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GOVERNMENT NOTICES

DEPARTMENT OF MANPOWER
UTILISATION

No. R.1083]

[30 May 1980

WAGE ACT, 1957

WAGE DETERMINATION 398

UNSKILLED LABOUR (LOCAL AUTHORITIES),
CAPE PENINSULA AND SURROUNDING 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 Unskilled Labour (Local Authorities), Cape Peninsula and Surrounding 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 THE DETERMINATION

This Determination shall apply to all employees who are employed by local authorities, other than the City Council of Cape Town, the Divisional Council of the Cape, the Divisional Council of Stellenbosch and the Municipality of Franschhoek, in the areas comprising the Magisterial Districts of Bellville, The Cape, Goodwood, Kuils River, Paarl, Simonstown and Wynberg, and who perform unskilled labour, and to the employers of such employees.

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN
MANNEKRAGBENUTTING

No. R.1083]

[30 Mei 1980

LOONWET, 1957

LOONVASSTELLING 398

ONGESKOOLDE ARBEID (PLAASLIKE
OWERHEDE), KAAPSE SKIEREILAND EN
OMLIGGENDE 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 Ongeskoolde Arbeid (Plaaslike Owerhede), Kaapse Skiereiland en Omliggende 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 wat in diens is by en wat ongeskoolde arbeid verrig vir plaaslike owerhede, uitgesonderd die Stadsraad van Kaapstad, die Afdelingsraad van die Kaap, die Afdelingsraad van Stellenbosch en die Munisipaliteit van Franschhoek, in die gebiede bestaande uit die landdrosdistrikte Bellville, Die Kaap, Goodwood, Kuilsrivier, Paarl, Simonstad en Wynberg, en op die werkgewers van sodanige werknemers.

2. DEFINITIONS

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

- (i) "continuous process worker" means an employee who is engaged in any activity which in terms of section 19 (1) (a) of the Factories, Machinery and Building Work Act, 1941, has been declared to be an activity in respect of which continuous working by means of three consecutive shifts a day on seven days per week is necessary; (iv)
- (ii) "daily employee" means an employee who is employed by the day; (ii)
- (iii) "day" in respect of a continuous process worker or an employee employed to clean premises means a period of 24 consecutive hours reckoned from the time such an employee commences work, and, in respect of any other employee, a period of 24 consecutive hours commencing at 24h00; (iii)
- (iv) "emergency work" means—
 - (a) any work which, owing to unforeseen circumstances such as fire, storm, accident, act of violence, epidemic or theft must be done without delay;
 - (b) any work which has to be done for the maintenance or provision of light, power or water or telephone, public health, sanitary, cleansing, public transport, or airport services;
 - (c) any work necessitated by a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings;
 - (d) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary hours of work;
 - (e) any work in connection with the loading or unloading of—
 - (aa) ships or of trucks or vehicles of the South African Railways and Harbours;
 - (ab) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours; (vii)
- (v) "establishment" means any premises in or in connection with which one or more employees are employed on unskilled labour by a local authority; (i)
- (vi) "law" includes the common law. (xiv)
- (vii) "local authorities" means divisional councils, city councils, municipal 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 Republic of South Africa Constitution Act, 1961 (Act 32 of 1961); (x)
- (viii) "overtime" means that portion of any period which an employee works for his employer during any week or on any day, as the case may be and which is in excess of the respective ordinary hours of work prescribed for such employee in clause 5 (1), (2), (3), (4) or (5), but does not include any period during which an employee—
 - (a) whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday;
 - (b) whose ordinary hours of work are prescribed in clause 5 (2), works for his employer during his free period; (ix)
- (ix) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (xii)
- (x) "shift worker" means an employee who is engaged on shift work in an establishment in which two or three consecutive shifts per day on five or six days a week are worked; (xi)
- (xi) "short-time" means a temporary reduction in the number of ordinary hours of work owing to the vagaries of the weather, a shortage of raw materials or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (v)
- (xii) "unskilled labour" means, without in any way limiting the ordinary meaning of the expression:
 - (1) Affixing labels to or marking, branding, stamping, or stencilling articles or containers or perforating labels; (28)
 - (2) affixing stamps to letters, parcels or other articles; (67)
 - (3) applying cement or lime mortar to walls by hand, with bag, glove or other similar means; (78)
 - (4) assisting an artisan, other than by independently using the tools of his trade; (86)
 - (5) attending to haulage, other than mechanical haulage (winch driving), including signalling; (84)
 - (6) bending or breaking up by means of hammers, saws, chisels, crowbars or spanners, any scrap metal, machine, wreck, vehicle or bridge; or bending or cutting under supervision by means of a blowlamp; (27)
 - (7) burning fire-breaks or extinguishing veld or bush fires under supervision; (57)

2. WOORDOMSKRYWING

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

- (i) „bedryfsinrigting” enige perseel waarop of in verband waarmee een of meer werknemers by 'n plaaslike owerheid ongeskoolde arbeid verrig; (v)
- (ii) „daaglikse werknemer” 'n werknemer wat by die dag in diens is; (ii)
- (iii) „dag” met betrekking tot 'n deurlopendeproseswerker of 'n werknemer wat diens verrig by die skoonmaak van persele, 'n tydperk van 24 agtereenvolgende ure gereken vanaf die tyd waarop sodanige werknemer met sy werk begin, en, met betrekking tot enige ander werknemer, 'n tydperk van 24 agtereenvolgende ure wat om 24h00 begin; (iii)
- (iv) „deurlopendeproseswerker” 'n werknemer wat werksaam is in 'n bedrywigheid wat ingevolge artikel 19 (1) (a) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, verklaar is tot 'n bedrywigheid ten opsigte waarvan daar deur middel van drie skofte per dag op sewe dae van die week deurlopend gewerk moet word; (i)
- (v) „korttyd” 'n tydelike vermindering van die getal gewone werkure weens die wisselvalligheid van die weer, 'n tekort aan grondstowwe, of 'n algemene onklaarraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word;
- (vi) „loon” die geldbedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klousule 5 voorgeskryf: Met dien verstande—
 - (i) dat, as 'n werkgever 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié by klousule 3 (1) voorgeskryf dit sodanige hoër bedrag beteken;
 - (ii) dat die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie;
- (vii) „noodwerk”—
 - (a) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, gewelddaad, epidemie of diefstal sonder versuim gedoen moet word;
 - (b) enige werk wat gedoen moet word vir die instandhouding of verskaffing van lig, krag of water of van telefoon-, openbare gesondheids-, sanitêre-, reinigings-, openbare vervoer-, of lughawediens; (iv)
 - (c) enige werk wat genoodsaak word deur die algemene onklaarraking van installasie of masjinerie of ten gevolge van die feit dat die geboue onbruikbaar is of dreig om dit te word;
 - (d) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende die gewone werkure verrig kan word nie;
 - (e) enige werk in verband met die laai of aflaai van—
 - (aa) skepe of van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;
 - (ab) voertuie wat deur 'n vervoerkontraakteur gebruik word in die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Spoorweë en Hawens; (iv)
- (viii) „ongeskoolde arbeid”, sonder om die gewone betekenis van die uitdrukking enigins te beperk:
 - (1) Afval, huide of velle skoonmaak of sorteer; (15)
 - (2) Artikels van gelyke grootte en getal in houers verpak wat spesiaal gemaak is om sodanige artikels te bevat; (63)
 - (3) artikels, pakkette, leë bottels, sakke of ander houers sorteer, vasbind of toedraai of ou metaal, afvalglas of afvalpapier sorteer of bymekaarmaak; (87)
 - (4) artikels, geboue of uitrusting met die hand teer; (92)
 - (5) asfalt met sand, gruis, klei of gebreekte klip met die hand meng, of gemengde asfalt met skopgrawe, harke, vurke of met kruiwaens versprei, of asfalt met pype of kanne spreid, of asfalt vaststamp; (53)
 - (6) baalperse of ander perse met die hand bedien of draad, hoepels, toue of metaalbande om kiste, sakke, vesel of bale sit of vasmaak; (61)
 - (7) bakstene, klippe of beton met hamers, troffels of ander nie-kragaangedrewe gereedskap skoonmaak of afvlak; (13)
 - (8) batterye afhaal, byvul of terugsit; (75)
 - (9) bene stukkend kap, vet opsnij of uitbraai, of vet deur masjiene stuur; (10)
 - (10) beton-, staal- of ander pype in posisie neerlê, verskuif of regsit; (68)

(8) carrying, lifting, pulling, pushing, hauling, packing, stacking, rolling or moving any article, vehicle or container whether in or on the workshop, storeroom, shed, premises, vehicle or railway truck, other than by the use of power equipment; burying any article; (22)

(9) checking, keeping tally or stacking of bags; (56)

(10) chopping bones, cutting up or melting fat or putting fat through machines; (9)

(11) chopping up wood or other material; sawing firewood by means of a hand saw; (36)

(12) cleaning blockages of power station screens or culverts; cleaning drains or sewerage systems under supervision; (88)

(13) cleaning or levelling bricks, stones or concrete by means of hammers, trowels or other non-power-driven tools; (7)

(14) cleaning animals or washing carcasses; (21)

(15) cleaning or sorting offal, hides or skins; (1)

(16) cleaning sausage casings; (97)

(17) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, tanks, containers or other articles, including polishing furniture, floors or vehicles or brushing carpets; (64)

(18) collecting samples of rock or stone; (73)

(19) connecting or disconnecting, screwing or unscrewing pipes; (69)

(20) cooking rations or making tea or similar beverages for, or serving it to, employees or making tea or other refreshments for or serving it to, employers or their guests; (72)

(21) coupling or uncoupling cocopans; laying or bolting or unbolting tracks; (44)

(22) covering with or removing tarpaulins; (12)

(23) cutting or threading pipes under supervision; (70)

(24) cutting wire, rope or hessian by hand; (23)

(25) de-horning carcasses; (19)

(26) delivering or conveying messages, parcels, letters or goods on foot or by means of a bicycle, tricycle or manually propelled vehicle; (13)

(27) destruction of vermin under supervision; (60)

(28) drilling by hand; (51)

(29) driving animal-drawn vehicles; (93)

(30) erecting or hanging out road signs or putting up warning lamps; (63)

(31) erecting scaffolding under supervision; (82)

(32) feeding or tapping from processing vats, tanks or other containers by hand; (68)

(33) feeding or taking off from conveyor belts, machines, hoppers, platforms or tanks; (89)

(34) filling fuel tanks, draining or filling oil sumps; (15)

(35) gardening i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation, or planting under supervision; (85)

(36) guarding premises or property; (65)

(37) harnessing or unharnessing animals; (20)

(38) heating metal, vats, tanks, pipes, drums or other containers by steam; (50)

(39) hoisting or dragging carcasses, otherwise than by means of power-driven mechanical appliances; (40)

(40) killing plucking or cleaning poultry or cleaning fish; (66)

(41) laying or tamping rail track ballast or handling rails or sleepers in connection with the maintenance of railway tracks to power stations; (79)

(42) laying out or affixing wire, other than electric wire; (24)

(43) lighting fuses under supervision; (49)

(44) limewashing, cleaning or disinfecting compounds, latrines, stables or outbuildings or applying cleansing or disinfecting substances to night soil containers; (39)

(45) loading or unloading; (47)

(46) loosening, excavating, braking or spreading stone, gravel, soil, clay, sand or other raw materials; shovelling, digging trenches, holes or foundations or performing other excavation work by hand; digging out tree stumps; (43)

(47) loosening, demolishing or breaking up walls under supervision; (54)

(48) loosening or taking down planks, beams or other kinds of timbering, roof tiling, corrugated iron sheets, asbestos sheeting or other roofing material, or removing nails therefrom, under supervision; (58)

(49) making or maintaining fires, whether in hearths, ovens or any other fire-place; removing refuse or ashes; sorting out cinders; (95)

(50) mending, cleaning or shaking out bags; cutting bags by hand or machine; (76)

(51) minding, cleaning, driving, feeding or in any other way tending livestock; (48)

(52) minding a conveyor or tripper; (90)

(53) mixing asphalt with sand, gravel, clay or crushed stone by

(11) bokke, kratte of kiste met die hand herstel; (78)

(12) bokseile oorgooi of afhaal; (22)

(13) boodskappe, pakkette, briewe of goedere te voet of per trapfiets, driewieler of handvoertuig aflewer of vervoer; (26)

(14) bottels of soortgelyke houers in kragaangedrewe masjiene plaas of daaruit neem; etikette van bottels, kiste of ander artikels met die hand verwyder of etikette daarop plak; etikette aan kragaangedrewe etiketteermasjiene voer; (66)

(15) brandstoftens volmaak; oliebakke leegtap of volmaak; (34)

(16) briewe, omsendbriewe, dokumente, biljette, advertensies of ander skriftelike, gedrukte, getikte of afgerolde dokumente in koeverte plaas of in pakkies opmaak; (67)

(17) briewe, pakkette, bottels, vate, kiste, blikke, platkissies, kartonne, konkas, sakke, bale of enige ander houer oopmaak, toemaak, volmaak of leegmaak; spoorwegwaens oop- of toemaak; (60)

(18) deure of vensters oop- of toemaak; (58)

(19) die horings van karkasse verwyder; (25)

(20) diere in- of uitspan; (37)

(21) diere skoonmaak of karkasse afwas; (14)

(22) dra, oplik, sleep, stoot, trek, verpak, opstapel, rol of verskuif van enige artikel, voertuig of houer, hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwa, behalwe deur die gebruik van kraguitrusting; enige artikel begrawe; (8)

(23) draad, tou of goingsak met die hand sny; (24)

(24) draad, behalwe elektriese draad, reg neerlê of vasmaak; (42)

(25) drade op- of afrol, in posisie lê, sleep of trek; (97)

(26) dryfrieme afhaal of terugsit; (76)

(27) enige ou metaal, masjien, wrak, voertuig of brug met hamers, sae, beitels, koevoete of skroefslutels buig of opbreek, of onder toesig met blaaslamp buig of sny; (6)

(28) etikette op artikels of houers plak of dit merk, brandmerk, stempel of sjabloneer, of etikette perforeer; (1)

(29) filterperse oop- of toemaak of filterdoeke verwyder of vervang; (59)

(30) gistowwe onder toesig spuit, sprei of aanwend; (88)

(31) goedere volgens vooraf bepaalde massa by herhaling massameet of goedere volgens vooraf bepaalde maat by herhaling meet; (79)

(32) going of jute met die hand pluig; (93)

(33) graan met gawe of skoppe oopsprei of omkeer; (89)

(34) groente, vrugte, pluimvee, blomme of ander plaasprodukte sorteer of verpak; (85)

(35) handdoeke, seep of toiletpapier vervang; (80)

(36) hout of ander materiaal fynkap; brandhout met 'n handsaag saag; (11)

(37) 'n hystoestel, goederehysbak, handpomp, kragboor, afrolmasjien, domkrag, windas, gangspil, naaimasjien of smids-blaasbalk bedien; (62)

(38) kables in posisie trek, kabelslote toegooi of die grondoppervlakte herstel deur die opvulwerk vas te stamp of te rol; (69)

(39) kampongs, latrines, stalle of buitegeboue afwit, skoonmaak of ontsmet, of reinigings- of ontsmettingsmiddels aan houers van nagvuil aanwend; (44)

(40) karkasse ophys of sleep op 'n ander manier as deur middel van meganiese kragtoestelle; (39)

(41) karkasse sorteer of stempel; (86)

(42) klaargemaakte karton- of veselborddose of soortgelyke houers met die hand opstel of uitmekaar haal of papier met die hand vou; (83)

(43) klip, gruis, grond, klei, sand of ander grondstowwe losmaak, uithaal, breek of strooi; met 'n skopgraaf skep, slote, gate of fondamente gawe of ander uitgrawingswerk met die hand verrig; boomstompe uitgrawe; (46)

(44) koekepanne koppel of ontkoppel; spore lê of vas- of losbout; (21)

(45) konkas, verf, of skoorstene onder toesig verf; (64)

(46) kruiwaens, trolles, waentjies of ander handvoertuie trek of stoot; (70)

(47) laai of aflaa; (45)

(48) lewende hawe oppas, skoonmaak, aanjaag, voer of op enige ander wyse versorg; (51)

(49) lonte onder toesig aansteek; (43)

(50) metaalvate, tenks, pype, konkas of ander houers met stoom verhit; (38)

(51) met die hand boor; (28)

(52) met die hand omroer of meng; (90)

(53) met die hand sif; (84)

(54) mure onder toesig losmaak, afbreek of opbreek; (47)

(55) nagemmers verwyder, leegmaak, skoonmaak of vervang; (74)

hand, or spreading mixed asphalt by means of shovels, rakes, forks or wheelbarrows, or spreading asphalt with pipes or cans or ramming asphalt; (5)

(54) moving, placing, dragging or lifting pipes or poles; driving in or planting poles; (71)

(55) oiling or greasing vehicles or machinery, but not electric generating machinery or motor vehicles; (94)

(56) opening or closing coal chutes; (81)

(57) opening or closing cocks or valves or adjusting machine levers under supervision; (59)

(58) opening or closing doors or windows; (18)

(59) opening or closing filter presses or removing or changing filter cloths; (29)

(60) opening, closing filling or emptying letters, parcels, bottles, casks, boxes, tins, trays, cartons, drums, bags, bales or any other container; opening or closing railway trucks; (17)

(61) operating bailing presses or other presses by hand or placing or securing wire hoops, ropes or metal bands around boxes, bags, fibre of bales; (6)

(62) operating a hoist, goods lift, hand-pump, power drill, duplicating machine, jack, winch, capstan, sewing machine or forge bellows; (37)

(63) packing articles of uniform size and number in containers specially made to contain such articles; (2)

(64) painting drums, or painting chimneys under supervision; (45)

(65) painting traffic signs or street lines by hand; marking playing fields with lime or paint; (87)

(66) placing bottles or similar containers in power-driven machines or taking therefrom; removing labels from bottles, boxes or other articles by hand or affixing labels thereto; feeding labels to power-driven labelling machines; (14)

(67) placing letters, circulars, documents, handbills, advertisements or other written, printed, typed or roneoed documents in envelopes or making them up into bundles; (16)

(68) placing, moving or arranging concrete, steel or other pipes into position; (10)

(69) pulling cables into position, filling in cable trenches or reinstating ground surface by stamping or rolling filling; (38)

(70) pulling or pushing wheelbarrows, trolleys, barrows or other manually propelled vehicles; (46)

(71) pumping, washing or screening sand or gravel by hand; (75)

(72) ramming or stamping cement or concrete in moulds or ramming concrete in foundations, bolting or otherwise securing parts of or dismantling moulds for cement or concrete products; (77)

(73) removing impurities from hessian or jute by hand; (61)

(74) removing, emptying, cleaning or replacing sanitary pails; (55)

(75) removing, topping up or replacing batteries; (8)

(76) removing or replacing belts; (26)

(77) removing, replacing, changing or inflating wheels or tyres or tubes of motor vehicles, bicycles or wheelbarrows or repairing tubes; (96)

(78) repairing trestles, crates or boxes by hand; (11)

(79) repetitive mass measuring of goods to a predetermined mass or repetitive measuring of goods to a set measure; (31)

(80) replacing towels, soap or toilet paper; (35)

(81) salting meat, skins or hides; (92)

(82) sawing meat or bones by means of a hand saw; (91)

(83) setting up or taking apart ready-made cardboard or fibreboard boxes or similar containers or folding paper by hand; (42)

(84) sieving by hand; (53)

(85) sorting or packing vegetables, fruit, poultry, flowers or other farm produce; (34)

(86) sorting or stamping carcasses; (41)

(87) sorting, tying or wrapping articles, parcels, empty bottles, bags or other containers or sorting or collecting scrap metal, waste glass or waste paper; (3)

(88) spraying, spreading or applying toxins under supervision; (30)

(89) spreading or turning over grain by means of spades or shovels; (33)

(90) stirring or mixing by hand; (52)

(91) sweeping or cleaning pavements, streets, footpaths, parks, gardens, pleasure resorts, swimming baths, water furrows, gullies or sluits; (83)

(92) tarring articles, buildings or equipment by hand; (4)

(93) teasing hessian or jute by hand; (32)

(94) tying or securing steel reinforcing materials with wire, under supervision, or cutting, bending or assembling such materials; (80)

(56) nasien, met 'n telbord telling hou of opstapel van sakke; (9)

(57) onder toesig voorbrande maak of veld- of bosbrande blus; (7)

(58) onder toesig planke, balke of ander soorte timmerhout, dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreek, of spykers daaruit verwyder; (48)

(59) onder toesig krane of kleppe oopmaak of toemaak of masjienhefbome verstel; (57)

(60) ongedierte onder toesig vernietig; (27)

(61) onsuierhede uit goiing of jute met die hand verwyder; (73)

(62) oorpakke, uniforms of beskermende klere was; (96)

(63) padtekens oprig of uithang of waarskuwingslampe opstel; (30)

(64) persele, deure, vensters, uitrusting, gereedskap, masjinerie, meubels, voertuie, tenks, houters of ander artikels skoonmaak of was, en sluit dit in meubels, vloere of voertuie poleer of tapyte uitborsel; (17)

(65) persele of eiendom bewaak; (36)

(66) pluimvee slag, pluk of skoonmaak of vis skoonmaak; (40)

(67) posseëls op briewe, pakkette of ander artikels plak; (2)

(68) prosesvate, tenks of ander houters met die hand voer of daarvan uittap; (32)

(69) pype koppel of ontkoppel, vas- of losskroef; (19)

(70) pype onder toesig afsaag of skroefdraad daaraan sny; (23)

(71) pype of pale verlê, regsit, sleep of oplig; pale indryf of inplant; (54)

(72) rantsoene gaarmaak of tee of soortegelyke drankte vir werknemers maak of aan hulle bedien of tee of ander verversings vir werkgewers of hul gaste maak of aan hulle bedien; (20)

(73) rots- of klipmonsters versamel; (18)

(74) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie; (95)

(75) sand of gruis met die hand uitpomp, was of sif; (7)

(76) sakke heelmaak, skoonmaak of uitskud; sakke met die hand of masjien sny; (50)

(77) sement of beton in vorms stamp of vasstamp of beton in fondamente vasstamp, onderdele van vorms vir sement- of betonprodukte aanmekeer bout of op 'n ander manier saamvoeg of vorms uitmekeer haal; (72)

(78) sement- of kalkdagha met die hand, met 'n sak, handskoen of op ander soortegelyke wyse aan mure smeer; (3)

(79) spoorbaanballas lê of vasstamp of spore of dwarslêers in verband met die instandhouding van spoorbane na kragstasies hanteer; (41)

(80) staalversterkingsmateriaal onder toesig met draad vasbind of vasheg, of sodanige materiaal sny, buig of inmekeersit; (94)

(81) steenkoolstortgeute oop- of toemaak; (56)

(82) steiers onder toesig oprig; (31)

(83) sypaadjies, strate, voetpaadjies parke, tuine, plesieroorde, swembaddens, watervore, rioolgate of slote vce of skoonmaak; (91)

(84) trekwerk doen, behalwe meganiese trekwerk (windas), met inbegrip van sinjale gee; (5)

(85) tuinmaak, dit wil sê, spit, hark, gras sny, strooi, meng, natmaak, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder, of onder toesig plant; (35)

(86) 'n ambagsman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy ambag selfstandig te gebruik; (4)

(87) verkeerstekens of straatlyne met die hand verf; speelgronde met kalk of verf merk; (65)

(88) verstoppings van kragstasiesiwwe of deurloope skoonmaak; riole of rioolstelsels onder toesig skoonmaak; (12)

(89) vervoerbande, masjiene, vultregters, platforms of tenks voer of daarvan afneem; (33)

(90) 'n vervoerband of storter bedien; (52)

(91) vleis of bene met 'n handsaag saag; (82)

(92) vleis, velle of huide sout; (81)

(93) voertuie dryf wat deur diere getrek word; (29)

(94) voertuie of masjinerie, maar nie elektriese opwekkingsmasjinerie of motorvoertuie nie, olie of smeer; (55)

(95) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder; sintels uitsoek; (49)

(96) wiele of buite- of binnebande van motorvoertuie, fietse of kruiswagens afhaal, terugsit, omruil of oppomp of binnebande herstel; (77)

(97) worsderms skoonmaak; (16) (xii)

(ix) „oortyd” daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgewer werk en wat langer is as die onderskeie gewone werkure by klousule 5 (1), (2), (3), (4) of (5) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer—

- (95) using rubber or other stamps where selection or discretion is unnecessary; (74)
 (96) washing overalls, uniforms or protective clothing; (62)
 (97) winding or unwinding, putting into position, dragging or pulling wire. (25) (viii)
- (xiii) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided that—
- (i) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;
- (ii) the first proviso shall not be construed so as to refer to or include any remuneration which an employee who is employed on any basis provided for in clause 9 receives over and above the amount which he would have received if he had not been employed on such a basis; (vi)
- (xiv) "watchman" means an employee who is engaged in guarding premises or property; (xiii)
- (2) For the purposes of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

3. REMUNERATION

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

- (a) wie se gewone ure by klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgewer werk nie;
- (b) wie se gewone ure by klousule 5 (2) voorgeskryf word, gedurende sy vry periode vir sy werkgewer werk nie; (viii)
- (x) „plaaslike owerhede”, afdelingsrade, stadsrade, munisipale rade, 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; (vii)
- (xi) „skofwerker” 'n werknemer wat skofwerk verrig in 'n bedryfs-inrigting waarin twee of drie agtereenvolgende skofte per dag op vyf of ses dae per week gewerk word; (x)
- (xii) „stukwerk” enige stelsel waarby 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (ix)
- (xiii) „wag” 'n werknemer wat 'n perseel of eiendom bewaak; (xiv)
- (xiv) „wet” ook die gemene reg. (vi)
- (2) By die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. BESOLDIGING

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

	In the Magisterial Districts of Bellville (other than the municipal areas of Durbanville and Kraai-fontein), The Cape, Goodwood, Simonstown and Wynberg*		In the Magisterial Districts of Kuils River and Paarl and the municipal areas of Durbanville and Kraai-fontein*	
	During the first year after this Determination becomes binding	Thereafter	During the first year after this Determination becomes binding	Thereafter
(a) Daily employee.....	Per day R 4,90	Per day R 5,40	Per day R 4,60	Per day R 5,10
(b) Watchman	Per week R 28,20	Per week R 31,10	Per week R 26,50	Per week R 29,40
(c) Employee (other than a daily employee or a watchman)—				
(i) Female.....	19,60	21,60	18,40	20,40
(ii) Male 18 years or over	24,50	27,00	23,00	25,50
(iii) Male, under 18 years.....	18,40	20,25	17,25	19,15

*See exclusions in clause 1.

	In die landdrostdistrikte Bellville (uitgesonderd die munisipale gebiede Durbanville en Kraaifontein), Die Kaap, Goodwood, Simonstad en Wynberg*		In die landdrostdistrikte Kuilsrivier en Paarl en die munisipale gebiede Durbanville en Kraaifontein*	
	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna	Gedurende die eerste jaar nadat hierdie Vasstelling bindend word	Daarna
(a) Daaglikse werknemer	Per dag R 4,90	Per dag R 5,40	Per dag R 4,60	Per dag R 5,10
(b) Wag.....	Per week R 28,20	Per week R 31,10	Per week R 26,50	Per week R 29,40
(c) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n wag)—				
(i) Vrou.....	19,60	21,60	18,40	20,40
(ii) Man, 18 jaar oud of ouer.....	24,50	27,00	23,00	25,50
(iii) Man, onder 18 jaar	18,40	20,25	17,25	19,15

*Kyk uitsluitings in klousule 1.

- (d) Notwithstanding anything to the contrary contained in this subclause, an employee who is wholly or mainly engaged in removing, emptying, cleaning or replacing sanitary pails shall be paid a wage of not less than that prescribed for his area in paragraph (c) for a male employee of the age of 18 years or over, plus R1,50 per week, or, if he is a daily employee, not less than that prescribed for his area in paragraph (a) plus 30c per day.
- (e) Notwithstanding anything to the contrary contained in this subclause, if a daily employee is employed as a watchman his wage shall be not less than that prescribed for him in paragraph (a) plus 30c per day: Provided that for the purpose of this paragraph the expression "day" shall mean a period of 24 consecutive hours reckoned from the time the employee commences work.
- (f) Notwithstanding anything to the contrary contained in this clause, where on any day a daily employee has worked or stood-by for the work for which he was engaged and which work he was precluded from doing through unforeseen circumstances beyond his control, his employer shall pay him not less than his daily wage irrespective of whether he has on that day worked or so stood-by for eight and a half hours or less: Provided that if he was required to work or so stand-by for less than four hours on any day, his wage in respect of such 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 daily 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 the definition of "wage" in clause 2 (1), 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) *Calculation of wages.*—(a) The hourly wage of an employee other than a daily employee, shall be his weekly wage divided by the number of ordinary hours of work which he normally works in any week.
- (b) The daily wage of an employee, other than a daily employee or a watchman, shall be his weekly wage divided by the number of days which he normally works in any week.
- (c) The daily wage of a watchman shall be his weekly wage divided by six.
- (d) The monthly wage of an employee shall be four and a third times his weekly wage.

(4) *Night-shift allowance.*—An employer who requires or permits an employee to work night-shift shall in addition to the employee's wage pay him an allowance of not less than 10 per cent of his hourly wage for each hour or portion of an hour during which such employee worked night-shift within his ordinary hours of work: Provided that this subclause shall not be applicable to an employee whose services are required at night in connection with the maintenance or provision of light or power. For the purposes of this subclause "night-shift" means any period of work between 18h00 and 06h00.

(5) *Bicycle allowance.*—An employer who requires of an employee to use his own bicycle in the performance of his duties shall pay him, in addition to any other remuneration due to him, an allowance of not less than 75c a week, or, if he is a daily employee, at least 15c a day.

4. PAYMENT OF REMUNERATION

(1) *Employees other than daily employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a daily employee, shall be paid in cash weekly or, with the consent of the employee in cash 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 on termination of employment if this takes place before the usual pay day: Provided that in the case of a continuous process worker or an employee working night shift, payment shall take place 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 of the establishment.

(2) *Daily employees.*—An employer shall pay the remuneration due to a daily employee in cash on completion of each day's work.

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

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

(d) Ondanks andersluidende bepalinge in hierdie subklousule, moet 'n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die verwydering, leegmaak, skoonmaak of terugplaas van sanitêre emmers minstens die loon vir sy gebied in paragraaf (c) vir 'n manlike werknemer van 18 jaar of ouer voorgeskryf, plus R1,50 per week, of, as hy 'n daaglikse werknemer is, minstens die loon in paragraaf (a) voorgeskryf plus 30c per dag betaal word.

(e) Ondanks andersluidende bepalinge in hierdie subklousule, moet die loon van 'n daaglikse werknemer, indien hy as wag in diens is, minstens dié wees wat in paragraaf (a) hiervan vir hom voorgeskryf word plus 30c per dag: Met dien verstande dat die uitdrukking „dag” by die toepassing van hierdie paragraaf 'n tydperk van 24 agtereenvolgende ure beteken, gereken vanaf die tyd waarop die werknemer met sy werk begin.

(f) Ondanks andersluidende bepalinge in hierdie klousule, wanneer 'n daaglikse werknemer op enige dag gewerk het of beskikbaar was vir werk waarvoor hy in diens geneem was maar wat hy weens omstandighede buite sy beheer nie kon verrig nie, moet sy werkgever hom minstens sy dagloon betaal, afgesien daarvan of hy dié dag agt en 'n half uur of minder gewerk het of aldus vir die werk beskikbaar was: Met dien verstande dat as van hom vereis was om te werk of om aldus beskikbaar te wees vir minder as vier uur op enige dag, sy loon vir dié dag moet hoogstens 50 persent verminder mag word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n weeklikse grondslag berus en, behoudens die bepalinge van klousule 4 (6), moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met die omskrywing van „loon” in klousule 2 (1), 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) *Loonberekening.*—(a) Die uurloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal gewone werkure wat hy gewoonlik in 'n week werk.

(b) Die dagloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer of 'n wag, is sy weekloon gedeel deur die getal dae wat hy gewoonlik in 'n week werk.

(c) Die dagloon van 'n wag is sy weekloon gedeel deur ses.

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

(4) *Nagskoftoelae.*—'n Werkgever wat van sy werknemer vereis of hom toelaat om nagskof te werk, moet aan so 'n werknemer, benewens sy loon, 'n toelae betaal van minstens 10 persent van sy uurloon vir elke uur of gedeelte van 'n uur wat so 'n werknemer binne sy gewone werkure nagskof gewerk het: Met dien verstande dat hierdie subklousule nie van toepassing is nie op 'n werknemer wie se diens snags nodig is in verband met die instandhouding of voorsiening van lig of krag. Vir die toepassing van hierdie subklousule beteken „nagskof” enige werktidperk tussen 18h00 en 06h00.

(5) *Fietstoelae.*—'n Werkgever wat van 'n werknemer vereis om in die uitvoering van sy pligte sy eie fiets te gebruik, moet hom, benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens 75c per week of, as hy 'n daaglikse werknemer is, minstens 15c per dag betaal.

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd daaglikse werknemers.*—Behoudens die bepalinge van klousule 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant 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 by diensbeëindiging as dit voor die gewone betaaldag geskied: Met dien verstande dat in die geval van 'n deurlopendeproseswerker of 'n werknemer wat nagskof werk, betaling kan geskied op 'n tyd waarvoor deur sodanige werknemer en sy werkgever ooreengekom is en wat gedurende die gewone kantoorure van die bedryfsinrigting is, maar nie later nie as 24 uur na die gewone betaaldag van die bedryfsinrigting.

(2) *Daaglikse werknemers.*—'n Werkgever moet die besoldiging wat aan 'n daaglikse werknemer verskuldig is, by die beëindiging van elke dag se werk in kontant aan hom betaal.

(3) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming 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) *Board and lodging.*—Save as provided in the Blacks (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, medical, sick, insurance, savings, provident or pension funds, or subscriptions to trade unions;
- (b) notwithstanding anything to the contrary contained 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 Blacks (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer, a deduction not exceeding the following amounts:

	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 daily employee's) hourly wage in respect of each hour of such reduction: Provided that—

- (i) such deductions 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 a shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- (iii) no deduction shall be made in the case of short-time owing to the vagaries of the weather or to a general breakdown of plant or machinery or because 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—
 - (i) a payment on a loan granted to such employee to acquire a dwelling, or
 - (ii) the rent of a dwelling or accommodation in a hostel occupied by such employee if the dwelling 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 continuous process worker, a daily employee, or an employee employed solely for the removal of night soil, to work more ordinary hours of work than—

- (a) in the case of a shift-worker—
 - (i) 46 in any week from Monday to Saturday, inclusive; and
 - (ii) subject to subparagraph (i), eight on any day;
- (b) in the case of an employee, other than a shift-worker, who works a six-day week—
 - (i) 46 in any week from Monday to Saturday, inclusive; and
 - (ii) subject to subparagraph (i), 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;
- (c) in the case of an employee, other than a shift-worker, who works a five-day week—
 - (i) 46 in any week from Monday to Friday, inclusive; and
 - (ii) subject to subparagraph (i), nine and one quarter on any day.

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

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

(6) *Aftrekkings.*—'n Werkgewer mag sy werknemer geen boetes opleë of enige bedrag 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-, mediese, siekte-, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegeld vir 'n vakvereniging;
- (b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op 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 werkgewer regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;
- (d) wanneer daar ingevolge die Swartes (Stadsgebiede) Konsolidasiewet, 1945, van 'n werknemer vereis word of wanneer 'n werknemer daartoe instem om kos en huisvesting of kos of huisvesting van sy werkgewer aan te neem, 'n bedrag van hoogstens—

	Per week	Per maand
	R	R
(i) Kos	2,00	8,67
(ii) Huisvesting	1,00	4,33
(iii) Kos en huisvesting	3,00	13,00;

- (e) wanneer die gewone werkure by klousule 5 voorgeskryf, weens korttyd verminder word, 'n bedrag van hoogstens die werknemer (uitgesonderd 'n daaglikse 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 tekort aan grondstowwe ontstaan, geskied nie, tensy die werkgewer sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;
- (iii) geen aftrekking ten opsigte van korttyd geskied vir die eerste uur waarin daar nie gewerk word nie weens die wisselvalligheid van die weer of 'n algemene 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—
 - (i) 'n paalement op 'n lening wat aan sodanige werknemer toegestaan is vir die verkryging van 'n woning, of
 - (ii) die huur van 'n woning of huisvesting in 'n tehuis wat sodanige werknemer bewoon indien die woning 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 deurlopendeproseswerker, 'n daaglikse werknemer of 'n werknemer wat uitsluitlik in diens is vir die verwydering van nagvuil, vereis of hom toelaat om meer gewone werkure te werk nie as—

- (a) in die geval van 'n skofwerker—
 - (i) 46 in 'n week van Maandag tot en met Saterdag, en
 - (ii) behoudens subparagraaf (i), agt op 'n dag;
- (b) in die geval van 'n werknemer, uitgesonderd 'n skofwerker, wat ses dae per week werk—
 - (i) 46 in 'n week van Maandag tot en met Saterdag; en
 - (ii) behoudens subparagraaf (i), agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op eenige van die ander dae tot agt en 'n half verleng kan word;
- (c) in die geval van 'n werknemer, uitgesonderd 'n skofwerker, wat vyf dae per week werk—
 - (i) 46 in 'n week van Maandag tot en met Vrydag; en
 - (ii) behoudens subparagraaf (i), nege en 'n kwart op 'n dag.

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

- (a) work more ordinary hours of work than—
- 48 in any week from Sunday to Saturday, inclusive: Provided that a continuous process worker shall be paid at a rate of not less than one and a third times his ordinary wage for each ordinary hour of work worked over and above 46 hours a week, but this proviso shall not apply to a continuous process worker who normally works a five-day week;
 - eight in any shift;
- (b) work more than six shifts in any week: Provided that—
- all shifts worked shall generally be separated by intervals of not less than eight hours;
 - an employer can require or allow his continuous process worker to work seven shifts in any week during any period of three consecutive weeks; and
 - the ordinary hours of work of a continuous process worker shall not exceed 144 in any such period of three consecutive weeks.
- (3) (a) An employer must allow each of his continuous process workers one free period of not less than 24 consecutive hours every week, but if an employer permits or requires an employee to work during his free period, the hours worked shall not form part of the ordinary hours of work prescribed in subclause (2).
- (b) All employers who employ continuous process workers shall, before the commencement of each shift cycle, prominently display, in a conspicuous place of their premises determined by them, a notice or service time-table indicating the shifts of each such worker as well as their free periods for the following cycle. The employer shall keep this notice or service time-table for a period of three years after the date of issue. If no such notice or service time-table is displayed the free period of each such worker shall be deemed to start at 24h00 on Saturday.
- (4) An employer shall not require or permit a daily employee to work more ordinary hours of work than—
- eight and a half on any day; or
 - subject to paragraph (a), 46 in any week in his employ.
- (5) An employer shall not require or permit an employee who is solely employed for the removal of night soil to work more ordinary hours of work than—
- 42 in any week from Sunday to Saturday, inclusive;
 - six in any period of 24 consecutive hours:
- Provided that if such an employee is not required to work for more than six such periods of 24 hours in any week, the restriction of 42 hours in that week may be exceeded by not more than four hours, and the restriction of six hours in any such period of 24 consecutive hours by not more than one hour and 40 minutes.
- (6) *Meal intervals.*—An employer shall not require or permit an employee to work continuously for more than five hours 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 (vi) applies, shall be deemed to be continuous;
 - if such interval is longer than one hour, except when proviso (iv) applies, any period in excess of one and one-quarter hours shall be deemed to be time worked;
 - in the case of an employee who is wholly or mainly engaged in cleaning premises or passenger vehicles or tending animals, if such interval is longer than three hours, any period in excess of three hours shall be deemed to form part of the ordinary hours of work;
 - only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
 - when on any day by reason of overtime work an employer is required to grant an employee a second meal interval, such interval may be reduced to not less than 15 minutes;
 - such interval need not be granted to a continuous process worker during his ordinary hours of work on any shift if he is given the opportunity during such hours to have a meal on the job, unless this is prohibited in accordance with a notice published in terms

- (a) meer gewone werkure te werk nie as—
- 48 in enige week van Sondag tot en met Saterdag: Met dien verstande dat 'n deurlopendeproseswerker vir elke gewone werkuur wat hy bo en behalwe 46 in 'n week werk, betaal moet word teen 'n skaal van minstens een en 'n derde maal sy loon, maar hierdie voorbehoudsbepaling is nie van toepassing op 'n deurlopendeproseswerker wat gewoonlik 'n werkweek van vyf dae het nie;
 - agt in enige skof;
- (b) meer as ses skofte in enige week te werk nie: Met dien verstande dat—
- alle skofte wat gewerk word normaalweg deur minstens agt ure onderbreek word;
 - 'n werkgewer van sy deurlopendeproseswerker kan vereis of hom toelaat om sewe skofte in enige week gedurende enige tydperk van drie agtereenvolgende weke te werk; en
 - die gewone werkure van 'n deurlopendeproseswerker hoogstens 144 in enige sodanige tydperk van drie agtereenvolgende weke mag wees.
- (3) (a) 'n Werkgewer moet aan elkeen van sy deurlopendeproseswerkers een vry periode van minstens 24 agtereenvolgende ure in elke week toestaan, maar as 'n werkgewer van so 'n werknemer vereis of hom toelaat om gedurende sy vry periode te werk, maak die ure wat gewerk word nie deel uit van die gewone werkure in subklousule (2) voorgeskryf nie.
- (b) Elke werkgewer wat deurlopendeproseswerkers in sy diens het, moet voor die aanvang van elke skofsiklus, op 'n ooglopende plek op sy perseel wat hy moet bepaal, 'n kennisgewing of diensrooster prominent vertoon wat die skofte aandui wat elke sodanige werker gedurende die volgende skofsiklus moet werk en die vry periodes van elke sodanige werker. Die werkgewer moet dié kennisgewing of diensrooster vir 'n tydperk van drie jaar ná die datum daarvan bewaar. As daar geen sodanige kennisgewing of diensrooster vertoon word nie moet die vry periode van elke sodanige werker geag word om 24h00 op Saterdag te begin.
- (4) 'n Werkgewer mag nie van 'n daaglikse werknemer vereis of hom toelaat om meer gewone werkure te werk nie as—
- agt en 'n half op 'n dag; of
 - behoudens paragraaf (a), 46 in 'n week in sy diens.
- (5) 'n Werkgewer mag nie van 'n werknemer wat uitsluitlik in diens is vir die verwydering van nagvuil vereis of hom toelaat om meer gewone werkure te werk nie as—
- 42 in 'n week van Sondag tot en met Saterdag;
 - ses in 'n tydperk van 24 agtereenvolgende ure:
- Met dien verstande dat as daar nie van sodanige werknemer vereis word om in 'n week vir meer as ses sodanige tydperke van 24 uur te werk nie, die beperking van 42 uur in daardie week met hoogstens vier uur, en die beperking van ses uur in enige sodanige tydperk van 24 agtereenvolgende ure met hoogstens een uur en 40 minute te bowe gegaan mag word.
- (6) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf ure 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 moet sy werknemer ooreen mag 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 deur pouses van minder as een uur onderbreek word, uitgesonderd waar voorbehoudsbepaling (i) of (vi) van toepassing is, geag word aaneenlopend te wees;
 - as sodanige pouse langer as een uur is, behalwe waar voorbehoudsbepaling (iv) van toepassing is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;
 - in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik persele of passasiersvoertuie skoonmaak of diere versorg, waar sodanige pouse langer as drie ure is, enige tyd wat daardie pouse te bowe gaan, geag word deel van die gewone werkure uit te maak;
 - alleenlik een sodanige pouse gedurende 'n werknemer se gewone werkure 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 enige dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;
 - sodanige pouse nie aan 'n deurlopendeproseswerker 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

of section 27 of the Factories, Machinery and Building Work Act, 1941.

- (7) *Hours of work to be consecutive.*—Save as provided in subclause (6), all hours of work of an employee on any day shall be consecutive.
- (8) *Limitation of overtime.*—(a) An employer shall not require or permit a daily employee to work overtime for more than two hours on any day.
- (b) An employer shall not require or permit any other employee to work overtime for more than 10 hours in any week.
- (9) *Female employees.*—Notwithstanding anything to the contrary contained in this clause, an employer shall not require or permit a female employee to work—
- between 18h00 and 06h00;
 - after 13h00 on more than five days a week;
 - 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;
 - overtime on more than three consecutive days in any week;
 - overtime on more than 60 days in any year;
 - overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—
 - before midday given notice thereof to such employee; or
 - provided such employee with a meal worth not less than 60c and allowed her sufficient time to have it before she has to commence overtime; or
 - 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.
- (10) *Payment for overtime.*—An employer shall pay an employee who works overtime at a rate of not less than—
- in the case of a daily employee, one and one-third times his wage in respect of the total period so worked by such employee on any day;
 - in the case of any other employee, one and one-third times his wage in respect of the total period so worked by such employee in any week.
- (11) *Provisos.*—(a) This clause shall not apply to a watchman whose employer grants him a free period of not less than 24 consecutive hours in respect of every week of employment: Provided that—
- the employer makes no deduction from his watchman's wage in respect thereof;
 - 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 free period not granted.
- (b) Subclauses (6), (7) and (8) shall not apply to an employee while he is engaged in emergency work or to an employee employed in any hospital, clinic, nurses' quarters, hostel or beer hall.
- (c) Subclause (6) shall not apply to an employee who is employed solely for the removal of night soil.
- (d) Subclauses (9) (a), (b), (c) and (d) shall not apply to a female employee employed in any women's hostel, hospital, clinic, public swimming bath or public convenience.

6. ANNUAL LEAVE

- (1) Subject to subclause (2), an employer shall grant to his employee, other than a daily employee, in respect of each completed period of 12 months of employment with him the following leave and the employee shall take such leave:
- In the case of a watchman, 21 consecutive days' leave;
 - in the case of any other employee, 14 consecutive days' leave; and shall pay such employee in respect of such leave—
 - 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;
 - 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 purposes of this clause the weekly wage of an employee who is engaged in piece-work shall be calculated on the basis set out in section 20 (5) of the Factories, Machinery and Building Work Act, 1941, read with clause 3 (3).

verbied word ooreenkomstig 'n kennisgewing wat ingevolge artikel 27 van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, gepubliseer is.

- (7) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (6) moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.
- (8) *Beperking van oortydwerk.*—(a) 'n Werkgewer mag nie van sy daaglikse werknemer vereis of hom toelaat om langer oortyd te werk nie as twee uur op 'n dag.
- (b) 'n Werkgewer mag nie van 'n ander werknemer vereis of hom toelaat om langer oortyd te werk nie as 10 uur in 'n week.
- (9) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgewer nie van 'n vroulike werknemer vereis of haar toelaat om—
- tussen 18h00 en 06h00 te werk nie;
 - op meer as vyf dae in 'n week na 13h00 te werk nie;
 - 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 nie 10 uur in enige week te bowe gaan nie;
 - op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;
 - op meer as 60 dae in 'n jaar oortyd te werk nie;
 - na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy—
 - sodanige werknemer voor die middag kennis daarvan gegee het; of
 - sodanige werknemer van 'n ete ter waarde van minstens 60c voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
 - 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.
- (10) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortyd werk, betaal teen minstens—
- in die geval van 'n daaglikse werknemer, een en 'n derde maal sy loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag gewerk;
 - in die geval van 'n ander werknemer, een en 'n derde maal sy loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in enige week gewerk.
- (11) *Voorbehoudsbepalings.*—(a) Hierdie klousule is nie op 'n wag wie se werkgewer hom 'n vry periode van minstens 24 agtereenvolgende ure ten opsigte van elke week diens toestaan, van toepassing nie: Met dien verstande dat—
- die werkgewer geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;
 - 'n werkgewer, in plaas daarvan dat hy sodanige vry periode aan sy wag toestaan, sodanige wag dié loon mag 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 (6), (7) en (8) is nie van toepassing nie op 'n werknemer terwyl hy noodwerk verrig of op 'n werknemer wat in 'n hospitaal, kliniek, verpleegsterstehuis, hostel of biersaal werksaam is.
- (c) Subklousule (6) is nie van toepassing nie op 'n werknemer wat uitsluitlik in diens is vir die verwydering van nagvuil.
- (d) Subklousules (9) (a), (b), (c) en (d) is nie van toepassing nie op 'n vroulike werknemer wat in 'n hostel vir vroue, hospitaal, kliniek, openbare swembad of openbare retirade werksaam is.

6. JAARLIKSE VERLOF

- (1) Behoudens subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n daaglikse werknemer, ten opsigte van elke voltooide tydperk van 12 maande diens by hom verlof soos volg toestaan en moet die werknemer sodanige verlof neem:
- In die geval van 'n wag, 21 agtereenvolgende dae;
 - in die geval van enige ander werknemer, 14 agtereenvolgende dae;
- en moet hy sodanige werknemer ten opsigte van sodanige verlof betaal—
- in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens drie maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;
 - in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens dubbel die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;
- Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, gelees met klousule 3 (3).

(2) The leave prescribed in subclause (1) shall be granted and taken 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—
 - (aa) with sick leave granted in terms of clause 7 or with absence from work owing to incapacity under the circumstances set out in clause 7 (5) (a) or (b) totalling no 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) Subclause (2) shall *mutatis mutandis* apply to the leave referred to in the subclause.
- (4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (3), shall be paid not later than the last work day before the date of commencement of the leave.
- (5) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—
 - (a) in the case of an employee referred to in subclause (1) (a), one-fourth of the weekly wage; and
 - (b) in the case of an employee referred to in subclause (1) (b), one-sixth of the weekly wage he was receiving immediately prior to the date of such termination:

Provided that an employer may make a proportionate deduction in respect of all the days occasional leave granted to the employee with full pay at his written request: Provided further that an employee—

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or
- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice; shall not be entitled to any payment by virtue of this subclause.

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

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

- (a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;

(2) Die verlof by subklousule (1) voorgeskryf, moet toegestaan 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 toegestaan 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 gemelde 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 Nuwerjaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiek-dag, Gelofte-dag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige openbare 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 dienstermyn van 12 maande eindig voordat die verloftydperk voorgeskryf by subklousule (1) ten opsigte van so 'n termyn opgeloop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—
 - (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 werkgewer ten opsigte van al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan is, 'n eweredige bedrag kan aftrek; en voorts met dien verstande dat 'n werknemer wat—
- (i) sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgewer betaal het in plaas daarvan om aldus kennis te gee; of
 - (ii) sy diens sonder 'n regsgeldige rede verlaat; of
 - (iii) sonder kennisgewing deur sy werkgewer 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 werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;
 - (b) enige tydperk wat 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klousule;

- (ii) on sick leave in terms of clause 7 or owing to 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 or service 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 or service;
- and employment shall be deemed to commence—
- (i) in the case of an employee who, before this Determination became binding, had 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 this Determination became binding and to whom any law providing for annual leave applied but who had not yet become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
 - (iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date on which this Determination became binding, whichever is the later.
- (8) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purposes of annual leave at any time, but not more than once in any period of 12 months, close his establishment for 14 consecutive days plus any additional days that may have to be added by virtue of the third proviso to subclause (2).
- (b) An employee who, in terms of paragraph (a), at the date of the closing of an establishment is not entitled to the full period of annual leave prescribed in subclause (1) (b) shall, in respect of any leave due to him, be paid by his employer on the basis set out in subclause (5), and for the purpose of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment.
- (c) For the purpose of this subclause the expression "establishment" means any premises in or in connection with which one or more employees are employed in any department or division of a local authority.

7. SICK LEAVE

- (1) Subject to subclause (2), an employer shall grant to his employee, other than a daily employee, who is absent from work through incapacity—
- (a) in the case of an employee who normally works a five-day week, not less than 20 work days; and
 - (b) in the case of any other employee, not less than 24 work days;
- sick leave in the aggregate during each cycle of 24 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that—
- (i) in the first 24 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work-day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work day in respect of each completed month of employment;
 - (ii) 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;
 - (iii) the wage payable to an employee who is employed on piece-work, in respect of any period of incapacity covered by this clause, shall be calculated on the basis of the remuneration paid to such employee on his last pay-day immediately preceding such incapacity.
- (2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work—
- (a) for more than three consecutive work days; or
 - (b) on the work day immediately preceding or the work day immediately succeeding a public holiday referred to in clause 8 (1); or
 - (c) on the work day immediately after the first Monday succeeding a public holiday referred to in clause 8 (1) and which falls on a Sunday;
- require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's

- (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, in enige jaar, van hoogstens 10 weke; 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 dienstydsperk as diens te eis nie; en word diens geag te begin—
 - (i) in die geval van 'n werknemer wat, voordat hierdie Vasstelling 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 Vasstelling 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 Vasstelling 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 sluit vir 14 agtereenvolgende dae plus alle addisionele dae wat moontlik uit hoofde van die derde voorbehoudsbepaling van subklousule (2) daarby gevoeg moet word.
- (b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfsinrigting ingevolge paragraaf (a), nie geregtig is op die volle tydperk van jaarlikse verlof by subklousule (1) (b) 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 aldus sluit.
- (c) By die toepassing van hierdie subklousule beteken die uitdrukking „bedryfsinrigting” 'n perseel waarop of in verband waarmee een of meer werknemers in enige departement of afdeling van 'n plaaslike owerheid in diens is.

7. SIEKTEVERLOF

- (1) Behoudens subklousule (2) moet 'n werkgever aan sy werknemer, uitgesonderd 'n daaglikse werknemer, wat weens ongeskiktheid van die werk afwesig is, siekteverlof verleen—
- (a) in die geval van 'n werknemer wat normaalweg vyf dae per week werk, altesaam minstens 20 werkdag; en
 - (b) in die geval van enige ander werknemer, altesaam minstens 24 werkdag;
- gedurende elke tydkring van 24 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—
- (i) gedurende die eerste 24 agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie, as in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;
 - (ii) waar 'n werkgever 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;
 - (iii) die loon wat aan 'n werknemer wat stukwerk verrig betaalbaar is ten opsigte van enige tydperk van ongeskiktheid ingevolge hierdie klousule, bereken word op grondslag van die besoldiging wat aan sodanige werknemer op sy laaste betaaldag onmiddellik voor sodanige ongeskiktheid betaal is.
- (2) 'n Werkgever mag, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk—
- (a) vir 'n tydperk van langer as drie agtereenvolgende dae; of
 - (b) of die werkdag onmiddellik voor of die werkdag onmiddellik na 'n openbare vakansiedag genoem in klousule 8 (1); of
 - (c) op die werkdag onmiddellik na die eerste Maandag wat volg op 'n openbare vakansiedag genoem in klousule 8 (1) en wat op 'n Sondag val;
- van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en wat die aard en duur

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 one year, to not more than 10 weeks; and

(ii) any period during which an employee is absent undergoing military training or service 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 or service;

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

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

(5) *Provisos*.—This clause is not applicable to—

(a) an employee at whose written request the employer contributes amounts of not less than those which the employee himself contributes to a fund or organisation appointed by the employee and which, in the 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 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 clauses 4 (6) and 6 (2) and (5), if an 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 public holiday 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 clauses 4 (6), and 6 (2) and (5), pay him for the week in which such public holiday 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 that day: Provided that where such an employee is required or permitted to work for less than four hours on such public holiday 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 falls on a Sunday the succeeding Monday shall be deemed to be such public holiday for the purpose of this clause.

(4) Save as provided in subclause (8) (a), whenever an employee, other than a continuous process worker, works on a Sunday, his employer shall either—

(a) pay the employee—

van die werknemer se ongeskiktheid meld: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgever 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 werkgever 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 werkgever;

(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 werkgever onmiddellik voordat hierdie Vasstelling bindend geword het, by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk toegestaan is, geag ingevolge hierdie Vasstelling 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 skadeloosstelling kragtens die Ongevalwet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(5) *Voorbehoudsbepalings*.—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 die werknemer 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 tarief gedurende die eerste 24 maande van betaling van bydraes deur die werknemers verminder kan word, maar tot minstens die aanwas-koers 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 SONDAG

(1) Behoudens klousule 4 (6) en 6 (2) en (5), moet 'n werkgever aan 'n werknemer wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag werk nie, minstens sy weekloon betaal vir die week waarin so 'n openbare vakansiedag val.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag werk, moet sy werkgever hom, behoudens die bepalinge van klousules 4 (6) en 6 (2) en (5), vir die week waarin so 'n openbare vakansiedag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op daardie 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 openbare vakansiedag te werk, daar geag word dat hy vier uur gewerk het.

(3) Wanneer Nuwejaarsdag, Republiekdag, Geloftedag of Kersdag op 'n Sondag val, word die volgende Maandag by die toepassing van hierdie klousule geag sodanige openbare vakansiedag te wees.

(4) Behoudens subklousule (8) (a), wanneer 'n werknemer, uitgesonderd 'n deurlopendeproseswerker, op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

- (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 wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or
- (b) pay the employee at a rate not less than one and one-third times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within seven days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours.
- (5) Whenever a continuous process worker works on a Sunday, his employer shall pay him at a rate of not less than one and one third times his wage in respect of the total period worked by him on such Sunday: Provided that over and above the remuneration prescribed in this subclause no overtime remuneration need be paid for work on a Sunday.
- (6) Whenever a continuous process worker works during his free period, his employer shall pay him at a rate of not less than double his wage in respect of the total period worked by him during such free period: Provided that he shall be paid not less than double his daily wage.
- (7) Whenever a continuous process worker works a shift which falls partly on any public holiday mentioned in subclause (1) or on a Sunday and partly on any other day, the whole shift shall be deemed to have been worked on the day on which the major portion of the shift falls.
- (8) *Provisos.*—(a) Subclause (4) shall not apply to an employee who works in or in connection with any premises which are not registered or liable to registration as a factory in terms of the Factories, Machinery and Building Work Act, 1941, and who, from the nature of his work, regularly has to work on Sundays throughout the year or during a season: Provided that the employer of such an employee shall grant such employee within seven days of such a Sunday on which he works one day's leave and, subject to the provisions of clauses 4 (6) and 6 (2) and (5), shall pay him in respect of the week in which such day's leave falls not less than his weekly wage.
- (b) This clause shall not apply to a daily employee or a watchman.

9. PIECE-WORK

- (1) An employer may, after at least one week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee not less than—
 - (i) in the case of an employee other than a daily 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 the employee been remunerated on the basis of time worked;
 - (ii) in the case of a daily 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 the employee 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 contained in this clause, an employer need not give a daily employee notice of his intention to introduce any piece-work system or to cancel or amend it.

10. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, washing coat, apron, cap, boots or other protective clothing which he requires his employee to wear or which by any law he is required to provide for his employee,

- (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 loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of
- (b) die werknemer teen minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne sewe dae vanaf sodanige Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van sodanige werknemer vereis of hy toegelaat word om minder as vier uur op sodanige Sondag te werk, daar geag moet word dat hy vier uur gewerk het.
- (5) Wanneer 'n deurlopendeproseswerker op 'n Sondag werk, moet sy werkgever hom teen minstens een en 'n derde maal sy loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk; Met dien verstande dat daar vir werk op 'n Sondag nie oortydwerkbesoldiging bo en behalwe die besoldiging in hierdie subklousule voorgeskryf, betaal hoef te word nie.
- (6) Wanneer 'n deurlopendeproseswerker gedurende sy vry periode werk, moet sy werkgever hom teen minstens dubbel sy loon betaal ten opsigte van die hele tydperk wat hy gedurende sy vry periode werk: Met dien verstande dat hy minstens dubbel sy dagloon betaal moet word.
- (7) Wanneer 'n deurlopendeproseswerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag in subklousule (1) gemeld, op 'n Sondag of gedurende sy vry periode en gedeeltelik op 'n ander dag val, word geag dat die hele skof gewerk is op dié dag waarop die grootste deel van die skof val.
- (8) *Voorbehoudsbepalings.*—(a) Subklousule (4) is nie van toepassing nie op 'n werknemer wat op of in verband met 'n perseel wat nie kragtens die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, as fabriek geregistreer of aan registrasie onderworpe is nie, werksaam is en wat uit die aard van sy werk gereeld dwarsdeur die jaar of gedurende 'n seisoen op Sondag moet werk: Met dien verstande dat die werkgever van sodanige werknemer binne sewe dae na sodanige Sondag waarop hy werk een dag verlof aan die werknemer toestaan en hom, behoudens klousules 4 (6) en 6 (2) en (5), ten opsigte van die week waarin sodanige dag verlof val, minstens sy weekloon betaal.
- (b) Hierdie klousule is nie op 'n daaglikse werknemer of 'n wag van toepassing nie.

9. STUKWERK

- (1) 'n Werkgever mag, nadat hy minstens een week vooraf kennis aan sy werknemer gegee het, 'n stukwerkstel invoer, en sodanige werkgever moet, behoudens die bepaling van klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tariewe wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgever, ongeag die hoeveelheid werk wat verrig is, die werknemer moet betaal—
 - (i) in die geval van 'n werknemer, uitgesonderd 'n daaglikse 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 die werknemer 'n tydloon betaal het;
 - (ii) in die geval van 'n daaglikse 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 die werknemer 'n tydloon betaal het.
- (2) 'n Werkgever moet 'n lys van die besoldiging bedoel in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.
- (3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemer wat volgens sodanige stelsel werk, minstens een maand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgever nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.
- (4) Ondanks andersluidende bepalinge in hierdie klousule, hoef 'n werkgever nie 'n daaglikse werknemer kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgever moet alle uniforms, oorpakke, wasjasse, voorskote, pette, stewels of ander beskermende kleren wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare toestand hou;

and any such article shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such protective clothing, in which event the employer shall pay such employee an allowance of not less than 60c every week.

11. PROHIBITION OF EMPLOYMENT

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

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

notice of termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than—

- (aa) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;
- (ab) in the case of one week's notice, the weekly wage which the employee is receiving at the time of such termination:

Provided that this shall not affect—

- (i) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;
- (ii) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;
- (iii) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts:

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

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

(3) The notice prescribed in subclause (1) may be given on any 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 or service 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 contained in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice or without paying his employer in lieu of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this Determination, an amount of not more than that which such employee would have had to pay him in lieu of notice: Provided that where an employer has so appropriated an amount in lieu of notice, the employee shall be deemed for the purposes of clause 6 (5), be deemed to have paid the employer in lieu of notice: Provided that where 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.

en alle sodanige artikels bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om sodanige beskermende klere te was of te was en stryk en in so 'n geval moet die werkgewer so 'n werknemer 'n toelae van minstens 60 sent per week betaal.

11. VERBOD OP INDIENSNEMING

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

12. BEÏNDIGING VAN DIENSKONTRAK

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

- (a) gedurende die eerste vier weke diens, minstens een werkdag;
 - (b) na die eerste vier weke diens, minstens een week;
- vooraf kennis van die beëindiging van die kontrak gee, of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgewer, na gelang van die geval, te betaal—

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

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

Met dien verstande dat—

- (i) die reg van 'n werkgewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;
- (ii) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskryf word;
- (iii) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

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

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

(3) Die kennisgewing by subklousule (1) voorgeskryf, mag 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 bepalinge in hierdie Vasstelling mag 'n werkgewer, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgewer te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee: Met dien verstande dat waar 'n werkgewer 'n bedrag aldus aan homself toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgewer betaal het in plaas van kennis te gee.

No. R.1084]

[30 May 1980

**FACTORIES, MACHINERY AND BUILDING
WORK ACT, 1941****UNSKILLED LABOUR (LOCAL AUTHORITIES),
CAPE PENINSULA AND SURROUNDING 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 Unskilled Labour (Local Authorities), Cape Peninsula and Surrounding Areas, published under Government Notice R.1083 of 30 May 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

No. R.1084]

[30 Mei 1980

**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941****ONGESKOOLDE ARBEID (PLAASLIKE
OWERHEDE), KAAPSE SKIEREILAND EN
OMLIGGENDE 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 Onge-skoolde Arbeid (Plaaslike Owerhede), Kaapse Skiereiland en Omliggende Gebiede, gepubliseer by Goewermentskennisgewing R.1083 van 30 Mei 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

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