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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 620

11 April 1974

WAGE ACT, 1957

WAGE DETERMINATION 359

**CEMENT MANUFACTURING INDUSTRY,
REPUBLIC OF SOUTH AFRICA**

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 Cement Manufacturing Industry, Republic of South Africa, and has fixed the fourth Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

**RECOMMENDATION TO THE HONOURABLE THE
MINISTER OF LABOUR BY DIVISION A OF THE WAGE
BOARD.—CEMENT MANUFACTURING INDUSTRY,
REPUBLIC OF SOUTH AFRICA**

1. AREA AND SCOPE OF DETERMINATION

This Determination shall apply to all the employers and all their employees, other than managers, in the Cement Manufacturing Industry in the Republic of South Africa.

2. DEFINITIONS

(a) 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—

(1) "artisan" means an employee who is engaged in work normally performed by a skilled artisan, and for the purpose of this definition 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 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) "artisan's assistant" means an employee who assists an artisan by holding articles or tools or otherwise working with him other than by the independent use of tools;

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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 620

11 April 1974

LOONWET, 1957

LOONVASSTELLING 359

**SEMENTNYWERHEID, REPUBLIEK VAN
SUID-AFRIKA**

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 Sementnywerheid, Republiek van Suid-Afrika gemaak en die vierde Maandag na die datum van publikasie van hierdie kennisgewing bepaal het as die datum waarop die bepalinge van genoemde Loonvasstelling bindend word.

BYLAE

**AANBEVELING AAN SY EDELE DIE MINISTER VAN
ARBEID DEUR AFDELING A VAN DIE LOONRAAD.—
SEMENTNYWERHEID, REPUBLIEK VAN SUID-AFRIKA**

1. GEBIED EN OMVANG VAN DIE VASSTELLING

Hierdie Vasstelling is van toepassing op al die werkgewers en al hul werknemers, uitgesonderd bestuurders, in die Sementnywerheid in die Republiek van Suid-Afrika.

2. WOORDOMSKRYWINGS

(a) Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet en, tensy onbestaanbaar met die sinsverband, beteken—

(1) "ambagsman" 'n werknemer wat werk doen wat in die reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordomskrywing 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 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 genoemde Wet;

(2) "ambagsman se assistent" 'n werknemer wat 'n ambagsman help deur artikels of gereedskap vas te hou of op 'n ander wyse met hom saam te werk sonder om die gereedskap selfstandig te gebruik;

1—4251

(3) "assistant compound manager" means an employee who, under the general supervision of a compound manager, performs any of the duties of a compound manager and who may act for him during his absence;

(4) "assistant despatch clerk" means an employee who, under the general supervision of a male qualified despatch clerk, performs any of the duties of a despatch clerk;

(5) "assistant despatch clerk, qualified," means an assistant despatch clerk who has had not less than six months' experience;

(6) "assistant despatch clerk, unqualified," means an assistant despatch clerk who has had less than six months' experience;

(7) "assistant foreman" means an employee who, under the general supervision of a foreman, performs any of the activities or duties of a foreman and who may act for him during his absence;

(8) "blaster" means an employee who carries out blasting operations and who is a "competent" person within the meaning of the Mines and Works Act, Act 27 of 1956;

(9) "burner" means an employee who is in charge of one or more kilns for the burning of raw materials in a cement factory;

(10) "burner, qualified," means a burner who has had not less than 12 months' experience;

(11) "burner, unqualified," means a burner who has had less than 12 months' experience;

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

(13) "Cement Manufacturing Industry" means the Industry in which employers and employees are associated for—

(a) the manufacture of cement or plaster of paris;

(b) the quarrying, winning or production of any material used in the manufacture of either of the goods referred to in paragraph (a) if carried on by employers who are engaged in such manufacture;

and includes all operations incidental to or consequent on any of the aforesaid activities, but does not include the activities of employees who are employed in premises which do not form part of or are not adjacent to the premises in which any of the activities referred to in (a) and (b) are carried on;

(14) "chargehand, Class I," means an employee who exercises direct supervision over Grade IV employees or labourers;

(15) "chargehand, Class II," means an employee who, under supervision, is in charge of a group of labourers;

(16) "checker" means an employee, other than a factory clerk, who, under the supervision of a qualified male clerk, is engaged in checking against a written loading instruction the number of items loaded on or unloaded from a vehicle;

(17) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, despatch clerk and a telephone switchboard operator (other than a quarry telephone switchboard), 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;

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

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

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

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

(22) "compound handyman" means an employee, other than an artisan or a handyman, who maintains or repairs Non-White residential or compound buildings;

(23) "compound manager" means an employee who is in charge of a compound and responsible for the cleanliness and discipline of the persons housed in the compound;

(24) "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 and includes a watchman who is employed in connection with such activity;

(25) "crusher inlet attendant" means an employee who is engaged in clearing stoppages at crusher inlets by means of a power-driven device;

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

(3) "assistent-kampongbestuurder" 'n werknemer wat, onder die algemene toesig van 'n kampongbestuurder, enige van die pligte van 'n kampongbestuurder verrig en wat tydens sy afwesigheid namens hom kan optree;

(4) "assistent-versendingsklerk" 'n werknemer wat, onder die algemene toesig van 'n gekwalifiseerde manlike versendingsklerk, enige van die pligte van 'n versendingsklerk verrig;

(5) "assistent-versendingsklerk, gekwalifiseerd," 'n assistent-versendingsklerk met minstens ses maande ondervinding;

(6) "assistent-versendingsklerk, ongekwalifiseerd," 'n assistent-versendingsklerk met minder as ses maande ondervinding;

(7) "assistent-voorman" 'n werknemer wat, onder die algemene toesig van 'n voorman, enige van die werksaamhede of pligte van 'n voorman verrig en wat gedurende sy afwesigheid namens hom kan waarneem;

(8) "springstofwerker" 'n werknemer wat skietwerk met springstowwe verrig en wat volgens die bedoeling van die Wet op Myne en Bedrywe, No. 27 van 1956, 'n "bevoegde" persoon is;

(9) "brander" 'n werknemer wat in beheer is van een of meer oonde vir die brand van grondstowwe in 'n sementfabriek;

(10) "brander, gekwalifiseerd" 'n brander met minstens 12 maande ondervinding;

(11) "brander, ongekwalifiseerd," 'n brander met minder as 12 maande ondervinding;

(12) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgever in diens is;

(13) "Sementnywerheid" die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is vir—

(a) die vervaardiging van sement of gips;

(b) die uitgrawe, win of produksie van enige materiaal wat gebruik word vir die vervaardiging van enigeen van die goedere genoem in paragraaf (a), indien uitgevoer deur werkgewers wat by sodanige vervaardiging betrokke is;

en omvat dit alle werksaamhede wat met enigeen van voornoemde bedrywighede in verband staan of daaruit voortspruit, maar dit sluit nie die werksaamhede van werknemers in wat in diens is op persele wat nie deel vorm van of nie aangrensend is aan persele waar enige van die bedrywighede gemeld in (a) en (b) verrig word, nie;

(14) "onderbaas, klas I," 'n werknemer wat regstreeks toesig hou oor werknemers graad IV of arbeiders;

(15) "onderbaas, klas II," 'n werknemer wat, onder toesig, in beheer is van 'n groep arbeiders;

(16) "nasiener" 'n werknemer, uitgesonderd 'n fabrieksklerk, wat onder die toesig van 'n gekwalifiseerde manlike klerk, die getal items wat op 'n voertuig gelaai of daarvan afgelaai word, met 'n laaibrief vergelyk;

(17) "klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman, versendingsklerk en 'n telefoonskakebordoperateur (uitgesonderd 'n klipgroeftelefoonskakebord), 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;

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

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

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

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

(22) "kampongfaktotum" 'n werknemer, uitgesonderd 'n ambagsman of 'n faktotum, wat Nie-Blanke woon- of kamponggeboue in stand hou of herstel;

(23) "kampongbestuurder" 'n werknemer wat in beheer is van 'n kampong en verantwoordelik is vir die sindelikeheid en dissipline van die persone wat daarin gehuisves word;

(24) "deurlopendeproseswerker" 'n werknemer wat 'n werksaamheid verrig waarin daar deur middel van drie skofte per dag op sewe dae van die week deurlopend gewerk moet word, en omvat dit 'n wag wat in verband met sodanige werksaamheid in diens is;

(25) "versorger van 'n vergruisermond" 'n werknemer wat toevoerstopings in die vergruisermond met 'n kragaangedrewe toestel verwyder;

(26) "dag" die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van 'n deurlopendeproseswerker, dit beteken 'n tydperk van 24 uur, gereken vanaf die tydstop waarop so 'n werknemer begin werk;

(27) "despatch clerk" means an employee who supervises the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, mass-measuring, packing, marking, addressing or despatching of such goods or packages;

(28) "driller" means an employee, other than the operator of a jackhammer or a rockdrill, who is in charge of power-driven drilling machines;

(29) "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;

(30) "driver of a motor vehicle, Class I," means a driver of a motor vehicle who drives the vehicle outside an establishment;

(31) "driver of a motor vehicle, Class II," means a driver of a motor vehicle who drives the vehicle within an establishment, including the direct crossing of a public road;

(32) "earth-winning equipment" means a traxcavator, front-end loader, bulldozer, scraper-loader or any similar equipment, but shall not include an excavator;

(33) "emergency work" means any work which, owing to unforeseen circumstances such as fire, storm, accident, breakdown of plant or machinery, electric power failure, epidemic, act of violence or theft, must be done without delay and any work connected with—

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

(b) the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours;

(34) "establishment" means any premises in or in connection with which one or more employees are employed in the Cement Manufacturing Industry;

(35) "excavator driver" means an employee who is engaged in driving a power-driven excavator;

(36) "excavator driver, qualified," means an excavator driver who has had not less than six months' experience;

(37) "excavator driver, unqualified," means an excavator driver who has had less than six months' experience;

(38) "experience" means in relation to—

(a) a clerk or a factory clerk, the total period or periods of employment which such an employee has had as a clerk or a factory clerk, respectively, in any trade or in the service of the State;

(b) any other class of employee, the total period or periods of employment which an employee has had in this class in the Cement Manufacturing Industry: Provided that when a Grade II employee or a Grade III employee is promoted to a higher grade, all employment which such employee has had in the lower grade with the same employer shall be deemed to be employment in the higher grade to the extent that his starting wage in the higher grade shall not be less than the wage he received in the lower grade immediately before he was promoted to the higher grade;

(39) "explosives handler" means an employee who, in addition to carrying explosives, assists a blaster to any extent permitted by legislation;

(40) "factory clerk" means an employee who, under the supervision of a qualified male clerk or a compound manager, performs any one or more of the following duties:

(a) Assisting in the time-keeping of unskilled employees;

(b) counting, checking, mass-measuring, measuring or recording;

(c) interpreting or translating Bantu languages;

(d) issuing passes or time cards;

(e) keeping, filing or sorting time or wage cards, invoices, consignment or delivery notes or requisitions;

(f) operating a quarry telephone switchboard;

(g) registering the engagement, discharge or resignation of unskilled employees;

(27) "versendingsklerk" 'n werknemer wat toesig hou oor die versending of verpakking van goedere vir vervoer of aflewering en wat toesig mag hou oor die byeenbring, nagaan, massameting, verpakking, merk, adresseer of versending van sodanige goedere of pakkette;

(28) "boorman" 'n werknemer uitgesonderd 'n bediener van 'n lugdrukboor of 'n rotsboor, wat in beheer is van kragaangetrewe boormasjiene;

(29) "drywer van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig dryf, en by die toepassing van hierdie woord-omskrywing omvat die uitdrukking "n motorvoertuig dryf" alle tydperke wat hy dryf, alle tyd wat hy bestee aan werk in verband met die voertuig of die vrag en alle tydperke wat hy verplig is om op sy pos te bly gereed om te dryf;

(30) "drywer van 'n motorvoertuig, klas I," 'n drywer van 'n motorvoertuig wat die voertuig buite 'n bedryfsinrigting dryf;

(31) "drywer van 'n motorvoertuig, klas II," 'n drywer van 'n motorvoertuig wat die voertuig binne 'n bedryfsinrigting dryf, met inbegrip van die regstreekse oorstee van 'n openbare pad;

(32) "grondverskuiwingsuitrusting" 'n traskavateur, voorlaaier, stootskrapeer, skrapeer-laaier of ander dergelike uitrusting, maar nie 'n graafmasjien nie;

(33) "noodwerk" enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, onklaarraking van installasie of masjinerie, elektriese krag-onderbreking, epidemie, gewelddaad of diefstal sonder versuim gedoen moet word, en enige werk in verband met—

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

(b) die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werkure verrig kan word nie;

(34) "bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Sementnywerheid in diens is;

(35) "graafmasjienbediener" 'n werknemer wat 'n kragaangetrewe graafmasjien bedien;

(36) "graafmasjienbediener, gekwalifiseerd," 'n graafmasjienbediener met minstens ses maande ondervinding;

(37) "graafmasjienbediener, ongekwalifiseerd," 'n graafmasjienbediener met minder as ses maande ondervinding;

(38) "ondervinding" met betrekking tot—

(a) 'n klerk of 'n fabrieksklerk, die totale tydperk of tydperke wat 'n werknemer onderskeidelik as 'n klerk of 'n fabrieksklerk in enige bedryf of in die diens van die Staat werksaam was;

(b) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Sementnywerheid werksaam was: Met dien verstande dat wanneer 'n werknemer graad II of 'n werknemer graad III na 'n hoër graad bevorder word, alle diens wat sodanige werknemer in die laer graad by dieselfde werkgever gehad het, in die mate geag word diens in die hoër graad te wees dat sy aanvangsloon in die hoër graad minstens die loon moet wees wat hy onmiddellik voordat hy na die hoër graad bevorder is, in die laer graad ontvang het;

(39) "springstofhanteerder" 'n werknemer wat, benewens die dra van springstowwe, 'n springstofwerker in enige wetlike veroorloofde mate bystaan;

(40) "fabrieksklerk" 'n werknemer wat, onder die toesig van 'n gekwalifiseerde manlike klerk of 'n kampongbestuurder, een of meer van die volgende pligte vervul:

(a) Help as tydropnemer van ongeskoolde werknemers;

(b) tel, nasien, massameet, afmeet of aanteken;

(c) uit Bantoetale tolk of vertaal;

(d) passe of tydkaarte uitreik;

(e) tyd- of loonkaarte, fakture, vrag- of afleweringbriewe of rekvisies byhou, liasseer of sorteer;

(f) operateur van 'n klipgroeftelefoonskakelbord;

(g) die indiensneming, ontslag of bedanking van ongeskoolde werknemers aangeteken;

- (h) scheduling production or maintenance figures or records;
- (i) stamping or writing tickets or wage cards;
- (j) writing out consignment or delivery notes or railway truck labels;

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

(42) "Grade I employee" means an employee who is engaged as a plant attendant;

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

(44) "Grade I employee, unqualified," means a Grade I employee who has had less than 12 months' experience;

(45) "Grade II employee" means an employee who is engaged in any one or more of the following capacities:

- (a) Factory clerk;
- (b) instructor;
- (c) routine tester;

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

(47) "Grade II employee, unqualified," means a Grade II employee who has had less than six months' experience;

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

- (a) Air compressor attendant;
- (b) cement packer;
- (c) chargehand, Class I;
- (d) checker;
- (e) compound handyman;
- (f) explosives handler;
- (g) filter-bag cleaner;
- (h) first-aid orderly;
- (i) greaser, Class I;
- (j) induna;
- (k) jackhammer or rockdrill operator;
- (l) locomotive driver's assistant;
- (m) machine watcher;
- (n) mobile hoist operator;
- (o) operator of a sweeper or lawn mower, Class I;
- (p) painting outbuildings, fences, machines or steel structures to prevent corrosion;
- (q) power-driven screen attendant;
- (r) pumpman (other than a hand pump operator);
- (s) slurry silo attendant;
- (t) stores issuer;
- (u) toolroom attendant;
- (v) watchman;
- (w) winch driver;

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

- (a) Artisans' assistant;
- (b) assistant first-aid orderly;
- (c) chargehand, Class II;
- (d) cooking rations or attending a compound boiler;
- (e) crusher inlet attendant;
- (f) greaser Class II;
- (g) laying railway track;
- (h) operator of a sewing machine;
- (i) operator of a sweeper or lawn mower Class II;
- (j) post messenger;
- (k) quarry face stripper (barring down loose rock from quarry face);
- (l) sanitation employee;
- (m) sorting grinding media;
- (n) tallyman;
- (o) truck loader;

(50) "greaser, Class I," means an employee who, in accordance with set schedule and without supervision, oils and greases machinery in more than one department of an establishment;

(51) "greaser, Class II," means an employee who, under direct supervision, oils or greases machinery, including earth-winning equipment;

- (h) lyste opstel van produksie- of onderhoudslyste of -rekords;
- (i) kaartjies of loonkaarte stempel of uitskryf;
- (j) vrag- of afleweringbriewe of spoorwegtroketiket uitskryf;

(41) "voorman" 'n werknemer wat aan die hoof staan van die werknemers in 'n bedryfsinrigting of 'n afdeling van 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig;

(42) "werknemer graad I" 'n werknemer wat werksaam is as 'n installasieversorger;

(43) "werknemer graad I, gekwalifiseerd," 'n werknemer graad I met minstens 12 maande ondervinding;

(44) "werknemer graad I, ongekwalifiseerd," 'n werknemer graad I met minder as 12 maande ondervinding;

(45) "werknemer graad II" 'n werknemer wat in een of meer van die volgende hoedanighede werksaam is:

- (a) Fabrieksklerk;
- (b) instrukteur;
- (c) roetine-ondersoeker;

(46) "werknemer graad II, gekwalifiseerd," 'n werknemer graad II met minstens ses maande ondervinding;

(47) "werknemer graad II, ongekwalifiseerd," 'n werknemer graad II met minder as ses maande ondervinding;

(48) "werknemer graad III" 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede werksaam is:

- (a) Versorger van 'n lugkompressor;
- (b) sementverpakker;
- (c) onderbaas, klas I;
- (d) nasiener;
- (e) kampongfaktotum;
- (f) springstofhanteerder;
- (g) filtersakoonmaker;
- (h) eerstehulpordonnans;
- (i) smeerder, klas I;
- (j) indoena;
- (k) bediener van 'n lugdruk- of rotsboor;
- (l) masjinis se assistent;
- (m) masjienversorger;
- (n) bediener van 'n mobiele hystoestel;
- (o) bediener van 'n veër of grassnyer, klas I;
- (p) buitegeboue, omheinings, masjiene of staalstrukture verf ten einde korrosie te verhoed;
- (q) bediener van 'n kragangedrewe sif;
- (r) pompman (uitgesonderd 'n handpompbediener);
- (s) flodderkuilversorger;
- (t) voorraaduitreiker;
- (u) gereedskapkamerversorger;
- (v) wag;
- (w) windasbediener;

(49) "werknemer, graad IV," 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede werksaam is:

- (a) Ambagsman se assistent;
- (b) eerstehulpordonnans se assistent;
- (c) onderbaas, klas II;
- (d) rantsoene kook of 'n kampongstoomketel bedien;
- (e) versorger van 'n vergruisermond;
- (f) smeerder, klas II;
- (g) spoorbane lê;
- (h) naaimasjienbediener;
- (i) bediener van 'n veër of grassnyer, klas II;
- (j) posbode;
- (k) breekvlakstrop (los rotse van die breekvlak afkoevoet);
- (l) sanitasiewerknemer;
- (m) vergruismiddele sorteer;
- (n) telbordbediener;
- (o) troklaaier;

(50) "smeerder, klas I," 'n werknemer wat volgens vaste rooster en sonder toesig masjinerie in meer as een afdeling van 'n bedryfsinrigting olie of smeer;

(51) "smeerder, klas II," 'n werknemer wat onder regstreekse toesig masjinerie, met inbegrip van grondverskuiwingsuitrusting, olie of smeer;

(52) "handyman" means an employee, other than a compound handyman, 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;

(53) "induna" means an employee who assists a compound manager in maintaining order or discipline in a compound or an establishment;

(54) "instructor" means an employee who is engaged in teaching Grade III employees or Grade IV employees or labourers their duties, according to set schedules;

(55) "laboratory assistant" means an employee who, under the supervision of a chemist, is engaged in the chemical analysis of the products or partly finished products of an establishment or of the raw materials used in the manufacture of such products;

(56) "laboratory assistant, qualified," means a laboratory assistant who has had not less than four years' experience;

(57) "laboratory assistant, unqualified," means a laboratory assistant who has had less than four years' experience;

(58) "labourer" means an employee who is engaged in any one or more of the following activities or capacities:

(a) Attending haulage (other than by power-driven winch), coupling or uncoupling cocopans, signalling, tipping, spragging or braking;

(b) breaking or sorting (but not grading) scrap;

(c) carrying or handling trailing cables;

(d) cleaning premises, plant, machinery, tools, utensils or vehicles;

(e) collecting samples of materials;

(f) cutting down, destroying or removing trees or vegetation;

(g) demolishing buildings or other structures;

(h) drilling by hand;

(i) feeding into or taking off from mills, machines, conveyors, silos, tanks or hoppers;

(j) gardening work;

(k) lifting, moving, carrying, stacking or baling by hand;

(l) lime-washing or disinfecting or destroying rodents;

(m) loading or unloading by hand, other than the duties of a truck loader;

(n) locomotive flagman;

(o) loosening, taking out, breaking, levelling, sieving or spreading stone, soil, clay, sand or similar material, digging trenches, holes, foundations or other excavation work by hand;

(p) making, maintaining or drawing fires or removing ashes, refuse or waste;

(q) making tea or similar beverages;

(r) mass-measuring goods to pre-determined mass or measuring to pre-determined measure;

(s) messenger;

(t) mixing building or roadmaking materials or similar materials or spreading any such materials by shovel, rake, fork or barrow;

(u) opening or closing valves or cocks, including control for pumps, under supervision;

(v) operating a hand crane, hoist, pump or winch;

(w) pushing, pulling, placing, braking, coupling, uncoupling or sheeting any vehicle or truck, otherwise than by means of a mechanical device or attaching or detaching winch ropes or cables;

(x) ramming or tamping cement or concrete into moulds or foundations or bolting or otherwise securing parts of moulds for cement or concrete products or dismantling such moulds;

(y) sewing, sorting, cleaning, mending, marking or stencilling bags or pockets by hand or affixing labels;

(z) spreading dunnage in trucks;

(aa) tending livestock or minding vehicles;

(59) "law" includes the common law;

(60) "locomotive driver" means an employee who is engaged in driving a steam, electric or diesel locomotive;

(61) "locomotive driver, certificated," means a locomotive driver who is the holder of a locomotive engine driver's certificate issued in terms of the Mines and Works Act, 1956; and "locomotive driver, uncertificated," means a locomotive driver who does not hold such a locomotive engine driver's certificate;

(62) "locomotive driver's assistant" means an employee who fires a locomotive boiler and who may couple or uncouple trucks and change railway track points;

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

(53) "indoena" 'n werknemer wat 'n kampongbestuurder help om die orde of dissipline in 'n kampong of bedryfsinrigting te handhaaf;

(54) "instrukteur" 'n werknemer wat werknemers graad III of werknemers graad IV of arbeiders volgens vaste leerplanne in hul pligte oplei;

(55) "laboratoriumassistent" 'n werknemer wat onder die toesig van 'n skeikundige die produkte of gedeeltelik afgewerkte produkte van 'n bedryfsinrigting of die grondstowwe wat by die vervaardiging van sodanige produkte gebruik word, skeikundig ontleed;

(56) "laboratoriumassistent, gekwalifiseerd," 'n laboratoriumassistent met minstens vier jaar ondervinding;

(57) "laboratoriumassistent, ongekwalifiseerd," 'n laboratoriumassistent met minder as vier jaar ondervinding;

(58) "arbeider" 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede werksaam is:

(a) Sleepwerk verrig (uitgesonderd met 'n kragaangedrewe windas), koekepanne koppel of ontkoppel, seine gee, stort, stut of rem;

(b) afvalmetaal breek of sorteer (maar nie gradeer nie);

(c) sleepkabels dra of hanteer.

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

(e) materiaalmonsters bymekaarmaak;

(f) bome of gewasse afkap, vernietig of verwyder;

(g) geboue of ander strukture sloop;

(h) met die hand boor;

(i) meubels, masjiene, vervoerbande, silo's, tenks of tregters voer of daarvan afneem;

(j) tuinwerk;

(k) met die hand oplig, verskuif, dra, opmekaar stapel of baal;

(l) afwit of ontsmet, of knaagdiere uitroei;

(m) met die hand laai of aflaai, uitgesonderd die werk van 'n trokelaar;

(n) lokovlagman;

(o) klippe, grond, klei, sand of dergelike materiaal losmaak, uithaal, breek, gelykmaak sif of spreid of slote, gate of fondamente grawe, of ander uitgrawings met die hand doen;

(p) vure maak, in stand hou of uithaal, of as, vuilis, of afval verwyder;

(q) tee of dergelike drankte maak;

(r) massa van goedere volgens voorafbepaalde massa bepaal of volgens voorafbepaalde maat meet;

(s) bode;

(t) bou- of padmaak- of dergelike materiaal meng of sodanige materiaal met 'n graaf, hark, vork of kruiwa spreid;

(u) onder toesig kleppe of krane, met inbegrip van pompbeheertoestelle, oop- of toemaak;

(v) 'n handkraan, -hyser, -pomp of windas bedien;

(w) 'n voertuig of vragmotor stoot, trek, plaas, rem, koppel, ontkoppel of die seile daarop vasmaak, maar nie met behulp van 'n meganiese toestel nie, of windastoue of kabels vas- of losmaak;

(x) sement of beton in gietvorms of fondamente stamp of vasstamp of die onderdele van gietvorms vir die maak van sement- of betonprodukte vasbout of op 'n ander wyse aanmekaar heg of sodanige gietvorms aftakel;

(y) sakke of sakkies met die hand toewerk, sorteer, skoonmaak, heelmaak, merk of sjabloneer, of etikette daaraan heg;

(z) stumateriaal in trokke spreid;

(aa) lewende hawe of voertuie oppas;

(59) "wet" ook die gemene reg;

(60) "masjinis" 'n werknemer wat 'n stoom-, elektriese of diesellokomotief dryf;

(61) "masjinis, gediplomeerd," 'n masjinis wat 'n masjinissertifikaat hou wat ingevolge die Wet op Myne en Bedrywe, 1956, uitgereik is; en "masjinis, ongediplomeerd," 'n masjinis wat nie sodanige masjinissertifikaat hou nie;

(62) "masjinis se assistent" 'n werknemer wat die ketel in 'n lokomotief stook en wat trokke mag koppel of ontkoppel en spoorwissels oorskakel;

(63) "machine handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment used directly in the manufacture of the products of an establishment but who does not do work normally performed by an artisan;

(64) "machine watcher" means an employee who is engaged in watching running machinery or plant for interruptions or damage, choking of feed or discharge or the jamming or breaking of conveyor belts and who may for any such cause stop and start the machinery or plant;

(65) "manager" means an employee who is charged by his employer with the overall—

- (a) direction of;
- (b) responsibility for; and
- (c) supervision over;

the activities of an establishment and the employees engaged therein;

(66) "messenger" means an employee who, within an establishment, is engaged in delivering or collecting letters, messages or goods on foot or by means of a bicycle or other hand or foot propelled vehicle;

(67) "miller" means an employee who is in charge of the milling of materials;

(68) "miller, qualified," means a miller who has had not less than six months' experience;

(69) "miller, unqualified," means a miller who has had less than six months' experience;

(70) "mobile hoist operator" means an employee who is engaged in operating a mobile power-driven hoist or loader or fork truck used in the loading, unloading, moving or stacking of goods;

(71) "motor vehicle" means any power-driven vehicle used for conveying goods and includes a mechanical horse, but does not include earth-winning equipment or service equipment, a mobile hoist or a power-driven two or three-wheeled cycle;

(72) "operator of a sweeper or lawn mower, Class I," means an employee who is engaged in operating a power-driven sweeper or lawn mower on which he sits or stands while operating it and which has an engine power of 4,5 kilowatt or more or an engine capacity of 250 cm³ or more;

(73) "operator of a sweeper or lawn mower, Class II," means an employee who is engaged in operating a power-driven sweeper or lawn mower which has an engine power of less than 4,5 kilowatt or an engine capacity of less than 250 cm³;

(74) "operator of earth-winning equipment, Class I," means an operator of earth-winning equipment used in the winning of raw material;

(75) "operator of earth-winning equipment, Class II," means an operator of earth-winning equipment used in a service function;

(76) "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, and 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—

- (a) whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday;
- (b) whose ordinary hours of work are prescribed in clause 5 (2), works for his employer during his free period prescribed in clause 5 (5);

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

(78) "plant attendant" means an employee other than a burner or a miller who, under the general supervision of a plant operator, a burner, miller, locomotive driver, despatch clerk or foreman, attends to any of the following power-driven plants or machinery, namely:

- (a) Crusher;
- (b) gantry crane;
- (c) hydroballer;
- (d) mass-measuring bridge;
- (e) packing plant or any similar processing machinery or plants;
- (f) tippler;

and who may stop and start such machinery or plants but who may not make any adjustments or repairs to such machinery or plants;

(63) "masjinefaktotum" 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting wat regstreeks by die vervaardiging van die produkte van 'n bedryfsinrigting gebruik word maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie;

(64) "masjienversorger" 'n werknemer wat draaiende masjinerie of installasie dophou vir onderbreking of skade, toe- of afvoer-verstopings of die vasslaan of breek van vervoerbande en wat om enige sodanige rede die masjinerie of installasie mag stop of aansit;

(65) "bestuurder" 'n werknemer wat deur sy werkgever belas is met die algemene—

- (a) toesig oor;
- (b) verantwoordelikheid vir; en
- (c) leiding van;

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk;

(66) "bode" 'n werknemer wat te voet of met 'n trapfiets of ander hand- of voetaangedrewe vervoermiddel briewe, boodskappe of goedere in 'n bedryfsinrigting aflewer of afhaal;

(67) "meulenaar" 'n werknemer wat in beheer is van die maal van materiaal;

(68) "meulenaar, gekwalifiseerd," 'n meulenaar met minstens ses maande ondervinding;

(69) "meulenaar, ongekwalifiseerd," 'n meulenaar met minder as ses maande ondervinding;

(70) "bediener van 'n mobiele hystoestel" 'n werknemer wat 'n kragaangedrewe mobiele hystoestel of laaier of vurkhuyswa bedien wat by die laai, aflaai, versit of opstapel van goedere gebruik word;

(71) "motorvoertuig" 'n kragaangedrewe voertuig wat gebruik word om goedere te vervoer en omvat dit 'n voorhaker, maar nie grondverskuiwingsuitrusting of diensuitrusting, 'n mobiele hystoestel of 'n kragaangedrewe twee- of driewielers nie;

(72) "bediener van 'n veër of 'n grassnyer, klas I," 'n werknemer wat 'n kragaangedrewe veër of grassnyer bedien waarop hy sit of staan terwyl hy dit bedien en waarvan die enjinvermoë 4,5 kilowatt of meer of die silinderinhoud 250 cm³ of meer is;

(73) "bediener van 'n veër of 'n grassnyer, klas II," 'n werknemer wat 'n kragaangedrewe veër of grassnyer bedien waarvan die enjinvermoë minder as 4,5 kilowatt of die silinderinhoud minder as 250 cm³ is;

(74) "bediener van grondverskuiwingsuitrusting, klas I," 'n bediener van grondverskuiwingsuitrusting wat gebruik word by die win van grondstowwe;

(75) "bediener van grondverskuiwingsuitrusting, klas II," 'n bediener van grondverskuiwingsuitrusting wat by 'n diensfunksie gebruik word;

(76) "oortyd" daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgever werk en wat langer is as die onderskeie gewone werkure by klousule 5 (1), (2) of (3) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer—

- (a) wie se gewone werkure by klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgever werk nie;
- (b) wie se gewone werkure by klousule 5 (2) voorgeskryf word, gedurende sy vry periode by klousule 5 (5) voorgeskryf, vir sy werkgever werk nie;

(77) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is;

(78) "installasieversorger" 'n werknemer, uitgesonderd 'n brander of 'n meulenaar wat, onder die algemene toesig van 'n installasiebediener, 'n brander, meulenaar, masjini, versendingsklerk of voorman, enige van die volgende kragaangedrewe installasies of masjinerie versorg, naamlik:

- (a) Vergruiser;
- (b) bokkraan;
- (c) hidrobalmasjien;
- (d) massameetbrug;
- (e) meganiese verpakkers of dergelike verwerkingmasjinerie of -installasies;
- (f) storters;

en wat sodanige masjinerie of installasies kan aansit en stopsit maar wat geen verstellings of herstelwerk aan sodanige masjinerie of installasies mag verrig nie;

(79) "plant operator" means an employee, other than a burner or a miller, who is in control of and engaged in operating any one or more of the following power-driven processing or manufacturing machines or plants, namely:

- (a) Calcinators;
- (b) crushers;
- (c) flotation plants;
- (d) packing plants or any similar processing or manufacturing machines or plants;
- (e) rumblers;
- (f) tipplers;
- (g) washing plants;

and who may make adjustments or minor repairs to such machinery or plant;

(80) "plant operator, qualified," means a plant operator who has had not less than six months' experience;

(81) "plant operator, unqualified," means a plant operator who has had less than six months' experience;

(82) "platelayer" means an employee who is responsible for and is engaged in the laying or the maintenance of a railway track;

(83) "post messenger" means an employee, other than a messenger, who is engaged in delivering or collecting post, goods or messages by means of a bicycle or any power-driven two or three wheeled cycle;

(84) "quarryman" means an employee who is in charge of the quarrying operations in not more than one quarry;

(85) "quarry overseer" means an employee who is in charge of the quarrying operations in more than one quarry;

(86) "routine tester" means an employee who, under the supervision of a burner, miller, laboratory assistant or a manager, is engaged in making routine tests of the products or partly finished products of an establishment or of the raw materials used in the manufacture of such products;

(87) "sanitation employee" means an employee who is engaged in removing, emptying, cleaning or replacing sanitary pails or clearing sewerage pipes or points;

(88) "service equipment" means a tractor, self-propelled grader, dumper or a rail truck marshaller unit used in a service function;

(89) "service function" means the loading, unloading, moving or stacking of goods, the cleaning or tidying of premises or the movement of stockpiles of raw materials by means of service equipment or earth-winning equipment;

(90) "short-time" means a temporary reduction in the number of ordinary hours of work owing to vagaries of the weather, slackness of trade, shortage of railway trucks or tarpaulins or raw materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, or a breakdown in the supply of electric power;

(91) "shunter" means an employee who directs a locomotive driver in the placement of railway trucks belonging to the South African Railways and Harbours;

(92) "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;

(93) "stores issuer" means an employee, other than a factory clerk, who, under the supervision of a qualified male clerk, is engaged in issuing items of stores against presentation of a written requisition and who marks the requisition or bin card accordingly;

(94) "tallyman" means an employee who by means of a tally board keeps record of the number of loads of ore delivered at a crusher inlet;

(95) "toolroom attendant" means an employee who is engaged in receiving or issuing tools or equipment in a toolroom and making records of such receipts or issues;

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

(97) "truck loader" means an employee who is engaged in loading or stacking full bags or pockets of finished products from trolleys, conveyors or chutes into delivery vehicles or railway trucks;

(98) "unladen mass" means the mass 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;

(79) "installasiebediener" 'n werknemer, uitgesonderd 'n brander of 'n meulenaar, wat in beheer is van en een of meer van die volgende kragaangedrewe verwerkings- of vervaardigingsmasjinerie of -installasies bedien, naamlik:

- (a) Kalsinatore;
- (b) vergruisers;
- (c) meganiese kalkreinigers;
- (d) meganiese verpakkers of dergelike verwerkings- of vervaardigingsmasjinerie of -installasies;
- (e) trommelinstallasies;
- (f) storters;
- (g) wasinstallasies;

en wat verstellings of kleinere herstelwerk aan sodanige masjinerie of installasies mag verrig;

(80) "installasiebediener, gekwalifiseerd," 'n installasiebediener met minstens ses maande ondervinding;

(81) "installasiebediener, ongekwalifiseerd," 'n installasiebediener met minder as ses maande ondervinding;

(82) "baanmeester" 'n werknemer wat verantwoordelik is vir, en werk aan, die lê of onderhoud van spoorbane;

(83) "posbode" 'n werknemer, uitgesonderd 'n bode, wat pos, goedere of boodskappe met 'n fiets of enige kragaangedrewe twee- of driewielers aflewer of afhaal;

(84) "klipgroefwerker" 'n werknemer wat in beheer is van klipgroefwerkzaamhede in hoogstens een klipgroef;

(85) "klipgroefopsigter" 'n werknemer wat in beheer is van klipgroefwerkzaamhede in meer as een klipgroef;

(86) "roetine-ondersoeker" 'n werknemer wat, onder die toesig van 'n brander, meulenaar, laboratoriumassistent of 'n bestuurder, roetine-ondersoeke na die produkte of gedeeltelik afgewerkte produkte van 'n bedryfsinrigting of na die grondstowwe wat by die vervaardiging van sodanige produkte gebruik word, uitvoer;

(87) "sanitasiewerknemer" 'n werknemer wat sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas of rioolpype of -punte oopmaak;

(88) "diensuitrusting" 'n trekker, selfaangedrewe skraaper, stortwa of 'n spoorwegtrokosteel eenheid wat by 'n diensfunksie gebruik word;

(89) "diensfunksie" die laai, aflaai, verskuiving of opstapel van goedere, die skoonmaak of opknapping van persele of die verskuiving van voorraadhope grondstowwe deur middel van diensuitrusting of grondverskuivingsuitrusting;

(90) "korttyd" 'n tydelike vermindering van die getal gewone werke te wyte aan die wisselvalligheid van die weer, 'n slapte in die bedryf, 'n tekort aan spoorwegtrokke of boksele of grondstowwe, 'n onklaarraking van installasie of masjinerie, of weens die feit dat die geboue onbruikbaar is of dreig om dit te word of weens 'n onderbreking in die elektriese kragtoevoer;

(91) "rangeerder" 'n werknemer wat 'n masjini wys waar om spoorwegtrokke wat aan die Suid-Afrikaanse Spoorweë en Hawens behoort, te plaas;

(92) "magasynman" 'n werknemer wat beheer het oor 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;

(93) "voorraaduitreiker" 'n werknemer, uitgesonderd 'n fabrieksklerk, wat onder die toesig van 'n gekwalifiseerde manlike klerk voorraaditems by voorlegging van 'n skriftelike rekwisisie uitreik, en wat die rekwisisie of rekordkaart dienoooreenkomstig merk;

(94) "telbordbediener" 'n werknemer wat op 'n telbord rekord hou van die getal vrage erts wat by die vergruismond afgelewer word;

(95) "gereedskapkamerversorger" 'n werknemer wat gereedskap of uitrusting in 'n gereedskapkamer ontvang of daaruit uitreik en van sodanige ontvangste of uitreikings rekord hou;

(96) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word;

(97) "troklaaier" 'n werknemer wat sakke of sakkies afgewerkte produkte van trolleys, vervoerbande of glybane in afleweringsvoertuie of spoorwegtrokke laai of daarin opstapel;

(98) "onbelaste massa" die massa 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;

(99) "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 that—

(i) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;

(ii) 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;

(100) "watchman" means an employee who is engaged in guarding premises or property;

(101) "winch driver" means an employee who is engaged in operating a power-driven winch.

(b) 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
Artisan.....	53,36
Assistant compound manager.....	34,96
Assistant despatch clerk, unqualified.....	29,90
Assistant despatch clerk, qualified.....	34,04
Assistant foreman.....	41,86
Blaster.....	40,94
Burner, unqualified—	
during the first six months' experience.....	36,34
during the second six months' experience.....	40,02
Burner, qualified.....	43,70
Clerk, female, unqualified—	
during the first year of experience.....	18,69
during the second year of experience.....	20,31
during the third year of experience.....	21,92
during the fourth year of experience.....	23,54
Clerk, female, qualified.....	26,77
Clerk, male, unqualified—	
during the first year of experience.....	19,62
during the second year of experience.....	23,54
during the third year of experience.....	27,46
during the fourth year of experience.....	31,38
during the fifth year of experience.....	35,31
Clerk, male, qualified.....	39,23
Compound manager.....	46,92
Driller.....	40,94
Excavator driver, unqualified.....	34,96
Excavator driver, qualified.....	36,80
Foreman.....	56,12
Handyman.....	24,84
Laboratory assistant, unqualified—	
during the first year of experience.....	21,62
during the second year of experience.....	26,22
during the third year of experience.....	30,82
during the fourth year of experience.....	35,42
Laboratory assistant, qualified.....	40,94
Locomotive driver, uncertificated.....	40,94
Locomotive driver, certificated.....	41,86
Machine handyman.....	28,52
Miller, unqualified.....	39,10
Miller, qualified.....	40,94
Plant operator, unqualified.....	39,10
Plant operator, qualified.....	40,94
Platelayar.....	40,94
Quarryman.....	40,94
Quarry overseer.....	45,08
Shunter.....	40,94

(99) "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 dat—

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

(ii) 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;

(100) "wag" 'n werknemer wat 'n perseel of eiendom bewaak;

(101) "windasbediener" 'n werknemer wat 'n kragaangedrewe windas bedien.

(b) 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 werkgever 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
Ambagsman.....	53,36
Assistent-kampongbestuurder.....	34,96
Assistent-versendingsklerk, ongekwalifiseerd.....	29,90
Assistent-versendingsklerk, gekwalifiseerd.....	34,04
Assistent-voorman.....	41,86
Springstofwerker.....	40,94
Brander, ongekwalifiseerd—	
gedurende die eerste ses maande ondervinding.....	36,34
gedurende die tweede ses maande ondervinding.....	40,02
Brander gekwalifiseerd.....	43,70
Klerk, vrou, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	18,69
gedurende die tweede jaar ondervinding.....	20,31
gedurende die derde jaar ondervinding.....	21,92
gedurende die vierde jaar ondervinding.....	23,54
Klerk, vrou, gekwalifiseerd.....	26,77
Klerk, man, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	19,62
gedurende die tweede jaar ondervinding.....	23,54
gedurende die derde jaar ondervinding.....	27,46
gedurende die vierde jaar ondervinding.....	31,38
gedurende die vyfde jaar ondervinding.....	35,31
Klerk, man, gekwalifiseerd.....	39,23
Kampongbestuurder.....	46,92
Boorman.....	40,94
Graafmasjiensbediener, ongekwalifiseerd.....	34,96
Graafmasjiensbediener, gekwalifiseerd.....	36,80
Voorman.....	56,12
Faktotum.....	24,84
Laboratoriumassistent, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	21,62
gedurende die tweede jaar ondervinding.....	26,22
gedurende die derde jaar ondervinding.....	30,82
gedurende die vierde jaar ondervinding.....	35,42
Laboratoriumassistent, gekwalifiseerd.....	40,94
Masjinis, ongediplomeerd.....	40,94
Masjinis, gediplomeerd.....	41,86
Masjienfaktotum.....	28,52
Meulenaar, ongekwalifiseerd.....	39,10
Meulenaar, gekwalifiseerd.....	40,94
Installasiebediener, ongekwalifiseerd.....	39,10
Installasiebediener, gekwalifiseerd.....	40,94
Baanmeester.....	40,94
Klipgroefwerker.....	40,94
Klipgroefopsigter.....	45,08
Rangeerder.....	40,94

(ii)

	In the Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, The Cape, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pinetown, Pretoria, Randfontein, Roodepoort, Simonstown, Springs and Wynberg and in the municipal area of Port Elizabeth			In all other areas		
	During the first 12 months after this Determination becomes binding	During the second 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	During the second 12 months after this Determination becomes binding	Thereafter
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Driver of a motor vehicle, Class I, the unladen mass of which vehicle, together with the unladen mass of any trailers drawn by such vehicle—						
(i) does not exceed 2 700 kg.....	20,70	22,08	23,00	16,56	17,48	18,40
(ii) exceeds 2 700 kg but not 4 500 kg.....	24,84	26,22	27,60	19,78	21,16	22,08
(iii) exceeds 4 500 kg.....	28,98	30,82	32,20	23,46	24,84	25,76
Driver of a motor vehicle, Class II, the unladen mass of which vehicle, together with the unladen mass of any trailers drawn by such vehicle—						
(i) does not exceed 2 700 kg.....	18,40	19,78	20,70	14,72	15,64	16,56
(ii) exceeds 2 700 kg but not 4 500 kg.....	20,70	22,08	23,00	16,56	17,48	18,40
(iii) exceeds 4 500 kg.....	23,00	24,38	25,30	18,40	19,32	20,24
Operator of earth-winning equipment, Class I.....	25,76	27,60	28,52	20,70	22,08	23,00
Operator of earth-winning equipment, Class II.....	23,46	24,84	25,76	18,86	19,78	20,70
Operator of service equipment.....	20,70	22,08	23,00	16,56	17,48	18,40

(iii)

	In the Magisterial Districts of Bellville, The Cape, Simonstown and Wynberg			In the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pinetown, Pretoria, Randfontein, Roodepoort and Springs and in the municipal area of Port Elizabeth			In all other areas		
	During the first 12 months after this Determination becomes binding	During the second 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	During the second 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	During the second 12 months after this Determination becomes binding	Thereafter
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Grade I employee, unqualified...	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18
Grade I employee, qualified....	22,54	23,46	24,38	21,16	22,08	23,00	17,02	17,94	18,86
Grade II employee, unqualified...	16,10	17,02	17,94	15,18	16,10	17,02	11,96	12,88	13,80
Grade II employee, qualified....	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18
Grade III employee.....	16,10	17,02	17,94	15,18	16,10	17,02	11,96	12,88	13,80
Grade IV employee.....	15,18	16,10	17,02	14,26	15,18	16,10	11,50	12,42	13,34
Labourer.....	14,72	15,64	16,56	13,80	14,72	15,64	11,04	11,96	12,88
Employee not specifically mentioned elsewhere in this clause	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18

(ii)

	In die landdrosdistrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pinetown, Pretoria, Randfontein, Roodepoort, Simonstad, Springs en Wynberg en in die munisipale gebied Port Elizabeth			In alle ander gebiede		
	Gedurende die eerste 12 maande nadat hierdie Vasstelling bindend word	Gedurende die tweede 12 maande nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vasstelling bindend word	Gedurende die tweede 12 maande nadat hierdie Vasstelling bindend word	Daarna
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Drywer van 'n motorvoertuig, klas I, waarvan die onbelaste massa, tesame met die onbelaste massa van enige sleepwaens wat daardeur gesleep word—						
(i) hoogstens 2 700 kg is	20,70	22,08	23,00	16,56	17,48	18,40
(ii) meer as 2 700 kg maar hoogstens 4 500 kg is	24,84	26,22	27,60	19,78	21,16	22,08
(iii) meer as 4 500 kg is	28,98	30,82	32,20	23,46	24,84	25,76
Drywer van 'n motorvoertuig, klas II, waarvan die onbelaste massa, tesame met die onbelaste massa van enige sleepwaens wat daardeur gesleep word—						
(i) hoogstens 2 700 kg is	18,40	19,78	20,70	14,72	15,64	16,56
(ii) meer as 2 700 kg maar hoogstens 4 500 kg is	20,70	22,08	23,00	16,56	17,48	18,40
(iii) meer as 4 500 kg is	23,00	24,38	25,30	18,40	19,32	20,24
Bediener van grondverskuivingsuitrusting, klas I...	25,76	27,60	28,52	20,70	22,08	23,00
Bediener van grondverskuivingsuitrusting, klas II...	23,46	24,84	25,76	18,86	19,78	20,70
Bediener van diensuitrusting	20,70	22,08	23,00	16,56	17,48	18,40

(iii)

	In die landdrosdistrikte Bellville, Die Kaap, Simonstad en Wynberg			In die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pinetown, Pretoria, Randfontein, Roodepoort en Springs en in die munisipale gebied Port Elizabeth			In alle ander gebiede		
	Gedurende die eerste 12 maande nadat hierdie Vasstelling bindend word	Gedurende die tweede 12 maande nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vasstelling bindend word	Gedurende die tweede 12 maande nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vasstelling bindend word	Gedurende die tweede 12 maande nadat hierdie Vasstelling bindend word	Daarna
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Werknemer, graad I, ongekwalifiseerd.....	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18
Werknemer, graad I, gekwalifiseerd.....	22,54	23,46	24,38	21,16	22,08	23,00	17,02	17,94	18,86
Werknemer, graad II, ongekwalifiseerd.....	16,10	17,02	17,94	15,18	16,10	17,02	11,96	12,88	13,80
Werknemer, graad II, gekwalifiseerd.....	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18
Werknemer, graad III.....	16,10	17,02	17,94	15,18	16,10	17,02	11,96	12,88	13,80
Werknemer, graad IV.....	15,18	16,10	17,02	14,26	15,18	16,10	11,50	12,42	13,34
Arbeider.....	14,72	15,64	16,56	13,80	14,72	15,64	11,04	11,96	12,88
Werknemer, nie elders in hierdie klousule uitdruklik vermeld nie	17,94	18,86	19,78	17,02	17,94	18,86	13,80	14,72	15,18

(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—

(i) 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;

(ii) 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 50 per cent.

(2) *Basis of contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in 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) 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 hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by 46.

(b) 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 any other employee.

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

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly, or with the consent of the employee in cash or by cheque monthly, during the hours of work or within 30 minutes of ceasing work, on the usual pay-day of the establishment for such employee (or in the case of a continuous process 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 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, referred to in clause 8 (1), or during his free period;

(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—

(i) waar die werkgewer 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" beteken die weekloon wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word;

(ii) waar die werkgewer van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder kan word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens klousule 4 (6), moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met subklousule (3), vir 'n werknemer van sy klas in die gebied waarin hy werk, voorgeskryf word afgesien daarvan of hy in so 'n week die maksimum getal gewone werkure wat ingevolge klousule 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;

by subklousule (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) hierdie subklousule nie geld nie wanneer die verskil tussen die klasse ingevolge subklousule (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 so 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 uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur 46.

(b) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—

(i) vyf, in die geval van 'n werknemer wat normaalweg vyf dae per week werk;

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

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

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens klousule 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure, of binne 30 minute nadat die werk gestaak is, op die gewone betaaldag van die bedryfsinrigting vir so 'n werknemer (of in die geval van 'n deurlopende-proseswerker, op 'n tydstip waarvoor sodanige werkgewer en sy werknemer ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrigting moet wees, 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 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 in klousule 8 (1) bedoel, of gedurende sy vry periode gewerk het;

- (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 statement shall become the property of the employee: Provided that—

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

(ii) the aforementioned information relating to time worked need not be furnished in respect of 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, medical aid, insurance, savings, provident or pension funds, or subscriptions to trade unions or to an employee's recreational club, if such club is on the employer's premises;

(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	Per month
	R	R
(i) Board.....	0,95	4,10
(ii) Lodging.....	0,45	1,95
(iii) Board and lodging.....	1,40	6,05

(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) such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;

(ii) 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;

(iii) no deduction shall be made in the case of short-time owing to vagaries of the weather, a shortage of railway trucks or tarpaulins or a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings or a breakdown in the supply of electric power, 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, or has undertaken to pay, 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 control of such council or other local authority;

- (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 staat word die eiendom van die werknemer: Met dien verstande dat—

(i) op die skriftelike versoek van die werknemer, die bedrag aan hom verskuldig gestort kan word op sy bouvereniging- of bankrekening deur die werkgewer wat die betrokke kwitansie, tesame met voornoemde staat, aan hom moet oorhandig;

(ii) voornoemde inligting betreffende tyd gewerk nie verstrekkend hoeft te word aan 'n werknemer wat ingevolge klousule 5 (11) (a) van die werkurebepalings uitgesluit is nie.

(2) *Los werknemer.*—'n Werkgewer 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 werkgewer betaal of deur hom aangeneem word nie.

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

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

(6) *Aftrekkings.*—'n Werkgewer mag sy werknemer geen boetes opleë of enige 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-, mediese bystands-, verskerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegedelde van vakverenigings of vir 'n werknemer se ontpanningsklub, indien sodanige klub op die werkgewer se perseel geleë is;

(b) behoudens andersluidende bepalinge in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer 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) enige bedrag wat 'n werkgewer regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

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

	Per week	Per maand
	R	R
(i) Kos.....	0,95	4,10
(ii) Inwoning.....	0,45	1,95
(iii) Kos en inwoning.....	1,40	6,05

(e) wanneer die gewone werkure by 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) sodanige aftrekking hoogstens een-derde van die werknemer se weekloon is, ongeag die getal ure waarmee die gewone werkure aldus verminder word;

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

(iii) geen aftrekking ten opsigte van korttyd geskied nie vir die eerste uur waarin daar nie gewerk word nie weens die wisselvalligheid van die weer, 'n tekort aan spoorwegtrokke of boksele, 'n onklaarraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word of weens 'n onderbreking in die elektriese kragtoevoer, tensy die werkgewer sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgewer betaal het of onderneem het om te betaal aan 'n munisipale raad of ander plaaslike owerheid ten opsigte van die huur van 'n huis of vir huisvesting in 'n tehuus wat die werknemer in 'n lokasie of Bantodorp onder die beheer van so 'n raad of ander plaaslike owerheid bewoon;

(g) with the written consent of an employee, a deduction of any amount due to the employer for the rent of a house belonging to the employer or for electric power or water supplied by the employer in or at such house.

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

(1) *Ordinary hours of work.*—An employer shall not require or permit an employee, other than a casual employee 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;

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

(i) forty-six in any week from Monday to Friday inclusive or from Tuesday to Saturday 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 on 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 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 be reduced to not less than 15 minutes;

(vi) a driver of a motor vehicle, Class I, 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.

(g) met die skriftelike toestemming van 'n werknemer, enige bedrag verskuldig aan die werkgever vir die huur van 'n huis wat aan die werkgever behoort of vir elektriese krag of water wat die werkgever in of by sodanige huis verskaf.

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 subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enige een van die ander dae tot agt en 'n half verleng kan word;

(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 of van Dinsdag tot en met Saterdag; en

(ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag.

(2) 'n Werkgever 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 een en 'n derde maal sy gewone loon, maar hierdie voorbehoudsbepaling is nie van toepassing op 'n deurlopendeproseswerker wat gewoonlik 'n werksweek 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 deur minstens agt ure onderbreek word;

(ii) dat 'n werkgever van sy deurlopendeproseswerker kan vereis of hom 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 Werkgever mag nie van 'n los werknemer vereis of hom toelaat om meer gewone werkure as agt en 'n half op 'n dag te werk nie.

(4) *Etenspouse.*—'n Werkgever 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 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 werkgever met sy werknemer ooreen kan kom om die duur van sodanige pouse tot minstens 'n halfuur te verkort, en in dié geval en nadat die werkgever 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 een en 'n kwart 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 werkgever vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;

(vi) 'n drywer van 'n motorvoertuig, klas I, wat gedurende sodanige pouse geen ander werk verrig as om in 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 pouse nie aan 'n deurlopendeproseswerker toegestaan hoef te word gedurende sy gewone werkure of enige skof nie indien aan hom gedurende sodanige ure die geleentheid verskaf word om 'n ete te nuttig terwyl hy op sy pos bly, tensy dit verbied word ooreenkomstig 'n kennisgewing wat ingevolge artikel 27 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, gepubliseer is.

(5) 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 a worker to work during his free period, the hours worked shall not form part of the ordinary hours of work prescribed in subclause (2).

(6) (a) Every employer who employs continuous process workers shall, prior to the commencement of each shift cycle, display prominently 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.

(b) The employer shall retain such notice or time-table for a period of three years subsequent to the date thereof.

(c) 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.

(7) *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.

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

(a) in the case of a casual employee, two hours on any day;

(b) in the case of any other employee, 10 hours in any week.

(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) *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 or a Monday, as the case may be, in terms of subclause 5 (1) (b) (i), 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 25c in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(11) *Savings.*—(a) Subclauses (1) to (10), inclusive, shall not apply to a compound manager, an assistant compound manager or a foreman or to an employee who is employed on a monthly basis if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R330 per month.

(b) The provisions of subclauses (4), (7) and (8) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of subclause (4) shall not apply to locomotive operating staff.

(d) The provisions of subclauses (1) to (10), inclusive, shall not apply to an induna, a first-aid orderly or an assistant first-aid orderly whose employer grants him a free period of 24 consecutive hours in respect of every week of employment: Provided that—

(i) he makes no deduction from such employee's wage in respect thereof;

(ii) an employer may, in lieu of granting such employee any such free period, pay him the wage which he would have received if he had not worked during such free period, plus an amount of not less than his daily wage in respect of such free period not granted.

6. ANNUAL LEAVE

(1) Subject to 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, 14 consecutive days' leave, and shall pay such employee in respect of such leave an amount of not less than double the weekly

(5) 'n Werkgewer moet elke week aan elkeen van sy deurlopendeproseswerkers een vry periode van minstens 24 agtereenvolgende ure toestaan, maar, indien 'n werkgewer van sodanige werker vereis of hom toelaat om gedurende sy vry periode te werk, maak die ure wat gewerk is nie deel uit van die gewone werkure by subklousule (2) voorgeskryf nie.

(6) (a) Elke werkgewer wat deurlopendeproseswerkers in diens het, moet, voor die aanvang van elke skofsiklus, op 'n opvallende plek in sy perseel wat hy self bepaal, 'n kennisgewing of rooster vertoon waarin die skofte wat elke sodanige werker gedurende die daaropvolgende skofsiklus sal moet werk en die vry periodes van elke sodanige werker gemeld word.

(b) Die werkgewer moet sodanige kennisgewing of rooster vir 'n tydperk van drie jaar na die datum daarvan bewaar.

(c) Indien geen sodanige kennisgewing of rooster vertoon word nie, word daar geag dat die vry periode van elke sodanige werker om middernag op Saterdag begin.

(7) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (4), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(8) *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 enige ander werknemer, 10 uur in 'n week.

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

(a) in die geval van 'n los werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag gewerk;

(b) in die geval van 'n ander werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in enige week gewerk.

(10) *Vroulike werknemers.*—Ondanks andersluidende bepalingen 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, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag of 'n Maandag, na gelang van die geval, ingevolge subklousule 5 (1) (b) (i) tot vier uur oortyd mag werk, maar dan s6 dat die oortydwerk hoogstens 10 uur in enige week is;

(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 25c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(11) *Voorbehoudsbepalings.*—(a) Subklousules (1) tot en met (10) is nie op 'n kampongbestuurder, 'n assistent-kampongbestuurder of 'n voorman of op 'n werknemer wat op 'n maandelikse basis in diens geneem is, van toepassing nie indien en solank sodanige werknemer gereeld 'n loon teen minstens R330 per maand ontvang.

(b) Die bepalingen van subklousules (4), (7) en (8) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Die bepalingen van subklousule (4) is nie op die lokomotief-bedryfspersoneel van toepassing nie.

(d) Die bepalingen van subklousules (1) tot en met (10) is nie op 'n indoeana, 'n eerstehulpordonnans of 'n eerstehulpordonnans se assistent wie se werkgewer hom 'n vry periode van 24 agtereenvolgende ure ten opsigte van elke week diens toestaan, van toepassing nie: Met dien verstande dat—

(i) hy geen bedrag van sy werknemer se loon ten opsigte daarvan aftrek nie;

(ii) 'n werkgewer, in plaas daarvan dat hy sodanige vry periode aan sy werknemer toestaan, hom dié loon kan betaal wat hy sou ontvang het indien hy nie gedurende sodanige vry periode gewerk het nie, plus 'n bedrag van minstens sy dagloon ten opsigte van sodanige vry periode wat nie toegestaan is nie.

6. JAARLIKSE VERLOF

(1) Behoudens subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooide tydperk van 12 maande diens by hom verlof verleen van 14 agtereenvolgende dae en moet hy sodanige werknemer ten opsigte van sodanige verlof 'n bedrag betaal van minstens

wage which the employee was receiving immediately prior to the date on which the leave commenced: 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) 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, Republic Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another workday 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, but this proviso does not apply to an employee who, by virtue of his contract of employment, is entitled to at least 21 calendar days' leave on full pay per annum;

(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 expiration 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) 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 workday 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 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 subject to clause 12 (4), 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.

twee maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het: 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) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941.

(2) Die verlof by subklousule (1) voorgeskryf, 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 subklousule (3), so verleen moet word dat dit binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het of, 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 enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte-dag 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, maar hierdie voorbehoudsbepaling is nie op 'n werknemer wat ingevolge sy dienskontrak geregtig is op minstens 21 agtereenvolgende kalenderdae verlof met volle betaling per jaar, van toepassing nie;

(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 toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens 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 tot minstens na verstryking van die verloftydperk bewaar.

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

(4) Die besoldiging ten opsigte van die verlof voorgeskryf by 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 by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgeloo het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens een-sesde van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgever ten opsigte van 'n verloftydperk wat hy ingevolge die vierde voorbehoudsbepaling van subklousule (2) aan 'n werknemer verleen het, 'n eweredige bedrag kan aftrek: Voorts met dien verstande dat, behoudens klousule 12 (4), 'n werknemer—

(i) wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgever van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgever betaal het in plaas daarvan om aldus kennis te gee; of

(ii) wat sy diens sonder 'n regsgeldige rede verlaat; of

(iii) wat sonder kennisgewing deur sy werkgever ontslaan word om 'n rede wat vir sodanige ontslag sonder kennisgewing regsgeldig is;

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

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

(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 any employee who before this Determination became binding, had become entitled to a period of annual leave in terms of any law, on the date or which such employee last became entitled to such leave under such law;
- (ii) in the case of an employee who was in employment before this Determination became binding 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 on which this Determination became binding, 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 or a portion of 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 or the portion thereof in which he is employed, is not entitled to the full period of annual leave prescribed in subclause (1) 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 or the portion of the establishment, as the case may be.

7. SICK LEAVE

(1) Subject to 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 20 work days; and
- (b) in the case of any other employee, not less than 24 work days;

sick leave in the aggregate during each cycle of 24 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 24 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work day in respect of each completed month of employment;

(ii) 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 20 or 24 work days, as the case may be, in each cycle of 24 months of employment, except that during the first 24 months of the payment of contributions by the employee the guaranteed rate may be reduced but to not less than the rate of accrual set out in the first proviso to this subclause;

(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, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

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

- (a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;
- (b) enige tydperk wat 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klousule;
 - (ii) met siekteverlof ingevolge klousule 7;
 - (iii) op las of versoek van sy werkgewer;

en wel tot 'n totaal, in enige jaar, van hoogstens 10 weke; en

(c) 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 diens geag te begin—

(i) in die geval van 'n werknemer wat, voordat hierdie Vastelling bindend geword het, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlof geregtig geword het;

(ii) in die geval van 'n werknemer wat, voordat hierdie Vastelling bindend geword het, in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;

(iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum waarop hierdie Vastelling bindend geword het, en wel op die jongste van die twee datums.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgewer vir die doel van jaarlikse verlof, te eniger tyd, maar hoogstens een maal in 'n tydperk van 12 maande, sy bedryfsinrigting of 'n gedeelte van sy bedryfsinrigting sluit vir 14 agtereenvolgende dae plus alle addisionele dae wat moontlik uit hoofde van die derde voorbehoudsbepaling van subklousule (2) daarby gevoeg moet word.

(b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfsinrigting of gedeelte van 'n bedryfsinrigting waarin hy werksaam is, nie geregtig is nie op die volle tydperk van die jaarlikse verlof by subklousule (1) voorgeskryf moet, ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgewer betaal word op die grondslag in subklousule (5) vermeld, en vir die doel van jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting of gedeelte van die bedryfsinrigting, na gelang van die geval, aldus sluit.

7. SIEKTEVERLOF

(1) Behoudens 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 normaalweg vyf dae per week werk, altesaam minstens 20 werkdag; en
- (b) in die geval van enige ander werknemer, altesaam minstens 24 werkdag;

gedurende elke tydkring van 24 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige 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) 'n werknemer gedurende die eerste 24 agtereenvolgende maande diens 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 enige ander werknemer, 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, aan 'n fonds of organisasie betaal 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 20 of 24 werkdag, na gelang van die geval, in elke tydkring van 24 maande diens aan hom betaal sal word, behalwe dat die gewaarborgde koers gedurende die eerste 24 maande wat die werknemer bydraes betaal, verlaag kan word maar tot minstens die aanwaskoers in die eerste voorbehoudsbepaling van hierdie subklousule vermeld;

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

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

(v) the wage payable to an employee who is employed on piece-work for any period of absence on sick leave in terms of this clause shall be calculated on the basis of not less than the remuneration paid to such employee on his last pay day immediately preceding such absence.

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

(a) for more than three consecutive work days; or

(b) on the work day immediately preceding or the work day immediately succeeding a Sunday or New Year's Day, Good Friday, Ascension Day, Republic Day, the Day of the Covenant or Christmas Day or any other non-work day for such employee;

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—

(i) when an employee has during any period of up to eight consecutive weeks received payment in terms of this clause on two or more occasions without producing such a certificate his employer may during the period of eight consecutive weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence;

(ii) if an employer provides an employee with free attention by a registered medical practitioner he may require such an employee to produce such a certificate in respect of any period of absence.

(3) Where, during the first cycle of 24 months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid in respect of only such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiration of the said cycle of employment or on termination of employment before such expiration, pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiration or termination, had not been taken.

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

(a) "employment" shall be deemed to include—

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

(aa) on leave in terms of clause 6;

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

(ac) 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 absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training, and any period of employment which an employee has had with the same employer immediately before the date on which this Determination became binding 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 clauses 4 (6) and 6 (2), if an employee, other than a casual employee, does not work on New Year's Day, Good Friday, Ascension Day, Republic 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, Republic Day, the Day of the Covenant or Christmas Day, his employer shall, save as provided in clause 4 (6), pay him for the week in which such day falls not less than his weekly wage, plus his hourly wage for each

(iv) indien daar by 'n ander wet van 'n werkgewer vereis word om 'n werknemer sy volle loon te betaal ten opsigte van 'n tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, hierdie klousule nie van toepassing is nie;

(v) die loon wat aan 'n werknemer wat stukwerk verrig betaalbaar is ten opsigte van 'n tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op grondslag van minstens die besoldiging wat aan so 'n werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) 'n Werkgewer kan, 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—

(a) vir langer as drie agtereenvolgende werkdade; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag, of enige ander nie-werkdag van sodanige werknemer;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en waarin die aard en duur van die werknemer se ongeskiktheid vermeld word: Met dien verstande dat—

(i) wanneer 'n werknemer gedurende enige tydperk van hoogstens agt agtereenvolgende 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 agtereenvolgende weke onmiddellik na die laaste sodanige geleentheid van hom kan vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê;

(ii) indien 'n werkgewer 'n werknemer van gratis diens deur 'n geregistreerde mediese praktisyn voorsien, hy van sodanige werknemer kan vereis om sodanige sertifikaat ten opsigte van enige tydperk van afwesigheid voor te lê.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgewer weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig om betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nog nie geneem is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking "diens" geag te omvat—

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

(aa) met verlof ingevolge klousule 6;

(ab) op las of versoek van sy werkgewer;

(ac) 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 waarop hierdie Vasstelling bindend geword het, by die toepassing van hierdie klousule 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 besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk of vergoedingspligtige siekte waarvoor vergoeding kragtens die Ongevallewet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE, SONDAE EN VRY PERIODES

(1) Behoudens klousules 4 (6) en 6 (2), moet 'n werkgewer aan 'n werknemer, uitgesonderd 'n los werknemer, wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, 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, Republiekdag, Geloftedag of Kersdag werk, moet sy werkgewer hom behoudens klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam

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 the employee at a rate not less than one and one-third times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within 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 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—

(i) 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;

(ii) 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 his free period: Provided that where such an employee is required or permitted to work for less than four hours during such free period he shall be deemed to have worked for four hours.

(6) Whenever a continuous process 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 shifts falls.

(7) Subclauses (2) to (6), inclusive, shall not apply to a—

(a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (11) (a);

(b) a casual employee.

9. PIECE-WORK

(1) An employer may, after at least one week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), 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.

10. PROHIBITION OF EMPLOYMENT

An employer shall not employ any person under the age of 15 years.

op so 'n dag gewerk het: Met dien verstande dat, waar daar van sodanige 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) die werknemer teen minstens een en 'n derde 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, daar geag moet word dat hy vier uur gewerk het.

(4) Wanneer 'n deurlopendeproseswerker op 'n Sondag werk, moet sy werkgever hom minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die totale tydperk wat hy op sodanige Sondag werk: Met dien verstande dat—

(i) waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur op sodanige Sondag te werk, hy geag word vier uur te gewerk het;

(ii) werk op 'n Sondag nie oortydbesoldiging van meer as die besoldigingskaal voorgeskryf in hierdie subklousule sal meebring nie.

(5) Wanneer 'n deurlopendeproseswerker gedurende sy vry periode werk, moet sy werkgever hom minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy gedurende sodanige vry periode werk: Met dien verstande dat waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur gedurende sodanige vry periode te werk, hy geag word vier uur te gewerk het.

(6) Wanneer 'n deurlopendeproseswerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag in subklousule (1) bedoel, 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) Subklousules (2) tot en met (6) is nie van toepassing nie—

(a) op 'n werknemer wat ingevolge klousule 5 (11) (a) van die werkurebepalings uitgesluit is;

(b) op 'n los werknemer.

9. STUKWERK

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

(a) in die geval van 'n werknemer, uitgesonderd 'n los werknemer, vir elke week waarin stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie week sou moes 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 moes betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die besoldiging in subklousule (1) bedoel, 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 werknemer wat volgens sodanige stelsel werk, minstens een maand 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. VERBOD OP INDIENSNEMING

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

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable condition, free of charge, any uniform, overall, gumboots, respirators, goggles 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, respirators, goggles or other protective clothing shall remain the property of the employer.

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) may be given on any workday: 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) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice 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: Provided that where an employer has so appropriated an amount in lieu of notice, it shall be deemed for the purpose of clause 6 (5), that the employee paid the employer 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.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels, gasmaskers, skermbrille of ander beskermende kleren 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, gasmaskers, skermbrille of ander beskermende kleren bly die eiendom van die werkgewer.

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 regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie: Voorts met dien verstande 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 by subklousule (1) voorgeskryf, kan op enige werkdag geskied: 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 Verdedigingswet, 1957, ondergaan;

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

(4) 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 gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgewer 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: Met dien verstande dat wanneer 'n werkgewer 'n bedrag aldus aan homself toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgewer 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 werkgewer 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 waarin die volle name van die werkgewer 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 word.

SCHEDULE

I/We (a).....
 carrying on trade in the Cement Manufacturing 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..... 19.....

- (a) Delete whichever inapplicable.
 (b) State occupation in which employee was wholly or mainly engaged, e.g. clerk, labourer, driver of a motor vehicle Class I.

(Note.—In terms of section 18 of the Wage Act, 1957, the Wage Determination in the above Schedule supersedes Determination 284, published under Government Notice R. 142 of 3 February 1967.).

No. R. 622 11 April 1974

FACTORIES, MACHINERY AND BUILDING WORK ACT, 1941, AS AMENDED

CEMENT MANUFACTURING INDUSTRY, REPUBLIC OF SOUTH-AFRICA

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, declare the provisions of the Wage Determination for the Cement Manufacturing Industry, Republic of South Africa, published under Government Notice R. 620 of 11 April 1974, 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.

CONTENTS

No.	Page
Labour, Department of Government Notices	
R. 620. Wage Determination 359: Cement Manufacturing Industry	1
R. 622. Factories, Machinery and Building Work Act, 1941: Cement Manufacturing Industry	20

BYLAE

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

(Handtekening van werkgewer
 of gemagtigde verteenwoordiger)

Datum.....

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

(Kennisgewing.—Kragtens artikel 18 van die Loonwet, 1957, vervang die Loonvasstelling in die bostaande Bylae Loonvasstelling 284, wat by Goewermentskennisgewing R. 142 van 3 Februarie 1967 gepubliseer is.).

No. R. 622 11 April 1974

WET OP FABRIEKE, MASJINERIE EN BOUWERK, 1941, SOOS GEWYSIG

SEMENTNYWERHEID, REPUBLIEK VAN SUID-AFRIKA

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, dat die bepalinge van die Loonvasstelling vir die Sementnywerheid, Republiek van Suid-Afrika, gepubliseer by Goewermentskennisgewing R. 620 van 11 April 1974, oor die algemeen vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, nie minder gunstig is nie as die desbetreffende bepalinge van genoemde Wet.

M. VILJOEN, Minister van Arbeid.

INHOUD

No.	Bladsy
Arbeid, Departement van Goewermentskennisgewings	
R. 620. Loonvasstelling 359: Sementnywerheid	1
R. 622. Wet op Fabriek, Masjinerie en Bouwerk, 1941: Sementnywerheid	20