

EXTRAORDINARY



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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 2203 29 November 1968

WAGE ACT, 1957.

WAGE DETERMINATION No. 304.—PLYWOOD INDUSTRY, CERTAIN AREAS.

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Plywood Industry, Certain Areas, and has fixed the 23rd day of December 1968, as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the Plywood Industry and to the employers of such employees in the following areas, namely:—

Cape Province.—The Magisterial Districts of Bellville, the Cape, Port Elizabeth, Simonstown, Stellenbosch and Wynberg.

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

Orange Free State.—The Magisterial District of Sasolburg.

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

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) "artisan" means an employee who is engaged in work normally performed by a skilled artisan, and for the purpose of this definition—

(1) the expression "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 2203 29 November 1968

LOONWET, 1957

LOONVASSTELLING No. 304.—LAAGHOUT- NYWERHEID, SEKERE GEBIEDE

In opdrag van die Minister van Arbeid, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Laaghoutnywerheid, Sekere Gebiede, gemaak en die 23ste dag van Desember 1968 bepaal het as die datum waarop die bepalinge van genoemde Loonvasstelling bindend word.

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Laaghoutnywerheid en op die werkgewers van sodanige werknemers in ondergenoemde gebiede, naamlik:—

Kaaprovinsie.—Die landdrostdistrikte Bellville, Die Kaap, Port Elizabeth, Simonstad, Stellenbosch en Wynberg.

Natal.—Die landdrostdistrikte Durban, Pietermaritzburg en Pinetown.

Oranje-Vrystaat.—Die landdrostdistrik Sasolburg.

Transvaal.—Die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria.

2. WOORDOMSKRYWINGS.

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

(i) „ambagsman” ’n werknemer wat werk doen wat in die reël deur ’n geskoolde ambagsman verrig word en by die toepassing van hierdie woordskrywing—

(1) beteken die uitdrukking „geskoolde ambagsman” iemand wat sy leertyd uitgedien het in ’n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word

who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section 6 of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section 2 (7) or section 7 (3) of the said Act;

(2) the setting-up of a power-driven saw sharpening or knife grinding machine shall be deemed to be the work of a skilled artisan; (i)

(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; (xxiv)

(iii) "canteen cook" means an employee who is engaged in cooking food or preparing meals in a canteen for employees; (xv)

(iv) "canteen waiter" means an employee who is engaged in setting tables or serving employees in a canteen; (xvi)

(v) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (xxxiii)

(vi) "chargehand" means an employee who, under general supervision, is in charge of a group of labourers and who may keep records of the work performed by them; (xl)

(vii) "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 documents or parcels; (x)

(viii) "checker" means an employee who is engaged in any one or more of the following activities:—

(1) Counting or measuring finished or partly finished products or recording particulars thereof;

(2) issuing tools, equipment or stores against written requisition or receiving tools, equipment or stores, all under the supervision of a storeman;

(3) issuing petrol, oil or grease against written requisition and recording such issues; (xxxvii)

(ix) "clerk" means an employee who is engaged in writing, typing, filing, operating a calculating or a punch card machine or in any other form of clerical work and includes a cashier, despatch clerk, storeman 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; (xxv)

(x) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (xxviii)

(xi) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (xxix)

(xii) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (xxvi)

(xiii) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (xxvii)

(xiv) "continuous process worker" means an employee who is engaged in an activity in which continuous working by means of three consecutive shifts per day on seven days per week is necessary; (xiii)

(xv) "day" means the period of 24 hours from midnight to midnight: Provided that in the case of a continuous process worker or a shift worker it shall mean a period of 24 hours reckoned from the time such an employee commences work; (xi)

(xvi) "despatch clerk" means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, weighing, packing, marking, addressing or despatching of goods or packages; (lii)

(xvii) "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; (ix)

(xviii) "emergency work" means—

(1) any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or a breakdown of plant or machinery, must be done without delay;

(2) any work connected with the loading or unloading of—

(a) ships;

(b) trucks or vehicles of the South African Railways and Harbours; or

(c) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours; or

aangewys te wees, of wat in besit is van 'n vaardigheidsertifikaat deur die Registrateur van Vakleerlinge aan hom uitgereik ingevolge artikel 6 van die Wet op Opleiding van Ambagsmanne, 1951, of 'n sertifikaat deur genoemde Registrateur aan hom uitgereik ingevolge of artikel 2 (7) of artikel 7 (3) van gemelde Wet;

(2) word die opstel van 'n kragaangedrewe saagslyp- of messlypmasjien geag die werk van 'n geskoolde ambagsman te wees; (i)

(ii) „arbeider” 'n werknemer wat een of meer van die volgende werksaamhede verrig:—

(1) Lym met 'n handkwas aanwend;

(2) persele, diere, masjinerie, gereedskap, gerei, implemente, voertuie of ander artikels skoonmaak;

(3) fineerhout bymekaarmaak;

(4) rantsone kook of tee of ander drank maak, uitgesonderd dié in die omskrywing van 'n eethuiskok bedoel;

(5) tuinwerk;

(6) goedere of artikels opstel, dra, verskuif of opstapel;

(7) wit- of kleurekalk aan geboue of ander strukture aanbring;

(8) laai of aflaai;

(9) vure maak, onderhou of uithaal of as of vullis verwyder;

(10) beton met die hand meng;

(11) krane of kleppe onder toesig oop- of toemaak;

(12) kratte, kaste, bale of pakkette oop- of toemaak;

(13) 'n goederehysbak of handhystoestel bedien of grepe aan stompe vaslamp om dit te hys of te verskuif;

(14) artikels van dieselfde grootte of getal in houers pak wat spesiaal ontwerp is om hulle te bevat;

(15) enige hand- of batteryyvoertuig stoot of trek;

(16) fineerhout met die hand op- of afrol;

(17) bande van laag- of fineerhout afhaal;

(18) kratte of kassies met die hand heelmaak;

(19) planke of fineerhout volgens grootte sorteer;

(20) bestanddele roer vir die maak van lym;

(21) met die hand of 'n breekyster bas van stompe afstroop;

(22) van enige outomatiese of half-outomatiese masjien afhaal;

(23) diere versorg of diere in- of uitspan; (xvi)

(iii) „bediener” 'n werknemer wat 'n kragmasjien bedien, daaroor toesig hou, dit aanskakel of afskakel, wat die werk wat deur die masjien gedoen word noukeurig ondersoek of nagaan en wat die masjien mag verstel, en die uitdrukking „bedien” het 'n ooreenstemmende betekenis; (li)

(iv) „bediener van 'n kragpers, klas I” 'n werknemer wat die oop- en toemaak, die temperatuur, druk en tydkring van 'n kraggloeipers met meerdrukplate beheer en wat besonderhede van gedrukte artikels kan aanteken; (lii)

(v) „bediener van 'n kragpers, klas II” 'n werknemer wat die oop- en toemaak, die temperatuur, druk en tydkring van 'n kraggloeipers met enkelbo- en -onderdrukplate beheer, en wat besonderhede van gedrukte artikels kan aanteken; (liii)

(vi) „bediener van 'n kragpers, klas III,” 'n werknemer wat die oop- en toemaak, die druk en tydkring van 'n kragpers, uitgesonderd 'n kraggloeipers beheer en wat besonderhede van gedrukte artikels kan aanteken; (liv)

(vii) „bedryfsinrigting” 'n perseel waarop of in verband waarmee een of meer werknemers in die Laaghoutnywerheid in diens is; (ix)

(viii) „bestuurder” 'n werknemer wat deur sy werkgever belas is met die algemene—

(1) toesig oor;

(2) verantwoordelikheid vir; en

(3) leiding van;

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werksaam is; (xlix)

(ix) „bestuurder van 'n motorvoertuig” 'n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woordomskriving omvat die uitdrukking „'n motorvoertuig bestuur” alle tydperke wat hy bestuur, alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy verplig is om op sy pos gereed te bly om te bestuur; (xvii)

(x) „chauffeur” 'n werknemer wat 'n motorvoertuig bestuur wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgever of van personeel, klante of besoekers, en waarmee ook dokumente of pakkette vervoer mag word; (vii)

(xi) „dag” 'n tydperk van 24 uur van middernag tot middernag: Met dien verstande dat dit in die geval van 'n deurlopendeproseswerker of 'n skofwerker beteken 'n tydperk van 24 uur bereken vanaf die tyd wanneer so 'n werknemer begin werk; (xv)

(xii) „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 'n week 'n motorvoertuig vir altesaam hoogstens drie uur op enige sodanige dag

(3) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; (xxxviii)

(xix) "establishment" means any premises in or in connection with which one or more employees are employed in the Plywood Industry; (vii)

(xx) "experience" means in relation to—

(1) 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;

(2) any other class of employee, the total period or periods of employment which an employee has had in his class in the Plywood Industry; (xlii)

(xxi) "factory clerk" means an employee who, under the supervision of a foreman or a qualified male clerk, is engaged in any one or more of the following activities:—

(1) Assembling or filling consignment or delivery notes or work orders or recording outgoing or incoming stocks;

(2) assembling orders according to order forms or invoices or filing such order forms or invoices and who may record particulars of any of these activities;

(3) checking or recording times at which employees enter or leave the establishment;

(4) labelling goods or recording particulars thereof;

(5) Preparing labour record cards; (xviii)

(xxii) "factory clerk, qualified," means a factory clerk who has had not less than 18 months' experience; (xix)

(xxiii) "factory clerk, unqualified," means a factory clerk who has had less than 18 months' experience; (xx)

(xxiv) "factory driver" means an employee who is engaged in driving or operating a mobile power-driven vehicle or hoist used in the loading, unloading, moving or stacking of goods within an establishment, including the crossing of a railway track; (xvii)

(xxv) "female chargehand" means a female employee who, under general supervision, is in charge of a group of female labourers and who may keep records of the work performed by them; (xli)

(xxvi) "first aid attendant" means an employee who holds a current certificate of competency in first aid, issued by any of the following organisations:—

(1) The Red Cross Society of South Africa;

(2) The St. John Ambulance Association;

(3) Die Suid-Afrikaanse Noodhulppliga;

and who is in charge of a first aid room and who may record injuries or illnesses; (xiv)

(xxvii) "foreman" means an employee who is in charge of the employees in an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (lv)

(xxviii) "forewoman" means a female employee who is in charge of the female employees in an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (lvi)

(xxix) "Grade I employee" means an employee engaged in any one or more of the following capacities:—

(1) Crane driver;

(2) double or triple drum sanding machine operator;

(3) knife grinding machine operator;

(4) operator of a power-driven press, Class I,

(5) router operator;

(6) saw sharpener;

(7) scraper operator;

(8) spindle operator;

(9) veneer lathe operator;

(10) veneer matcher;

(11) veneer slicing machine operator; (lviii)

(xxx) "Grade I employee, qualified," means a Grade I employee who has had not less than two and a half years' experience; (lix)

(xxxi) "Grade I employee, unqualified," means a Grade I employee who has had less than two and a half years' experience; (lx)

(xxxii) "Grade II employee" means an employee engaged in any one or more of the following capacities:—

(1) Factory driver;

(2) first aid attendant;

(3) jig saw operator;

(4) operator of a power-driven press, Class II;

(5) widebelt sander operator; (lxi)

(xxxiii) "Grade II employee, qualified," means a Grade II employee who has had not less than 18 months' experience; (lxii)

(xxxiv) "Grade II employee, unqualified," means a Grade II employee who has had less than 18 months' experience; (lxiii)

bestuur, en by die toepassing van hierdie woordomskrywing omvat die uitdrukking „'n motorvoertuig bestuur" alle tydperke wat hy bestuur en alle tyd wat die bestuurder, terwyl hy in die beheer van die voertuig is, aan werk in verband met die voertuig of die vraag bestee; (lvii)

(xiii) „deurlopendeproseswerker" 'n werknemer wat 'n werksaamheid verrig waarin deurlopende werk by wyse van drie agtereenvolgende skofte per dag op sewe dae per week noodsaaklik is; (xiv)

(xiv) „eerstehulp-werker" 'n werknemer wat in besit is van 'n geldige bevoegdheidsertifikaat in eerstehulp wat deur enige van ondergenoemde organisasies uitgereik is:—

(1) Die Rooikruisvereniging van Suid-Afrika;

(2) Die St. John Ambulance Association;

(3) Die Suid-Afrikaanse Noodhulppliga;

en wat in beheer is van 'n eerstehulpkamer en wat aantekeninge mag hou van beserings of siekte; (xxvi)

(xv) „eethuiskok" 'n werknemer wat in 'n eethuis vir werknemers kos kook of etes voorberei; (iii)

(xvi) „eethuistafelbediende" 'n werknemer wat in 'n eethuis tafels dek of werknemers bedien; (iv)

(xvii) „fabrieksdrywer" 'n werknemer wat 'n mobiele kragvoertuig of -hystoestel dryf of bedien wat by die laai, aflaa, versit of opstapel van goedere in 'n bedryfsinrigting gebruik word, met inbegrip van 'n spoorlyn kruis; (xxiv)

(xviii) „fabrieksklerk" 'n werknemer wat onder toesig van 'n voorman of 'n gekwalifiseerde manlike klerk een of meer van die volgende werksaamhede verrig:—

(1) vrag- of afleveringsbriewe bymekaarmaak of liasseer of werkorders of uitgaande of inkomende voorrade aanteken;

(2) bestellings bymekaarmaak volgens bestelvorms of fakture of sodanige bestelvorms of fakture liasseer, of wat besonderhede van enige van hierdie werksaamhede mag aanteken;

(3) die tye kontroleer of aanteken waarop werknemers die bedryfsinrigting binnegaan of verlaat;

(4) goedere etiketteer of besonderhede in verband daarmee aanteken;

(5) werkrekordkaarte voorberei; (xxi)

(xix) „fabrieksklerk, gekwalifiseerd," 'n fabrieksklerk met minstens 18 maande ondervinding; (xxii)

(xx) „fabrieksklerk, ongekwalifiseerd," 'n fabrieksklerk met minder as 18 maande ondervinding; (xxiii)

(xxi) „faktotum" 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting, uitgesonderd masjinerie of uitrusting wat regstreeks gebruik word by die vervaardiging van die produkte van 'n bedryfsinrigting, en wat ook kleinere herstelwerk of opknappings aan geboue mag doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (xlv)

(xxii) „fineerpaser" 'n werknemer wat fineerhout met die hand volgens spesiale ontwerpe sny en pas; (lxx)

(xxiii) „gewigaantekenaar" 'n werknemer wat artikels weeg en die gewig van die artikels aanteken; (lxxiii)

(xxiv) „ketelbediener" 'n werknemer wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, stook of uithaal; (ii)

(xxv) „klerk" 'n werknemer wat skryf-, tik- of liasseerwerk verrig, 'n reken- of ponskaartmasjien bedien of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, versendingsklerk, magasynman en 'n telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (ix)

(xxvi) „klerk, man, gekwalifiseerd," 'n manlike klerk met minstens vyf jaar ondervinding; (xii)

(xxvii) „klerk, man, ongekwalifiseerd," 'n manlike klerk met minder as vyf jaar ondervinding; (xiii)

(xxviii) „klerk, vrou, gekwalifiseerd," 'n vroulike klerk met minstens vier jaar ondervinding; (x)

(xxix) „klerk, vrou, ongekwalifiseerd," 'n vroulike klerk met minder as vier jaar ondervinding; (xi)

(xxx) „korttyd" 'n tydelike vermindering van die getal gewone werkeure weens 'n slapte in die bedryf, 'n tekort aan grondstowwe of vervoermiddels, wisselvalligheid van die weer, of weens die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word; (lxiv)

(xxxi) „Laaghoutnywerheid" die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat geregistreer is of aan registrasie onderworpe is ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, met die doel om een of meer van die volgende produkte te vervaardig, naamlik laaghout, fineerhout, gefineerde bord, gelammel-leerde bord, blokkiesbord, spaanderbord of enige soortgelyke

(xxxv) "Grade III employee" means an employee who is engaged in any one or more of the following capacities or activities:—

- (1) Belt or bobbin sanding;
- (2) checker;
- (3) knife grinding attendant;
- (4) machine minder;
- (5) operator of a power-driven press, Class III;
- (6) painting machines, fittings or traffic lines or warning signs;
- (7) saw sharpening attendant;
- (8) operator of any one or more of the following power-driven machines:—

- (a) A brushing or buffing machine;
- (b) a chain saw;
- (c) an horizontal log band saw;
- (d) a mat forming machine;
- (e) a squaring saw;
- (f) a thicknessing, planing or moulding machine; (lxiv)

(xxxvi) "Grade III employee, qualified," means a Grade III employee who has had not less than 12 months' experience; (lxv)

(xxxvii) "Grade III employee, unqualified," means a Grade III employee who has had less than 12 months' experience; (lxvi)

(xxxviii) "Grade IV employee" means an employee who is engaged in any one or more of the following capacities or activities:—

- (1) Edge planing veneers by hand or machine;
- (2) interpreter, who may also record statements;
- (3) operator or feeder of a log shaving machine;
- (4) radio frequency and clamping jig operator;
- (5) weighing, measuring or mixing ingredients for making glue;
- (6) weight-recorder;
- (7) operator of any one or more of the following power-driven machines:—

- (a) Continuous edge lipping machine;
- (b) lumber core composing machine;
- (c) rip saw;
- (d) rough cross-cut saw;
- (e) stencil cutting machine;
- (f) veneer edge glueing machine;
- (g) veneer matching saw; (lxvii)

(xxxix) "Grade IV employee, qualified," means a Grade IV employee who has had not less than six months' experience; (lxviii)

(xl) "Grade IV employee, unqualified," means a Grade IV employee who has had less than six months' experience; (lxix)

(xli) "Grade V employee" means an employee who is engaged in any one or more of the following capacities or activities:—

- (1) Applying tapes by hand;
- (2) assembling frames and cores for hollow type block panels;
- (3) assembling or wiring boxes by hand;
- (4) assisting an artisan by holding articles or tools or otherwise working with him other than by the independent use of tools;
- (5) automatic or semi-automatic veneer reeler operator;
- (6) canteen cook;
- (7) canteen waiter;
- (8) cardboard cutter operator;
- (9) chip scale operator;
- (10) circular veneer-trimming saw operator;
- (11) clamping presses by hand or compressed air;
- (12) cutting ends of lippings or strips by handtools;
- (13) cutting to length and joining together ends of sanding machine belts;
- (14) debarking machine operator;
- (15) dipping or feeding timber or other articles into dyes, paints, preservatives or other liquid solutions or removing such articles by hand or non-power-driven devices;
- (16) disc sander operator;
- (17) delivering letters, messages or any articles on foot or by means of a bicycle, tricycle or non-power-driven vehicle outside his employer's establishment;
- (18) drilling holes by hand or machine;
- (19) duplicating machine operator;
- (20) electric hoist operator;
- (21) examining or repairing by hand or machine, laminated or block boards, plywood, veneers, cores or chipboards or recording particulars thereof;
- (22) feeding any automatic or semi-automatic machine, including starting or stopping such machine;

produkt waarvan hout die hoofbestanddeel vorm, en omvat alle werksaamhede wat met enige van voornoemde bedrywighede in verband staan of daaruit voortspuit; (lix)

(xxxii) „loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klousule 5 voorgeskryf: Met dien verstande—

(1) dat, as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;

(2) dat die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (lxxi)

(xxxiii) „los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (v)

(xxxiv) „magasynman" 'n werknemer wat beheer het oor die voorrade inkomende goedere of afgewerkte of gedeeltelik afgewerkte produkte en wat daarvoor verantwoordelik is om goedere in 'n magasyn of pakhuis te ontvang, op te berg, te verpak of uit te pak of om goedere uit 'n magasyn of pakhuis aan die verbruiksafdelings in 'n bedryfsinrigting of vir versending te lewer; (lxv)

(xxxv) „masjiënoppasser" 'n werknemer wat oor 'n kragmasjiën toesig hou, dit aan- of afskakel en wat so 'n masjiën mag voer of daarvan mag afhaal maar wat nie die masjiën opstel of verstel nie, uitgesonderd vooraf gekeurde verstellings wat deel uitmaak van die werking van die masjiën; (xlvi)

(xxxvi) „motorvoertuig" 'n kragvoertuig wat gebruik word vir die vervoer van goedere buite die werkgewer se bedryfsinrigting en omvat dit ook 'n voorhaker en 'n trekker; (l)

(xxxvii) „nasiener" 'n werknemer wat een of meer van die volgende werksaamhede verrig:—

(1) Voltooide of gedeeltelik voltooide produkte tel of meet of besonderhede in verband daarmee aanteken;

(2) onder toesig van 'n magasynman gereedskap, uitrusting of voorrade uitreik wanneer dit skriftelik aangevra word of gereedskap, uitrusting of voorrade in ontvangs neem;

(3) brandstof, olie of ghries uitreik wanneer dit skriftelik aangevra word en sodanige uitreikings aanteken; (viii)

(xxxviii) „noodwerk"—

(1) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, epidemie, gewelddaad, diefstal of 'n onklaarraking van installasie of masjinerie sonder versuim gedoen moet word;

(2) enige werk in verband met die laai of aflaai van—

(a) skepe;

(b) spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens; of

(c) voertuie wat deur 'n vervoerkontraakteur gebruik word in die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Spoorweë en Hawens; of

(3) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werkure verrig kan word nie; (xviii)

(xxxix) „onbelaste gewig" die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig of sleepwa uitgereik is 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 driewielige motorfiets, bromponie of bromfiets of trapfiets met hulpmotor, die onbelaste gewig geag word hoogstens 1,000 lb te wees; (lxix)

(xl) „onderbaas" 'n werknemer wat onder algemene toesig aan die hoof staan van 'n groep arbeiders en wat aantekeninge kan hou van die werk wat deur hulle verrig word; (vi)

(xli) „onderbaas, vrou," 'n vroulike werknemer wat, onder algemene toesig, aan die hoof staan van 'n groep vroulike arbeiders en wat aantekeninge mag hou van die werk wat deur hulle verrig word; (xxv)

(xlii) „ondervinding", met betrekking tot—

(1) 'n klerk, die totale tydperk of tydperke diens wat 'n werknemer as klerk in enige bedryf of in diens van die Staat gehad het;

(2) enige ander klas werknemer, die totale tydperk of tydperke diens wat hy as werknemer van sy klas in die Laaghoutnywerheid gehad het; (xx)

- (23) filling holes by hand or machine in laminated or block boards, plywood, veneers or chipboards;
- (24) flushing down door lippings by machine;
- (25) glue or chip mixing machine operator;
- (26) laying or stacking together glued and dry material ready for feeding into a press;
- (27) laying out or marking veneers;
- (28) marking, stencilling or bundling;
- (29) oiling or greasing machines, other than motor vehicles;
- (30) opening or closing presses;
- (31) operating a veneer bundling machine;
- (32) packer;
- (33) loading or unloading presses;
- (34) sandpapering, other than by double or triple sanding machine or belt or bobbin sanding or widebelt sanding;
- (35) stapling by compressed air;
- (36) tapeless splicing machine operator;
- (37) taping or gluing machine operator;
- (38) trenching or grooving saw operator;
- (39) veneer clipping;
- (40) washing, ironing or mending overalls or other protective clothing; (lxx)
- (xlii) "Grade V employee, qualified," means a Grade V employee who has had not less than three months' experience; (lxxi)
- (xliii) "Grade V employee, unqualified," means a Grade V employee who has had less than three months' experience; (lxxii)
- (xliv) "handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment directly used in the manufacture of the products of an establishment, and who may effect minor repairs or renovations to buildings but who does not do work normally performed by an artisan; (xxi)
- (xlv) "knife grinding attendant" means an employee who attends, starts or stops an automatic knife grinding machine and who, under the supervision of an artisan or operator of a knife grinding machine, may set or counter the gauge; (liii)
- (xlvi) "labourer" means an employee who is engaged in any one or more of the following activities:—
 - (1) Applying glue by hand brush;
 - (2) cleaning premises, animals or machinery, tools, utensils, implements, vehicles or other articles;
 - (3) collecting veneers;
 - (4) cooking rations or making tea or other beverages except as referred to in the definition of canteen cook;
 - (5) gardening work;
 - (6) lifting, carrying, moving or stacking goods or articles;
 - (7) lime-washing or colour-washing buildings or other structures;
 - (8) loading or unloading;
 - (9) making, maintaining or drawing fires or removing refuse or ashes;
 - (10) mixing concrete by hand;
 - (11) opening or closing cocks or valves under supervision;
 - (12) opening or closing crates, boxes, bales or packages;
 - (13) operating a goods lift or hand hoist or putting grips on logs for hoisting or moving them;
 - (14) placing articles of uniform size or number into receptacles specially made to contain them;
 - (15) pushing or pulling any manually or battery propelled vehicle;
 - (16) reeling or unreeling veneers by hand;
 - (17) removing tape from plywood or veneers;
 - (18) repairing crates or boxes by hand;
 - (19) sorting planks, boards or veneers according to size;
 - (20) stirring ingredients in the making of glue;
 - (21) stripping bark off logs by hand or jemmy;
 - (22) taking off from any automatic or semi-automatic machine;
 - (23) tending animals or harnessing or unharnessing animals; (ii)
- (xlvii) "law" includes the common law; (lxxiii)
- (xlviii) "machine minder" means an employee who attends, starts or stops a power-driven machine and who may feed or take off from such machine but who does not set up or make adjustments to the machine other than pre-selected adjustments which form part of the functioning of the machine; (xxxv)
- (xlix) "manager" means an employee who is charged by his employer with the overall—
 - (1) supervision over;
 - (2) responsibility for; and
 - (3) direction of;
 the activities of an establishment and the employees engaged therein; (viii)

- (xliii) „oortyd” daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgewer werk en wat langer is as die onderskeie gewone werkure in subklousule (1), (2) of (3) van klousule (5) vir sodanige werknemer voorgeskryf, maar omvat dit nie ook 'n tydperk waarin 'n werknemer—
 - (1) wie se gewone werkure in klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgewer werk nie;
 - (2) wie se gewone werkure in klousule 5 (2) voorgeskryf word, gedurende sy vry periode in klousule 5 (10) (a) voorgeskryf, vir sy werkgewer werk nie; (lv)
- (xliv) „saaghersteller” 'n werknemer wat sae sweissoldeer, uithol, slyp of aftop; (lx)
- (xlv) „senior bestuurs- of administratiewe werknemer” 'n werknemer wat deur die werkgewer belas is met werk wat die verantwoordelikheid meebring om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van 'n administratiewe aard te neem; (lxii)
- (xlvi) „skofwerker” 'n werknemer wat skofwerk verrig in 'n werksaamheid van 'n bedryfsinrigting waarby twee of drie skofte per dag op vyf of ses dae per week gewerk word; (lxiii)
- (xlvii) „sleepwa” 'n vervoermiddel wat deur 'n motorvoertuig gesleep word; (lxviii)
- (xlviii) „stukwerk” 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (lviii)
- (xlix) „tegniese of professionele werknemer” 'n werknemer wat deur die werkgewer belas is met die uitvoering van werk van 'n tegniese of professionele aard; (lxvii)
- (l) „toesighouer” 'n werknemer, uitgesonderd 'n onderbaas, wat onder algemene toesig aan die hoof staan van 'n groep werknemers en wat aantekeninge kan maak van die werk deur hulle verrig en ander tersaaklike besonderhede; (lxvi)
- (li) „verpakker” 'n werknemer, uitgesonderd 'n arbeider, wat, onder algemene toesig, artikels in kratte of ander houers verpak vir vervoer of aflewering en wat sodanige artikels kan weeg en kratte of ander houers kan opmaak; (lvi)
- (lii) „versendingsklerk” 'n werknemer wat belas is met die versending of verpakking van goedere vir vervoer of aflewering en wat toesig mag hou oor die byeenbring, nagaan, weeg, verpakking, merk, adresseer of versending van goedere of pakkette; (xvi)
- (liii) „versorger van 'n messlypmasjien” 'n werknemer wat 'n outomatiese messlypmasjien aan- of afskakel en wat onder toesig van 'n ambagsman of bediener van 'n messlypmasjien die fynheidsgraad kan stel of verstel; (xlv)
- (liv) „versorger van 'n saagslypmasjien” 'n werknemer wat toesig hou oor 'n outomatiese saagslypmasjien, dit aan- of afskakel en wat, onder toesig van 'n ambagsman of 'n saaghersteller, die saag regstel deur middel van 'n diktemeter; (lxi)
- (lv) „voorman” 'n werknemer wat aan die hoof staan van die werknemers in 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig; (xxvii)
- (lvi) „voortvrou” 'n vroulike werknemer wat aan die hoof staan van die vroulike werknemers in 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig; (xxviii)
- (lvii) „wag” 'n werknemer wat 'n perseel of eiendom bewaak en omvat 'n hekweg; (lxxii)
- (lviii) „werknemer graad I”, 'n werknemer wat in een of meer van die volgende hoedanighede werksaam is—
 - (1) bediener van 'n hyskraan;
 - (2) bediener van 'n dubbel- of drievoudrolskuurder;
 - (3) bediener van 'n messlypmasjien;
 - (4) bediener van 'n kragpers, klas I;
 - (5) bediener van 'n verdieper;
 - (6) saagslyper;
 - (7) bediener van 'n skrapeer;
 - (8) bediener van 'n spil;
 - (9) bediener van 'n fineerdraaibank;
 - (10) fineerpasjer;
 - (11) bediener van 'n fineerskilmasjien; (xxix)
- (lix) „werknemer graad I, gekwalifiseerd,” 'n werknemer graad I met minstens 2½ jaar ondervinding; (xxx)
- (lx) „werknemer graad I, ongekwalifiseerd,” 'n werknemer graad I met minder as 2½ jaar ondervinding; (xxxi)
- (lxi) „werknemer graad II” 'n werknemer wat in een of meer van die volgende hoedanighede werksaam is:—
 - (1) Fabrieksdrywer;
 - (2) eerste hulpversorger;
 - (3) bediener van 'n uitsnysaag;
 - (4) bediener van 'n kragpers, klas II;
 - (5) bediener van 'n wyebandskuurder; (xxxii)

(i) "motor vehicle" means any power-driven vehicle used for conveying goods outside the employer's establishment and includes a mechanical horse and a tractor; (xxxvi)

(ii) "operator" means an employee who operates, attends, starts or stops a power-driven machine, who scrutinizes or checks the work done by the machine and who may make adjustments to the machine, and the expression "operating" has a corresponding meaning; (iii)

(iii) "operator of a power-driven press, Class I," means an employee who is engaged in controlling the opening and closing, the temperature, pressures and time cycles of a hot processing power-driven press incorporating multi-plattens and who may record particulars of articles pressed; (iv)

(iii) "operator of a power-driven press, Class II," means an employee who is engaged in controlling the opening and closing, the temperature, pressures and time cycles of a hot processing power-driven press with single top and bottom plattens and who may record particulars of articles pressed; (v)

(iv) "operator of a power-driven press, Class III," means an employee who is engaged in controlling the opening and closing, pressures and time cycles of a power-driven press, other than a hot processing power-driven press, and who may record particulars of articles pressed; (vi)

(iv) "overtime" means that portion of any period which an employee works for his employer during any week or on any day, as the case may be, which is in excess of the respective ordinary hours of work prescribed for such employee in clause 5 (1), (2) or (3), but does not include any period during which an employee—

(1) whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday;

(2) whose ordinary hours of work are prescribed in clause 5 (2), works for his employer during his free period prescribed in clause 5 (10) (a); (xliii)

(vi) "packer" means an employee, other than a labourer, who, under general supervision, is engaged in packing articles into crates or other receptacles for transport or delivery and who may weigh such articles and make up crates or other containers; (li)

(lvii) "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; (xii)

(lviii) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (xlviii)

(lix) "Plywood Industry" means the industry in which employers and employees in establishments which are registered or liable to registration in terms of the Factories, Machinery and Building Work Act, 1941, are associated for the purpose of manufacturing any one or more of the following products, namely, plywood, veneers, veneered boards, laminated boards, block boards, chip boards or any similar product of which wood forms the main component, and includes all operations incidental to or consequent on any of the aforesaid activities; (xxxi)

(lx) "saw sharpener" means an employee who is engaged in brazing, gulletting, sharpening or topping saws; (xlv)

(lxi) "saw sharpening attendant" means an employee who attends, starts or stops an automatic saw sharpening machine and who, under the supervision of an artisan or a saw sharpener, trues the saw by means of a gauge; (liv)

(lxii) "senior managerial or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decisions of an administrative character in the conduct of the activities of an establishment; (xlv)

(lxiii) "shift worker" means an employee who is engaged on shift work in an activity in an establishment in which two or three shifts per day on five or six days per week are worked; (xlv)

(lxiv) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials or transport, the vagaries of the weather, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (xxx)

(lxv) "storeman" means an employee who is in charge of stocks of incoming goods or finished or partly finished products and who is responsible for receiving, storing, packing or unpacking goods in a store or warehouse or delivering goods from a store or warehouse to the consuming departments in an establishment or for despatch; (xxiv)

(lxii) „werknemer graad II, gekwalifiseerd,” ’n werknemer graad II met minstens 18 maande ondervinding; (xxxiii)

(lxiii) „werknemer graad II, ongekwalifiseerd,” ’n werknemer graad II met minder as 18 maande ondervinding; (xxxiv)

(lxiv) „werknemer, graad III,” ’n werknemer wat in een of meer van die volgende hoedanighede werksaam is of een of meer van die volgende werksaamhede verrig:—

(1) Met ’n band of tol skuur;

(2) nasiener;

(3) versorger van ’n messlypmasjien;

(4) masjiennoppasser;

(5) bediener van ’n kragpers, klas III;

(6) masjiene, toebehoore of verkeerslyne of waarskuwings-tokens verf;

(7) versorger van ’n saagslypmasjien;

(8) bediener van enigeen of meer van ondergenoemde krag-masjiene:—

(a) ’n Borsel- of poleermasjien;

(b) ’n kettingsaag;

(c) ’n horisontale blokbandsaag;

(d) ’n matvormmasjien;

(e) ’n haaksnysaag;

(f) ’n dikteskaaf-, skaaf- of lysmasjien; (xxxv)

(lxv) „werknemer graad III, gekwalifiseerd,” ’n werknemer graad III met minstens 12 maande ondervinding; (xxxvi)

(lxvi) „werknemer graad III, ongekwalifiseerd,” ’n werknemer graad III met minder as 12 maande ondervinding; (xxxvii)

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

(1) Kante van fineerhout met die hand of ’n masjien skaaf;

(2) tolk, wat ook verklaringe kan afneem;

(3) bediener of voerder van ’n blokskaafmasjien;

(4) bediener van ’n radiofrekwensie- en klampsetmaat;

(5) weeg, afmeet of meng van bestanddele vir die maak van lym;

(6) gewigaantekenaar;

(7) bediener van enigeen of meer van ondergenoemde krag-masjiene:—

(a) Aaneenlopende kantinepmasjiene;

(b) masjiene vir die samestelling van timmerhoutkern;

(c) kloofsaag;

(d) ru-dwarssaagmasjiene;

(e) sjabloonsnysmasjiene;

(f) masjiene vir die lym van fineerrande;

(g) fineerpassaag; (xxxviii)

(lxviii) „werknemer graad IV, gekwalifiseerd,” ’n werknemer graad IV met minstens ses maande ondervinding; (xxxix)

(lxix) „werknemer graad IV, ongekwalifiseerd,” ’n werknemer graad IV met minder as ses maande ondervinding; (xl)

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

(1) Bande met die hand aansit;

(2) rame en kerns vir holtipe blokpaneel monteer;

(3) kassies met die hand inmeekaarsit of met drade vasmaak;

(4) ’n ambagsman help deur artikels of gereedskap vas te hou of op ’n ander manier saam met hom te werk, uitgesonderd deur die selfstandige gebruik van gereedskap;

(5) bediener van ’n outomatiese of half-outomatiese fineer-rolmasjiene;

(6) eethuiskok;

(7) eethuistafelbediende;

(8) bediener van ’n kartonsnyer;

(9) bediener van ’n splinterskaal;

(10) bediener van ’n sirkelsaag vir die afwerk van fineerhout;

(11) perse met die hand of drukluk vasklamp;

(12) punte van inkepinge of stoke met handgereedskap sny;

(13) die punte van skuurmasjienebande volgens lengte sny en las;

(14) bediener van ’n ontbasmasjiene;

(15) hout of ander artikels in kleurstof, verf, verduursamings-middels of ander vloeistoffoplossings indompel of invoer of sodanige artikels met die hand of handtoestelle daaruit verwyder;

(16) bediener van ’n skyfskuurmasjiene;

(17) briewe, boodskappe of ander artikels te voet of met ’n fiets, driewiel of handvoertuig buite sy werkgegewe se bedryfs-irrigting aflewer;

(18) gate met die hand of ’n masjiene boor;

(19) bediener van ’n afrolmasjiene;

(20) bediener van ’n elektriese hystoestel;

(lxvi) "supervisor" means an employee, other than a charge-hand, who, under general supervision, is in charge of a group of employees and who may keep records of the work performed by them and other relevant particulars; (l)

(lxvii) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (xlix)

(lxviii) "trailer" means any conveyance drawn by a motor vehicle; (xlvii)

(lix) "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 motor vehicles: Provided that in the case of a two or three wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb; (xxxix)

(lxx) "veneer matcher" means an employee who is engaged in cutting and fitting veneers by hand to special designs; (xxii)

(lxxi) "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—

(1) 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;

(2) 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, receives over and above the amount which he would have received if he had not been employed on such a basis; (xxxii)

(lxxii) "watchman" means an employee who is engaged in guarding premises or property and includes a gateman; (lvii)

(lxxiii) "weight-recorder" means an employee who is engaged in weighing articles and recording the weight of such articles. (xxiii)

(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.*

(i)

	In all Areas Per week R c
Artisan	38 18
Chauffeur	12 00
Clerk, female, qualified	18 92
Clerk, female, unqualified—	
During the first year of experience	11 08
During the second year of experience	13 04
During the third year of experience	15 00
During the fourth year of experience	16 96
Clerk, male, qualified	29 54
Clerk, male, unqualified—	
During the first year of experience	12 00
During the second year of experience	15 46
During the third year of experience	18 92
During the fourth year of experience	22 38
During the fifth year of experience	25 85
Factory clerk, qualified	15 50
Factory clerk, unqualified—	
During the first six months of experience	10 00
During the second six months of experience	11 75
During the third six months of experience	13 50
Foreman	40 00
Forewoman	24 00
Handyman	17 50
Supervisor	16 25
Driver of a motor vehicle, the unladen weight of which, together with the unladen weight of any trailer or trailers drawn by such vehicle—	
(i) does not exceed 1,000 lb	11 50
(ii) exceeds 1,000 lb but not 6,000 lb	16 10
(iii) exceeds 6,000 lb but not 10,000 lb	20 00
(iv) exceeds 10,000 lb	24 00
Part-time driver of a motor vehicle	11 50

(21) lamel- of blokplanke, laaghout, fineerhout, kerns of spaanderborde ondersoek of met die hand of masjien herstel of besonderhede in verband daarmee aanteken;

(22) enige outomatiese of half-outomatiese masjien voer en ook sodanige masjien aansakel of afsakel;

(23) gate in lamel- of blokplanke, laaghout, fineerhout, kerns of spaanderborde ondersoek of met die hand of 'n masjien herstel;

(24) deurinkepings met 'n masjien gelykmaak;

(25) bediener van 'n lym- of spaandermengmasjien;

(26) gelymde en droë materiaal saampak of opmekaarstapel gereed om in 'n pers gevoer te word;

(27) fineerhout regpak of merk;

(28) merk, sjabloneer of in bondels opmaak;

(29) masjiene, uitgesonderd motorvoertuie, olie of smeer;

(30) perse oop- of toemaak;

(31) bediener van 'n finiersaambindmasjien;

(32) verpakker;

(33) perse laai of ontlai;

(34) met skuurpapier skuur, uitgesonderd met 'n dubbel- of drievoudskuurder of met 'n band of tol skuur of met 'n wyeband skuur;

(35) met druklug vaskram;

(36) bediener van 'n bandlose spalkmasjien;

(37) bediener van 'n band- of lymmasjien;

(38) bediener van 'n sloot- of groefsaag;

(39) fineerhout afsny of afknip;

(40) oorpakke of ander beskermende klere was, stryk of heelmaak; (xli)

(lxxi) „werknemer graad V, gekwalifiseerd,” 'n werknemer graad V met minstens drie maande ondervinding; (xlii)

(lxxii) „werknemer graad V, ongekwalifiseerd,” 'n werknemer graad V met minder as drie maande ondervinding; (xliii)

(lxxiii) „Wet” ook die gemene reg. (xlvii)

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

3. BESOLDIGING.

(1) Die minimum loon wat 'n werkgewer aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is dié hieronder uiteengesit:—

(a) *Werknemers uitgesonderd los werknemers.*

(i)

	In alle gebiede Per week R c
Ambagsman	38 18
Chauffeur	12 00
Klerk, vrou, gekwalifiseerd	18 92
Klerk, vrou, ongekwalifiseerd—	
Gedurende die eerste jaar ondervinding	11 08
Gedurende die tweede jaar ondervinding	13 04
Gedurende die derde jaar ondervinding	15 00
Gedurende die vierde jaar ondervinding	16 96
Klerk, man gekwalifiseerd	29 54
Klerk, man, ongekwalifiseerd—	
Gedurende die eerste jaar ondervinding	12 00
Gedurende die tweede jaar ondervinding	15 46
Gedurende die derde jaar ondervinding	18 92
Gedurende die vierde jaar ondervinding	22 38
Gedurende die vyfde jaar ondervinding	25 85
Fabrieksklerk, gekwalifiseerd	15 50
Fabrieksklerk, ongekwalifiseerd—	
Gedurende die eerste ses maande ondervinding	10 00
Gedurende die tweede ses maande ondervinding	11 75
Gedurende die derde ses maande ondervinding	13 50
Voorman	40 00
Voorvrou	24 00
Faktotum	17 50
Toesighouer	16 25
Bestuurder van 'n motorvoertuig, waarvan die onbelaste gewig, tesame met die onbelaste gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—	
(i) hoogstens 1,000 lb is	11 50
(ii) meer as 1,000 lb maar onder 6,000 lb is	16 10
(iii) meer as 6,000 lb maar onder 10,000 lb is	20 00
(iv) meer as 10,000 lb is	24 00
Deeltydse bestuurder van 'n motorvoertuig	11 50

(ii)

Occupation.	In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.	In the Magisterial Districts of Durban, Pinetown and Stellenbosch.	In the Magisterial District of Pietermaritzburg.	In all other areas.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Grade I employee, qualified.....	18.50	17.70	17.20	18.00
Grade I employee, unqualified—				
During the first six months of experience.....	9.25	8.45	7.95	8.75
During the second six months of experience.....	11.00	10.20	9.70	10.60
During the third six months of experience.....	12.75	11.95	11.45	12.45
During the fourth six months of experience.....	14.50	13.70	13.20	14.30
During the fifth six months of experience.....	16.50	15.70	15.20	16.15
Grade II employee, qualified.....	14.50	13.70	13.20	14.00
Grade II employee, unqualified—				
During the first six months of experience.....	9.25	8.45	7.95	8.75
During the second six months of experience.....	11.00	10.20	9.70	10.50
During the third six months of experience.....	12.75	11.95	11.45	12.25
Grade III employee, qualified.....	11.00	10.20	9.70	10.50
Grade III employee, unqualified—				
During the first six months of experience.....	9.25	8.45	7.95	8.75
During the second six months of experience.....	10.00	9.20	8.70	9.50
Grade IV employee, female, qualified.....	7.40	6.75	6.35	7.00
Grade IV employee, female, unqualified—				
During the first three months of experience.....	6.60	5.80	5.40	6.20
During the second three months of experience.....	7.00	6.25	5.85	6.60
Grade IV employee, male, qualified.....	9.25	8.45	7.95	8.75
Grade IV employee, male, unqualified—				
During the first three months of experience.....	8.25	7.25	6.75	7.75
During the second three months of experience.....	8.75	7.85	7.35	8.25
Grade V employee, female, qualified.....	6.95	6.15	5.75	6.55
Grade V employee, female, unqualified.....	6.60	5.80	5.40	6.20
Grade V employee, male, qualified.....	8.65	7.65	7.15	8.15
Grade V employee, male, unqualified.....	8.25	7.25	6.75	7.75
Chargehand				
Boiler attendant }.....	9.00	8.00	7.50	8.50
Watchman }				
Female chargehand.....	7.00	6.20	5.80	6.60
Employee not elsewhere in this subclause specifically mentioned.....	9.00	8.00	7.50	8.50

(iii)

Occupation.	In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.	In the Magisterial District of Stellenbosch.	In the Magisterial Districts of Durban and Pinetown.	In the Magisterial District of Pietermaritzburg.	In all other areas.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Labourer, female—					
during the first year after this Determination becomes binding.....	6.20	5.40	5.60	5.20	6.00
thereafter.....	6.60	5.80	5.80	5.40	6.20
Labourer, male, 18 years of age or over—					
during the first year after this Determination becomes binding.....	7.75	6.75	7.00	6.50	7.50
thereafter.....	8.25	7.25	7.25	6.75	7.75
Labourer, male, under 18 years of age—					
during the first year after this Determination becomes binding.....	5.80	5.05	5.25	4.90	5.60
thereafter.....	6.20	5.45	5.45	5.05	5.80

(ii)

Beroep.	In die landdros- distrikte Bell- ville, Die Kaap, Simonstad en Wynberg.	In die landdros- distrikte Durban, Pinetown en Stellenbosch.	In die landdros- distrik Pieter- maritzburg.	In alle ander gebiede.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Werknemer graad I, gekwalifiseerd.....	18.50	17.70	17.20	18.00
Werknemer graad I, ongekwalifiseerd—				
Gedurende die eerste ses maande ondervinding.....	9.25	8.45	7.95	8.75
Gedurende die tweede ses maande ondervinding.....	11.00	10.20	9.70	10.60
Gedurende die derde ses maande ondervinding.....	12.75	11.95	11.45	12.45
Gedurende die vierde ses maande ondervinding.....	14.50	13.70	13.20	14.30
Gedurende die vyfde ses maande ondervinding.....	16.50	15.70	15.20	16.15
Werknemer graad II, gekwalifiseerd.....	14.50	13.70	13.20	14.00
Werknemer graad II, ongekwalifiseerd—				
Gedurende die eerste ses maande ondervinding.....	9.25	8.45	7.95	8.75
Gedurende die tweede ses maande ondervinding.....	11.00	10.20	9.70	10.50
Gedurende die derde ses maande ondervinding.....	12.75	11.95	11.45	12.25
Werknemer graad III, gekwalifiseerd.....	11.00	10.20	9.70	10.50
Werknemer graad III, ongekwalifiseerd—				
Gedurende die eerste ses maande ondervinding.....	9.25	8.45	7.95	8.75
Gedurende die tweede ses maande ondervinding.....	10.00	9.20	8.70	9.50
Werknemer graad IV, vrou, gekwalifiseerd.....	7.40	6.75	6.35	7.00
Werknemer graad IV, vrou, ongekwalifiseerd—				
Gedurende die eerste drie maande ondervinding.....	6.60	5.80	5.40	6.20
Gedurende die tweede drie maande ondervinding.....	7.00	6.25	5.85	6.60
Werknemer graad IV, man, gekwalifiseerd.....	9.25	8.45	7.95	8.75
Werknemer graad IV, man, ongekwalifiseerd.....				
Gedurende die eerste drie maande ondervinding.....	8.25	7.25	6.75	7.75
Gedurende die tweede drie maande ondervinding.....	8.75	7.85	7.35	8.25
Werknemer graad V, vrou, gekwalifiseerd.....	6.95	6.15	5.75	6.55
Werknemer graad V, vrou, ongekwalifiseerd.....	6.60	5.80	5.40	6.20
Werknemer graad V, man, gekwalifiseerd.....	8.65	7.65	7.15	8.15
Werknemer graad V, man, ongekwalifiseerd.....	8.25	7.25	6.75	7.75
Onderbaas				
Ketelbediener }.....	9.00	8.00	7.50	8.50
Wag				
Onderbaas, vrou.....	7.00	6.20	5.80	6.60
Werknemer wat nie elders in hierdie subklousule spesifiek gemeld word nie.....	9.00	8.00	7.50	8.50

(iii)

Beroep.	In die landdros- distrikte Bellville, Die Kaap, Simon- stad en Wynberg.	In die landdros- distrik Stellen- bosch.	In die landdros- distrikte Durban en Pinetown.	In die landdros- distrik Pieter- maritzburg.	In alle ander gebiede.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Arbeider, vrou—					
Gedurende die eerste jaar nadat hierdie Vasstelling bindend word..	6.20	5.40	5.60	5.20	6.00
Daarna.....	6.60	5.80	5.80	5.40	6.20
Arbeider, man, 18 jaar oud of ouer—					
Gedurende die eerste jaar nadat hierdie Vasstelling bindend word..	7.75	6.75	7.00	6.50	7.50
Daarna.....	8.25	7.25	7.25	6.75	7.75
Arbeider, man, onder die ouderdom van 18 jaar—					
Gedurende die eerste jaar nadat hierdie Vasstelling bindend word..	5.80	5.05	5.25	4.90	5.60
Daarna.....	6.20	5.45	5.45	5.05	5.80

(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 work 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.

(b) *Los werknemer.*—'n Los werknemer moet vir elke dag of gedeelte 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 dié wat van die los werknemer vereis word: Met dien verstande dat, waar die werkgever van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon" die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word, en voorts met dien verstande dat, waar die werkgever van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens vyftig persent verminder mag word.

(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 subclause (1), read with subclause (3), for an employee of his class in the area in 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 wage.*—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 subclause (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 that—

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

(ii) 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 his 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 normally works a five-day week;

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

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

(c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by 46.

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 on the usual pay-day of the establishment for such employee (or in the case of a continuous process worker or a shift worker at a time agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment but not later than 24 hours after the usual pay-day) or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in an 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 number of hours worked by the employee on a Sunday, a public holiday or his free period;

(f) the employee's wage;

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

(h) the details of any deductions made;

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

(j) 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: Provided that—

(i) at the written request of an employee, the amount due may be paid into his building society or bank account by the employer who shall hand to him the relevant receipt together with the aforementioned statement;

(2) *Kontrakgrondslag.*—By die toepassing van hierdie kousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en moet 'n werknemer, behoudens die bepalings van kousule 4 (6), vir 'n week minstens die volle weekloon wat in subkousule (1), gelees met subkousule (3), voorgeskryf word vir 'n werknemer van sy klas in die gebied waarin hy werk, betaal word, afgeles daarvan of hy in so 'n week die maksimum getal gewone werkure wat ingevolge kousule 5 vir hom geld, of minder, gewerk het.

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

(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 subkousule (1) voorgeskryf word, moet ten opsigte van daardie dag aan sodanige werknemer betaal—

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

(ii) in die geval in paragraaf (b) bedoel, minstens die dagloon bereken op dié kerf in die stygende skaal onmiddellik bokant die loon wat die werknemer vir sy gewone werk ontvang het;

Met dien verstande dat—

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

(ii) 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 van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskrewe 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, in die geval van 'n werknemer wat gewoonlik vyf dae in 'n week werk;

(ii) ses, in die geval van alle ander werknemers.

(b) Die maandloon van 'n werknemer is 4½ maal sy weekloon.

(c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur 46.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalings van kousule 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 op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal (of in die geval van 'n deurlopendeproseswerker of 'n skofwerker, op 'n tyd waarvoor sodanige werknemer en sy werkgewer ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrigting moet val, maar nie later nie as 24 uur na die gewone betaaldag), of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëelde koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop gemeld word—

(a) die werkgewer se naam;

(b) die werknemer se naam of sy nommer op die betaalstaat en sy beroep;

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

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

(e) die getal ure wat die werknemer op 'n Sondag, 'n openbare vakansiedag of in sy vry periode gewerk het;

(f) die werknemer se loon;

(g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;

(h) besonderhede van enige bedrag wat afgetrek is;

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

(j) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarvoor hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande—

(i) dat die werkgewer, op die skriftelike versoek van 'n werknemer, die verskuldigde bedrag in sodanige werknemer se bovenverrekening- of bankrekening moet inbetaal en die betrokke kwitansie tesame met bogenoemde staat aan die werknemer moet oorhandig;

(ii) the aforementioned information relating to time worked need not be furnished to an employee who is excluded from the hours of work provisions by virtue of clause 5 (11) (a).

(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 deductions 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) 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. R	Per month. R
(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 not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—

(i) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;

(ii) no deduction shall be made in the case of short-time owing to the vagaries of the weather, a shortage of transport, a 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;

(f) 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) An employer shall not require or permit an employee, other than a casual employee or a continuous process worker, to work more ordinary hours of work than—

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

(i) forty-six in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (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;

(ii) dat voornoemde inligting in verband met tyd wat gewerk is nie verstrek hoeft te word aan 'n werknemer wat ingevolge klousule 5 (11) (a) van die werkurebepalings uitgesluit is nie.

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

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

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

(5) *Kos en huisvesting.*—Behoudens die bepalinge van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie van sy werknemer vereis om van hom of van enigiemand anders of op 'n plek deur hom aangewys, kos of huisvesting of kos en huisvesting aan te neem nie.

(6) *Aftrappings.*—'n Werkgever mag sy werknemer geen boetes op lê of bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:—

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegelde van vakverenigings;

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

(c) iedere bedrag wat 'n werkgever regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

(d) wanneer 'n werknemer daarmee instem of daar ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en huisvesting of kos of huisvesting van sy werkgever aan te neem, 'n bedrag van hoogstens—

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

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

(i) geen afrekening ten opsigte van korttyd wat deur 'n slapte in die bedryf of 'n tekort aan grondstowwe ontstaan, geskied nie, tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(ii) ten opsigte van korttyd weens wisselvalligheid van die weer, 'n tekort aan vervoermiddels of weens die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word, geen afrekening vir die eerste uur waarin daar nie gewerk word nie, geskied nie tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike owerheid betaal het aan die huur van 'n huis of aan huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantoeoord onder die beheer van so 'n raad of ander plaaslike owerheid bewoon.

5. WERKURE, GEWONE EN OORTYD-, EN BETALING VIR OORTYDWERK.

(1) *Gewone werkure.*—'n Werkgever mag nie van 'n werknemer, uitgesonderd 'n los werknemer, of 'n deurlopendeproseswerker, vereis of hom toelaat om meer gewone werkure te werk nie as—

(a) in die geval van 'n werknemer wat ses dae per week werk—

(i) ses-en-veertig in 'n week van Maandag tot en met Saterdag; en

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enigen van die ander dae tot 8½ verleng kan word;

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

(i) forty-six in any week from Monday to Friday, inclusive; and

(ii) subject to subparagraph (i) hereof, nine and one-quarter on any day.

(2) An employer shall not require or permit a continuous process worker to work—

(a) more ordinary hours of work than—

(i) forty-eight in any week from Sunday to Saturday, inclusive: Provided that any ordinary hours of work worked by a continuous process worker in any week in excess of 46 hours shall be paid for at a rate of not less than one and one-third times his ordinary wage, but this proviso shall not apply to a continuous process worker who normally works a five-day week;

(ii) eight in any shift;

(b) more than six shifts in any week: Provided—

(i) that all shifts worked shall normally be interrupted by not less than eight hours;

(ii) that an employer may require or permit his continuous process worker to work not more than seven shifts in any one week during any period of three consecutive weeks; and

(iii) that the ordinary hours of work of a continuous process worker shall not exceed 144 hours in any such period of three consecutive weeks.

(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 perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—

(i) an employer may agree with his employee to reduce the period of such interval to not less than half an hour, and in that event, and after the employer has informed the Divisional Inspector, Department of Labour, for his area, in writing of such agreement, the interval may be so reduced;

(ii) periods of work interrupted by intervals of less than one hour, except when proviso (i) or (v) applies, shall be deemed to be continuous;

(iii) 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) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;

(v) 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 15 minutes;

(vi) a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purposes of this subclause not to have worked during such interval;

(vii) such interval need not be granted to a continuous process worker during his ordinary hours of work on any shift if he is given the opportunity during such hours of having a meal while at his post unless this is prohibited by virtue of any notice published in terms of section 27 of the Factories, Machinery and Building Work Act, 1941.

(5) *Rest intervals.*—An employer shall grant to each of his employees a rest interval of not less than 10 minutes as nearly as practicable in the middle of each first work period and second work period of the day, 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 subclause (4), all hours of work of an employee on any day shall be consecutive.

(b) in die geval van 'n werknemer wat vyf dae per week werk—

(i) ses-en-veertig in 'n week van Maandag tot en met Vrydag; en

(ii) behoudens die bepalings van subparagraaf (i) hiervan, 9¼ op 'n dag.

(2) 'n Werkgewer mag nie van 'n deurlopendeproseswerker vereis of hom toelaat om—

(a) meer gewone werkure te werk nie as—

(i) agt-en-veertig in enige week van Sondag tot en met Saterdag: Met dien verstande dat 'n deurlopendeproseswerker vir elke gewone werkuur wat hy bo en behalwe 46 in 'n week werk, betaal moet word teen 'n skaal van minstens 1½ maal sy gewone loon, maar hierdie voorbehoudsbepaling is nie van toepassing op 'n deurlopendeproseswerker wat gewoonlik 'n werkswaek van vyf dae het nie;

(ii) agt in enige skof;

(b) meer as ses skofte in enige week te werk nie: Met dien verstande —

(i) dat alle skofte wat gewerk word normaalweg met minstens agt uur onderbreek moet word;

(ii) dat 'n werknemer van sy deurlopendeproseswerker kan vereis of hom kan toelaat om hoogstens sewe skofte in enige week gedurende enige tydperk van drie agtereenvolgende weke te werk; en

(iii) dat die gewone werkure van 'n deurlopendeproseswerker hoogstens 144 in enige sodanige tydperk van drie agtereenvolgende weke mag wees.

(3) 'n Werkgewer mag nie van 'n los werknemer vereis of hom toelaat om meer gewone werkure as 8½ op 'n dag te werk nie.

(4) *Etenspouses.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenspouse van minstens een uur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

(i) 'n werkgewer met sy werknemer ooreen mag kom om die duur van sodanige pouse tot uitsers 'n halfuur te verkort, en in dié geval en nadat die werkgewer die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;

(ii) werktidperke wat onderbreek word deur pouses van minder as een uur, uitgesonderd waar voorbehoudsbepaling (i) of (v) van toepassing is, geag word aaneenlopend te wees;

(iii) as sodanige pouse langer as een uur is, enige tyd wat 1½ uur te bowe gaan, geag word werktid te wees;

(iv) alleenlik een sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;

(v) wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse op versoek van die werknemer tot 15 minute verkort mag word;

(vi) 'n bestuurder van 'n motorvoertuig wat gedurende sodanige 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 nie gedurende sodanige pouse te gewerk het nie;

(vii) sodanige etenspouse nie aan 'n deurlopendeproseswerker gedurende sy gewone werkure in enige skof toegestaan hoef te word nie indien hy gedurende sodanige ure die geleentheid gegee word om 'n maaltid op sy pos te nuttig, tensy dit verbode is ooreenkomstig 'n kennisgewing gepubliseer ingevolge artikel 27 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(5) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke eerste en tweede werktidperk van die dag, aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan waarin daar nie van die werknemer vereis of hy nie toegelaat mag word om werk te verrig nie, en so 'n pouse word geag deel van die gewone werkure van so 'n werknemer uit te maak.

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

(7) *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) in the case of any other employee, ten hours in any week.

(8) *Female employees.*—Notwithstanding anything to the contrary contained in this clause, an employer shall not require or permit a female employee 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, but so that 10 hours are not exceeded in any week;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than 60 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 25 cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(9) *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.

(10) (a) An employer shall grant to each of his continuous process workers one free period of not less than 24 consecutive hours in every week, but, if an employer requires or permits such an employee to work during his free period, the hours worked shall not form part of the ordinary hours of work prescribed in subclause (2).

(b) Every employer who employs continuous process workers shall, prior to the commencement of each shift cycle, affix in a conspicuous place upon his premises to be determined by him, a notice or time-table indicating the shifts which each such worker will be required to work during the ensuing shift cycle and the free periods of each such worker. The employer shall retain such notice or time-table for a period of three years subsequent to the date thereof. If no such notice or time-table is displayed the free period of each such worker shall be deemed to commence at midnight on Saturday.

(11) *Savings.*—(a) The provisions of this clause shall not apply to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R200 per month.

(b) The provisions of subclauses (4), (5), (6) and (7) shall not apply to an employee while he is engaged on emergency work or to a chauffeur.

(c) The provisions of this clause shall not apply to a watchman whose employer grants him a day off of 24 consecutive hours in respect of every week of employment: Provided that—

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

(d) The provisions of subclause (5) shall not apply to a driver of a motor vehicle, a part-time driver of a motor vehicle, a labourer assisting on a delivery vehicle, a continuous process worker or a shift worker.

(7) *Beperking van oortydwerk.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om langer oortyd te werk nie as—

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van 'n ander werknemer, 10 uur in 'n week.

(8) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgewer nie van 'n vroulike werknemer vereis of haar toelaat om—

- (a) tussen 6-uur nm. en 6-uur vm. te werk nie;
- (b) op meer as vyf dae in 'n week na 1-uur nm. te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie, met die uitsondering dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd mag werk, maar dan s6 dat die oortydwerk hoogstens 10 uur in 'n week beloop;
- (d) op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;
- (e) op meer as 60 dae in 'n jaar oortyd te werk nie;
- (f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy—
- (i) sodanige werknemer voor die middag kennis daarvan gegee het; of
- (ii) sodanige werknemer van 'n toereikende ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
- (iii) sodanige werknemer minstens 25 sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(9) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortyd werk, betaal teen minstens—

- (a) in die geval van 'n los werknemer, 1½ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op 'n dag gewerk;
- (b) in die geval van 'n ander werknemer, 1½ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in 'n week gewerk.

(10) (a) 'n Werkgewer moet elke deurlopendeproseswerker in sy diens een vry periode van minstens 24 agtereenvolgende ure in elke week toestaan, maar, as 'n werkgewer van sodanige werknemer vereis of hom toelaat om gedurende sy vry periode te werk, maak die ure wat gewerk is nie deel uit van die gewone werkure in subklousule (2) voorgeskryf nie.

(b) Elke werkgewer wat deurlopendeproseswerkers in diens het, moet voor die aanvang van elke skofsiklus in sy bedryfsinrigting 'n kennisgewing of tydtafel opklap op 'n opvallende plek wat hyself moet bepaal, om aan te dui watter skofte elke sodanige werker vereis sal word om gedurende die daaropvolgende skofsiklus te werk en watter periodes elke sodanige werker vry sal hê. Die werkgewer moet sodanige kennisgewing of tydtafel vir 'n tydperk van drie jaar na die datum daarvan bewaar. Indien sodanige kennisgewing of tydtafel nie vertoon word nie, word daar geag dat die vry periode van elke sodanige werker Saterdag om middernag begin.

(11) *Voorbehoudsbepalings.*—(a) Die bepalings van hierdie klousule is nie op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R200 per maand ontvang.

(b) Die bepalings van subklousules (4), (5), (6) en (7) is nie op 'n werknemer terwyl hy noodwerk verrig of op 'n chauffeur van toepassing nie.

(c) Die bepalings van hierdie klousule is nie op 'n wag wie se werkgewer hom 'n dag van 24 agtereenvolgende ure ten opsigte van elke week diens vry afgee, van toepassing nie: Met dien verstande dat—

- (i) hy geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;
- (ii) 'n werkgewer, in plaas daarvan dat hy sodanige dag vry af aan sy wag gee, sodanige wag dié loon mag betaal wat hy sou ontvang het indien hy nie op sodanige dag gewerk het nie, plus 'n bedrag van minstens dubbel sy dagloon ten opsigte van sodanige dag wat nie toegestaan is nie.

(d) Die bepalings van subklousule (5) is nie op 'n bestuurder van 'n motorvoertuig, 'n deelydse bestuurder van 'n motorvoertuig, 'n arbeider wat op 'n afleweringsvoertuig help, 'n deurlopendeproseswerker of 'n skofwerker van toepassing nie.

6. ANNUAL LEAVE.

(1) Subject to the provisions of subclause (2), an employer shall grant to his employee, other than a casual employee, in respect of each completed period of 12 months of employment with him—

(a) in the case of a watchman, 21 consecutive days' leave,

(b) in the case of every other employee, 14 consecutive 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 20 (5) (a) of the Factories, Machinery and Building Work Act, 1941.

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

(i) if such leave has not been granted earlier, it shall, save as provided in subclause (3), be granted so as to commence within four months after the completion of the 12 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) 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) 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) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of 12 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 24 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 12 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 at least until after the expiration of the period of leave.

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

(4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (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 12 months of employment before the period of leave prescribed in subclause (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 subclause (1), one-fourth, and

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van iedere voltooide tydperk van 12 maande diens by hom verlof verleen van—

(a) in die geval van 'n wag, 21 agtereenvolgende dae;

(b) in die geval van iedere ander werknemer, 14 agtereenvolgende dae;

en moet hy sodanige werknemer ten opsigte van sodanige verlof betaal—

(i) in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens drie maal die weekloon waarop hy met ingang van die eerste dag van die verlof geregtig is;

(ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens twee maal die weekloon waarop hy met ingang van 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 20 (5) (a) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941.

(2) Die verlof voorgeskryf in subklousule (1), moet verleen word op 'n tyd wat die werkgever bepaal: Met dien verstande dat—

(i) as sodanige verlof nie eerder verleen is nie, dit behoudens die bepalings van subklousule (3) so verleen moet word dat dit begin binne vier maande na voltooiing van die 12 maande diens waarop dit betrekking het; of dat, as die werkgever en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

(ii) die tydperk van verlof nie met siekteverlof wat ingevolge klousule 7 verleen is of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met 'n tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geïloftedag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;

(iv) 'n werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgever die verlof oor 'n tydperk van hoogstens 24 maande diens laat oploop: Met dien verstande—

(i) dat sodanige werknemer so 'n versoek doen binne vier maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en

(ii) dat die werkgever die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek bewaar minstens tot na die verstryking van die verloftydperk.

(b) Die bepalings van subklousule (2) is *mutatis mutandis* van toepassing op die verlof in hierdie subklousule bedoel.

(4) Die besoldiging 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 diens-termyn van 12 maande eindig voordat die verloftydperk voorgeskryf in subklousule (1), ten opsigte van so 'n termyn opgehoop het, moet daar by sodanige diensbeëindiging, benewens ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

(a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) bedoel, een-vierde van die weekloon, en

(b) in the case of an employee referred to in paragraph (b) of subclause (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 subclause (2) and provided further that an employee—

(i) who leaves his employment without having given and served the period of 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) 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 subclause (1), read with subclause (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 in any year to not more than 10 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, on 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 12 months, close his establishment for 14 consecutive days plus any additional days that may have to be added by virtue of the third proviso to subclause (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 subclause (1) (b) shall, in respect of any leave due to him, be paid by his employer on the basis set out in subclause (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 subclause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

(a) in the case of an employee who normally works a five-day week, not less than 10 work days', and

(b) in the case of an employee referred to in paragraph (b) of subclause (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 subclause (2) and provided further that an employee—

(i) who leaves his employment without having given and served the period of 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) 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 subclause (1), read with subclause (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 in any year to not more than 10 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, on 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 12 months, close his establishment for 14 consecutive days plus any additional days that may have to be added by virtue of the third proviso to subclause (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 subclause (1) (b) shall, in respect of any leave due to him, be paid by his employer on the basis set out in subclause (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. SIEKTEVERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, siekteverlof verleen van—

(a) in die geval van 'n werknemer wat gewoonlik 'n werkweek van vyf dae het, altesaam minstens 10 werkdae, en

(b) in the case of every other employee, not less than 12 work days;

sick leave in the aggregate during any period of 12 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that—

(i) in the first 12 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 every other employee, one work day in respect of each completed month of employment;

(ii) 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 10 or 12 work days, as the case may be, in each period of 12 months of employment;

(iii) 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 in respect of any incapacity, the amount so paid may be set off against the payment due in respect of absence on sick leave because of such incapacity;

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

(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 for a period covering more than two consecutive days, 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 weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence.

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

(a) "employment" includes—

(i) any period during which an employee—

(aa) is on leave in terms of clause 6;

(bb) is absent from work on the instructions or at the request of his employer,

(cc) is on sick leave in terms of subclause (1),

amounting in the aggregate, in any year, to not more than 10 weeks, and

(ii) any period during which an employee is 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 sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or a scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS, SUNDAYS AND FREE PERIODS.

(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

(b) in die geval van iedere ander werknemer, altesaam minstens 12 werkdade,

gedurende elke tydperk van 12 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) gedurende die eerste 12 agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van alle ander werknemers, een werkdag ten opsigte van elke voltooide maand diens;

(ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, betaal aan 'n fonds of organisasie wat die werknemer aanwys en wat die werknemer waarborg dat, in geval van sy ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir 10 of 12 werkdade, na gelang van die geval, in elke tydperk van 12 maande diens aan hom betaal sal word;

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

(iv) die bepalinge van hierdie klousule nie van toepassing is nie ten opsigte van 'n tydperk van 'n werknemer se ongeskiktheid indien daar by 'n ander wet van 'n werkgewer vereis word om die werknemer minstens sy volle loon te betaal.

(2) 'n Werkgewer mag, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk vir 'n tydperk van langer as twee agtereenvolgende dae, van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid meld: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) By die toepassing van hierdie klousule—

(a) sluit die uitdrukking „diens” in—

(i) enige tydperk wat 'n werknemer van sy werk afwesig is—

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1),

en wat in enige jaar altesaam hoogstens 10 weke beloop, 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 meer as vier maande van een sodanige opleidingstydperk as diens te eis nie, en word enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van inwerkingtreding van hierdie Vasstelling geag diens ingevolge hierdie Vasstelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie Vasstelling verleen te wees;

(b) beteken „ongeskiktheid” onvermoë om te werk weens siekte of 'n besering, uitgesonderd siekte of besering veroorsaak deur 'n werknemer se eie wangedrag: Met dien verstande dat sodanige werkonvermoë wat veroorsaak is deur 'n ongeluk of 'n gelyste siekte waarvoor vergoeding betaalbaar is ingevolge die Ongevallewet, 1941, geag word ongeskiktheid te wees slegs gedurende 'n tydperk ten opsigte waarvan geen bedrag in verband met ongeskiktheid kragtens daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE, SONDAE EN VRY PERIODES.

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

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag werk, moet sy werkgewer hom, behoudens die bepalinge van klousule 4 (6), vir die week

him for the week in which such day falls not less than his weekly wage, plus his hourly wage for each hour or part of an hour 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) Whenever an employee, other than a continuous process worker, 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 of 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) pay him at a rate of 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 seven 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) Whenever a continuous process worker works on a Sunday, his employer shall, subject to subclause (5), pay him at a rate of not less than one and one-third times his ordinary wage in respect of the total period worked by him on such Sunday: Provided that work on a Sunday shall not attract payment for overtime over and above the rate of remuneration prescribed in this subclause.

(5) Whenever a continuous process worker works during his free period, his employer shall pay him at a rate of not less than double his ordinary wage in respect of the total period worked by him during such free period: Provided that he shall be paid not less than double his daily wage.

(6) Whenever a continuous process worker or a shift worker works a shift which falls partly on any public holiday mentioned in subclause (1) or on a Sunday and partly on any other day, the whole shift shall be deemed to have been worked on the day on which the major portion of such shift falls.

(7) This clause shall not apply—

(a) to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R200 per month;

(b) to a casual employee or a watchman.

9. PIECE-WORK.

(1) An employer may, after at least one week's notice to his employee, other than a traveller, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his 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 subclause (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 notice for a period not shorter than that 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.

waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op so 'n dag gewerk het: Met dien verstande dat, waar daar van 'n werknemer vereis word of hy toegelaat word om minder as vier uur op so 'n dag te werk, hy geag word vier uur te gewerk het.

(3) Wanneer 'n werknemer, uitgesonderd 'n deurlopendeproseswerker, op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

(i) indien hy aldus vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon betaal;

(ii) indien hy aldus vir 'n tydperk van meer as vier uur werk, teen minstens dubbel sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of

(b) hom teen minstens 1½ maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne sewe dae vanaf sodanige Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur op sodanige Sondag te werk, hy geag moet word vier uur te gewerk het.

(4) Wanneer 'n deurlopendeproseswerker op 'n Sondag werk, moet sy werkgever hom, behoudens die bepalinge van subklousule (5), betaal teen 'n skaal van minstens 1½ maal sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk: Met dien verstande dat daar vir werk op 'n Sondag nie vir oortyd betaal word bo en behalwe die skaal van besoldiging in hierdie subklousule voorgeskryf nie.

(5) Wanneer 'n deurlopendeproseswerker gedurende sy vry periode werk, moet sy werkgever hom betaal teen 'n skaal van minstens twee maal sy gewone loon ten opsigte van die hele tydperk wat hy gedurende sodanige vry periode gewerk het: Met dien verstande dat hy minstens twee maal sy dagloon betaal word.

(6) Wanneer 'n deurlopendeproseswerker of 'n skofwerker in 'n skof werk wat gedeeltelik op 'n openbare vakansiedag in subklousule (1) genoem of op 'n Sondag en gedeeltelik op enige ander dag val, word daar geag dat die hele skof gewerk was op die dag waarop die grootste gedeelte van sodanige skof val.

(7) Hierdie klousule is nie van toepassing nie—

(a) op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer indien en terwyl so 'n werknemer gereeld 'n loon teen minstens R200 per maand ontvang;

(b) op 'n los werknemer of 'n wag.

9. STUKWERK.

(1) 'n Werkgever mag nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, gegee het, 'n stukwerkstelsel invoer en, sodanige werkgever moet, behoudens die bepalinge van klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, teen die besoldiging betaal wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgever, ongeag die hoeveelheid werk wat verrig is, die werknemer moet betaal—

(a) in die geval van 'n ander werknemer as 'n los werknemer, vir elke week waarin stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie 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, minstens 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 besoldiging bedoel in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemers wat volgens sodanige stelsel werk, minstens een kalendermaand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgever nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

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

10. PROPORTION OR RATIO.

(1) *Grade I employee.*—An employer shall not employ an unqualified Grade I employee unless he has in his employ a qualified Grade I employee and for each qualified Grade I employee employed by him not more than three unqualified Grade I employees may be employed by him.

(2) For the purpose of this clause an employer who is wholly or mainly engaged in performing the work of a Grade I employee may be deemed to be a qualified employee in such class and an unqualified Grade I employee who is receiving not less than the wage for a qualified Grade I employee may be deemed to be a qualified employee in his area.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable and clean 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: Provided that an employer may require an employee to wash or wash and iron any such uniform, overall or protective clothing in which event the employer shall pay such employee an allowance of not less than fifteen cents every week.

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, not less than one week'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:

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) Where there is an agreement in terms of the second proviso to subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.

(3) The notice prescribed in subclause (1) shall be given on or before the usual pay-day of the establishment for such employee and shall run from the day after such pay-day: Provided that—

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

(4) Where only one work day's notice is required to be given such notice may be given on any work day.

(5) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and

10. GETALSVERHOUDING.

(1) *Werknemer graad I.*—'n Werkgewer mag nie 'n ongekwalifiseerde werknemer graad I in diens neem nie tensy hy 'n gekwalifiseerde werknemer graad I in sy diens het en vir elke gekwalifiseerde werknemer graad I in sy diens mag hy hoogstens drie ongekwalifiseerde werknemers graad I in diens neem.

(2) By die toepassing van hierdie klousule kan 'n werkgewer wat uitsluitlik of hoofsaaklik die werk van 'n werknemer graad I verrig, geag word 'n gekwalifiseerde werknemer in sodanige klas te wees en 'n ongekwalifiseerde werknemer graad I wat minstens die loon vir 'n gekwalifiseerde werknemer graad I in sy gebied ontvang, kan geag word 'n gekwalifiseerde werknemer te wees.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om sodanige uniform, oorpak of beskermende klere te was of te was en te stryk en in so 'n geval moet die werkgewer so 'n werknemer 'n toelae van minstens 15 sent per week betaal.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

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

(b) na die eerste vier weke diens, minstens een week,

vooraf kennis van die beëindiging van die kontrak gee of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgewer, na gelang van die geval, te betaal—

(i) in die geval van een werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van een week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat—

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

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

(iii) die werking van 'n verbeuring of boete wat regens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie: Met dien verstande voorts dat, indien die loon van 'n werknemer op die datum van die beëindiging verminder is deur aftrekkings ten opsigte van korttyd en die werkgewer hom betaal in plaas van kennis te gee, die uitdrukking „ten tyde van sodanige beëindiging ontvang” geag word te beteken „ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie”.

(2) Indien daar 'n ooreenkoms ingevolge die tweede voorbehoudsbepaling van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waarvoor daar ooreengekom is.

(3) Die kennisgewing in subklousule (1) voorgeskryf, mag voor of op die bedryfsinrigting se gewone betaaldag vir so 'n werknemer geskied en loop op vanaf die dag na sodanige betaaldag: Met dien verstande dat—

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

(ii) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie.

(4) Wanneer kennisgewing van slegs een werkdag vereis word, kan sodanige kennisgewing op enige werkdag geskied.

(5) Ondanks andersluidende bepalinge in hierdie Vasstelling mag 'n werkgewer, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te

served the required period of notice or without paying his employer in lieu 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 notice.

13. CERTIFICATE OF SERVICE.

Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall upon termination of any contract of employment furnish the 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 of the employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the weekly wage of the employee on the date of such termination.

14. PROHIBITION OF EMPLOYMENT.

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

SCHEDULE.

I/We (a)
carrying on trade in the Plywood Industry 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.

(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. 2204 29 November 1968
FACTORIES, MACHINERY AND BUILDING WORK
ACT, 1941, AS AMENDED.—PLYWOOD INDUSTRY,
CERTAIN AREAS

I, Marais Viljoen, Minister of Labour, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for the Plywood Industry, Certain Areas, published under Government Notice No. 2203 of the 29th November 1968, to be on the whole 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,
Minister of Labour.

Note.—This notice shall not have the effect of suspending the operation of section 20 (3) of the Act in respect of Republic Day.

No. R. 2205 29 November 1968
WAGE ACT, 1957
CANCELLATION OF WAGE DETERMINATION No.
245.—PLYWOOD INDUSTRY, CERTAIN AREAS

I, Marais Viljoen, Minister of Labour, hereby in terms of section 16 of the Wage Act, 1957, cancel with effect from the 23rd day of December 1968, all the provisions of Wage Determination No. 245, published under Government Notice No. R. 1386 of 6 September 1963.

M. VILJOEN,
Minister of Labour.

gee en sonder om die vereiste kennisgewingstermyn uit te dien of sonder om sy werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT.

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgever by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik die vorm het soos in die Bylae van hierdie Vasstelling voorgeskryf en wat die volle name van die werkgever en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon van die werknemer op die datum van sodanige beëindiging vermeld.

14. VERBOD OP INDIENSNEMING.

'n Werkgever mag niemand onder die leeftyd van 15 jaar in diens neem nie.

BYLAE.

Ek/Ons (a)
wat die Laaghoutnywerheid beoefen te
verklaar hierby dat
in my/ons (a) diens was van die
dag van 19... tot die
dag van 19... in die hoedanigheid van (b)
By diensbeëindiging was sy/haar (a) loon
rand sent per week.

(Handtekening van werkgever of
gemagtigde verteenwoordiger.)

Datum

- (a) Skrap wat nie van toepassing is nie.
(b) Meld die beroep waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv., klerk, arbeider.

No. R. 2204 29 November 1968
WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941. SOOS GEWYSIG.—LAAGHOUTNYWERHEID,
SEKERE GEBIEDE

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Loonvasstelling vir die Laaghoutnywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing No. 2203 van 29 November 1968, oor die algemeen vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondag en openbare feesdae daarby gereël word nie minder gunstig is nie as die desbetreffende bepalings van genoemde Wet.

M. VILJOEN,
Minister van Arbeid.

Opmerking.—Hierdie kennisgewing het nie die uitwerking om die toepassing van artikel 20 (3) van die Wet ten opsigte van Republiekdag op te skort nie.

No. R. 2205 29 November 1968
LOONWET, 1957
INTREKKING VAN LOONVASSTELLING No. 245.—
LAAGHOUTNYWERHEID, SEKERE GEBIEDE

Ek, Marais Viljoen, Minister van Arbeid, trek hierby kragtens artikel 16 van die Loonwet, 1957, met ingang van die 23ste dag van Desember 1968, al die bepalings van Loonvasstelling No. 245, gepubliseer by Goewermentskennisgewing No. R. 1386 van 6 September 1963, in.

M. VILJOEN,
Minister van Arbeid.

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