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GENERAL NOTICES

DEPARTMENT OF
MANPOWER UTILISATION

R.660]

[11 April 1980

WAGE ACT, 1957

WAGE DETERMINATION 389

SWEET MANUFACTURING INDUSTRY, CERTAIN
AREAS

By direction of the Minister of Manpower Utilisation 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 Sweet Manufacturing Industry, Certain Areas and has fixed the second 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

1. AREA AND SCOPE OF DETERMINATION

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

Cape Province.—The municipal areas of King William's Town and Port Elizabeth.

Natal.—The Magisterial Districts of Durban, Dundee, Inanda, Lower Tugela, Pietermaritzburg and Pinetown.

Orange Free State.—The Magisterial Districts of Bloemfontein and Welkom and the municipal area of Kroonstad.

Transvaal.—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Randburg,

ALGEMENE KENNISGEWINGS

DEPARTEMENT VAN
MANNEKRAGBENUTTING

R.660]

[11 April 1980

LOONWET, 1957

LOONVASSTELLING 389

LEKKERGOEDNYWERHEID, SEKERE GEBIEDE

In opdrag van die Minister van Mannekragbenutting, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Lekkergoednywerheid, Sekere Gebiede gemaak en die tweede Maandag na die datum van publikasie van hierdie kennisgewing bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Lekkergoednywerheid en op die werkgewers van sodanige werknemers in die volgende gebiede:

Kaapprovinsie.—Die munisipale gebiede van King William's Town en Port Elizabeth.

Natal.—Die landdrosdistrikte Durban, Dundee, Inanda, Lower Tugela, Pietermaritzburg en Pinetown.

Oranje-Vrystaat.—Die landdrosdistrikte Bloemfontein en Welkom en die munisipale gebied van Kroonstad.

Transvaal.—Die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Randburg,

Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Volksrust and Westonaria and the municipal areas of Pietersburg and Pretoria.

2. DEFINITIONS

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 in the application of this Determination an employee is deemed to be in that class in which he is wholly or mainly engaged, and, unless inconsistent with the context—

(1) "absence", in the definitions of "assistant despatch clerk" "assistant foreman", "assistant forewoman" and "assistant storeman", means absence on annual or sick leave, or on casual leave of not more than three days in any week; (1)

(2) "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)

(3) "assistant despatch clerk" means an employee who, under the general supervision of a despatch clerk, performs any of the activities or duties of a despatch clerk and who may act for him during his absence; (5)

(4) "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; (6)

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

(6) "assistant storeman" means an employee who, under the general supervision of a storeman, performs any of the activities or duties of a storeman and who may act for him during his absence; (4)

(7) "boiler attendant" means an employee who, under general supervision, maintains the water level and steam pressure in a boiler, and who may make, maintain or draw the fire in such boiler; (21)

(8) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (29)

(9) "chargehand" means an employee who, under general supervision, is in charge of a group of Grade III employees or labourers, and who may record the work they perform; (38)

(10) "chaffeur" means an employee (other than a traveller's assistant) who is engaged in driving a motor vehicle which is intended to carry passengers and used for the conveyance of his employer or of staff, clients or visitors and which may be used for the conveyance of documents or parcels; (12)

(11) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause, notwithstanding the fact that clerical work may form part of such employee's work; (23)

(12) "cloakroom attendant" means an employee who is in charge of a room in which an employee may change or store his clothing, or of lockers in which an employee may store his effects; (22)

(13) "commission work" means any system under which a traveller's remuneration is calculated on the value or number of orders submitted by him to, and accepted by, his employer; (24)

(14) "day" means the period of 24 hours from midnight to midnight: Provided that in the case of a shift worker, it shall mean a period of 24 hours reckoned from the time such an employee commences work; (13)

(15) "despatch clerk" means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, mass measuring, packing, marking, addressing or despatching of goods or packages; (47)

(16) "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle, and for the purpose of this

Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Volksrust en Westonaria en die munisipale gebiede van Pietersburg en Pretoria.

2. WOORDOMSKRYWING

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, by die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is, en tensy onbestaanbaar met die sinsverband, beteken—

(1) „afwesigheid” in die woordomskrivings van „assistent-versendingsklerk”, „assistent-voorman”, „assistent-voortvrou” en „assistent-magasynman” afwesigheid met jaarlikse of siekteverlof of met los verlof van hoogstens drie dae in 'n week; (1)

(2) „ambagsman” 'n werknemer wat werk doen wat in die reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordomskriving beteken die uitdrukking „geskoolde ambagsman” iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet of Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van 'n vaardigheidsertifikaat wat deur die Registrateur van Vakleerlinge aan hom uitgereik is 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)

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

(a) artikels van dieselfde grootte en getal verpak in houers wat spesiaal ontwerp is om hulle te bevat;

(b) bestanddele in stoom- of ander panne roer, uitgesonderd die aflees van termometers of die regulering van stoomdruk;

(c) deure, vensters, sakke, bale, bottels, kassies, dromme, blikke of ander houers met die hand oop- of toemaak;

(d) die handvat van 'n handmasjien draai of die pedaal van 'n voetmasjien trap;

(e) gebreke lekkergoed, lekkergoedbrokkies, afvalmateriaal of afsnysels verwyder of bymeekaarmaak;

(f) gekookte of bereide maaltye aan werknemers in 'n bedryfs-inrigting bedien;

(g) goedere of artikels met die hand of nie-kragaangedrewe voertuig dra, oplaag, opstapel, verskuif, uitpak, laai of aflaai;

(h) houtkiste met die hand uit voorafgesnyde materiaal inmeekaarsit, of klaarvervaardigde karton- of veseldose of soortgelyke houers met die hand opstel;

(i) kiste, sakke of ander houers merk, brandmerk, sjabloneer of etiketeer deur middel van 'n proses vir die uitvoering waarvan die vermoë om te lees nie 'n vereiste is nie;

(j) klaar geadresseerde etikette op kiste, kartonne of ander houers plak;

(k) latrines, buitegeboue of dergelyke geboue of bouwerke afwit, kleurkalk of ontsmet;

(l) lekkergoed in houers skep voordat die massa daarvan gemeet is;

(m) masjiene vul, of van masjiene afneem;

(n) met 'n voorafgestelde skaal massameet of met 'n voorafgestelde maat herhaaldelik afmeet;

(o) nie-kragaangedrewe hystoestelle of goederehysers bedien;

(p) oorpakke met die hand was, stryk of heelmaak;

(q) op afleweringvoertuie help, uitgesonderd die voertuie dryf of herstelwerk uitvoer;

(r) panne, sjokoladeketels, tempermasjiene, raffineerapparaat, roostermasjiene, uitwanmasjiene, vormmasjiene of meule leegmaak;

(s) persele, masjinerie, gereedskap, voertuie, meubels, werktuie, skottles, bottels, gerei of ander houers of artikels met die hand skoonmaak of was;

(t) rubber- of ander stempels gebruik waar geen seleksie of oordeel vereis word nie;

(u) tee of dergelyke drank maak, of tee of dergelyke drank aan werknemers of sy werkgever of sy werkgever se gaste bedien;

(v) tuinwerk;

(w) voertuie op 'n ander wyse as met behulp van meganiese toestelle stoot of trek;

(x) vreemde stof met die hand uit neut of kakaoboontjies verwyder, maar nie deur dit te was nie;

(y) vuilgoed, as of afval verwyder;

(z) vure maak of stook; (30)

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; (11)

(17) "emergency work" means—

- (a) any work which, owing to unforeseen circumstances such as a fire, storm, accident, epidemic, act of violence, theft or a breakdown of plant or machinery, or owing to the fact that the buildings are unfit for use or are in imminent danger of becoming unfit for use, must be done without delay;
- (b) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours;
- (c) any work in connection with the loading or unloading of—
 - (i) ships;
 - (ii) trucks or vehicles of the South African Railways and Harbours;
 - (iii) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours; (36)

(18) "establishment" means any premises in or in connection with which one or more employees are employed in the Sweet Manufacturing Industry; (9)

(19) "experience" means in relation to—

- (a) a clerk, a factory clerk or a mobile hoist operator, the total period or periods of employment which an employee has had as a clerk, factory clerk or a mobile hoist operator in any trade or in the service of the State;
- (b) a Grade I employee, a Grade II employee or a sweetmaker, the total period or periods of employment which an employee has had in the Sweet Manufacturing Industry as a Grade I employee, a Grade II employee or a sweetmaker, respectively: Provided that any period or periods of employment which a Grade I employee has had as a Grade II employee shall up to a maximum of 12 months be deemed to be experience as a Grade I employee: Provided further that one half of any period or periods of employment which a sweetmaker has had as a Grade I employee or a Grade II employee shall up to a maximum of 12 months be deemed to be experience as a sweetmaker;
- (c) a traveller, the total period or periods of employment which an employee has had in any trade as a traveller; (39)

(20) "factory clerk" means an employee who, under the supervision of a foreman, forewoman, assistant foreman, assistant forewoman or a qualified clerk, is engaged in any one or more of the following activities or operations—

- (a) checking or recording particulars in respect of goods received or issued, or keeping stock registers;
- (b) controlling attendance registers or details concerning employees who are present or absent or recording the time spent by employees on various tasks;
- (c) copying batch cards, job cards, production cards or other factory documents by hand;
- (d) filing, keeping or sorting factory documents, invoices, consignment or delivery notes, requisitions or time or wage cards in numerical or alphabetical order;
- (e) interpreting or translating Bantu or Asian languages;
- (f) issuing tools or engineering stock or equipment against requisition or receiving such tools, stock or equipment when returned;
- (g) making lists of production figures;
- (h) making out sample slips;
- (i) measuring the mass of goods and recording the appropriate particulars;
- (j) operating an adding machine in the course of his duties as a factory clerk;
- (k) preparing wage or time cards or recording piece-work earnings for later use by a clerk;
- (l) recording particulars of annual or sick leave;
- (m) recording particulars of the contents of the distinctive numbers of cartons, containers or packages;
- (n) recording batch numbers, contents or reference numbers of containers which are filled;
- (o) recording the engagement, discharge or resignation of employees, including any necessary entries in the employees' personal files or documents; or preparing certificates of service;

(4) „assistent-magasyman” ’n werknemer wat, onder die algemene toesig van ’n magasyman, enige van die werksaamhede of pligte van ’n magasyman verrig en wat gedurende sy afwesigheid namens hom kan waarneem; (6)

(5) „assistent-versendingsklerk” ’n werknemer wat, onder die algemene toesig van ’n versendingsklerk, enige van die werksaamhede of pligte van ’n versendingsklerk verrig en wat gedurende sy afwesigheid namens hom kan waarneem; (3)

(6) „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; (4)

(7) „assistent-voorvrou” ’n vroulike werknemer wat, onder die algemene toesig van ’n voorman of ’n voorvrou, enige van die werksaamhede of pligte van ’n voorvrou verrig en wat gedurende die afwesigheid van die voorvrou namens haar kan waarneem; (5)

(8) „bediener van ’n mobiele hystoestel” ’n werknemer wat werk met ’n kragaaangedrewe mobiele hystoestel of ’n vrkhysswa wat by die laai, aflaai, versit of opstapel, van goedere gebruik word; (35)

(9) „bedryfsinrigting” ’n perseel waarop of in verband waarmee een of meer werknemers in die Lekkergoednywerheid in dien is; (18)

(10) „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; (34)

(11) „drywer van ’n motorvoertuig” ’n werknemer wat ’n motorvoertuig dryf, en by die toepassing van hierdie woordskrywing 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 vrage en alle tydperke wat hy verplig is om op sy pos te bly gereed om te dryf; (16)

(12) „chauffeur” ’n werknemer (uitgesonderd ’n handelsreisiger se assistent) wat ’n motorvoertuig dryf wat vir die vervoer van passasiers bedoeel is en wat gebruik word vir die vervoer van sy werkgever of van werknemers, klante of besoekers en waarmee ook dokumente of pakette vervoer mag word; (10)

(13) „dag” die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van ’n skofwerker, dit beteken ’n tydperk van 24 uur, gereken vanaf die tydstop waarop so ’n werknemer begin werk; (14)

(14) „fabrieksklerk” ’n werknemer wat onder die toesig van ’n voorman, voorvrou, assistent-voorman, assistent-voorvrou of ’n gekwalifiseerde klerk enigeen of meer van die volgende werksaamhede verrig—

- (a) besonderhede in verband met goedere wat ontvang of uitgereik is, nagaan of aanteken, of voorraadregisters hou;
- (b) besonderhede van jaarlikse of siekteverlof aanteken;
- (c) besonderhede omtrent die inhoud of die uitkenningnummers van kartonhouers, houers of pakke aanteken;
- (d) bondele nommers, inhoud of verwysingsnommers aanteken van houers wat gevul word;
- (e) bywoningsregisters kontroleer of besonderhede in verband met werknemers wat aanwesig of afwesig is, of die tyd deur werknemers aan verskillende take bestee, aanteken;
- (f) die indiensneming, ontslag of bedanking van werknemers aanteken, insluitende enige nodige inskrywing in die werknemers se persoonlike lêers of dokumente maak; of dienssertifikate voorberei;
- (g) fabrieksdokumente, fakture, vrag- of afleweringbriewe, rekwisisies of tyd- of loonkaarte in numeriese of alfabetiese volgorde liasseer, hou of sorteer;
- (h) gereedskap, ingenieursvoorrade of -uitrusting teen rekwisisie uitreik, of sulke gereedskap, voorrade of uitrusting ontvang wanneer dit terugbesorg word;
- (i) goedere massameet en besonderhede in verband daarmee aanteken;
- (j) kaartjies of etikette stempel of uitskryf;
- (k) loon- of tydkaarte voorberei of stukwerkverdiensies aanteken vir latere gebruik deur ’n klerk;
- (l) lotkaarte, werkkaarte, produksiekaarte, of ander fabrieksdokumente met die hand kopieer;
- (m) lyste maak van produksiesyfers;
- (n) monsterstrokies uitmaak;
- (o) ’n optelmasjien bedien in die loop van sy pligte as fabrieksklerk;
- (p) Bantoe- of Asiërtale tolk of vertaal;

- (p) stamping or writing tickets or etiquettes;
- (q) supervising the unloading of goods;
- (r) writing out consignment or delivery notes or packing slips; but not invoices;
- (s) writing up stock cards; (14)

(21) "feeding a machine" means the placing of material into a machine or onto a conveyor belt leading onto or into a machine where such placing involves discretion, precision or skill to ensure the efficient intake or processing of the material by such machine, and for the purpose of this definition the expression "placing" shall be deemed to include any moulding, sizing or shaping of such material on the machine that may be necessary for the efficient intake or processing of such material by the machine; (20)

(22) "filling a machine" means the depositing or dumping of material into the hopper or other intake container of a machine where such depositing or dumping does not involve discretion, precision or skill as to amount or position; (35)

(23) "foreman" means an employee who is in charge of the employees in an establishment or a section of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (49)

(24) "forewoman" means a female employee who is in charge of the female employees in an establishment or a section of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (50)

(25) "Grade I employee" means an employee who is engaged in any one or more of the following activities or operations—

- (a) building up, shaping, striping or decorating boiled goods, paste goods or toffees;
- (b) hand dipping or hand coating in or with chocolate or fourree;
- (c) operating a chocolate enrobing machine;
- (d) operating a chocolate neapolitan machine;
- (e) operating a chocolate refining machine;
- (f) operating a conche machine;
- (g) operating a liquorice extruder;
- (h) operating a lozenge cutting and stamping machine;
- (i) operating a machine which wraps sweets in foil, cellulose film, wax paper or any other material, whether or not such wrapping is done by the machine in combination with any other process;
- (j) operating a moulding machine, and for the purpose of this definition "moulding machine" means a machine in which the individual sweet is shaped by the pouring of liquid sweet material into permanent moulds;
- (k) operating a packet making and filling machine;
- (l) operating a power-driven paper or board guillotine;
- (m) operating a power-driven forming machine of the rostoplast or uniplast type or a type similar thereto used for the forming of boiled sweets;
- (n) operating a power-driven scoring machine;
- (o) operating a starch or master mogul machine;
- (p) tube decorating by hand with chocolate, fourree and cream; (53)

(26) "Grade II employee" means an employee who is engaged in any one or more of the following activities or operations—

- (a) affixing postage stamps on letters, parcels or other articles for posting, or using a manually operated franking machine;
- (b) assembling orders or marking, branding, stencilling or labelling boxes, bags, sacks, or other containers by a process in the performance of which the ability to read is required;
- (c) boiling sugar;
- (d) cleaning or sorting cocoa beans, nuts or other raw materials, other than removing foreign matter as referred to in the definition of "labourer";
- (e) cooking or otherwise preparing meals for consumption in an establishment;
- (f) crystallising;
- (g) cutting to size or crushing fruit or other raw materials;
- (h) depositing sweets into starch;
- (i) feeding or pouring ingredients, including syrup, into revolving pans;
- (j) feeding a machine;

- (q) toesig hou oor die aflaai van goedere;
- (r) versendings- of aflewingsbriewe of verpakkingstrookies uitskryf; maar nie fakture nie;
- (s) voorraadkaarte opskryf; (20)

(15) „faktotum” ’n werknemer 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 kan doen maar wat geen werk verrig wat gewoonlik deur ’n ambagsman gedoen word nie; (29)

(16) „gekwalfiseerd” met betrekking tot ’n werknemer, dat die ondervinding wat die werknemer in sy klas werk opgedoen het hom geregtig maak op die hoogste loontarief wat vir sodanige klas voorgeskryf word; en omgekeerd, „ongekwalfiseerd” dat sy ondervinding in sy klas hom nie op sodanige hoogste loontarief geregtig maak nie; (41)

(17) „groepleier” ’n werknemer wat, onder die algemene toesig van ’n voorman, voorvrou, assistent-voorman of assistent-voorvrou in beheer is van en toesig hou oor die werk van ’n groep werknemers graad I of werknemers graad II; (28)

(18) „handelsreisiger” ’n werknemer wat as reisende verteenwoordiger van ’n bedryfsinrigting namens so ’n inrigting bestellings vra, werf of soek; (51)

(19) „handelsreisiger se assistent” ’n werknemer wat ’n handelsreisiger vergesel en hom met die inpak, uitpak of vertoon van sy monsters help en wat die motorvoertuig mag dryf wat die handelsreisiger by die uitvoering van sy werk gebruik; (52)

(20) „in ’n masjien voer” om materiaal te plaas in ’n masjien of op ’n vervoerband wat na of in ’n masjien inlei, waar sodanige plaasing oordeel, noukeurigheid of vaardigheid vereis om die doeltreffende inname of verwerking van die materiaal deur sodanige masjien te verseker, en by die toepassing van hierdie omskrywing word die uitdrukking „plaas” geag te omvat die vorming, toedeling van grootte of fatsoenering van sodanige materiaal op die masjien wat nodig mag wees vir die doeltreffende inname of verwerking van sodanige materiaal deur die masjien; (21)

(21) „ketelbediener” ’n werknemer wat onder algemene toesig die waterpeil en stoomdruk in ’n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, stook of uithaal; (7)

(22) „kleedkamerbediende” ’n werknemer wat in beheer is van ’n kamer waarin ’n werknemer kan verkleed of sy klere kan bêre, of van sluitkassies waarin ’n werknemer sy besittings kan bêre; (12)

(23) „klerk” ’n werknemer wat skryf-, tik-, hasseer- of enige ander soort klerklike werk verrig en omvat dit ook ’n kassier en ’n telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so ’n werknemer se werk; (11)

(24) „kommissiewerk” ’n stelsel waarvolgens ’n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkgever voorlê en wat laasgenoemde aanvaar; (13)

(25) „korttyd” ’n tydelike vermindering van die getal gewone werkeure weens ’n slappe in die bedryf, ’n tekort aan grondstowwe of spoorwegtrokke, wisselvalligheid van die weer, ’n onklaarraking van masjinerie of installasie, of weens die feit dat die geboue onbruikbaar is of dreig om dit te word; (45)

(26) „lekkergoedmaker” ’n werknemer wat aan die bestuur, ’n voorman of ’n voorvrou verantwoordelik is om toesig te hou oor die werksaamhede en die graad waarin die werksaamhede toegepas word in verband met—

- (a) die maak van ’n lekkergoedmassa in enige kookhouer;
- (b) die behandeling van ’n lekkergoedmassa, met inbegrip van die kleur, geur, die toevoeging van speserye, die byvoeging van neut, vrugte of ander bestanddele totdat die lekkergoedmassa uiteindelik gereed is om toegedraai, uitgegiet, gesny, gefatsoeneer of andersins verwerk te word;
- (c) die rooster, uitwan of kook van kakaoboontjies of neut, of die verwerking van sjokolade (uitgesonderd die smelt van klaargemaakte omhulsel) totdat dit gereed is om vir indoping of vir bestryking gebruik te word of om gevorm, uitgegiet, toegedraai of andersins verwerk te word;
- (d) panwerksaamhede;
- (e) gekondenseerde melk maak; of
- (f) konfyt kook;

en wat alle pligte genoem in enigeen of meer van die paragrawe van (a) tot (f) kan verrig; (47)

(27) „Lekkergoednywerheid” die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is, vir—

- (k) filling and mass measuring containers, other than to set scale;
 - (l) finger marking or fork marking or otherwise decorating sweets, but excluding tube decorating;
 - (m) folding or enveloping mail;
 - (n) hand dipping or hand coating, other than that mentioned in the definition of "Grade I employee";
 - (o) incorporating or inserting fruits, nuts or other edible materials into sweet preparations other than chocolate or fourree;
 - (p) making cardboard boxes other than by folding of collapsible boxes from the flat;
 - (q) making syrup, under supervision;
 - (r) moulding, shaping demoulding or pouring sweets or sweet mass, other than as mentioned in item (1) of the definition of "Grade III employee";
 - (s) operating any power-driven machine, other than a machine mentioned in the definition of "Grade I employee";
 - (t) packing goods for stock, other than the placing of packed articles of uniform size and number into containers specially made to contain them;
 - (u) packing sweets into containers by hand according to number, size, mass, arrangement or type;
 - (v) preparing or mixing, other than in operations mentioned in the definition of "Grade III employee";
 - (w) pouring ready-mixed flavours;
 - (x) pulling, running, rolling, cutting or stamping dough, paste or other preparations of sugar or chocolate;
 - (y) roasting or boiling cocoa beans, nuts, fruit or other raw materials, without responsibility for the degree of the roasting or boiling;
 - (z) sealing packets or bags of cellulose film;
 - (aa) shelling, stoning, peeling or drying nuts or fruit;
 - (ab) slab work not elsewhere specifically mentioned in this clause;
 - (ac) sorting sweets, other than the activities mentioned in item (r) of the definition of "labourer";
 - (ad) taking off from the conveyor belt of a chocolate enrober;
 - (ae) using a hand or foot-operated paper or board guillotine;
 - (af) using a hand or foot-operated scoring machine;
 - (ag) mass measuring, other than to set scale, or measuring, other than to or with fixed measure;
 - (ah) winnowing or removing the germ from cocoa beans;
 - (ai) wrapping boxes or parcels;
 - (aj) wrapping sweets by hand; (54)
- (27) "Grade III employee" means an employee who is engaged in one or more of the following activities or operations—
- (a) assisting an artisan or handyman by holding articles or tools or otherwise working with him, other than by the independent use of the tools;
 - (b) cutting paper, cellulose film or similar material by hand to set measure;
 - (c) cutting sweets by hand;
 - (d) delivering letters, messages or goods on foot or by means of a foot or hand-propelled vehicle;
 - (e) filling, levelling or emptying by hand trays containing starch, cocoanut vermicelli or similar materials;
 - (f) filling or emptying bulk containers or mixing finished sweets in bulk;
 - (g) hardening by hand;
 - (h) loosening, breaking or separating sweets (other than chocolates) by hand;
 - (i) oiling or greasing machinery or vehicles;
 - (j) putting sweets or materials on to, or removing them from, a conveyor belt, other than the belt of a chocolate enrober;
 - (k) removing starch from sweets by air blower, hand sieve or brush, or sieving starch by hand;
 - (l) removing sweets from trays in which they were moulded;
 - (m) sanding by hand; (55)

(28) "group leader" means an employee who, under the general supervision of a foreman, forewoman, assistant foreman or assistant forewoman is in charge of and supervises the work of a group of Grade I or Grade II employees; (17)

(29) "handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or plant, other than machinery or plant used directly in the manufacture of the products of an establishment, and who may also effect minor repairs or re-

- (a) die vervaardiging van lekkergoed;
 - (b) die vervaardiging van enige handelsartikel of bestanddeel wat by die vervaardiging van lekkergoed gebruik word deur werkgewers en werknemers wat by die vervaardiging van lekkergoed betrokke is; of
 - (c) die toedraai of verpakking van lekkergoed;
- en omvat verder alle werksaamhede wat met enigeen van dié in paragrawe (a), (b) of (c) gemelde aktiwiteite in verband staan of daaruit voortspruit, maar dit sluit nie bedryfsinrigtings in waarin enigeen of meer van die genoemde aktiwiteite verrig word en ten opsigte waarvan 'n nywerheidsraadooreenkoms kragtens die Wet op Nywerheidsversoening, 1956, bindend is nie; (48)
- (28) „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—
- (a) as 'n werkgewer '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;
 - (b) 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; (54)
- (29) „los werknemer” 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (8)
- (30) „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; (46)
- (31) „masjienfaktotum” '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; (33)
- (32) „motorvoertuig” 'n kragaaangedrewe voertuig wat gebruik word vir die vervoer van goedere, uitgesonderd 'n handelsreisiger se monsters, en omvat dit ook 'n voorhaker en 'n trekker maar nie 'n mobiele hystoestel nie; (36)
- (33) „nagskoff” enige werktidperk waarvan die grootste deel tussen 18h00 en 07h00 val; (37)
- (34) „'n masjien bedien” 'n masjien aansit of stopsit, noodsaaklike lopende verstellings van 'n geringe aard aan die masjien doen en die werk wat deur die masjien gedoen word, nagaan of noukeurig ondersoek; (38)
- (35) „'n masjien vul” die besorging of stort van materiaal in die vultregter of ander inlaathouer van 'n masjien, waar sodanige besorging of stort nie oordeel, noukeurigheid of vaardigheid wat die hoeveelheid of posisie aanbetref insluit nie; (22)
- (36) „noodwerk”—
- (a) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, epidemie, gewelddaad, diefstal, of 'n onklaarraking van installasie of masjinerie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, sonder versuim gedoen moet word;
 - (b) enige werk in verband met die opknapping of herstel van installasies of masjinerie wat nie gedurende gewone werkure verrig kan word nie;
 - (c) enige werk in verband met die laai of aflaai van—
 - (i) skepe;
 - (ii) spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;
 - (iii) voertuie wat deur 'n vervoerkontraakteur gebruik word by die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Spoorweë en Hawens; (17)
- (37) „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: Met dien verstande dat, in die geval van 'n twee- of driewielmotorfiets, bromponie of bromfiets of 'n trapfiets met hulpmotor, die onbelaste massa geag word hoogstens 450 kg te wees; (53)
- (38) „onderbaas” 'n werknemer wat onder algemene toesig aan die hoof staan van 'n groep werknemers graad III of arbeiders, en wat aantekeninge kan hou van die werk wat hulle verrig; (9)
- (39) „ondervinding” met betrekking tot—

novations to buildings, but who does not do work normally performed by an artisan; (15)

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

- (a) Assembling wooden boxes from pre-cut material by hand, or setting up by hand ready-made cardboard or fibre boxes or similar containers;
- (b) carrying, lifting, stacking, moving, unpacking, loading or unloading goods or articles by hand or non-power-driven vehicle;
- (c) cleaning or washing premises, machinery, tools vehicles, furniture, implements, bowls, bottles, utensils or other containers or articles by hand;
- (d) emptying pans, chocolate kettles, tempering machines, refiners, roasting machines, winnowing machines, moulding machines or mills;
- (e) filling a machine or taking off from a machine;
- (f) gardening;
- (g) helping on delivery vehicles, other than driving or repairing the vehicles;
- (h) lime-washing or disinfecting latrines, outbuildings or similar buildings or structures;
- (i) making or stoking fires;
- (j) making tea or similar beverages or serving such tea or beverages to employees, his employer or his employer's guests;
- (k) marking, branding, stencilling or labelling boxes, bags, sacks or other containers by a process in the performance of which the ability to read is not required;
- (l) opening or closing doors, windows, bags, bales, bottles, boxes, drums, tins or other containers by hand;
- (m) operating a non-power-driven hoist or goods lift;
- (n) placing packed articles of uniform size and number into containers specially made to contain them;
- (o) pushing or pulling of vehicles other than with the aid of mechanical devices;
- (p) removing foreign matter from nuts or cocoa beans by hand, other than by washing;
- (q) removing garbage, ash or waste;
- (r) removing or recovering broken sweets, sweet fragments waste material or cut-offs;
- (s) scooping sweets into containers before measuring the mass thereof;
- (t) serving cooked or prepared meals to employees in an establishment;
- (u) sticking addressed etiquettes on boxes, cartons or other containers;
- (v) stirring ingredients in steam or other pans, excluding the reading of thermometers or the regulating of steam pressure;
- (w) turning the handle of a hand-operated machine or pressing the pedal of a foot-operated machine;
- (x) using rubber or other stamps, when no selection or discretion is involved;
- (y) washing, ironing or repairing overalls by hand;
- (z) mass-measuring to a set-scale or repetition measuring to or with a fixed measure; (3)

(31) "law" includes the common law; (56)

(32) "local authorities" means divisional councils, city councils, municipal councils, town councils, village management boards, local management boards, local area boards and any other similar institutions or bodies contemplated in section 84 (1) (f) of the Constitution of the Republic of South Africa Act, 1961 (Act 32 of 1961), and includes an Administration Board instituted in terms of section 2 of the Administration of Black Affairs Act, 1971 (Act 45 of 1971); (47)

(33) "machine handyman" means an employee who does 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; (31)

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

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

the activities of an establishment and the employees engaged herein; (10)

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

(b) 'n werknemer graad I, 'n werknemer graad II of 'n lekkergoedmaker, die totale tydperk of tydperke wat 'n werknemer onderskeidelik as 'n werknemer graad I, 'n werknemer graad II of 'n lekkergoedmaker in die Lekker-goednywerheid werksaam was: Met dien verstande dat enige tydperk of tydperke wat 'n werknemer graad I as 'n werknemer graad II diens gedoen het, tot 'n maksimum van 12 maande as ondervinding as 'n werknemer graad I geag word, en voorts met dien verstande dat een helfte van enige tydperk of tydperke wat 'n lekkergoedmaker as 'n werknemer graad I of 'n werknemer graad II werksaam was, tot 'n maksimum van 12 maande as ondervinding as 'n lekkergoedmaker geag word;

(c) 'n handelsreisiger, die totale tydperk of tydperke wat 'n werknemer as 'n handelsreisiger in enige bedryf werksaam was; (19)

(40) „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) of (2) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer wie se gewone werkure by klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgever werk nie; (39)

(41) „plaaslike owerhede” afdelingsrade, stadsrade, munisipale rade, dorpsrade, dorpsbesture, plaaslike bestuursrade, plaaslike gebiedsrade en enige ander soortgelyke instellings of liggame wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), beoog word en sluit ook 'n Administrasieraad ingestel kragtens artikel 2 van die Wet op die Administrasie van Swart Sake 1971 (Wet 45 van 1971) in; (32)

(42) „senior bestuurs, of administratiewe werknemer” 'n werknemer, wat in opdrag van sy werkgever werk verrig wat verantwoordelikheid meebring vir die neem van besluite van 'n administratiewe aard by die uitvoering van die werksaamhede van 'n bedryfsinrigting; (42)

(43) „skofwerker” 'n werknemer wat skofwerk verrig in 'n werksaamheid in 'n bedryfsinrigting waarin twee of drie agtereenvolgende skofte per dag op hoogstens ses dae per week gewerk word; (44)

(44) „sleepwa” enige vervoermiddel wat deur 'n motorvoertuig getrek word; (50)

(45) „stukwerk” 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (40)

(46) „tegniese of professionele werknemer” 'n werknemer wat in opdrag van sy werkgever werk van 'n tegniese of professionele aard verrig; (49)

(47) „versendingsklerk” 'n werknemer wat verantwoordelik is vir 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 goedere of pakkette; (15)

(48) „voorafgestelde massameter” 'n massameter wat vooraf gestel is, uitgesonderd deur 'n arbeider vir die herhaaldelike massameet van goedere slegs volgens 'n bepaalde massa maar omvat dit nie 'n trekmassameter nie; (43)

(49) „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; (23)

(50) „voorvrou” 'n vroulike werknemer wat aan die hoof staan van die vroulike 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; (24)

(51) „wag” 'n werknemer wat 'n perseel of eiendom bewaak; (55)

(52) „welsynsbeampte” 'n werknemer wat ooreenkomstig die Wet op Verpleging, 1957, as 'n verpleër geregistreer is of wat geag word as sodanig ooreenkomstig genoemde Wet geregistreer te wees, of wat in besit is van 'n geldige bekwaamheidsertifikaat in eerstehulp wat uitgereik is deur—

- (a) die Suid-Afrikaanse Rooikruisvereniging;
- (b) die St. John Ambulance Association; of
- (c) die Suid-Afrikaanse Noodhulppliga;

en wat in beheer is van 'n eerstehulpkamer; (56)

(35) "mobile hoist operator" means an employee who is engaged in operating a mobile power-driven hoist or fork lift truck used in the loading, unloading, moving or stacking of goods; (8)

(36) "motor vehicle" means any power-driven vehicle used for conveying goods, other than traveller's samples, and includes a mechanical horse and a tractor but does not include a mobile hoist; (32)

(37) "night shift" means any period of work the major portion of which falls between 18h00 and 07h00; (33)

(38) "operating a machine" means starting or stopping a machine, making essential minor running adjustments to the machine and checking or scrutinising the work done by the machine; (34)

(39) "overtime" means that portion of any period worked by an employee for his employer during a week or on a day, as the case may be, which is longer than the normal working hours prescribed for such employee in clause 5 (1) or (2), respectively, but does not include a period during which an employee whose normal working hours are prescribed in clause (5) (1) works for his employer on a Sunday; (40)

(40) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (45)

(41) "qualified", in respect of an employee, means that the experience gained by the employee in his class of work entitles him to the highest wage tariff prescribed for such class; and conversely "unqualified" means that his experience in his class does not entitle him to such highest wage tariff; (16)

(42) "senior managerial or administrative employee" means an employee who is charged by his employer with the performance of work entailing responsibility for taking decisions of an administrative character in the conduct of the activities of an establishment; (42)

(43) "set massmeter" means a massmeter which has been set, other than by a labourer, for the repetition measuring of goods to one mass only but does not include a spring massmeter; (48)

(44) "shift-worker" means an employee who is engaged on shift work in an activity in an establishment in which two or three consecutive shifts per day not exceeding six days per week are worked; (43)

(45) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials or railway trucks, vagaries of the weather, a breakdown of plant or machinery or because the buildings are unfit for use or are in imminent danger of becoming unfit for use; (25)

(46) "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 for delivering goods from a store or warehouse to the consuming departments in an establishment or for despatch; (30)

(47) "sweetmaker" means an employee who is responsible to the management, a foreman or a forewoman for supervising the operations and the degree to which the operations are applied, involved in—

- (a) the making of a sweet mass in any cooking vessel;
- (b) the treatment of a sweet mass, including colouring, flavouring, spicing, adding nuts, fruit or other ingredients until the sweet mass is finally ready to be wrapped, poured, cut, shaped or otherwise fabricated;
- (c) the roasting, winnowing or boiling of cocoa beans or nuts, or the processing of chocolate (other than the melting or ready-made couverture) until it is ready to be used for dipping or coating or to be formed, poured, wrapped or otherwise fabricated;
- (d) panning;
- (e) the making of condensed milk; or
- (f) the making of jam;

and who may perform any of the duties listed in any one or more of paragraphs (a) to (f); (26)

(48) "Sweet Manufacturing Industry" means the industry in which employers and employees are associated in establishments which are registered or liable for registration in terms of the Factories, Machinery and Building Work Act, 1941, for the purpose of—

- (a) manufacturing sweets;
- (b) manufacturing any commodity or ingredient used in the manufacture of sweets if carried on by employers and employees engaged in the manufacture of sweets; or
- (c) wrapping or packing sweets;

and further includes all operations incidental to or consequent on

(53) „werknemer graad I” ’n werknemer wat een of meer van die volgende werksaamhede verrig—

- (a) ’n Conche-masjien bedien;
- (b) ’n dropuitdrukmasjien bedien;
- (c) gekookte goedere, pastagoedere of toffies opbou, fatsoeneer, strepe daarop trek of dit versier;
- (d) ’n kragaangedrewe papier- of kartonvalmes bedien;
- (e) ’n kragaangedrewe vormmasjien van die rostoplast- of uni-plast-tipe of ’n tipe soortgelyk daaraan wat vir die vorming van kooklekkers gebruik word, bedien;
- (f) ’n kragkerfmasjien bedien;
- (g) ’n masjien bedien wat lekkergoed in foelie, sellulosefilm, waspapier of enige ander materiaal toedraai, hetsy sodanige toedraai in kombinasie met ander prosesse deur die masjien gedoen word, al dan nie;
- (h) met die hand in sjokolade of fourree doop, of met die hand met sjokolade of fourree bestryk;
- (i) met die hand buisversiering doen met sjokolade, fourree en room;
- (j) ’n „neapolitan”-sjokolademassjien bedien;
- (k) ’n pakkemaak- en vulmasjien bedien;
- (l) ’n sjokoladetoedraaimasjien bedien;
- (m) ’n sjokoladeraffineermasjien bedien;
- (n) ’n stysel- of „master mogul”-masjien bedien;
- (o) ’n tabletjiesny- en -stempelmassjien bedien;
- (p) ’n vormmasjien bedien, en by die toepassing van hierdie omskrywing beteken „vormmasjien” ’n masjien waarin die afsonderlike stuk lekkergoed gefatsoeneer word deur die giet van vloeibare lekkergoedmateriaal in permanente vorms; (25)

(54) „werknemer graad II” ’n werknemer wat een of meer van die volgende werksaamhede verrig—

- (a) bestanddele, met inbegrip van stroop, in draaipanne voer of giet;
- (b) bestellings opmaak of dose, sakke, of ander houers vir versending merk, brandmerk, sjabloneer of etiketteer deur middel van ’n proses vir die uitvoering waarvan die vermoë om te lees ’n vereiste is;
- (c) blokwerk wat nie elders uitdruklik in hierdie klousule vermeld word nie;
- (d) briewe vou of in koevert plaas;
- (e) deeg, pasta of ander preparate van suiker of sjokolade uittrek, oprol, uitrol, sny of stempel;
- (f) dose of pakkette toedraai;
- (g) enige kragmasjien bedien, uitgesonderd ’n masjien wat in die omskrywing van „werknemer graad I” vermeld word;
- (h) goedere van die vervoerband van ’n sjokoladetoedraaimasjien afneem;
- (i) goedere vir voorraad verpak, uitgesonderd verpakte artikels van dieselfde grootte en getal plaas in houers wat spesiaal vervaardig is om dit te bevat;
- (j) ’n hand- of voetbediende papier- of kartonvalmes gebruik;
- (k) ’n hand- of voetbediende kerfmasjien gebruik;
- (l) houers vul en die massa meet, uitgesonderd op ’n voorafgestelde massameter;
- (m) in ’n masjien voer;
- (n) kakaoboontjies, neute of ander grondstowwe skoonmaak of sorteer uitgesonderd die verwydering van vreemde stowwe soos in die omskrywing van „arbeider” vermeld;
- (o) kakaoboontjies, neute, vrugte of ander grondstowwe rooster of kook, sonder om verantwoordelikheid vir die graad van die rooster- of kookwerk te neem;
- (p) kakaoboontjies uitwan of die kiem daaruit verwyder;
- (q) kartondose vervaardig, uitgesonderd opvoubare dose uit platstukke vou;
- (r) klaar gemengde geursels ingiet;
- (s) kristalliseerwerk;
- (t) lekkergoed in stysel plaas;
- (u) lekkergoed met die vingers of met ’n vurk merk of andersins versier, uitgesonderd buisversiering;
- (v) lekkergoed of lekkergoedmassa vorm, fatsoeneer, uit vorms haal of ingiet, uitgesonderd op die wyse wat in item (g) van die omskrywing van „werknemer graad III” vermeld word;
- (w) lekkergoed volgens getal, grootte, massa, rangskikking of soort met die hand in houers pak;
- (x) lekkergoed sorteer, uitgesonderd die werksaamhede wat in item (e) van die omskrywing van „arbeider” vermeld word;
- (y) lekkergoed met die hand toedraai;
- (z) maaltye wat in ’n bedryfsinrigting geëet word, kook of andersins berei;

any of the activities mentioned in paragraphs (a), (b) or (c), but does not include establishments in which any one or more of the said activities are carried on and in respect of which an industrial council agreement in terms of the Industrial Conciliation Act, 1956, applies; (27)

(49) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (46)

(50) "trailer" means any conveyance drawn by a motor vehicle; (44)

(51) "traveller" means an employee who, as a travelling representative of an establishment, invites, canvasses or solicits orders on behalf of such establishment; (18)

(52) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples and who may drive the motor vehicle used by the traveller in the performance of his duties; (19)

(53) "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: Provided that in the case of a two or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine, the unladen mass shall be deemed not to exceed 450 kg; (37)

(54) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided—

- (i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;
- (ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee who is employed on any basis provided for in clause 9 receives over and above the amount which he would have received if he had not been employed on such a basis; (28)

(55) "watchman" means an employee who is engaged in guarding premises or property; (51)

(56) "welfare officer" means an employee who is registered or deemed to be registered as a nurse in terms of the Nursing Act, 1957, or who holds a current certificate of competency in first aid issued by—

- (a) the Red Cross Society of South Africa;
- (b) the St. John Ambulance Association; or
- (c) the Suid-Afrikaanse Noodhulp Liga; (52)

(aa) massameet maar nie met 'n voorafgestelde massameter nie, of meetwerk verrig, uitgesonderd volgens of met 'n vaste maat;

(ab) met die hand inkoop of bestryk, uitgesonderd dié wat in die omskrywing van „werknemer graad I” vermeld word;

(ac) neute of vrugte uitdop, ontpit, afskil of uitdroog;

(ad) onder toesig stroop maak;

(ae) pakkies of sakkies van sellulosefilm verseël;

(af) posseëls op briewe, pakkette of ander artikels plak om dit te pos, of 'n handbediende frankeermasjien gebruik;

(ag) suiker kook;

(ah) voorberei of meng, uitgesonderd by werksaamhede in die omskrywing van „werknemer graad III” vermeld;

(ai) vrugte of ander grondstowwe na grootte sny of dit fyn druk;

(aj) vrugte, neute of ander eetbare materiale in lekkergoed-preparate, uitgesonderd sjokolade of fourree, meng of insit; (26)

(55) „werknemer graad III” 'n werknemer wat een of meer van die volgende werksaamhede verrig—

(a) 'n ambagsman of faktotum bystaan deur artikels of gereedschap vas te hou of op 'n ander wyse met hom saam te werk as om die gereedschap selfstandig te gebruik;

(b) bakke met stysel, klapper, vermicelli of soortgelyke materiaal met die hand vul, gelykmaak of leegmaak;

(c) briewe, boodskappe of goedere te voet, of deur middel van 'n voet- of handvoertuig aflewer;

(d) lekkergoed (uitgesonderd sjokolade) met die hand losmaak, breek of van mekaar skei;

(e) lekkergoed met die hand sny;

(f) lekkergoed of materiaal op 'n vervoerband, uitgesonderd die band van 'n sjokoladetoedraaimasjien, plaas of dit daarvan verwyder;

(g) lekkergoed verwyder uit bakke waarin dit gevorm is;

(h) masjinerie of voertuie olie of smeer;

(i) massahouers vul of leegmaak, of klaargemaakte lekkers in massa meng;

(j) met die hand hardmaak;

(k) met die hand skuur;

(l) papier, sellulosefilm of soortgelyke materiaal volgens 'n vaste maat met die hand sny;

(m) stysel deur middel van 'n lugblaasapparaat, handsif of kwas van lekkergoed verwyder, of stysel met die hand sif; (27)

(56) „wet” ook die gemene reg. (31)

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 below:

(a) Employees other than casual employees:

	In the Magisterial Districts of Lower Tugela and Volksrust and the municipal areas of King William's Town and Pietersburg		In the municipal area of Kroonstad		In the Magisterial Districts of Bloemfontein, Dundee, Inanda, Klerksdorp and Welkom		In all other areas	
	During the first year after this Determination becomes binding	Thereafter	During the first year after this Determination becomes binding	Thereafter	During the first year after this Determination becomes binding	Thereafter	During the first year 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
Artisan.....	67,00	71,00	68,00	72,00	69,00	73,00	70,00	74,00
Assistant despatch clerk	24,50	26,75	26,00	28,50	29,00	32,00	31,00	34,00
Assistant foreman	57,50	61,00	58,50	62,00	59,50	63,00	60,50	64,00
Assistant forewoman	46,00	49,00	47,00	50,00	48,00	51,00	49,00	52,00
Assistant storeman	24,50	26,75	26,00	28,50	29,00	32,00	31,00	34,00
Boiler attendant	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00
Charge-hand	21,30	23,25	22,50	24,50	25,60	28,00	28,40	31,00
Chauffeur	22,10	24,20	23,60	25,75	29,00	31,75	30,25	33,00
Clerk, male, unqualified—								
during the first year of experience	23,08	24,92	24,23	26,54	26,08	28,38	27,69	30,00
during the second year of experience	27,46	29,54	28,85	31,38	30,92	33,46	32,77	35,31
during the third year of experience	31,85	34,15	33,46	36,23	35,77	38,54	37,85	40,62
during the fourth year of experience	36,23	38,77	38,08	41,08	40,62	43,62	42,92	45,92
during the fifth year of experience	40,62	43,38	42,69	45,92	45,46	48,69	48,00	51,23
qualified	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Clerk, female, unqualified—								
during the first year of experience	21,92	23,77	23,54	25,38	25,38	27,23	26,54	28,85
during the second year of experience	24,00	26,08	25,85	27,92	27,69	29,77	29,08	31,62
during the third year of experience	26,08	28,38	28,15	30,46	30,00	32,31	31,62	34,38
during the fourth year of experience	28,15	30,69	30,46	33,00	32,31	34,85	34,15	37,15
qualified	30,23	33,00	32,77	35,54	34,62	37,38	36,69	39,92
Cloakroom attendant	21,00	23,00	22,30	24,25	26,20	28,50	28,60	31,20
Despatch clerk	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Driver of a motor vehicle the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—								
(i) does not exceed 450 kg	19,80	21,60	21,00	23,00	26,60	29,00	27,50	30,00
(ii) exceeds 450 kg but does not exceed 2 700 kg	24,60	26,80	26,00	28,50	31,60	34,50	33,50	36,00
(iii) exceeds 2 700 kg but does not exceed 4 500 kg	29,40	32,00	31,00	34,00	36,60	40,00	39,50	42,00
(iv) exceeds 4 500 kg	34,20	37,20	36,00	39,50	41,60	45,50	45,50	48,00
Factory clerk, unqualified—								
during the first six months of experience	20,60	22,50	22,00	24,00	24,80	27,00	26,00	28,80
during the second six months of experience	22,00	24,00	23,60	25,60	26,40	28,75	27,85	30,60
qualified	23,40	25,50	25,00	27,20	28,00	30,50	29,70	32,40
Foreman	70,00	74,00	71,00	75,00	72,00	76,00	73,00	77,00
Forewoman	57,50	61,00	58,50	62,00	59,50	63,00	60,50	64,00

3. Remuneration (Continued)

	In the Magisterial Districts of Lower Tugela and Volksrust and the municipal areas of King William's Town and Pietersburg		In the municipal area of Kroonstad		In the Magisterial Districts of Bloemfontein, Dundee, Inanda, Klerksdorp and Welkom		In all other areas	
	During the first year after this Determination becomes binding	Thereafter	During the first year after this Determination becomes binding	Thereafter	During the first year after this Determination becomes binding	Thereafter	During the first year 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
Grade I employee, unqualified—								
during the first six months of experience	20,40	22,20	21,50	23,30	24,60	26,75	27,00	29,40
during the second six months of experience	21,40	23,30	22,60	24,60	25,70	28,00	27,90	30,40
during the third six months of experience	22,40	24,40	23,80	25,90	26,80	29,25	28,80	31,40
qualified	23,40	25,50	25,00	27,20	28,00	30,50	29,70	32,40
Grade II employee, unqualified—								
during the first six months of experience	19,25	21,00	20,25	22,00	23,00	25,00	25,30	27,60
during the second six months of experience	20,35	22,20	21,50	23,30	24,60	26,75	27,00	29,40
qualified	21,50	23,40	22,70	24,60	26,20	28,50	28,60	31,20
Grade III employee	19,00	20,70	20,20	21,85	23,00	25,00	25,30	27,60
Group leader	24,75	27,00	26,70	29,00	30,00	33,00	33,60	36,70
Handyman	25,60	28,00	27,60	30,00	31,00	34,00	34,40	37,50
Labourer—								
male—								
18 years of age or over	16,50	18,00	17,50	19,00	20,00	21,80	22,00	24,00
under 18 years of age	12,40	13,50	13,00	14,25	15,00	16,35	16,50	18,00
female	13,20	14,40	14,00	15,20	16,00	17,50	17,60	19,20
Machine handyman	30,25	33,00	32,20	35,00	37,00	40,00	41,00	44,00
Mobile hoist operator, unqualified—								
during the first three months of experience	20,20	22,00	21,20	23,00	24,80	27,00	26,50	29,00
qualified	21,00	23,00	22,30	24,25	26,20	28,50	28,60	31,20
Storeman	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Sweetmaker, unqualified—								
during the first year of experience	22,00	24,00	24,00	26,00	26,60	29,00	27,50	30,00
during the second year of experience	27,50	30,00	30,00	32,50	33,40	36,00	34,80	37,60
during the third year of experience	33,00	36,00	36,00	39,00	40,20	43,00	42,10	45,20
during the fourth year of experience	38,50	42,00	42,00	45,50	47,00	50,00	49,40	52,80
during the fifth year of experience	44,00	48,00	48,00	52,00	53,80	57,00	56,70	60,40
qualified	49,50	54,00	54,00	58,50	60,50	64,00	64,00	68,00
Traveller, unqualified—								
during the first year of experience	49,62	52,85	50,77	54,00	51,69	55,15	52,85	56,31
during the second year of experience	54,23	57,69	55,38	58,85	56,54	60,23	57,69	61,38
during the third year of experience	59,08	62,54	60,23	63,69	61,15	65,31	62,54	66,46
during the fourth year of experience	63,92	67,38	65,08	68,54	66,23	70,38	67,38	71,54
qualified	68,77	72,23	69,92	73,38	71,08	75,46	72,23	76,62
Traveller's assistant	22,10	24,20	23,60	25,75	29,00	31,75	30,25	33,00
Watchman	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00
Welfare officer	40,00	43,00	43,00	46,00	46,00	49,00	48,00	51,00
Employee not specifically mentioned elsewhere in this subclause	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00

3. BESOLDIGING

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

(a) Werknemers uitgesonderd los werknemers:

	In die landdrosdistrikte Lower Tugela en Volksrust en die munisipale gebiede King William's Town en Pietersburg		In die munisipale gebied Kroonstad		In die landdrosdistrikte Bloemfontein, Dundee, Inanda, Klerksdorp en Welkom		In alle ander gebiede	
	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar 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
Ambagsman	67,00	71,00	68,00	72,00	69,00	73,00	70,00	74,00
Arbeider—								
man—								
18 jaar of ouer	16,50	18,00	17,50	19,00	20,00	21,80	22,00	24,00
onder 18 jaar	12,40	13,50	13,00	14,25	15,00	16,35	16,50	18,00
vrou	13,20	14,40	14,00	15,20	16,00	17,50	17,60	19,20
Assistent-magasyman	24,50	26,75	26,00	28,50	29,00	32,00	31,00	34,00
Assistent-versendingsklerk	24,50	26,75	26,00	28,50	29,00	32,00	31,00	34,00
Assistent-voorman	57,50	61,00	58,50	62,00	59,50	63,00	60,50	64,00
Assistent-voorvrou	46,00	49,00	47,00	50,00	48,00	51,00	49,00	52,00
Bediener van 'n mobiele hystoestel, ongekwalifiseerd—								
gedurende die eerste drie maande ondervinding	20,20	22,00	21,20	23,00	24,80	27,00	26,50	29,00
gekwalifiseerd	21,00	23,00	22,30	24,25	26,20	28,50	28,60	31,20
Chauffeur	22,10	24,20	23,60	25,75	29,00	31,75	30,25	33,00
Drywer van 'n motorvoertuig waarvan die onbelaste massa								
saam met die onbelaste massa van enige sleepwa of sleep-								
waens wat deur sodanige voertuig getrek word—								
(i) hoogstens 450 kg is	19,80	21,60	21,00	23,00	26,60	29,00	27,50	30,00
(ii) meer as 450 kg maar hoogstens 2 700 kg is	24,60	26,80	26,00	28,50	31,60	34,50	33,50	36,00
(iii) meer as 2 700 kg maar hoogstens 4 500 kg is	29,40	32,00	31,00	34,00	36,60	40,00	39,50	42,00
(iv) meer as 4 500 kg is	34,20	37,20	36,00	39,50	41,60	45,50	45,50	48,00
Fabrieksklerk, ongekwalifiseerd—								
gedurende die eerste ses maande ondervinding	20,60	22,50	22,00	24,00	24,80	27,00	26,00	28,80
gedurende die tweede ses maande ondervinding	22,00	24,00	23,60	25,60	26,40	28,75	27,85	30,60
gekwalifiseerd	23,40	25,50	25,00	27,20	28,00	30,50	29,70	32,40
Faktotum	25,60	28,00	27,60	30,00	31,00	34,00	34,40	37,50
Groepelier	24,75	27,00	26,70	29,00	30,00	33,00	33,60	36,70
Handelsreisiger, ongekwalifiseerd—								
gedurende die eerste jaar ondervinding	49,62	52,85	50,77	54,00	51,69	55,15	52,85	56,31
gedurende die tweede jaar ondervinding	54,23	57,69	55,38	58,85	56,54	60,23	57,69	61,38
gedurende die derde jaar ondervinding	59,08	62,54	60,23	63,69	61,15	65,31	62,54	66,46
gedurende die vierde jaar ondervinding	63,92	67,38	65,08	68,54	66,23	70,38	67,38	71,54
gekwalifiseerd	68,77	72,23	69,92	73,38	71,08	75,46	72,23	76,62
Handelsreisiger se assistent	22,10	24,20	23,60	25,75	29,00	31,75	30,25	33,00
Ketelbediener	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00
Kleedkamerbediende	21,00	23,00	22,30	24,25	26,20	28,50	28,60	31,20

3. Besoldiging (Vervolg)

	In die landdrosdistrikte Lower Tugela en Volksrust en die munisipale gebiede King William's Town en Pietersburg		In die munisipale gebied Kroonstad		In die landdrosdistrikte Bloemfontein, Dundee, Inanda, Klerksdorp en Welkom		In alle ander gebiede	
	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar 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
Klerk, man, ongekwalifiseerd—								
gedurende die eerste jaar ondervinding	23,08	24,92	24,23	26,54	26,08	28,38	27,69	30,00
gedurende die tweede jaar ondervinding	27,46	29,54	28,85	31,38	30,92	33,46	32,77	35,31
gedurende die derde jaar ondervinding	31,85	34,15	33,46	36,23	35,77	38,54	37,85	40,62
gedurende die vierde jaar ondervinding	36,23	38,77	38,08	41,08	40,62	43,62	42,92	45,92
gedurende die vyfde jaar ondervinding	40,62	43,38	42,69	45,92	45,46	48,69	48,00	51,23
gekwalifiseerd	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Klerk, vrou, ongekwalifiseerd—								
gedurende die eerste jaar ondervinding	21,92	23,77	23,54	25,38	25,38	27,23	26,54	28,85
gedurende die tweede jaar ondervinding	24,00	26,08	25,85	27,92	27,69	29,77	29,08	31,62
gedurende die derde jaar ondervinding	26,08	28,38	28,15	30,46	30,00	32,31	31,62	34,38
gedurende die vierde jaar ondervinding	28,15	30,69	30,46	33,00	32,31	34,85	34,15	37,15
gekwalifiseerd	30,23	33,00	32,77	35,54	34,62	37,38	36,69	39,92
Lekkergoedmaker, ongekwalifiseerd—								
gedurende die eerste jaar ondervinding	22,00	24,00	24,00	26,00	26,60	29,00	27,50	30,00
gedurende die tweede jaar ondervinding	27,50	30,00	30,00	32,50	33,40	36,00	34,80	37,60
gedurende die derde jaar ondervinding	33,00	36,00	36,00	39,00	40,20	43,00	42,10	45,20
gedurende die vierde jaar ondervinding	38,50	42,00	42,00	45,50	47,00	50,00	49,40	52,80
gedurende die vyfde jaar ondervinding	44,00	48,00	48,00	52,00	53,80	57,00	56,70	60,40
gekwalifiseerd	49,50	54,00	54,00	58,50	60,50	64,00	64,00	68,00
Magasynman	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Masjienfaktotum	30,25	33,00	32,20	35,00	37,00	40,00	41,00	44,00
Onderbaas	21,30	23,25	22,50	24,50	25,60	28,00	28,40	31,00
Versendingsklerk	45,00	48,00	47,31	50,77	50,31	53,77	53,08	56,54
Voorman	70,00	74,00	71,00	75,00	72,00	76,00	73,00	77,00
Voorvrou	57,50	61,00	58,50	62,00	59,50	63,00	60,50	64,00
Wag	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00
Welsynsbeampte	40,00	43,00	43,00	46,00	46,00	49,00	48,00	51,00
Werknemer graad I, ongekwalifiseerd—								
gedurende die eerste ses maande ondervinding	20,40	22,20	21,50	23,30	24,60	26,75	27,00	29,40
gedurende die tweede ses maande ondervinding	21,40	23,30	22,60	24,60	25,70	28,00	27,90	30,40
gedurende die derde ses maande ondervinding	22,40	24,40	23,80	25,90	26,80	29,25	28,80	31,40
gekwalifiseerd	23,40	25,50	25,00	27,20	28,00	30,50	29,70	32,40
Werknemer graad II, ongekwalifiseerd—								
gedurende die eerste ses maande ondervinding	19,25	21,00	20,25	22,00	23,00	25,00	25,30	27,60
gedurende die tweede ses maande ondervinding	20,35	22,20	21,50	23,30	24,60	26,75	27,00	29,40
gekwalifiseerd	21,50	23,40	22,70	24,60	26,20	28,50	28,60	31,20
Werknemer graad III	19,00	20,70	20,20	21,85	23,00	25,00	25,30	27,60
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie	18,60	20,30	19,80	21,50	22,50	24,60	24,75	27,00

(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 wages for that day 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) the provisions of this subclause shall not apply where the difference between classes in terms of subclause (1) is based on age, experience or sex;
- (ii) unless expressly otherwise provided in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring his employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee.

(4) *Calculation of wages.*—(a) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by 45.

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

(5) *Transport allowance and expenses.*—In addition to paying any other remuneration due to—

- (a) a traveller who uses his employer's motor vehicle or who is required to travel by train or any other means of conveyance than his own, his employer shall reimburse him all the reasonable expenses incurred by him in connection with such transport in the performance of his duties, and for the purpose of this subclause the cost of overnight garaging of a motor vehicle shall be deemed to be a transport expense;
- (b) a traveller who is required to provide a motor vehicle for the performance of his duties, his employer shall pay him a transport allowance for each kilometre travelled in the performance of his duties of not less than in the case of—
 - (i) where the engine capacity of the vehicle in which the employee so travelled, does not exceed 1 300 cm³ 10c;
 - (ii) where the engine capacity of such vehicle exceeds 1 300 cm³ but not 2 500 cm³ 12c;

(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 werkgever van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon” beteken die weekloon wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word;
- (ii) waar die werkgever van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon vir dié dag 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 Werkgever wat van 'n lid van een klas van sy werknemers vereis of hom toelaat om 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, onderverdeling of geslag berus;
- (ii) tensy daar in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vastelling só uitgelê mag word dat dit 'n werkgever 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 45.

(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.

(5) *Vervoertoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig aan—

- (a) 'n handelsreisiger wat van sy werkgever se motorvoertuig gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgever hom vergoed vir alle redelike uitgawes wat hy by die uitvoering van sy pligte in verband met sodanige vervoer aangegaan het, en by die toepassing van hierdie subklousule word die koste verbonde aan die stalling van 'n motorvoertuig oornag geag 'n vervoeruitgawe te wees;
- (b) 'n handelsreisiger van wie vereis word om 'n motorvoertuig vir die uitvoering van sy pligte te verskaf moet sy werkgever hom vir elke kilometer wat hy by die uitvoering van sy pligte afgelê het, 'n vervoertoelae betaal van minstens—
 - (i) waar die enjinkapasiteit van die voertuig waarmee die werknemer aldus gereis het hoogstens 1 300 cm³ is 10c;
 - (ii) waar die enjinkapasiteit van sodanige voertuig meer as 1 300 cm³ maar hoogstens 2 500 cm³ is 12c;

- (iii) where the engine capacity of such vehicle exceeds 2 500 cm³ 14c;
- (6) *Subsistence allowance and expenses.*—In addition to paying any other remuneration due to—
- (a) a traveller who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—
- reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;
 - pay him a subsistence allowance of not less than R12 for each night where such absence extends over one or more nights;
- (b) a traveller's assistant who, accompanying a traveller on any journey undertaken by the traveller in the performance of his duties, is absent from the place of his residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—
- reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;
 - pay him a subsistence allowance of not less than R5,50 for each night where such absence extends over one or more nights;

Provided that for the purpose of the subclause the expression "night" means the period between 23h00 and 04h00.

- (7) *Payment of transport and subsistence allowances and expenses.*—(a) Any allowances and expenses payable to an employee in terms of subclauses (5) and (6) shall be paid by an employer within seven days of the employee's written claim therefor: Provided that an employee shall submit any such claims within one month of entitlement, but shall not submit more than one claim in any one week.
- (b) An employer may require his traveller to frame any claim so that it shall reflect—
- in respect of any claim in terms of subclause (5) (a), the mode of travel employed and the transport expenses incurred or the nature of any other expense for which reimbursement is claimed;
 - in respect of any claim in terms of subclause (5) (b), the distance travelled each day, the points of call and, except in municipal areas, the route followed;
 - in respect of any claim in terms of subclause (6) the times of commencement and ending of each period of absence;

and to enable him to comply with such a requirement, his employer shall, before any such journey is undertaken by such traveller, provide him with a suitable book or forms in or on which to maintain suitable records.

(8) *Night-shift allowance.*—An employee who works night-shift shall be paid no less than his daily wage plus 15 per cent: Provided that this subclause shall not apply to—

- a watchman;
- an employee whose services are required at night in connection with a cooling system or the generation of light or power; or
- an employee who normally receives a wage not less than the amount prescribed in clause 5 (9) (a) (ii).

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clauses 3 (7) and 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 15 minutes of ceasing work, on the usual pay-day of the establishment for such employee (or in the case of a shift worker at a time agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment but not later than 24 hours after the usual pay-day) or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing—

- the employer's name;

- (iii) waar die enjinkapasiteit van sodanige voertuig meer as 2 500 cm³ is 14c.
- (6) *Onderhoudstoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig aan—
- (a) 'n handelsreisiger wat op enige reis wat hy by die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—
- moet sy werkgever hom vergoed vir alle redelike uitgawes wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie aan etes en tee vir homself aangegaan het;
 - moet sy werkgever hom 'n onderhoudstoelae van minstens R12 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;
- (b) 'n handelsreisiger se assistent wat, wanneer hy 'n handelsreisiger vergesel op enige reis wat die handelsreisiger by die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—
- moet sy werkgever hom vergoed vir alle redelike uitgawes wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie aan etes en tee vir homself aangegaan het;
 - moet sy werkgever hom 'n onderhoudstoelae van minstens R5,50 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

Met dien verstande dat by die toepassing van hierdie subklousule die uitdrukking „nag” die tydperk tussen 23h00 en 04h00 beteken.

- (7) *Betaling van vervoer- en onderhoudstoelae en -uitgawes.*—
- (a) 'n Werkgever moet alle toelae en uitgawes wat ingevolge subklousules (5) en (6) aan 'n werknemer betaalbaar is, binne sewe dae nadat die werknemer dit skriftelik geëis het, aan hom betaal: Met dien verstande dat 'n werknemer elke sodanige eis binne een maand vanaf die tydstop waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as een eis in 'n week mag indien nie.
- (b) 'n Werkgever kan van sy handelsreisiger vereis om elke eis so op te stel dat dit weergee—
- in die geval van 'n eis ingevolge subklousule (5) (a), die soort vervoer en die vervoerkoste of die aard van alle ander uitgawes waarvoor hy vergoeding eis;
 - in die geval van 'n eis ingevolge subklousule (5) (b), die afstand wat hy elke dag afgelê het, die plekke wat besoek is en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;
 - in die geval van 'n eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het;

en ten einde aan so 'n vereiste te kan voldoen, moet sy werkgever, voordat sodanige reis deur sodanige handelsreisiger onderneem word, aan hom 'n geskikte boek of vorms verskaf waarin of waarop gepaste aantekeninge gehou kan word.

(8) *Nagskoftoelae.*—'n Werknemer wat nagskof werk, moet vir elke sodanige skof minstens sy dagloon plus 15 persent betaal word: Met dien verstande dat hierdie subklousule nie van toepassing is nie op—

- 'n wag;
- 'n werknemer wie se diens snags nodig is in verband met die verkoelingsinstallasie of die ontwikkeling van lig of krag; of
- 'n werknemer wat gewoonlik 'n loon ontvang van minstens die bedrag in klousule 5 (9) (a) (ii) voorgeskryf.

4. BETALING VAN BESOLDIGING

(1) *Werknemers, uitgesonderd los werknemers.*—Behoudens klousules 3 (7) en 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 15 minute nadat die werk gestaak is, op die gewone betaaldag van die bedryfsinrigting vir so 'n werknemer (of in die geval van 'n skofwerker op 'n tydstop waarvoor sodanige werkgever 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 in 'n verseëelde kovert of houer wees waarop, of wat vergesel gaan van 'n staat waarop, gemeld word—

- die werkgever se naam;

- (b) the employee's name or his number on the payroll 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;
 - (f) the employee's wage;
 - (g) the details of any other remuneration arising out of the employee's employment;
 - (h) the details of any deductions made;
 - (i) the actual amount paid to the employee; and
 - (j) the period in respect of which payment is made;
- and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that—

- (i) at the written request of an employee the amount due 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 (9) (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 his or from any shop, place or person nominated by him.

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

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

- (a) With the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or subscriptions to trade unions;
- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;
- (c) a deduction of any amount which an employer by law or order of any competent court is required or permitted to make;
- (d) whenever an employee agrees or is required in terms of the Black (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified below:

Per week Per month

	R	R
(i) Board	2,00	8,67
(ii) Lodging	1,00	4,33
(iii) Board and lodging	3,00	13,00

- (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 or railway trucks, 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 break-down of plant or machinery or because

- (b) die werknemer se naam of sy nommer op die betaalstaat en sy klas;
 - (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 klausule 8 (1) bedoel, of gedurende sy vry periode gewerk het;
 - (f) die werknemer se loon;
 - (g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
 - (h) besonderhede van enige bedrag wat afgetrek is;
 - (i) die werklike bedrag wat aan die werknemer betaal word; en
 - (j) die tydperk waarvoor die betaling geskied;
- en sodanige koevert of houër waarop hierdie inligting aangeteken is of 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 werkgever 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 klausule 5 (9) (a) van die werkbepalings uitgesluit is nie.

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

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

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

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

(6) *Aftrekkings.*—'n Werkgever 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-, siekte-, mediese, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegedel van 'n vakvereniging;
- (b) behoudens andersluidende bepalinge in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die 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 werkgever 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 Swartes (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en inwoning of kos of inwoning van sy werkgever aan te neem, 'n bedrag van hoogstens—

Per week Per maand

	R	R
(i) Kos	2,00	8,67
(ii) Inwoning	1,00	4,33
(iii) Kos en inwoning	3,00	13,00

- (e) wanneer die gewone werkure by klausule 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 tot 'n tekort aan grondstowwe of spoorwegtrokke ontstaan, geskied nie tensy die werkgever 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

the buildings are unfit for use or are in danger of becoming unfit for use, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;

- (f) with the written consent of an employee, a deduction of any amount which an employer has paid to any organisation or has undertaken to pay in respect of—
- a payment on a loan granted to such employee to acquire a house, or
 - the rent of a house or accommodation in a hostel occupied by such employee if the house or hostel is provided through the instrumentality of such organisation, wholly or partially from funds advanced for that purpose by the Department of Community Development, a local authority or a building society.

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, to work more ordinary hours of work than—

- in the case of an employee who works a six-day week—
 - 45 in any week from Monday to Saturday, inclusive; and
 - 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;
- in the case of an employee who works a five-day week—
 - 45 in any week from Monday to Friday, inclusive; and
 - subject to subparagraph (i) hereof, nine on any day.

(2) 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.

(3) *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—

- 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 Manpower, Utilisation, for his area, in writing, of such agreement, the interval may be so reduced;
- periods of work interrupted by intervals of less than one hour, except when proviso (i) or (ii) applies, shall be deemed to be continuous;
- if such interval is longer than one hour, except with proviso (vii) applies, any period in excess of one and one-quarter hours shall be deemed to be time worked;
- not more than 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;
- when in 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;
- a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purpose of this subclause not to have worked during such interval;
- such interval need not be granted to a boiler attendant or an employee employed on night shift during his ordinary hours of work, 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.

(4) *Rest intervals.*—An employer shall grant to each of his employees, other than a shift worker, a rest interval of not less than 10 minutes as nearly as practicable in the middle of each first and each second work period, and during such interval such employee shall not be required or permitted to perform any work and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(5) *Hours of work to be consecutive.*—Save as provided in subclause (3), all hours of work of an employee on any day shall be consecutive.

'n onklaarraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, 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, 'n bedrag wat 'n werkgewer aan 'n organisasie betaal het of onderneem het om te betaal ten opsigte van—
- 'n paaiement op 'n lening wat aan sodanige werknemer toegestaan is vir die verkryging van 'n huis; of
 - die huur van 'n huis of huisvesting in 'n tehuis wat sodanige werknemer bewoon indien die huis of tehuis voorsien is deur bemiddeling van sodanige organisasie uitsluitlik of gedeeltelik uit fondse wat vir daardie doel deur die Departement van Gemeenskapsbou, 'n plaaslike owerheid of 'n bougenootskap voorgeskiet is.

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

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

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

(2) 'n Werkgewer 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.

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

- 'n werkgewer 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 werkgewer die Afdelingsinspekteur, Departement van Mannekragbenutting vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;
- werktydperke wat onderbreek word deur pouses van minder as een uur, uitgesonderd waar voorbehoudsbepaling (i) of (v) van toepassing is, geag word aaneenlopend te wees;
- as sodanige pouse langer as een uur is, behalwe waar voorbehoudsbepaling (vii) van toepassing is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;
- alleenlik een sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;
- wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;
- 'n drywer van 'n motorvoertuig 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;
- sodanige pouse nie aan 'n ketelbediener of 'n werknemer of nagskof toegestaan hoef te word gedurende sy gewone werkure op 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.

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

(5) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (3), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(6) *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 in any day;
- (b) in the case of any other employee, 10 hours in any week.

(7) *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 18h00 and 06h00;
- (b) after 13h00 on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday, but so that 10 hours are not exceeded in any week;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than 60 days in any year;
- (f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—
 - (i) before midday given notice thereof to such employee; or
 - (ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or
 - (iii) paid such employee not less than 60c in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(8) *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.

(9) *Provisos.*—(a) Subclauses (1) to (8) inclusive are not applicable to—

- (i) a traveller or a traveller's assistant;
- (ii) a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage of—

(aa) not less than R600 per month in the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Pietermaritzburg, Pinetown, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria and the municipal areas of Bloemfontein, Port Elizabeth, Pretoria and Welkom;

(ab) not less than R550 per month in the Magisterial Districts of Dundee and Lower Tugela and the Municipal Areas of King William's Town, Kroonstad and Pietersburg;

(ac) not less than R500 per month in the Magisterial District of Volksrust;

(iii) a watchman whose employer grants him a free period of 24 consecutive hours in respect of every week of employment: Provided that—

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

(v) Subclauses (3), (4), (5) and (6) shall not apply to an employee while he is engaged in emergency work.

(c) Subclause (4) shall not apply to a chauffeur, a boiler attendant, a driver of a motor vehicle or a labourer accompanying such a driver of a motor vehicle on his rounds or maintaining a fire in a boiler.

6. ANNUAL LEAVE

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

(6) *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.

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

- (a) tussen 18h00 en 06h00 te werk nie;
- (b) op meer as vyf dae in 'n week na 13h00 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 tot vier uur oortyd mag werk, maar dan só 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 60c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(8) *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.

(9) *Voorbehoudsbepalings.*—(a) Subklousules (1) tot en met (8) is nie van toepassing nie op—

- (i) 'n handelsreisiger of 'n handelsreisiger se assistent;
- (ii) 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer indien en solank so 'n werknemer gereeld 'n loon ontvang van—

(aa) minstens R600 per maand in die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Pietermaritzburg, Pinetown, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria en die munisipale gebiede van Bloemfontein, Port Elizabeth, Pretoria en Welkom;

(ab) minstens R550 per maand in die landdrostdistrikte Dundee en Lower Tugela en die munisipale gebiede van King William's Town, Kroonstad en Pietersburg;

(ac) minstens R500 per maand in die landdrostdistrik van Volksrust.

(iii) 'n Wag wie se werkgewer hom 'n vry periode van minstens 24 agtereenvolgende ure in elke week diens toestaan: Met dien verstande dat—

(aa) hy geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;

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

(b) Subklousules (3), (4), (5) en (6) is nie van toepassing op 'n werknemer terwyl hy noodwerk verrig nie.

(c) Subklousule (4) is nie van toepassing op 'n chauffeur, 'n ketelbediener, 'n drywer van 'n motorvoertuig of 'n arbeider wat so 'n drywer van 'n motorvoertuig op sy rondtes vergesel of 'n vuur in 'n stoomketel stook, 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 en moet die werknemer sodanige verlof neem—

- (a) in the case of a traveller, traveller's assistant or watchman, 21 consecutive days' leave;
- (b) in the case of every other employee, 14 consecutive days' leave;
- and shall pay such employee in respect of such leave—
- (i) in the case of an employee referred to in paragraph (a), an amount of not less than three times the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced;
- (ii) in the case of an employee referred to in paragraph (b), an amount of not less than double the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced:
- Provided that for the purpose of this clause—
- (i) the weekly wage of a traveller who is employed on commission work shall be calculated by dividing the remuneration payable to him by virtue of his agreement in accordance with clause 9 (7) in respect of the 12 months immediately preceding the date of the accrual of his leave by 52, or, if he has had less than 12 months of such employment, by dividing the total remuneration so payable to him during his period of such employment by the number of completed weeks in such period;
- (ii) 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—
- (aa) sick leave granted in terms of clause 7 or with absence from work on account of incapacity as set out in clause 7 (5) (a) or (b) and totalling not more than 10 weeks in any year;
- (ab) any period during which the employee is serving notice of termination of service in terms of clause 12 or is undergoing military training or service, in terms of the Defence Act, 1957, unless the employee so requests and the employer agrees thereto in writing;
- (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 work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;
- (iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of 12 months of employment to which the period of leave relates.
- (3) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than 24 months of employment: Provided—
- (i) that the request is made by such employee not later than four months after the 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) The provisions of subclause (2) shall *mutatis mutandis* apply to the leave referred to in this subclause.
- (4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (3), shall be paid not later than the last work day before the date of commencement of the leave.
- (5) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued, shall, upon such termination and in addition to any other remuneration

- (a) in die geval van 'n handelsreisiger, 'n handelsreisiger se assistent of 'n wag, 21 agtereenvolgende dae;
- (b) in die geval van enige ander werknemer, 14 agtereenvolgende dae;
- en moet hy sodanige werknemer ten opsigte van sodanige verlof betaal—
- (i) in die geval van 'n werknemer in paragraaf (a) bedoel, 'n bedrag van minstens drie maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;
- (ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens 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—
- (i) die weekloon van 'n handelsreisiger wat kommissiewerk doen bereken word deur die besoldiging wat uit hoofde van sy ooreenkoms ingevolge klousule 9 (7) aan hom betaalbaar is ten opsigte van die 12 maande onmiddellik voor die datum waarop die verlof hom toekom, deur 52 te deel of, indien hy minder as 12 maande aldus gewerk het, deur die totale besoldiging wat aldus vir sodanige dienstydperk aan hom betaalbaar is, deur die getal voltooide weke in sodanige tydperk te deel;
- (ii) die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.
- (2) Die verlof by subklousule (1) voorgeskryf, moet verleen en geneem word op 'n tyd wat die werkgewer bepaal: Met dien verstande dat—
- (i) as sodanige verlof nie eerder toegestaan 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 werkgewer en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer moet toestaan met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;
- (ii) die tydperk van verlof nie mag saamval nie met—
- (aa) siekteverlof wat ingevolge klousule 7 toegestaan is of met afwesigheid van werk weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (5) (a) of (b) en wel tot 'n totaal van hoogstens 10 weke in enige jaar;
- (ab) enige tydperk waarin die werknemer kennisgewing van diensbeëindiging ingevolge klousule 12 uitdien of militêre opleiding of diens kragtens die Verdedigingswet, 1957, ondergaan, tensy die werknemer dit versoek en die werkgewer skriftelik daartoe instem;
- (iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;
- (iv) 'n werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan 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 werkgewer toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens oploop: Met dien verstande dat—
- (i) 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) die werkgewer 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 diensternyn van 12 maande eindig voordat die verloftydperk by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgeloop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging

which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

- (a) in the case of an employee referred to in subclause (1) (a), one fourth; and
- (b) in the case of an employee referred to in subclause (1) (b), 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: Provided further that, subject to the provisions of clause 12 (4), an employee who—

- (i) 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) leaves his employment without cause recognised by law as sufficient; or
- (iii) 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 before such leave has been granted, shall upon such termination be paid the amount he would have received in respect of the leave had the leave been granted to him as at the date of the termination.

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

- (a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;
 - (ii) on sick leave in terms of clause 7 or on account of incapacity in the circumstances set out in clause 7 (5) (a) or (b);
 - (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 terms of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

and employment shall be deemed to commence—

- (i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;
 - (ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
 - (iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.
- (8) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purpose of annual leave at any time, but not more than once in any period of 12 months, close his establishment or 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 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 portion of the establishment, as the case may be.

wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

- (a) in die geval van 'n werknemer in subklousule (1) (a) bedoel, een vierde van die weekloon; en
- (b) in die geval van 'n werknemer in subklousule (1) (b) bedoel, 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 al die dae geleentheidsverlof wat op skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan is, '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 toegestaan is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom toegestaan was.

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

- (a) enige tydperk ten opsigte waarvan 'n werkgever '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 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (5) (a) of (b);
 - (iii) op las of versoek van sy werkgever;

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

- (c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding of diens ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidings- of dienstydperk 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 werkgever 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 werkgever 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 bedryfsbehoudsbepaling van subklousule (2) daarby gevoeg moet word, saam is, nie geregtig is op die volle tydperk van die jaarlikse verlof by subklousule (1) voorgeskryf nie moet, ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgever 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. SICK LEAVE

(1) Subject to the provisions of subclause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

- (a) in the case of an employee who normally works a five-day week, not less than 20 work days; and
- (b) in the case of every 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) 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.

(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 before or the work day immediately after a Sunday or New Year's Day, Good Friday, Ascension Day, Republic Day, the Day of the Covenant or Christmas Day;

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

(3) Where, during the first cycle of 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 terms of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

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

- (b) "incapacity" means inability to work owing to any sickness or injury, other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or a scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity

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 toestaan van—

- (a) in die geval van 'n werknemer wat normaalweg vyf dae per week werk, altesaam minstens 20 werkdade; en
- (b) in die geval van enige ander werknemer, altesaam minstens 24 werkdade;

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) 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.

(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;

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, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom kan vereis om so 'n sertifikaat ten opsigte van enige 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 op 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 of diens ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidings- of dienstydsperk as diens te eis nie;

en word enige tydperk van diens by dieselfde werkgewer onmiddellik voordat hierdie Vastelling bindend geword het, by die toepassing van hierdie klousule geag diens ingevolge hierdie Vastelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk toegestaan is, geag ingevolge hierdie Vastelling toegestaan te gewees het;

- (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 Ongevalwet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk

during any period in respect of which no disablement is payable in terms of that Act.

(5) This clause is not applicable to—

- (a) an employee at whose written request the employer contributes amounts of not less than those which he himself contributes to a fund or organisation appointed by the employee and which, in case of incapacity in the circumstances set out in this clause, guarantees him the payment in the aggregate of not less than the equivalent of his wage for 20 or 24 work days, as the case may be, in each time cycle of 24 months' service, except that during the first 24 months the guaranteed payment of contributions by the employee may be reduced, but to not less than the rate set out in the first proviso to subclause (1);
- (b) any period of incapacity of an employee in respect of which the employer is obliged in terms of any other law to pay the employee not less than his full wage.

8. PUBLIC HOLIDAYS AND SUNDAYS

(1) Subject to the provisions of 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 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 New Year's Day, Republic Day, the Day of the Covenant or Christmas Day fall on a Sunday and the employee works on the Monday which follows such Sunday, his employer shall, save as provided in clause 4 (6), pay him for the week in which such a Monday falls not less than his weekly wage, plus his hourly wage for each hour or part of an hour worked by the employee in the aggregate on such day: Provided that where such an employee is required or permitted to work for less than four hours on such day he shall be deemed to have worked for four hours.

(4) Whenever an employee works on a Sunday, his employer shall either—

- (a) pay the employee—
 - (i) if he so works for a period not exceeding four hours, not less than his daily wage;
 - (ii) if he so works for a period exceeding four hours, at a rate not less than double his ordinary wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or
 - (b) pay him at a rate not less than one and one third times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within 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.
- (5) Whenever a shift worker works a shift which falls partly on any public holiday mentioned in subclause (1) or on a Sunday and partly on any other day, the whole shift shall be deemed to have been worked on the day on which the major portion of such shift falls.
- (6) The provisions of subclauses (2) to (5) shall not apply to—
- (a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (9) (a);
 - (b) a casual employee or a watchman.

9. PIECE-WORK AND COMMISSION WORK

(1) An employer may, after at least one week's notice to his employee, other than a traveller, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that,

ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(5) Hierdie klousule is nie van toepassing nie—

- (a) op 'n werknemer op wie se skriftelike versoek sy werkgever bydraes maak wat minstens gelyk is aan dié wat hy self maak aan 'n fonds of organisasie deur die werknemer benoem en wat aan hom in geval van ongeskiktheid in die omstandighede in hierdie klousule uiteengesit die betaling waarborg van altesaam minstens die ekwivalent van sy loon vir 20 of 24 werkdade, na gelang van die geval, in elke tydkring van 24 maande diens, behalwe dat die gewaarborgde koers gedurende die eerste 24 maande van betaling van bydraes deur die werknemer verminder kan word, maar tot minstens die aanwaskoers in die eerste voorbehoudsbepaling van subklousule (1) uiteengesit;
- (b) ten opsigte van enige tydperk van ongeskiktheid van 'n werknemer ten opsigte waarvan daar by enige ander wet van die werkgever vereis word om aan die werknemer minstens sy volle loon te betaal.

8. OPENBARE VAKANSIEDAE EN SONDAE

(1) Behoudens klousules 4 (6) en 6 (2), moet 'n werkgever 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 werkgever hom, behoudens klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of gedeelte van 'n uur wat die werknemer altesaam 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 Nuwejaarsdag, Republiekdag, Geloftedag of Kersdag op 'n Sondag val en die werknemer werk op die Maandag wat op sodanige Sondag volg, moet sy werkgever hom, behoudens klousule 4 (6) vir die week waarin so 'n Maandag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op so 'n dag gewerk het: Met dien verstande dat waar daar van sodanige werknemer vereis word of hy toegelaat word om minder as vier uur op so 'n dag te werk, daar geag word dat hy vier uur gewerk het.

(4) Wanneer 'n werknemer 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 toestaan 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.
- (5) Wanneer 'n skofwerker '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 is op die dag waarop die grootste gedeelte van sodanige skof val.
- (6) Subklousule (2) tot (5) is nie van toepassing nie—
- (a) op 'n werknemer wat ingevolge klousule 5 (9) van die werkurebepalings uitgesluit is;
 - (b) op 'n los werknemer of 'n wag.

9. STUKWERK EN KOMMISSIEWERK

(1) 'n Werkgever kan, nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, 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

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.

(5) A traveller who by agreement with his employer undertakes commission work shall be supplied by his employer, before such work is commenced, with a true copy of the agreement or a statement setting out the terms of the agreement, which shall include—

(a) the weekly or monthly wage payable to the traveller, where such wage is higher than that prescribed in clause 3 (1) for such traveller, and the rate or rates of the commission and the conditions of entitlement thereto;

(b) the day of the week or month on which commission earned is due and payable;

(c) the area in which the traveller is required or permitted to work;

(d) the type, description, number, quantity or value of orders (individual, weekly, monthly or otherwise) which the employer is from time to time prepared to accept; and

(e) the day of payment of commission in respect of orders accepted by the employer before termination of the contract of employment: Provided that such day of payment shall be not later than the last work day of the month succeeding the month during which employment was terminated.

(6) The terms of the agreement referred to in subclause (5) shall be financially not less favourable to the traveller than the relevant terms of this Determination: Provided that the remuneration of a traveller on commission work shall be payable on the day stipulated in the agreement, and in this respect the provisions of clause 4 (1) shall not apply to such payment.

(7) Save as provided in clause 4 (6), an employer shall pay to his traveller who is employed on commission work remuneration at not less than the rate agreed upon between them: Provided that, irrespective of the number or value of orders accepted by the employer, the remuneration of such traveller in respect of any period shall be not less than that which would be due to him for that period in terms of clause 3 (1).

(8) An employer or a traveller who intends to cancel or to negotiate for an alteration of an agreement in regard to commission work, shall give written notice of such intention and the period of such notice shall be not less than that required to terminate the contract of employment of such traveller in terms of clause 12.

10. PROPORTION OR RATIO

(1) An employer shall not employ an assistant foreman, assistant forewoman, assistant storeman or assistant despatch clerk unless he has in his employ a foreman, storeman or despatch clerk, respectively.

(2) An employer shall not employ a group leader unless he has in his employ a foreman or a forewoman.

(3) An employer shall not employ an unqualified clerk or sweetmaker unless he has in his employ a qualified clerk or sweetmaker, respectively, and for each qualified clerk or sweetmaker in his em-

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 Werkgewer moet 'n lys van die besoldiging in subklousule (1) bedoel, op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgewer 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 werkgewer en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgewer nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

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

(5) 'n Handelsreisiger wat volgens 'n ooreenkoms met sy werkgewer kommissiewerk onderneem, moet, voordat sodanige werk begin, deur sy werkgewer voorsien word van 'n juiste kopie van die ooreenkoms of 'n verklaring wat die bepalings van die ooreenkoms bevat en wat moet insluit—

(a) die week- of maandloon aan die handelsreisiger betaalbaar indien sodanige loon hoër is as dié wat by klousule 3 (1) vir so 'n handelsreisiger voorgeskryf word, asook die kommissietarief of -tariewe en die voorwaardes waarop hy die reg daarop verkry;

(b) die dag van die week of maand waarop die verdiende kommissie verskuldig en betaalbaar is;

(c) die gebied waarin daar van die handelsreisiger vereis word of hy toegelaat word om te werk;

(d) die tipe, beskrywing, getal, hoeveelheid of waarde van die bestellings (individueel, weekliks, maandeliks of hoe ook al) wat die werkgewer van tyd tot tyd bereid is om te aanvaar; en

(e) die dag waarop die kommissie op bestellings wat die werkgewer voor die beëindiging van die dienskontrak aanvaar het, betaal moet word: Met dien verstande dat sodanige betaaldag uiterlik die laaste werkdag moet wees van die maand wat volg op die maand waarin die diens beëindig is.

(6) Die bepalings van die ooreenkoms in subklousule (5) bedoel, mag vir die handelsreisiger geldelik nie minder voordelig wees nie as die betrokke bepalings van hierdie Vasstelling: Met dien verstande dat die besoldiging van 'n handelsreisiger wat kommissiewerk verrig, betaalbaar is op die dag wat in die ooreenkoms bepaal word, en in hierdie opsig is klousule 4 (1) nie op sodanige betaling van toepassing nie.

(7) Behoudens klousule 4 (6), moet 'n werkgewer sy handelsreisiger wat kommissiewerk onderneem minstens die besoldiging betaal waarop hulle ooreengekom het: Met dien verstande dat, ongeag die getal of waarde van die bestellings wat die werkgewer aanvaar, die besoldiging van so 'n handelsreisiger vir elke tydperk nie minder mag wees nie as dié wat ingevolge klousule 3 (1) vir daardie tydperk aan hom verskuldig sou wees.

(8) 'n Werkgewer of 'n handelsreisiger wat voornemens is om 'n ooreenkoms in verband met kommissiewerk op te sê of oor 'n wysiging daarvan te onderhandel, moet van sodanige voorneme skriftelik kennis gee en die termyn van sodanige kennisgewing mag nie korter wees nie as dié wat by klousule 12 vir die beëindiging van die dienskontrak van so 'n handelsreisiger vereis word.

10. GETALVERHOUDING

(1) 'n Werkgewer mag nie 'n assistent-voorman, assistent-voorvrou, assistent-magasyman of assistent-versendingsklerk in diens neem nie, tensy hy onderskeidelik 'n voorman, voorvrou, 'n magasyman of 'n versendingsklerk in diens het.

(2) 'n Werkgewer mag nie 'n groepleier in diens neem nie, tensy hy 'n voorman of 'n voorvrou in diens het.

(3) 'n Werkgewer mag nie 'n ongekwalifiseerde klerk of lekker-goedmaker in diens neem nie, tensy hy onderskeidelik 'n gekwalifiseerde klerk of lekker-goedmaker in diens het, en vir elke gekwalifiseerde klerk of lekker-goedmaker in sy diens mag hy

ploy he shall not employ more than one unqualified clerk or sweetmaker, respectively.

- (4) (a) An employer shall not employ an unqualified Grade I employee unless he has in his employ a qualified Grade I employee and for each qualified Grade I employee in his employ he shall not employ more than one unqualified Grade I employee;
- (b) An employer shall not employ an unqualified Grade II employee unless he has in his employ a qualified Grade I employee or Grade II employee and for each qualified Grade I employee or Grade II employee in his employ he shall not employ more than one unqualified Grade II employee.
- (5) Nothing in this clause shall be so construed as to permit of the employment of both an unqualified Grade I employee and an unqualified Grade II employee for the same qualified Grade I employee.
- (6) For the purpose of this clause—
 - (a) an employer or a manager who is wholly or mainly engaged in the work of a particular class of employee may be deemed to be a qualified employee in such class;
 - (b) an unqualified employee who is receiving a wage of not less than the wage prescribed for a qualified employee of his class and area may be deemed to be a qualified employee in that class.
- (7) This clause shall apply separately to each establishment.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such uniform, overall or protective clothing, in which event the employer shall pay such employee an allowance of not less than 40 cents every week.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

- (1) An employer or his employee, other than a casual employee, who desires to terminate the contract of employment, shall give—
 - (a) during the first four weeks of employment, not less than one work day's,
 - (b) after the first four weeks of employment, not less than one week's,
 - (c) in the case of an employee paid monthly, after the first four weeks of employment, two weeks;
 notice of termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than—
 - (i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;
 - (ii) in the case of one week's notice, the weekly wage which the employee is receiving at the time of such termination;
 - (iii) in the case of two weeks' notice, double 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".

onderskeidelik hoogstens een ongekwalifiseerde klerk of lekker-goedmaker in diens neem.

- (4) (a) 'n Werkgewer mag nie 'n ongekwalifiseerde werknemer graad I in diens neem nie, tensy hy 'n gekwalifiseerde werknemer graad I in diens het, en vir elke gekwalifiseerde werknemer graad I in sy diens mag hy hoogstens een ongekwalifiseerde werknemer graad I in diens neem.
- (b) 'n Werkgewer mag nie 'n ongekwalifiseerde werknemer graad II in diens neem nie, tensy hy 'n gekwalifiseerde werknemer graad I of werknemer graad II in diens het, en vir elke gekwalifiseerde werknemer graad I of werknemer graad II in sy diens mag hy hoogstens een ongekwalifiseerde werknemer graad II in diens neem.
- (5) Niks in hierdie klousule moet so uitgelê word dat dit die indiensneming van beide 'n ongekwalifiseerde werknemer graad I en 'n ongekwalifiseerde werknemer graad II vir dieselfde gekwalifiseerde werknemer graad I toelaat nie.
- (6) By die toepassing van hierdie klousule—
 - (a) kan 'n werkgever of bestuurder wat uitsluitlik of hoofsaaklik die werk van 'n besondere klas werknemer verrig, 'n gekwalifiseerde werknemer in sodanige klas geag word;
 - (b) kan 'n ongekwalifiseerde werknemer wat 'n loon ontvang van minstens die bedrag voorgeskryf vir 'n gekwalifiseerde werknemer van sy klas en gebied, 'n gekwalifiseerde werknemer in daardie klas geag word.
- (7) Hierdie klousule is afsonderlik op elke bedryfsinrigting van toepassing.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgever: Met dien verstande dat 'n werkgever van 'n werknemer kan vereis om sodanige uniform, oorpak of beskermende klere te was of te was en stryk en in so 'n geval moet die werkgever so 'n werknemer 'n toelae van minstens 40 sent per week betaal.

12. BEÏNDIGING VAN DIENSKONTRAK

- (1) 'n Werkgewer of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig, moet—
 - (a) gedurende die eerste vier weke diens, minstens een werkdag;
 - (b) na die eerste vier weke diens, minstens een week;
 - (c) in die geval van 'n werknemer wat maandeliks betaal word, na die eerste vier weke diens, twee weke;
 vooraf kennis van die beëindiging van die kontrak gee of 'n werkgever of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgever, 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;
 - (iii) in die geval van twee weke kennisgewing, minstens dubbel die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
 Met dien verstande dat—
 - (i) die reg van 'n werkgever of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;
 - (ii) 'n skriftelike ooreenkoms tussen 'n werkgever 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 werkgever 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) If 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 work day. Provided that—

(i) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training which an employee is undergoing in terms 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 or owing to incapacity in the circumstances set out in clause 7 (5) (a) or (b) and which does not exceed 10 weeks in the aggregate in any year.

(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 when an employer in this manner appropriates to himself an amount in lieu of notice, the employee shall, for the purposes of clause 6 (5), be deemed to have paid the employer in lieu of notice.

13. PROHIBITION OF EMPLOYMENT

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

14. 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 following form, 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 wage of the employee on the date of such termination.

CERTIFICATE OF SERVICE

I/We (a)
 carrying on trade in the Sweet 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
 R. per week/month.

.....
 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, Grade II employee, labourer.

15. LOG-BOOK

(1) An employer shall provide his driver of a motor vehicle or his part-time driver of a motor vehicle with a log-book as nearly as practicable in the following form:

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

(ii) daar nie kennis gegee mag word gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 of weens ongeskiktheid in die omstandighede in klousule 7 (5) (a) of (b) uiteengesit wat altesaam hoogstens 10 weke in 'n jaar beloop nie.

(4) Ondanks andersluidende bepalings 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 toegeëin 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. VERBOD OP INDIENSNEMING

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

14. 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 in die volgende vorm is en waarin die volle name van die werkgewer en die werknemer, die klas van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die loon van die werknemer op die datum van sodanige beëindiging vermeld word.

DIENSSERTIFIKAAT

Ek/Ons (a)
 wat die Lekkergoednywerheid 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 R. per week/maand.

.....
 (Handtekening van werkgewer of gemagtigde
 verteenwoordiger)

Datum 19.....

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

15. LOGBOEK

(1) 'n Werkgewer moet sy drywer van 'n motorvoertuig of sy deeltydse drywer van 'n motorvoertuig voorsien van 'n logboek wat sover doenlik die volgende vorm het:

DAAGLIKSE LOG

Naam van werkgever

Naam van drywer van motorvoertuig.....

Datum

Tyd waarop werk begin het

Tyd waarop werk gestaak is.....

Getal ure gewerk.....

Etenstye van tot

Besonderhede omtrent enige ongeluk of vertraging

(Handtekening van drywer van
motorvoertuig)

Datum 19.....

(2) Elke drywer van 'n motorvoertuig moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne 24 uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgever indien.

(3) Elke werkgewer moet die kopie van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, drie jaar lank na sodanige indiening bewaar.

Kennisgewing.—Kragtens artikel 18 van die Loonwet, 1957, vervang die Loonvasstelling in bostaande Bylae, Loonvasstelling 321, gepubliseer by Goewermentskennisgewing R.1988 van 13 November 1970, soos gewysig by Goewermentskennisgewing R.2004 van 24 Oktober 1975.

R.661]

[11 April 1980

**FACTORIES, MACHINERY AND BUILDING
WORK ACT, 1941****SWEET MANUFACTURING INDUSTRY, CERTAIN
AREAS**

I, STEPHANUS PETRUS BOTHA, Minister of Manpower Utilisation, 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 Sweet Manufacturing Industry, Certain Areas, published under Government Notice R.660 of 11 April 1980, 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.

S. P. BOTHA
Minister of Manpower Utilisation

R.661]

[11 April 1980

**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941****LEKKERGOEDNYWERHEID, SEKERE GEBIEDE**

Ek, STEPHANUS PETRUS BOTHA, Minister van Mannekragbenutting, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, dat die bepalings van die Loonvasstelling vir die Lekkergoednywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R.660 van 11 April 1980, oor die algemeen vir die werknemers wie se werkure en besoldiging ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, nie minder gunstig is nie as die desbetreffende bepalings van genoemde Wet.

S. P. BOTHA
Minister van Mannekragbenutting

CONTENTS**Department of Manpower Utilization****GENERAL NOTICES**

No.		PAGE
R.660	Wage Act, 1957: Wage Determination 389—Sweet Manufacturing Industry, Certain Areas	1
R.661	Factories, Machinery and Building Work Act, 1941: Sweet Manufacturing Industry, Certain Areas	26

INHOUD**Departement van Mannekragbenutting****ALGEMENE KENNISGEWINGS**

No.		BLADSY
R.660	Loonwet 1957: Loonvasstelling 389—Lekkergoednywerheid, Sekere Gebiede	1
R.661	Wet op Fabriek, Masjinerie en Bouwerk, 1941: Lekkergoednywerheid, Sekere Gebiede	26