaalf maande in sy diens—

- (a) wat 'n wag betref, een-en-twintig opeenvolgende kalenderdae verlof;
- (b) wat enige ander werknemer betref, veertien opeenvolgende kalenderdae verlof toestaan,

en moet hy so 'n werknemer ten aansien van sodanige verlof betaal—

- (i) wat 'n werknemer in paragraaf (a) vermeld betref, 'n bedrag van minstens drie maal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is;
- (ii) wat 'n werknemer in paragraaf (b) vermeld betref, 'n bedrag van minstens twee maal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is:

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel twintig (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof voorgeskryf in subklousule (1) moet toegestaan word op 'n tyd wat die werkgewer bepaal: Met dien verstande—

- (i) dat, as sodanige verlof nie eerder toegestaan is nie, dit só toegestaan word dat dit behoudens die bepalings van subklousule (3) begin binne vier maande na voltooiing van die twaalf maande diens waarop dit betrekking het of dat, as die werkgewer en werknemer daartoe skriftelik ooreengekom het voor die afloop van die gemelde tydperk van vier maande, die werkgewer aan die werknemer sodanige verlof moet toestaan vanaf 'n datum nie later as twee maande na die afloop van die gemelde tydperk van vier maande nie;
- (ii) dat die tydperk van verlof nie saamval met siekteverlof wat ingevolge klousule 7 toegestaan is of, tensy die werknemer dit versoek en die werkgewer skriftelik daartoe instem, met enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, nie;
- (iii) dat, as Nuwejaarsdag, Goede Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk as verdere verloftyd gevoeg en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag van minstens sy dagloon betaal word;
- (iv) dat 'n werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan is gedurende die tydperk van twaalf maande waarop die verloftyd betrekking het, van sodanige tydperk van verlof kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer mag 'n werkgewer die verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens laat ooploop: Met dien verstande—

- (i) dat so 'n werknemer sodanige versoek doen binne vier maande na afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en
- (ii) dat die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek minstens drie jaar bewaar vanaf sodanige datum of vanaf die datum van afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van dié twee datums.

(b) Die bepalings van subklousule (2) geld *mutatis mutandis* vir die verlof in hierdie subklousule bedoel.

(4) Die beloning ten opsigte van die verlof voorgeskryf in subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlof betaal word.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van twaalf maande eindig voordat die verloftydperk voorgeskryf in subklousule (1) ten opsigte van so 'n termyn opgehoop het, moet daar by sodanige diensbeëindiging, benewens enige ander beloning wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

- (a) wat 'n werknemer in paragraaf (a) van subklousule (1) vermeld betref, een vierde van die weekloon, en
- (b) wat 'n werknemer in paragraaf (b) van subklousule (1) vermeld betref, een sesde van die weekloon,

wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgewer ten opsigte van enige verloftyd wat hy ingevolge die vierde voorbehoudsbepaling in subklousule (2) aan 'n werknemer toegestaan het, 'n eweredige bedrag kan aftrek, en met dien verstande voorts dat 'n werknemer—

- (i) wat sy diens verlaat sonder om die kennis te gee en die opseggietermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige opsegging afgesien het; of

(c) The provisions of this clause shall not apply to a watchman whose employer grants him a day of rest of twenty-four consecutive hours in respect of every week of employment: Provided—

- (i) that he makes no deduction from his watchman's wage in respect thereof;
- (ii) that an employer may, in lieu of granting his watchman any such day of rest, pay the watchman the wage which he would have received if he had not worked on such day, plus an amount of not less than his daily wage in respect of such day not granted.

6. ANNUAL LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, in respect of each completed period of twelve months of employment with him—

- (a) in the case of a watchman, twenty-one consecutive calendar days' leave;
- (b) in the case of every other employee, fourteen consecutive calendar days' leave;

and shall pay such employee in respect of such leave—

- (i) in the case of an employee referred to in paragraph (a), an amount of not less than three times the weekly wage to which he is entitled as from the first day of the leave;
- (ii) in the case of an employee referred to in paragraph (b), an amount of not less than double the weekly wage to which he is entitled as from the first day of the leave:

Provided that for the purpose of this clause the weekly wage of any employee who is engaged on piece-work shall be calculated on the basis set out in section twenty (5) (a) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in sub-clause (1) shall be granted at a time to be fixed by the employer: Provided—

- (i) that, if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within four months after the completion of the twelve months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;
- (ii) that the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training under the Defence Act, 1957;
- (iii) that if New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;
- (iv) that an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of twelve months of employment to which the period of leave relates.

(3) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than twenty-four months of employment: Provided—

- (i) that the request is made by such employee not later than four months after the expiry of the first period of twelve months of employment to which the leave relates; and
- (ii) that the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request for a period of not less than three years from such date or the date of the expiry of the first period of twelve months of employment to which the leave relates, whichever is the later.

(b) The provisions of sub-clause (2) shall *mutatis mutandis* apply to the leave referred to in this sub-clause.

(4) The remuneration in respect of the leave prescribed in sub-clause (1), read with sub-clause (3), shall be paid not later than the last work day before the date of commencement of the leave.

(5) An employee whose employment terminates during any period of twelve months of employment before the period of leave prescribed in sub-clause (1) in respect of that period has accrued, shall, upon such termination and in addition to any other remuneration which may be due to him be paid in respect of each completed month of such period of employment an amount of not less than—

- (a) in the case of an employee referred to in paragraph (a) of sub-clause (1), one-fourth; and
- (b) in the case of an employee referred to in paragraph (b) of sub-clause (1), one-sixth;

of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to sub-clause (2) and provided further than an employee—

- (i) who leaves his employment without having given the notice prescribed in clause 12, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or

- (ii) wat sy diens sonder regsgeldige rede verlaat; of
- (iii) wat deur sy werkgever sonder opsegging ontslaan word om 'n rede wat vir sodanige ontslag sonder opsegging regtens genoegsaam is;

tot geen betaling uit hoofde van hierdie subklousule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het tot 'n tydperk van verlof voorgeskryf in subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof toegestaan is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom toegestaan was.

(7) By die toepassing van hierdie klousule word die uitdrukking „diens” geag ook te omvat—

- (a) elke tydperk ten opsigte waarvan 'n werkgever ingevolge klousule 12 'n werknemer betaal in plaas van kennis van diensbeëindiging te gee;
- (b) elke tydperk waarin 'n werknemer afwesig is—

- (i) met verlof ingevolge hierdie klousule;
 - (ii) met siekteverlof ingevolge klousule 7;
 - (iii) op las of versoek van sy werkgever;
- en wel tot 'n totaal in enige jaar van hoogstens tien weke, en

- (c) enige tydperk wat 'n werkgever afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957. Met dien verstande dat 'n werknemer nie geregtig is om van een tydperk van sodanige opleiding meer dan vier maande as diens te eis nie, en die diens word geag te begin—

- (i) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vastelling tot 'n tydperk van jaarlikse verlof ingevolge enige wet geregtig geword het, op die datum waarop so 'n werknemer die vorige maal geregtig geword het tot verlof ingevolge so 'n wet;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerking-treding van hierdie Vastelling in diens was en vir wie enige wet gegeld het wat vir jaarlikse verlof voorsiening maak maar wat nog nie tot 'n tydperk van verlof ingevolge daarvan geregtig geword het nie, op die aanvangsdatum van sodanige diens;
- (iii) in die geval van enige ander werknemer, op die datum waarop so 'n werknemer by sy werkgever in diens getree het of op die datum van die inwerking-treding van hierdie Vastelling, en wel op die jongste van die twee datums.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgever vir die doel van jaarlikse verlof te eniger tyd, maar hoogstens een maal in 'n tydperk van twaalf maande, sy bedryfsinrigting sluit en wel vir veertien opeenvolgende kalender-dae plus enige ander dae wat moontlik uit hoofde van die derde voorbehoedsbepaling in subklousule (2) daarby gevoeg moet word.

(b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfs-inrigting ingevolge paragraaf (a) nie tot die volle tydperk van die jaarlikse verlof voorgeskryf in subklousule (1) (b) geregtig is nie, moet ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgever betaal word op die grondslag in subklousule (5) uiteengesit, en vir die doel van die jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting aldus gesluit is.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2) moet 'n werk-gever aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongesiktheid van die werk afwesig is, die volgende toegestaan:—

- (a) In die geval van 'n werknemer wat 'n werkweek van vyf dae het, altesaam minstens twintig werkdade, en
- (b) in die geval van enige ander werknemer altesaam minstens vier-en-twintig werkdade,

siekteverlof gedurende elke tydkring van vier-en-twintig opeenvolgende maande diens by hom, en moet hy so 'n werknemer vir elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende so 'n tydperk gewerk het. Met dien verstande—

- (i) dat gedurende die eerste vier-en-twintig opeenvolgende maande diens 'n werknemer nie tot meer siekteverlof met volle betaling geregtig is nie as, wat 'n werknemer met 'n werkweek van vyf dae betref, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, wat enige ander werknemer betref, een werkdag ten opsigte van elke voltooide maand diens;
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes, minstens gelyk aan dié wat die werknemer self daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer waarborg dat aan hom by ongesiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir twintig of vier-en-twintig werkdade, al na gelang van die geval, in elke tydkring van vier-en-twintig maande diens betaal sal word, behalwe dat gedurende die eerste vier-en-twintig maande waarin die werknemer bydraes stort, die gewaarborgde tarief nie die koers van aanwas soos uiteengesit in die eerste voorbehoedsbepaling van hierdie subklousule te bowe hoef te gaan nie;

- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice,

shall not be entitled to any payment by virtue of this subclause.

(6) An employee who has become entitled to a period of leave prescribed in sub-clause (1), read with sub-clause (3), and whose employment terminates before such leave has been granted, shall upon such termination be paid the amount he would have received in respect of the leave, had the leave been granted to him as at the date of the termination.

(7) For the purpose of this clause the expression “employment” shall be deemed to include—

- (a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;
 - (ii) on sick leave in terms of clause 7;
 - (iii) on the instructions or at the request of his employer, amounting in the aggregate to not more than ten weeks; and

- (c) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training, and employment shall be deemed to commence—

- (i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;
- (ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
- (iii) in the case of any other employee, from the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

(8) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purpose of annual leave at any time, but not more than once in any period of twelve months, close his establishment for fourteen consecutive calendar days plus any additional days that may have to be added by virtue of the third proviso to sub-clause (2).

(b) An employee who at the date of the closing of an establishment in terms of paragraph (a) is not entitled to the full period of annual leave prescribed in sub-clause (1) (b) shall in respect of any leave due to him be paid by his employer on the basis set out in sub-clause (5), and for the purpose of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment.

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee who is absent from work through incapacity—

- (a) in the case of an employee who works a five-day week, not less than twenty work days, and
- (b) in the case of every other employee, not less than twenty-four work-days,

sick leave in the aggregate during each cycle of twenty-four consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this sub-clause not less than the wage he would have received had he worked during such period: Provided—

- (i) that in the first twenty-four consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work day in respect of each completed month of employment;
- (ii) that this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for twenty or twenty-four work days, as the case may be, in each cycle of twenty-four months of employment, except, that during the first twenty-four months of the payment of contributions by the employee the guaranteed rate need not exceed the rate of accrual set out in the first proviso to this sub-clause;

(iii) dat indien 'n werkgewer ingevolge enige wet gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde wel betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;

(iv) dat, indien 'n werkgewer by enige ander wet verplig word om 'n werknemer sy volle loon te betaal ten opsigte van enige tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepalings van hierdie klousule nie geld nie.

(2) Voordat 'n werkgewer 'n bedrag betaal wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid uit sy werk—

(a) gedurende 'n tydperk wat strek oor meer as drie kalenderdae; of

(b) op die werkdag onmiddellik voor of op die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag.

kan hy vereis dat die werknemer 'n sertifikaat voorlê wat deur 'n geneesheer geteken is en wat die aard en duur van die werknemer se ongeskiktheid bevestig. Met dien verstande dat wanneer 'n werknemer gedurende enige tydperk van agt opeenvolgende weke betaling kragtens hierdie klousule by twee of meer geleenthede ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die eersvolgende agt weke van die werknemer kan vereis om so 'n sertifikaat voor te lê, ongeag die duur van sodanige afwesigheid.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van vier-en-twintig maande diens by dieselfde werkgewer weens ongeskiktheid 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig tot betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by afloop van gemelde tydkring, of by diensbeëindiging voor sodanige afloop, hom ten opsigte van dié langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat by sodanige afloop of beëindiging aan hom toekom, nog nie gebruik is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking „diens” geag te omvat—

(i) enige tydperk waarin die werknemer afwesig is—

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1);

en wel tot 'n totaal in enige jaar van hoogstens tien weke; en

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om van een tydperk van sodanige opleiding meer dan vier maande as diens te eis nie;

en enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van die inwerkingtreding van hierdie Vasstelling word by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende so 'n tydperk toegestaan is, word geag ingevolge hierdie vasstelling toegestaan te wees;

(b) beteken „ongeskiktheid” die onvermoë om te werk weens siekte of besering, behalwe as dit veroorsaak is deur—

(i) 'n werknemer se eie wangedrag, of

(ii) 'n ongeluk binne die bedoeling van die Ongevallewet, 1941.

8. Openbare vakansiedae en Sondag.

(1) Behoudens die bepalings van klousule 4 (6) en 6 (2) moet 'n werkgewer aan 'n werknemer wat op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag nie werk nie, minstens sy weekloon betaal vir die week waarin so 'n dag val.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgewer hom, behoudens die bepalings van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir die totale tydperk wat die werknemer op so 'n dag werk: Met dien verstande dat, as daar vereis of toegelaat word dat die werknemer minder as vier uur op so 'n dag werk, hy geag word vier uur te gewerk het.

(3) Vergoeding vir werk op 'n Sondag.—Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgewer hom betaal, hetsy—

(a) (i) indien hy aldus 'n tydperk van hoogstens vier uur werk, minstens sy dagloon, of

(ii) indien hy aldus 'n tydperk van meer as vier uur werk, minstens dubbel sy gewone loon ten opsigte van die totale tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon, watter ook al die meeste is, of

(iii) that where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

(iv) that, if in respect of any period of incapacity covered by this clause an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply.

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work—

(a) for a period covering more than three consecutive calendar days; or

(b) on the work day immediately preceding or the work day immediately succeeding a Sunday or New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day.

require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to eight weeks received payment in terms of this clause on two or more occasions without producing such a certificate his employer may during the period of eight consecutive weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence.

(3) Where, during the first cycle of twenty-four months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid only in respect of such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiry of the said cycle of employment or on termination of employment before such expiry pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave accrued at such expiry or termination had not been taken.

(4) For the purpose of this clause the expression—

(a) “employment” shall be deemed to include—

(i) any period during which an employee is absent—

(aa) on leave in terms of clause 6;

(bb) on the instructions or at the request of his employer;

(cc) on sick leave in terms of sub-clause (1);

amounting in the aggregate, in any year, to not more than ten weeks; and

(ii) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training;

and any period of employment which an employee has had with the same employer immediately before the date of the coming into force of this Determination shall for the purpose of this clause be deemed to be employment under this Determination; and any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this Determination;

(b) “incapacity” means inability to work owing to any sickness or injury other than that caused by—

(i) an employee's own misconduct; or

(ii) an accident within the meaning of the Workmen's Compensation Act, 1941.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) Subject to the provisions of clauses 4 (6) and 6 (2) if an employee does not work on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day, his employer shall pay him for the week in which such day falls not less than his weekly wage.

(2) Whenever an employee works on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day his employer shall, save as provided in clause 4 (6), pay him for the week in which such day falls not less than his weekly wage, plus his hourly wage for the total period worked by the employee in the aggregate on such day: Provided that where such an employee is required or permitted to work for less than four hours on such day, he shall be deemed to have worked for four hours.

(3) Compensation for Work on a Sunday.—Whenever an employee works on a Sunday, his employer shall either—

(a) pay the employee—

(i) if he so works for a period not exceeding four hours, not less than his daily wage;

(ii) if he so works for a period exceeding four hours, at a rate not less than double his ordinary wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or

(b) teen 'n tarief van minstens een en 'n derde maal sy gewone loon vir die totale tydperk wat hy altesaam op so 'n Sondag werk, en hom binne veertien dae vanaf so 'n Sondag een dag verlof toestaan en hom vir dié dag minstens sy dagloon betaal: Met dien verstande dat wanneer vereis of toegelaat word dat so 'n werknemer minder as vier uur op so 'n Sondag werk, hy geag word vier uur te gewerk het.

(4) Hierdie klousule geld nie vir 'n los werknemer of 'n wag nie of vir enige werknemer indien en terwyl hy gereeld 'n loon teen 'n tarief van minstens R180 per maand ontvang.

9. STUKWERK.

(1) Ná minstens een week kennisgewing aan sy werknemer kan 'n werkgever 'n stukwerkstelsel invoer en, behoudens die bepalings van klousule 4 (6), moet die werkgever 'n werknemer wat volgens so 'n stukwerkstelsel werk, betaal teen die tarief wat volgens dié stelsel geld: Met dien verstande dat die werkgever, ongeag die hoeveelheid gedane werk, die werknemer minstens die volgende betaal:—

(a) In die geval van 'n ander werknemer as 'n los werknemer, vir elke week waarin stukwerk verrig word, die bedrag wat hy so 'n werknemer vir dié week sou moet betaal het as hy hom 'n tydloon betaal het;

(b) in die geval van 'n los werknemer, vir elke dag waarop stukwerk verrig word, die bedrag wat hy so 'n werknemer vir daardie dag sou moet betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die tariewe vermeld in subklousule (1) op 'n opvallende plek in sy bedryfsinrigting aanplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe wat daarvolgens geld, af te skaf of te wysig, moet aan die betrokke werknemers minstens een maand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer termyn van kennisgewing kan ooreenkom en dan moet die werkgever minstens die ooreengekome kennis gee.

(4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgever 'n los werknemer geen kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgever moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy vereis dat sy werknemer dra of wat enige wet hom verplig om aan sy werknemer te verskaf, gratis verskaf en in bruikbare toestand hou: en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgever.

11. VERBOD OP INDIENSNEMING.

11. 'n Werkgever mag niemand onder die ouderdom van vyftien jaar in diens neem nie.

12. BEÏNDIGING VAN DIENSKONTRAK.

(1) 'n Werkgever of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig moet dit—

(a) gedurende die eerste vier weke diens, minstens een werkdag;

(b) ná die eerste vier weke diens, wat betref 'n weekliks betaalde werknemer, minstens 'n week; en

(c) ná die eerste vier weke diens wat betref 'n maandeliks betaalde werknemer, minstens 'n maand;

vooruit op; of 'n werkgever of 'n werknemer kan die kontrak sonder opsegging beëindig deur in plaas van die opsegging aan die werknemer of die werkgever, al na gelang van die geval, minstens die volgende te betaal:—

(i) In die geval van een werkdag opsegging, die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van 'n week opsegging, die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(iii) in die geval van 'n maand opsegging, die maandloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat hierdeur onaangestas gelaat word—

(i) die reg van 'n werkgever of sy werknemer om op enige regsgeldige grond die kontrak sonder opsegging te beëindig;

(ii) 'n skriftelike ooreenkoms tussen 'n werkgever en sy werknemer waarin voorsiening gemaak word vir 'n opseggingstermyn wat vir beide partye ewe lank is en langer is as dié wat hierdie klousule voorskryf;

(iii) die werking van verbeurings of boetes wat regtens van toepassing kan wees op 'n werknemer wat sy diens verlaat:

Met dien verstande voorts dat, indien die loon van 'n werknemer teen die datum van die beëindiging reeds weens kort tyd verminder is en die werkgever hom betaal in plaas van sy diens op te sê, die uitdrukking „ten tyde van sodanige beëindiging ontvang” geag word te beteken „ten tyde van sodanige beëindiging sou ontvang het as geen aftrekkings weens korttyd gedoen was nie”.

(b) pay him at a rate not less than one-and-one-third times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within fourteen days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday, he shall be deemed to have worked for four hours.

(4) This clause shall not apply to a casual employee or a watchman or to any employee if and for so long as he is in receipt of a regular wage at a rate of not less than R180 per month.

9. PIECE-WORK.

(1) An employer may, after at least one week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), the employer shall pay such employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee not less than—

(a) in the case of an employee, other than a casual employee, in respect of each week in which piece-work is performed, the amount which he would have been required to pay such employee for that week had he been remunerated on the basis of time worked;

(b) in the case of a casual employee, in respect of each day on which piece-work is performed the amount which he would have been required to pay such employee for that day had he been remunerated on the basis of time worked.

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in sub-clause (1).

(3) An employer who intends to cancel or amend any piece-work system in operation or the rates applicable thereunder shall give his employee employed on such system not less than one month's notice of such intention: Provided that an employer and his employee may agree on a longer period of notice, in which case the employer shall give not less than the period of notice agreed upon.

(4) Notwithstanding anything to the contrary in this clause, an employer need not give a casual employee notice of his intention to introduce any piece-work system or to cancel or amend it.

10. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer.

11. PROHIBITION OF EMPLOYMENT.

An employer shall not employ any person under the age of fifteen years.

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) An employer or his employee, other than a casual employee, who desires to terminate the contract of employment, shall give—

(a) during the first four weeks of employment, not less than one work day's;

(b) after the first four weeks of employment in the case of an employee who is paid weekly, not less than one week's;

(c) after the first four weeks of employment in the case of an employee who is paid monthly, not less than one month's notice of termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than—

(i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of one week's notice, the weekly wage which the employee is receiving at the time of such termination;

(iii) in the case of one month's notice, the monthly wage which the employee is receiving at the time of such termination:

Provided that this shall not affect—

(i) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;

(ii) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;

(iii) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts:

Provided further that where the wage of an employee at the date of termination has been reduced by deductions in respect of short-time, the expression “is receiving at the time of such termination” shall, when an employer pays an employee in lieu of notice, be deemed to mean “would have received at the time of such termination if no deductions had been made in respect of short-time”.

(2) Indien daar ingevolge die tweede voorbehoudsbepaling van subklousule (1) 'n ooreenkoms bestaan, moet die betaling of verbeuring in plaas van opsegging eweredig wees aan die ooreengekome opseggingstermyn.

(3) Die opsegging in subklousule (1) voorgeskryf mag op enige werkdag gegee word: Met dien verstande—

(i) dat die opseggingstermyn nie mag saamval met, en die opsegging nie mag geskied gedurende, 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;

(ii) dat gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 opsegging nie mag geskied nie.

(4) Ondanks andersluidende bepalings in hierdie Vasstelling kan 'n werkgewer in die geval waarin 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder opsegging, en sonder om die vereiste opseggingstermyn uit te dien of sonder om sy werkgewer in plaas van opsegging te betaal, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepalings van hierdie Vasstelling skuld; aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom in plaas van opsegging sou moes betaal het.

13. DIENSSERTIFIKAAT.

Wanneer 'n dienskontrak om 'n ander rede as diensverlating beëindig word, moet die werkgewer aan die betrokke werknemer, uitgesonderd 'n los werknemer, 'n dienssertifikaat gee wat in hoofsaak die vorm het soos in die Bylae tot hierdie Vasstelling voorgeskryf en waarin die volle naam van die werkgewer en van sy werknemer, die betrekking van die werknemer, die aanvangs- en die aflooptdatum van die kontrak en die werknemer se week- of maandloon ten tyde van sodanige beëindiging aangegee word.

BYLAE.

Ek/Ons (a)
wat die Wol-, Angorahaar-, Huid- en Velbedryf beoefen te

verklaar hierby dat
in my/ons (a) diens was van die _____ 19
dag van _____
tot die _____ dag van _____ 19
as (b)
By diensbeëindiging was sy/haar (a) loon _____
Rand _____ sent per week.

(Handtekening van werkgewer of gemagtigde
verteenwoordiger.)

Datum

(a) Skrap wat nie van toepassing is nie.

(b) Meld die klas werk waarin die werknemer uitsluitend of hoofsaaklik in diens was bv. klerk, arbeider.

No. R. 1029.] [9 Julie 1965.
WET OP OORLOGSMAATREËLS, 1940.

OPSKORTING VAN BETALING VAN LEWENS-
KOSTETOELAE BETAALBAAR INGEVOLGE
OORLOGSMAATREËL No. 43 VAN 1942, SOOS
GEWYSIG.

WOL-, ANGORAHAAR-, HUID- EN VELBEDRYF,
SEKERE GEBIEDE.

Namens die Minister van Arbeid, skort ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens die bepalings van subregulasie (1) van regulasie 4 van die regulasies gepubliseer by Oorlogsmaatreël No. 43 van 1942, soos gewysig, hierby die toepassing van genoemde regulasies op ten opsigte van alle werknemers vir wie lone voorgeskryf word in klousule 3 van die Loonvasstelling vir die Wol-, Angorahaar-, Huid- en Velbedryf, Sekere Gebiede, gepubliseer by Goewermementskennisgewing No. R. 1028 van 9 Julie 1965.

M. VILJOEN,
Adjunk-minister van Arbeid.

(2) Where there is an agreement in terms of the second proviso to sub-clause (1), the payment in lieu of notice shall correspond to the period of notice agreed upon.

(3) The notice prescribed in sub-clause (1) may be given on any work day: Provided—

(i) that the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training which an employee is undergoing in pursuance of the Defence Act, 1957;

(ii) that notice shall not be given during an employee's absence on sick leave granted in terms of clause 7.

(4) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this Determination, an amount of not more than that which such employee would have had to pay him in lieu of leave.

13. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment, other than through the desertion of an employee, furnish his employee, other than a casual employee, with a certificate of service, substantially in the form prescribed in the Schedule to this Determination, showing the full names of the employer and his employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the employee's weekly or monthly wage at the date of such termination.

SCHEDULE.

I/We(a)
carrying on trade in the Wool, Mohair, Hides and Skins Trade at

hereby certify that
was employed by me/us(a) from the _____ day
of _____ 19 _____ to the _____ day
of _____ 19 _____ as (b)

At the termination of employment his/her(a) wage was _____
rand _____ cents per week/
month(a).

(Signature of Employer or Authorised
Representative.)

Date

(a) Delete whichever inapplicable.

(b) State occupation in which employee was wholly or mainly engaged, e.g., clerk, labourer.

No. R. 1029.] [9 July 1965.
WAR MEASURES ACT, 1940.

SUSPENSION OF PAYMENT OF COST OF LIVING
ALLOWANCES PAYABLE UNDER WAR
MEASURE No. 43 OF 1942, AS AMENDED.

WOOL, MOHAIR, HIDES AND SKINS TRADE,
CERTAIN AREAS.

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of sub-regulation (1) of regulation 4 of the regulations published under War Measure No. 43 of 1942, as amended, hereby suspend the operation of the said regulations in respect of all employees for whom wages are prescribed in clause 3 of the Wage Determination for the Wool, Mohair, Hides and Skins Trade, Certain Areas, published under Government Notice No. R. 1028 of the 9th July, 1965.

M. VILJOEN,
Deputy-Minister of Labour.

No. R. 1030.]

[9 Julie 1965.]

WET OP FABRIEKE, MASJINERIE EN BOUWERK
1941, SOOS GEWYSIG.WOL-, ANGORAHAAR-, HUID- EN VELBEDRYF
SEKERE GEBIEDE.

Namens die Minister van Arbeid, verklaar ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens sub-artikel (1) van artikel *twee-en-twintig* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Loonvasstelling vir die Wol-, Angorahaar-, Huid- en Velbedryf Sekere Gebiede, gepubliseer by Goewermentskennisgewing No. R. 1028 van 9 Julie 1965, oor die algemeen nie vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, minder gunstig as die desbetreffende bepalings van genoemde Wet is nie.

M. VILJOEN,
Adjunk-minister van Arbeid.

No. R. 1030.]

[9 July 1965.]

FACTORIES, MACHINERY AND BUILDING WORK
ACT, 1941, AS AMENDED.WOOL, MOHAIR, HIDES AND SKINS TRADE
CERTAIN AREAS.

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of sub-section (1) of section *twenty-two* of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for the Wool, Mohair, Hides and Skins Trade, Certain Areas, published under Government Notice No. R. 1028 of the 9th July, 1965, on the whole to be not less favourable to the employees whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays, are regulated thereby than the relative provisions of the said Act.

M. VILJOEN,
Deputy-Minister of Labour.

INHOUD.

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