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GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN MANNEKRAG- BENUTTING

No. R. 1652

15 Augustus 1980

LOONWET, 1957

LOONVASSTELLING 401. — WOL-, ANGORA- HAAR-, HUID- EN VELBEDRYF, SEKERE GE- BIEDE

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

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING

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

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

Natal.—Die landdrostdistrikte Durban, Inanda, Pietermaritzburg en Pinetown en die munisipale gebied Ladysmith.

Oranje-Vrystaat.—Die landdrostdistrikte Bloemfontein, Kroonstad en Sasolburg en die munisipale gebied Bethlehem.

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

2. WOORDOMSKRYWING

Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet en, by

GOVERNMENT NOTICES

DEPARTMENT OF MANPOWER UTILISATION

No. R. 1652

15 August 1980

WAGE ACT, 1957

WAGE DETERMINATION 401.—WOOL, MOHAIR HIDES AND SKINS TRADE, CERTAIN AREAS

By direction of the Minister of Manpower Utilisation it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Wool, Mohair, Hides and Skins Trade, Certain Areas, and has fixed the second Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

1. AREA AND SCOPE OF DETERMINATION

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

Cape Province.—The Magisterial Districts of Bellville, The Cape, Goodwood, Kimberley, Paarl, Port Elizabeth, Simonstown, Uitenhage, Worcester and Wynberg and the municipal area of East London.

Natal.—The Magisterial Districts of Durban, Inanda, Pietermaritzburg and Pinetown and the municipal area of Ladysmith.

Orange Free State.—The Magisterial Districts of Bloemfontein, Kroonstad and Sasolburg and the municipal area of Bethlehem.

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

2. DEFINITIONS

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

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

(1) "arbeider" 'n werknemer wat een of meer van die volgende werksaamhede verrig:

- (a) Bale, sakke of ander houters vul;
 - (b) bondels huide of velle vasbind of losmaak;
 - (c) draad of hoepels om wol- of angorahaarbale plaas en vasmaak met die doel om sodanige bale in geperste vorm te hou;
 - (d) gevlekte stukkies of stukkies vol saad, misklosse of ander vreemde stof uit wol of angorahaar verwyder of penswol, merkstof of loks uit vagwol pluk;
 - (e) huide of velle met die hand of met skopgraaf insout;
 - (f) huide of velle met giftowwe spuit;
 - (g) huide of velle in vate, bakke, droërs of soutbaddens plaas of daaruit haal;
 - (h) kampongs, latrines, stalle, buitegeboue of dergelike geboue of bouwerke afwit;
 - (i) laai of aflaai, uitgesonderd met 'n kragaangedrewe toestel;
 - (j) met 'n nie-kragaangedrewe masjien draad op vasgestelde lengte afknip of ogies daarin draai;
 - (k) op afleweringsvoertuie help, uitgesonderd om dit te bestuur of herstelwerk daaraan te doen;
 - (l) 'n persversorger help;
 - (m) persele, voertuie of meubels, masjinerie, installasie, gereedskap, werktuie of ander artikels skoonmaak;
 - (n) rantsoene gaarmaak of tee of soortgelyke drankie maak of tee of dergelike drankie aan werknemers of sy werkgewer of sy werkgewer se gaste bedien;
 - (o) sakke, bale, kiste, dromme, pakkette of ander houters oop- of toemaak;
 - (p) sakke of wolsakke met die hand heelmaak;
 - (q) sakke of wolsakke sorteer of uitskud;
 - (r) toewerker;
 - (s) tuinwerk;
 - (t) verskillende klasse velle soos merino-, karakoel-, persie-, angorabok- of boerbokvelle saam groepeer;
 - (u) vet of vleis van vars of nat velle met 'n mes verwyder;
 - (v) vure maak, onderhou, stook of uithaal of as verwyder;
 - (w) wol- of angorahaarbale oopsny, 'n monster uit elke baal haal en dit langs die baal plaas;
 - (x) wol- of angorahaarbale, wolsakke, huide, velle of ander artikels met nie-kragaangedrewe voertuie vervoer;
 - (y) wol- of angorahaarbale, wolsakke, huide, velle of ander artikels dra, optel, verplaas, verskuif of opstapel, uitgesonderd met 'n kragaangedrewe toestel;
 - (z) angorahaar of haar met die hand van velle aftrek of verwyder; (16)
- (2) "balkman" 'n werknemer wat wol, angorahaar of haar van velle wat oor 'n balk of raam geplaas of gespan is met 'n nerfmes verwyder; (1)
- (3) "bediener van 'n mobiele hystoestel" 'n werknemer wat 'n mobiele kraghystoestel bedien wat by die laai, aflaai of opstapel van wol of angorahaarbale, huide of velle gebruik word en wat sodanige hystoestel mag olie of smeer, en dit sluit 'n werknemer in wat 'n nywerheidstrekker binne 'n bedryfsinrigting bestuur; (21)
- (4) "bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Wol-, Angorahaar-, Huid- en Velbedryf in diens is; (11)
- (5) "bestuurder" 'n werknemer wat deur sy werkgewer belas is met die algehele—
- (a) toesig oor;
 - (b) verantwoordelikheid vir; en
 - (c) leiding van

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk; (19)

(6) "chauffeur" 'n werknemer wat 'n motorvoertuig dryf wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgewer of van werknemers, klante of besoekers en waarmee ook boeke, dokumente, wol-monsters of pakkette vervoer kan word; (5)

for the purposes of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged; further, unless inconsistent with the context—

(1) "beamsman" means an employee who removes wool, mohair or hair by means of a scudding knife from skins placed or stretched over a beam or frame; (2)

(2) "boiler attendant" means an employee who, under general supervision, maintains the water level and steam pressure in a boiler and who may make, maintain and draw the fire in such boiler; (13)

(3) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (17)

(4) "chargehand" means an employee who is in charge of a group of labourers; (23)

(5) "chauffeur" means an employee who is engaged in driving a motor vehicle which is intended to carry passengers and is used for the conveyance of his employer or of employees, clients or visitors, and which may be used for the conveyance of books, documents, wool samples or parcels; (6)

(6) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form part of such employee's work; (14)

(7) "coring device" means a machine, other than a grab machine, used to remove samples of wool from bales; (11)

(8) "coring device operator" means an employee who is engaged in operating a coring device; (12)

(9) "driver of a motor vehicle" means an employee, other than an office messenger, who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (7)

(10) "emergency work" means—

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

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

(c) any work in connection with the loading or unloading of—

(i) trucks or vehicles of the South African Railways and Harbours, or with the shipping of wool, mohair, hides or skins, and any work necessitated by, incidental to, or consequent upon, such loading, unloading or shipping, including receiving, checking, invoicing, marking, pressing, mass measuring or dispatching of wool, mohair, hides or skins and the preparation of sales documents and consignment or shipping documents containing instructions for the consignment or shipping of wool, mohair, hides or skins;

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

(iii) any work connected with the preserving of green hides or skins received at or from abattoirs at times of abnormally heavy slaughterings; (21)

(11) "establishment" means any premises in or in connection with which one or more employees are employed in the Wool, Mohair, Hides and Skins Trade; (4)

(12) "experience" means, in relation to—

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

(b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Wool, Mohair, Hides and Skins Trade; (24)

(7) "drywer van 'n motorvoertuig" 'n werknemer, uitgesonderd 'n kantoorbode, wat 'n motorvoertuig dryf, en by die toepassing van hierdie woordskrywing omvat die uitdrukking 'n motorvoertuig dryf, alle tydperke wat hy dryf, alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy verplig is om op sy pos te bly gereed om te dryf; (9)

(8) "grypmasjien" 'n masjien, uitgesonderd 'n kernmasjien, wat gebruik word om monsters van wol uit bale te verwyder;

(9) "grypmasjienbediener" 'n werknemer wat 'n grypmasjien bedien;

(10) "kantoorbode" 'n werknemer wat boodskappe, briewe of pakkette binne of buite 'n bedryfsinrigting ophaal of aflewer, wat enige soort skryfwerk in verband met dié ophaal of aflewer verrig en wat 'n motorfiets, fiets of 'n fiets wat met 'n hulpmotor toegerus is in die uitvoering van sy pligte mag gebruik; (23)

(11) "kernmasjien" 'n masjien, uitgesonderd 'n grypmasjien, wat gebruik word om monsters van wol uit bale te verwyder; (7)

(12) "kernmasjienbediener" 'n werknemer wat 'n kernmasjien bedien; (8)

(13) "ketelbediener" 'n werknemer wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, of daar uithaal; (2)

(14) "klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier en 'n telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (6)

(15) "korttyd" 'n tydelike vermindering van die getal gewone werkure weens 'n slappe in die bedryf, 'n tekort aan spoorwaens, ongunstige weersomstandighede of 'n onklaarraking van installasie of masjinerie, of weens die feit dat die geboue onbruikbaar is of dreig om dit te word; (31)

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

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

(ii) die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (42)

(17) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (3)

(18) "merker" 'n werknemer wat wol- of angorahaarbale of wolsakke of bondels huide of velle merk of sjabloneer; (20)

(19) "monstersversorger" 'n werknemer wat monsters wol of angorahaar by wol- of angorahaarpakhuisse ophaal en sodanige monsters afsonderlik en volgens verkoopskatalogusnommers in houters plaas; (29)

(20) "motorvoertuig" 'n kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere en omvat dit ook 'n voorhaker en 'n trekker maar nie 'n nywerheidstrekker wanneer dit in 'n bedryfsinrigting gebruik word of 'n mobiele hystoestel nie; (22)

(21) "noodwerk"—

(a) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, epidemie, gewelddaad, diefstal of 'n onklaarraking van installasie of masjinerie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, sonder versuim gedoen moet word;

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

(13) "grab machine" means a machine, other than a coring device, used to remove samples of wool from bales; (8)

(14) "grab machine operator" means an employee who is engaged in operating a grab machine; (9)

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

(a) Beamsman;

(b) boiler attendant;

(c) chargehand;

(d) counting wool or mohair bales, woolpacks, hides or skins or recording the numbers thereof;

(e) marker;

(f) marking hides or skins by means of a marking pencil on the instructions of a hides or skins grader;

(g) mobile hoist operator;

(h) office messenger;

(i) press attendant;

(j) reading the mass on a scale or calling out the mass or numbers;

(k) sorter;

(l) trimmer;

(m) watchman; (42)

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

(a) Assisting a press attendant;

(b) assisting on delivery vehicles other than by driving or effecting repairs;

(c) carrying, lifting, moving, shifting or stacking wool or mohair bales, woolpacks, hides, skins or other articles, other than by power-driven device;

(d) cleaning premises, vehicles or furniture, machinery, plant, tools, implements or other articles;

(e) conveying wool or mohair bales, woolpacks, hides, skins or other articles by means of non-power driven vehicles;

(f) cooking rations or making tea or similar beverages or serving tea or similar beverages to employees, or his employer or employer's visitors;

(g) cutting open wool or mohair bales, extracting a sample from each bale and placing it next to the bale;

(h) cutting to set length or twisting loops in wire by means of a non-power-driven machine;

(i) filling bales, bags or other containers;

(j) gardening work;

(k) grouping together various classes of skins such as merino, karakul, persian, angora goat or boer-goat skins;

(l) lime-washing compounds, latrines, stables, outbuildings or similar buildings or structures;

(m) loading or unloading other than by power-driven device;

(n) making, maintaining, stoking or drawing fires, or removing ashes;

(o) mending sacks or woolpacks by hand;

(p) opening or closing bags, bales, boxes, drums, packages or other containers;

(q) placing and fastening wire or hoops around wool or mohair bales in order to retain such bales in a compressed state;

(r) placing hides or skins in or removing hides or skins from vats, tanks, driers or salting pits;

(s) pulling or removing wool, mohair or hair from skins by hand;

(t) removing fat or meat from green or wet skins by means of a knife;

(u) removing from wool or mohair stained or seedy particles, dags or other foreign matter or picking bellies, brands or locks from fleece wool;

(v) salting hides or skins by hand or shovel;

(w) sorting or shaking out sacks or woolpacks;

(x) spraying hides or skins with poisonous chemicals;

(y) stitcher;

(z) tying or untying bundles of hides or skins; (1)

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

(i) spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens, of in verband met die verskeping van wol, angorahaar, huide of velle en enige werk wat genoodsaak word deur, wat bykomstig is tot, of wat voortvloei uit sodanige laai of aflaai of verskeping, asook die ontvangs, nasien, faktureer, merk, pers, massameet of versending van wol, angorahaar, huide of velle en die voorbereiding van verkoopsdokumente en versendings- of verskepingdokumente wat instruksies vir die versending of verskeping van wol, angorahaar, huide of velle bevat;

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

(d) enige werk in verband met die preservering van vars huide of velle wat in tye van abnormale druk slagwerk by of van slagpale ontvang word; (10)

(22) "onbelaste massa" die massa van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig of sleepwa uitgereik is deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat, in die geval van 'n twee- of driewielige motorfiets, bromponie of bromfiets of 'n trapfiets met hulpmotor, die onbelaste massa geag word hoogstens 450 kg te wees; (41)

(23) "onderbaas" 'n werknemer wat aan die hoof staan van 'n groep arbeiders; (4)

(24) "ondervinding" met betrekking tot—

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

(b) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Wol- Angorahaar-, Huid- en Velbedryf werksaam was; (12)

(25) "oortyd" daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgever werk en wat langer is as die onderskeie gewone werkure by klousule 5 (1), (2) en (3) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer wie se gewone werkure by klousule 5 (1) of (2) voorgeskryf word, of 'n Sondag vir sy werkgever werk nie; (24)

(26) "pakhuisklerk" 'n werknemer wat, onder die algemene toesig van 'n gekwalifiseerde manlike klerk of pakhuisman, een of meer van die volgende werksaamhede verrig:

(a) Tydkaarte nasien, liasseer of sorteer of die tye waarop werknemers by 'n bedryfsinrigting inkom of dit verlaat, kontroleer of aanteken;

(b) van pakhuisdokumente grade, nommers of massa vir kantoordoeleindes afskryf;

(c) aan vervoerkontrakteurs of kopers lewer;

(d) vrag-, aflewerings- of verskepingsbriewe opstel;

(e) toesig hou oor die tel van wol- of angorahaarbale, wolsakke, huide of velle of oor die aantekening van die getalle; (38)

(27) "pakhuisman" 'n werknemer wie se werk dit is om—

(a) wol of angorahaar te ontvang of te massameet; of

(b) huide of velle te ontvang of te massameet;

en wat beheer voer oor pakhuisklerke of werknemers wat wol, angorahaar, huide of velle vir versending merk of dit pers, stapel, uitstal of versend en wat daarvoor verantwoordelik is dat sodanige pakhuisklerke of werknemers hul werk doeltreffend verrig; (37)

(28) "pelssorteerder" 'n werknemer wat in 'n velblotery gepekelde pelse na kwaliteit sorteer; (26)

(29) "persversorger" 'n werknemer wat oor die korrekte plasing van wol- of angorahaarbale of bondels huide of velle in 'n kragaangedrewe pers toesig hou en wat sodanige pers aan- en afskakel; (28)

(17) "law" includes the common law; (43)

(18) "local authority" means a divisional council, city council, municipal council or any similar institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), and includes an Administration Board established under section 2 of the Black Affairs Administration Act, 1971 (Act 45 of 1971); (30)

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

(a) supervision over;

(b) responsibility for; and

(c) direction of;

the activities of an establishment and the employees engaged therein; (5)

(20) "marker" means an employee who is engaged in marking or stencilling wool or mohair bales or woolpacks or bundles of hides or skins; (18)

(21) "mobile hoist operator" means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading or stacking of wool or mohair bales, hides or skins, and who may oil or grease such hoist, and includes an employee who drives an industrial tractor within an establishment; (3)

(22) "motor vehicle" means any power-driven vehicle used for conveying goods and includes a mechanical horse and a tractor but does not include an industrial tractor when used within an establishment nor a mobile hoist; (20)

(23) "office messenger" means an employee who is engaged in collecting or delivering messages, letters or packages within or outside an establishment, who performs any writing connected with such collecting or delivering and who may use a motor cycle, a bicycle or a bicycle with an auxiliary motor in the performance of his duties; (10)

(24) "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) and (3) but does not include any period during which an employee, whose ordinary hours of work are prescribed in clause 5 (1) or (2), works for his employer on a Sunday; (25)

(25) "peak period" means any period or periods not exceeding in total 20 weeks in any year commencing on 1 July, notification of the commencing date of each of such periods in writing by an employer to the Divisional Inspector, Department of Manpower Utilisation, for his area not later than seven days after the commencement of each such period; (37)

(26) "pelt sorter" means an employee in a pullery who is engaged in sorting pickled pelts according to quality; (28)

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

(28) "press attendant" means an employee who is engaged in supervising the correct positioning of wool or mohair bales or of bundles of hides or skins in a power-driven press and who starts and stops such press; (29)

(29) "sample attendant" means an employee who is engaged in collecting wool or mohair samples from wool or mohair stores and who places such samples separately, and in accordance with sale, catalogue numbers, in containers; (19)

(30) "seeker" means an employee engaged in locating and marking bales (without using a stencil)—according to a compiled list; (34)

(31) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, a shortage of railway trucks, adverse weather conditions or a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (15)

(32) "skin sorter" means an employee in a pullery who is engaged in sorting skins according to quality or length or type of wool or mohair; (40)

(30) "plaaslike owerheid" 'n afdelingsraad, stadsraad, munisipale raad of enige ander soortgelyke instelling of liggaam wat in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), beoog word en sluit dit ook 'n Administrasieraad ingestel kragtens artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971), in; (18)

(31) "regsnyer" 'n werknemer in 'n velblotery wat gepekelde pelse regsny; (40)

(32) "sjabloonmasjien" 'n masjien wat gebruik word om sjablone uit te sny; (34)

(33) "sjabloonmasjienbediener" 'n werknemer wat 'n sjabloonmasjien bedien; (35)

(34) "soeker" 'n werknemer wat bale opspoor en merk (sonder die gebruik van 'n sjabloon) volgens 'n opgestelde lys; (30)

(35) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word; (39)

(36) "sorteerder" 'n werknemer wat wol na lengte of kleur sorteer of growwe wol verwyder; (33)

(37) "spitsdyperk" enige tydperk of tydperke wat in die geheel hoogstens 20 weke beloop en enige jaar met aanvangsdatum 1 Julie en waarvan die aanvangsdatum van elke sodanige tydperk deur 'n werkgever aan die Afdelingsinspekteur, Departement van Mannekragbenutting, vir sy gebied skriftelik bekendgemaak word binne sewe dae na die aanvang van elke sodanige tydperk; (25)

(38) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (27)

(39) "toewerker" 'n werknemer wat wol of angorahaar in bale terugplaas en sodanige bale toewerk; (36)

(40) "velsorteerder" 'n werknemer in 'n velblotery wat velle na kwaliteit of na die lengte of tipe wol of angorahaar sorteer; (32)

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

(42) "werknemer graad I" 'n werknemer wat in een of meer van die volgende hoedanighede diens doen of een of meer van die volgende werksaamhede verrig:

(a) Balkman;

(b) bediener van 'n mobiele hystoestel;

(c) huide of velle op instruksies van 'n huid- of velgraderder met 'n merkpotlood merk;

(d) kantoorbode;

(e) ketelbediener;

(f) massa op 'n massameter lees of massa of getalle uitroep;

(g) merker;

(h) onderbaas;

(i) persversorger;

(j) regsnyer;

(k) sorteerder;

(l) wag;

(m) wol- of angorahaarbale, wolsakke, huide of velle tel of die getalle daarvan aanteken; (15)

(43) "wet" ook die gemene reg; (17)

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

Die ontvangs, sortering, gradering, massa-meet, katalogisering, bemarking, toemaak, pers, berging of verskeping van wol, huide, velle of angorahaar; die droogmaak of preservering van huide of velle; die skeer of aftrek van wol, hare of angorahaar van huide of velle;

en omvat dit verder alle werksaamhede wat met enigeen van genoemde bedrywighede in verband staan of daaruit voortspuit; (44)

(33) "sorter" means an employee who is engaged in sorting wool according to length or colour or who removes coarse wool; (36)

(34) "stencil machine" means a machine used to cut out stencils; (32)

(35) "stencil machine operator" means an employee engaged in operating a stencil machine; (33)

(36) "stitcher" means an employee who is engaged in replacing wool or mohair into bales and stitching up such bales; (39)

(37) "storeman" means an employee who is engaged in—

(a) the receiving or mass measuring of wool or mohair; or

(b) the receiving or mass measuring of hides or skins;

or who is in charge of stores clerks or employees engaged in the marking for dispatch, pressing, stacking, exhibiting or dispatch of wool, mohair, hides or skins, and is responsible for the efficient performance by them of their duties; (27)

(38) "stores clerk" means an employee who, under the general supervision of a qualified male clerk or storeman, is engaged in any one or more of the following activities:

(a) Checking, filing or sorting time cards or checking or recording times employees enter or leave an establishment;

(b) copying grades, numbers or weights from stores documents for office purposes;

(c) giving delivery to cartage contractors or buyers;

(d) making out consignment or delivery notes or marine bills of lading;

(e) supervising the counting of wool or mohair bales, wool-packs, hides or skins or the recording of the numbers; (26)

(39) "trailer" means any conveyance drawn by a motor vehicle; (35)

(40) "trimmer" means an employee in a pullery who is engaged in trimming pickled pelts; (31)

(41) "unladen mass" means the mass of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two-wheeled or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine, the unladen mass shall be deemed not to exceed 450 kg; (22)

(42) "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 so construed 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; (16)

(43) "watchman" means an employee who is engaged in guarding premises or property; (41)

(44) "Wool, Mohair, Hides and Skins Trade" means the trade in which employers and employees are associated in or in connection with the activities carried on by woolbrokers, woolbuyers, woolshippers or dealers in hides or skins and includes any one or more of the following activities, viz.:

Receiving, sorting, grading, weighing, cataloguing, marketing, closing, pressing, storing or shipping of wool, hides, skins or mohair; curing or preserving of hides or skins; shearing or pulling off wool, hair or mohair from hides or skins; and further includes all operations incidental to, or consequent on, any of the aforesaid activities. (44)

3. BESOLDIGING

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

(a) *Werknemers uitgesonderd los werknemers:*

3. REMUNERATION

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

	In die landdrosdistrikte Bellville, Die Kaap, Goodwood, Johannesburg, Randburg, Simonstad en Wynberg		In die landdrosdistrikte Durban, Inanda, Pine-town, Port Elizabeth en Uitenhage en al die Transvaalse gebiede in kousule 1 uiteengesit, uitgesonderd die landdrosdistrikte Johannesburg, Klerksdorp en Randburg		In die landdrosdistrikte Bloemfontein, Kimberley, Klerksdorp, Kroonstad, Pietermaritzburg, Paarl en Sasolburg en die munisipale gebied Oos-Londen		In die munisipale gebiede Bethlehem en Ladysmith en die landdrosdistrik Worcester	
	Gedurende die eerste jaar nadat hierdie Vastelling van krag geword het	Daarna	Gedurende die eerste jaar nadat hierdie Vastelling van krag geword het	Daarna	Gedurende die eerste jaar nadat hierdie Vastelling van krag geword het	Daarna	Gedurende die eerste jaar nadat hierdie Vastelling van krag geword het	Daarna
	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week
	R	R	R	R	R	R	R	R
Arbeider, man, 18 jaar of ouer.....	26,50	28,50	24,50	26,50	22,00	24,00	20,00	22,00
Arbeider, man, onder 18 jaar.....	19,90	21,50	18,40	19,90	16,50	18,00	15,00	16,50
Arbeider, vrou.....	21,20	22,80	19,60	21,20	17,60	19,20	16,00	17,60
Drywer van 'n motorvoertuig waarvan die onbelaste massa tesame met die onbelaste massa van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—								
(i) hoogstens 450 kg is.....	35,50	37,00	34,50	35,50	32,00	34,50	30,00	32,00
(ii) meer as 450 kg maar hoogstens 2 700 is.....	43,50	45,00	42,00	43,50	39,50	42,00	37,50	39,50
(iii) meer as 2 700 kg maar hoogstens 4 500 kg is.....	51,50	53,00	49,50	51,50	47,00	49,50	45,00	47,00
(iv) meer as 4 500 kg is.....	59,50	61,00	57,00	59,50	54,50	57,00	52,50	54,50
Chaufeur.....	39,50	41,00	38,25	39,50	35,75	38,25	33,75	35,75
Grypmasjienbediener.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Kernmasjienbediener.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Klerk, man—								
gedurende die eerste jaar ondervinding.....	38,08	39,46	36,92	38,08	35,77	36,92	34,62	35,77
gedurende die tweede jaar ondervinding.....	44,08	45,46	42,69	44,08	41,31	42,69	40,15	41,31
gedurende die derde jaar ondervinding.....	50,08	51,46	48,46	50,08	46,85	48,46	45,69	46,85
gedurende die vierde jaar ondervinding.....	56,08	57,46	54,23	56,08	52,38	54,23	51,23	52,38
gedurende die vyfde jaar ondervinding.....	62,08	63,46	60,00	62,08	57,92	60,00	56,77	57,92
daarna.....	68,08	69,46	65,77	68,08	63,46	65,77	62,31	63,46
Klerk, vrou—								
gedurende die eerste jaar ondervinding.....	36,69	37,85	35,54	36,69	34,38	35,54	33,46	34,38
gedurende die tweede jaar ondervinding.....	39,92	41,08	38,54	39,92	37,38	38,54	36,35	37,38
gedurende die derde jaar ondervinding.....	43,15	44,31	41,54	43,15	40,38	41,54	39,23	40,38
gedurende die vierde jaar ondervinding.....	46,38	47,54	44,54	46,38	43,38	44,54	42,12	43,38
daarna.....	49,62	50,77	47,54	49,62	46,38	47,54	45,00	46,38
Monsterversorger.....	33,00	35,50	30,60	33,00	27,50	30,00	25,00	27,50
Pakhuisklerk—								
gedurende die eerste ses maande ondervinding.....	32,00	34,00	30,00	32,00	28,00	30,00	26,00	28,00
gedurende die tweede ses maande ondervinding.....	36,00	38,00	34,00	36,00	32,00	34,00	30,00	32,00
daarna.....	40,00	42,00	38,00	40,00	36,00	38,00	34,00	36,00
Pakhuisman—								
gedurende die eerste jaar ondervinding.....	38,08	39,46	36,92	38,08	35,77	36,92	34,62	35,77
gedurende die tweede jaar ondervinding.....	44,08	45,46	42,69	44,08	41,31	42,69	40,15	41,31
gedurende die derde jaar ondervinding.....	50,08	51,46	48,46	50,08	46,85	48,46	45,69	46,85
gedurende die vierde jaar ondervinding.....	56,08	57,46	54,23	56,08	52,38	54,23	51,23	52,38
gedurende die vyfde jaar ondervinding.....	62,08	63,46	60,00	62,08	57,92	60,00	56,77	57,92
daarna.....	68,08	69,46	65,77	68,08	63,46	65,77	62,31	63,46
Pelssorteerder/velsorteerder—								
gedurende die eerste ses maande ondervinding.....	31,80	34,20	29,40	31,80	26,40	28,80	24,00	26,40
gedurende die tweede ses maande ondervinding.....	34,80	37,40	32,15	34,80	28,90	31,50	26,25	28,90
gedurende die derde ses maande ondervinding.....	37,80	40,60	34,90	37,80	31,40	34,20	28,50	31,40
gedurende die vierde ses maande ondervinding.....	40,80	43,80	37,65	40,80	33,90	36,90	30,75	33,90
daarna.....	43,80	47,00	40,40	43,80	36,40	39,60	33,00	36,40
Sjabloonmasjienbediener—								
gedurende die eerste ses maande ondervinding.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
daarna.....	35,00	37,70	32,20	35,00	29,00	31,70	26,50	29,00
Soeker—								
gedurende die eerste ses maande ondervinding.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
daarna.....	33,50	36,00	30,80	33,50	27,80	30,40	25,30	27,80
Werknemer graad I.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30

(a) Employees other than casual employees:

	In the Magisterial Districts of Bellville, The Cape, Goodwood, Johannesburg, Randburg, Simonstown and Wynberg		In the Magisterial Districts of Durban, Inanda, Pinetown, Port Elizabeth and Uitenhage and all the Transvaal areas set out in clause 1, other than the Magisterial Districts of Johannesburg, Klerksdorp and Randburg		In the magisterial Districts of Bloemfontein, Kimberley, Klerksdorp, Kroonstad, Pietermaritzburg, Paarl and Sasolburg and the municipal area of East London		In the municipal areas of Bethlehem and Ladysmith and the Magisterial District of Worcester	
	During the first year after this Determination came into force	Thereafter	During the first year after this Determination came into force	Thereafter	During the first year after this Determination came into force	Thereafter	During the first year after this Determination came into force	Thereafter
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Chauffeur.....	39,50	41,00	38,25	39,50	35,75	38,25	33,75	35,75
Clerk, male—								
during the first year of experience.....	38,08	39,46	36,92	38,08	35,77	36,92	34,62	35,77
during the second year of experience.....	44,08	45,46	42,69	44,08	41,31	42,69	40,15	41,31
during the third year of experience.....	50,08	51,46	48,46	50,08	46,85	48,46	45,69	46,85
during the fourth year of experience.....	56,08	57,46	54,23	56,08	52,38	54,23	51,23	52,38
during the fifth year of experience.....	62,08	63,46	60,00	62,08	57,92	60,00	56,77	57,92
thereafter.....	68,08	69,46	65,77	68,08	63,46	65,77	62,31	63,46
Clerk, female—								
during the first year of experience.....	36,69	37,85	35,54	36,69	34,38	35,54	33,46	34,38
during the second year of experience.....	39,92	41,08	38,54	39,92	37,38	38,54	36,35	37,38
during the third year of experience.....	43,15	44,31	41,54	43,15	40,38	41,54	39,23	40,38
during the fourth year of experience.....	46,38	47,54	44,54	46,38	43,38	44,54	42,12	43,38
thereafter.....	49,62	50,77	47,54	49,62	46,38	47,54	45,00	46,38
Coring device operator.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Driver of a motor vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—								
(i) does not exceed 450 kg.....	35,50	37,00	34,50	35,50	32,00	34,50	30,00	32,00
(ii) exceeds 450 kg but does not exceed 2 700 kg...	43,50	45,00	42,00	43,50	39,50	42,00	37,50	39,50
(iii) exceeds 2 700 kg but does not exceed 4 500 kg...	51,50	53,00	49,50	51,50	47,00	49,50	45,00	47,00
(iv) exceeds 4 500 kg.....	59,50	61,00	57,00	59,50	54,50	57,00	52,50	54,50
Grab machine operator.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Grade I employee.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
Labourer, male, of the age of 18 years or over.....	26,50	28,50	24,50	26,50	22,00	24,00	20,00	22,00
Labourer, male, under the age of 18 years.....	19,90	21,50	18,40	19,90	16,50	18,00	15,00	16,50
Labourer, female.....	21,20	22,80	19,60	21,20	17,60	19,20	16,00	17,60
Pelt sorter/skin sorter—								
during the first six months of experience.....	31,80	34,20	29,40	31,80	26,40	28,80	24,00	26,40
during the second six months of experience.....	34,80	37,40	32,15	34,80	28,90	31,50	26,25	28,90
during the third six months of experience.....	37,80	40,60	34,90	37,80	31,40	34,20	28,50	31,40
during the fourth six months of experience.....	40,80	43,80	37,65	40,80	34,90	36,90	31,75	33,90
thereafter.....	43,80	47,00	40,40	43,80	36,40	39,60	33,00	36,40
Sample attendant.....	33,00	35,50	30,60	33,00	27,50	30,00	25,00	27,50
Seeker—								
during the first six months of experience.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
thereafter.....	33,50	36,00	30,80	33,50	27,80	30,40	25,30	27,80
Stencil machine operator—								
during the first six months of experience.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30
thereafter.....	35,00	37,50	32,20	35,00	29,00	31,70	26,50	29,00
Storeman—								
during the first year of experience.....	38,08	39,46	36,92	38,08	35,77	36,92	34,62	35,77
during the second year of experience.....	44,08	45,46	42,69	44,08	41,31	42,69	40,15	41,31
during the third year of experience.....	50,08	51,46	48,46	50,08	46,85	48,46	45,69	46,85
during the fourth year of experience.....	56,08	57,46	54,23	56,08	52,38	54,23	51,23	52,38
during the fifth year of experience.....	62,08	63,46	60,00	62,08	57,92	60,00	56,77	57,92
thereafter.....	68,08	69,46	65,77	68,08	63,46	65,77	62,31	63,46
Stores clerk—								
during the first six months of experience.....	32,00	34,00	30,00	32,00	28,00	30,00	26,00	28,00
during the second six months of experience.....	36,00	38,00	34,00	36,00	32,00	34,00	30,00	32,00
thereafter.....	40,00	42,00	38,00	40,00	36,00	38,00	34,00	36,00
Employee not elsewhere specifically mentioned in this subclause.....	30,50	32,80	28,00	30,50	25,30	27,60	23,00	25,30

Met dien verstande—

(i) dat 'n werkgewer sy klerk, pakhuisman of pakhuis-klerk gedurende 'n spitsydperk minstens die loon wat vir sy klas en gebied voorgeskryf is plus 7,5 persent, moet betaal;

(ii) dat as van 'n kantoorbode vereis word of hy toegelaat word om in die uitvoering van sy pligte 'n motorfiets of 'n fiets met 'n hulpmotor te gebruik, hy minstens R1 per week meer betaal moet word as die loon wat vir 'n werknemer Graad I in sy gebied voorgeskryf is.

(b) *Los werknemer.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied en van dieselfde geslag wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word:

Met dien verstande dat—

(i) waar die werkgewer van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking "weekloon" beteken die hoogste weekloon wat vir 'n werknemer van daardie klas in dieselfde gebied en van dieselfde geslag voorgeskryf word;

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

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

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

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

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

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

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

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

Met dien verstande dat—

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

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

(4) *Loonberekening.*—(a) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, in sy weekloon gedeel deur 46.

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

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

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

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

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens klousule 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant

Provided that—

(i) an employer shall pay his clerk, storeman or stores clerk, during a peak period, not less than the wage prescribed for his class and area, plus 7,5 per cent;

(ii) an office messenger who is required or permitted to use a motor cycle or a bicycle with an auxiliary motor in the performance of his duties shall be paid not less than R1 per week more than the wage prescribed for a Grade I employee in his area.

(b) *Casual employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one fifth of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that—

(i) where the employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed, the expression "weekly wage" shall mean the highest weekly wage prescribed for an employee of that class in the same area and of the same sex;

(ii) where the employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage for that day may be reduced by not more than 50 per cent.

(2) *Basis of contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in subclause (1), as read with subclause (3), for an employee of his class in the area in which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

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

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

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

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

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

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

Provided that—

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

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

(4) *Calculation of wages.*—(a) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by 46.

(b) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—

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

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

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

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee, in cash or by cheque

of per tjek betaal word gedurende die werkure, of binne 30 minute nadat die werk gestaak is, op die gewone betaal-dag van die bedryfsinrigting vir so 'n werknemer of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseelde koevert of houer wees waarop, of wat vergesel gaan van 'n staat waarop gemeld word—

- (a) die werkgever se naam;
- (b) die werknemer se naam of sy nommer op die betaal-staat en sy klas;
- (c) die getal gewone werkure wat die werknemer gewerk het;
- (d) die getal ure wat die werknemer oortyd gewerk het;
- (e) die getal ure wat die werknemer op 'n Sondag of 'n openbare vakansiedag in klousule 8 (1) bedoel, of gedurende sy vrye periode gewerk het;
- (f) die werknemer se loon;
- (g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (h) besonderhede van enige bedrag wat afgetrek is;
- (i) die werklike bedrag wat aan die werknemer betaal word; en
- (j) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie inligting aange-teken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat—

- (i) op die skriftelike versoek van 'n werknemer die bedrag aan hom verskuldig gestort mag word op sy bouvereniging- of bankrekening deur die werkgever wat die betrokke kwitansie, tesame met voornoemde staat, aan hom moet oorhandig;
- (ii) voornoemde inligting betreffende tyd gewerk nie verstrekkend te word aan 'n werknemer wat ingevolge klousule 5 (10) (a) van die werkurebepalings uitgesluit is nie.
- (2) *Los werknemer.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is by die beëindiging van sy diens in kontant aan hom betaal.
- (3) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgever betaal of deur hom aangeneem word nie.
- (4) *Koop van goedere.*—'n Werkgever mag nie van sy werknemer vereis om goedere van hom of van enige winkel, plek of persoon deur hom aangewys, te koop nie.
- (5) *Kos en inwoning.*—Behoudens die Swartes (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie van sy werknemer vereis om kos of inwoning of kos en inwoning van hom of van enigiemand anders of op 'n plek deur hom aangewys, aan te neem nie.
- (6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes ople of enige bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:
 - (a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, mediese hulp-, verskerings-, spaar-, voorsorgs- of pensioenfonds, of vir lede gelde van vakverenigings;
 - (b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;
 - (c) enige bedrag wat 'n werkgever regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;
 - (d) wanneer 'n werknemer daartoe instem of daar ingevolge die Swartes (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en inwoning of kos of inwoning van sy werkgever aan te neem, 'n bedrag van hoogstens—

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

monthly during the hours of work or within 30 minutes of ceasing work, on the usual pay-day of the establishment for such employee or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing—

- (a) the employer's name;
- (b) the employee's name or his number on the pay-roll and his class;
- (c) the number of ordinary hours of work worked by the employee;
- (d) the number of overtime hours worked by the employee;
- (e) the number of hours worked by the employee on a Sunday, or a public holiday referred to in clause 8 (1) or during his free period;
- (f) the employee's wage;
- (g) the details of any other remuneration arising out of the employee's employment;
- (h) the details of any deductions made;
- (i) the actual amount paid to the employee; and
- (j) the period in respect of which payment is made;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that—

- (i) at the written request of an employee the amount due to him may be paid into his building society or bank account by his employer who shall hand to him the relevant receipt together with the aforementioned statement;
- (ii) the aforementioned information relating to time worked need not be furnished in respect of an employee who is excluded from the hours of work provisions by virtue of clause 5 (10) (a).
- (2) *Casual employee.*—An employer shall pay the remuneration due to casual employee in cash on termination of his employment.
- (3) *Premiums.*—No payment shall be made to or accepted by an employer, either directly or indirectly, in respect of the employment or training of an employee.
- (4) *Purchase of goods.*—An employer shall not require his employee to purchase any goods from him or from any shop, place or person nominated by him.
- (5) *Board and lodging.*—Save as provided in the Black (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge or board and lodge with him or with any other 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 deductions:

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

	Per week R	Per month R
(i) Board.....	2,00	8,67
(ii) Lodging.....	1,00	4,33
(iii) Board and lodging.....	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 los werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande dat—

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

(ii) geen aftrekking ten opsigte van korttyd wat deur 'n slapte in die bedryf of 'n tekort aan spoorwaens, 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 'n onklaarraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, tensy die werkgewer sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, 'n bedrag wat 'n werkgewer aan 'n organisasie betaal het of onderneem het om te betaal ten opsigte van—

(i) 'n paalement op 'n lening wat aan sodanige werknemer toegestaan is vir die verkryging van 'n huis; of

(ii) die huur van 'n huis of huisvesting in 'n tehuis wat sodanige werknemer bewoon;

indien die huis of tehuis voorsien is deur bemiddeling van sodanige organisasie uitsluitlik of gedeeltelik uit fondse wat vir daardie doel voorgeskiet is deur die Departement van Gemeenskapbou, plaaslike owerheid of 'n bougenootskap.

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

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

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

(i) 46 in 'n week van Maandag tot en met Saterdag; en

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

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

(i) 46 in 'n week van Maandag tot en met Vrydag; en

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

(2) (a) Behoudens paragraaf (b), mag die gewone werkure van 'n klerk, 'n pakhuisman of 'n pakhuiswerker in enige week van Maandag tot en met Saterdag nie 46 te bowe gaan nie;

(b) in enige jaar met aanvangsdatum 1 Julie waarin 'n spits tydperk voorkom, mag die gewone werkure van 'n werknemer in paragraaf (a) hiervan genoem, hoogstens soos volg wees:

(i) 60 in enige week van Maandag tot en met Saterdag gedurende 'n spits tydperk;

(ii) 33 in enige week van Maandag tot en met Saterdag vir 'n ooreenstemmende getal weke ooreenkomstig subparagraaf (i) hiervan gewerk;

(iii) 46 in enige week van Maandag tot en met Saterdag gedurende die oorblywende weke van daardie jaar:

Met dien verstande dat enige sodanige werknemer wie se diens om enige rede (uitgesonderd as die werknemer dros of deur 'n bevoegde hof skuldig bevind word aan 'n misdryf wat oneerlikheid teenoor sy werkgewer omvat) binne so 'n jaar eindig, ondanks andersluidende bepalinge in hierdie Vastelling, deur sy werkgewer by sodanige diensbeëindiging vir elke uur wat sodanige werknemer gedurende sodanige jaar bo en behalwe die getal ure binne sodanige jaar bereken teen 46 uur per week (van Maandag tot en met Saterdag) gewerk het, betaal word teen 'n tarief van minstens een en 'n derde maal die uurloon wat hy ten tyde van sodanige diensbeëindiging ontvang het.

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—

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

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

(iii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;

(f) with the written consent of an employee, a deduction of any amount which an employer has paid or undertaken to pay to any organisation in respect of—

(i) an instalment on a loan granted to such employee to obtain a house; or

(ii) the rent for a house or accommodation in a hostel occupied by such employee;

if the house or hostel was provided through such organisation solely or partially from funds advanced for this purpose by the Department of Community Development, the local authority or a building society.

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

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

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

(i) 46 in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (i) hereof, eight on any day, unless the hours on one day do not exceed five, in which case the hours on any of the other days may be extended to eight and a half;

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

(i) 46 in any week from Monday to Friday, inclusive; and

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

(2) (a) Save as provided in paragraph (b), the ordinary hours of work of a clerk, a storeman or a stores clerk, shall not exceed 46 in any week from Monday to Saturday, inclusive;

(b) in any year commencing on the 1st day of July during which a peak period occurs, the ordinary hours of work of an employee mentioned in paragraph (a) hereof shall not exceed—

(i) 60 in any week from Monday to Saturday, inclusive, during a peak period;

(ii) 33 in any week from Monday to Saturday, inclusive, for a corresponding number of weeks worked in terms of subparagraph (i) hereof;

(iii) 46 in any week from Monday to Saturday, inclusive, during the remaining weeks of that year:

Provided that any such employee whose employment terminates for any reason (other than desertion or upon a conviction by a competent court for an offence by the employee involving dishonesty as regards the employer) within such year shall, notwithstanding anything to the contrary in this Determination, be paid by this employer on such termination for each hour worked within such year in excess of the number of hours within such year calculated at the rate of 46 per week from Monday to Saturday, inclusive, at a rate of not less than one and a third times the hourly wage he was receiving at the time of such termination.

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

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

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

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

(iii) as sodanige pouse langer as een uur is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;

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

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

(vi) 'n drywer van 'n motorvoertuig wat gedurende sodanige pouse geen ander werk verrig as om in beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule geag word nie gedurende sodanige pouse te gewerk het nie.

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

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

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

(a) in die geval van 'n los werknemer, twee uur op 'n dag;

(b) gedurende 'n spitsydperk, wat betref 'n manlike klerk, 'n pakhuisman of 'n pakhuisklerk of 'n vroulike klerk wat in diens is op 'n perseel wat nie kragtens die Wet op Fabriekke, Masjinerie en Bouwerk, 1941, as 'n fabriek geregistreer is nie of aan registrasie onderworpe is nie, twee uur in enige week;

(c) in die geval van 'n ander werknemer, 10 uur in 'n week.

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

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

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

Met dien verstande dat 'n werkgewer sy klerk, pakhuisman of pakhuisklerk wat gedurende 'n spitsydperk oortyd werk, moet betaal teen 'n tarief van minstens dubbel sy gewone loon ten opsigte van die totale tydperk wat sodanige werknemer in enige week aldus gewerk het.

(9) *Vroulike werknemers.*—Ondanks andersluidende bepalinge in hierdie klousule, mag 'n werkgewer nie van 'n vroulike werknemer wat in diens is op 'n perseel wat kragtens die Wet op Fabriekke, Masjinerie en Bouwerk, 1941, as 'n fabriek geregistreer of aan registrasie onderworpe is, vereis of haar toelaat om—

(a) tussen 18h00 en 06h00 te werk nie;

(b) op meer as vyf dae in 'n week na 13h00 te werk nie;

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

(4) *Meal intervals.*—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—

(i) an employer may agree with his employee to reduce the period of such interval to not less than half an hour, in which case, 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;

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

(iii) if such interval be longer than one hour, any period in excess of one and a quarter hours shall be deemed to be time worked;

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

(v) when on any day by reason of overtime worked an employer is required to give an employee a second meal interval, such interval may be reduced to 15 minutes;

(vi) a driver of a motor vehicle who during such interval does not work other than being or remaining in charge of the vehicle shall, for the purpose of this subclause, be deemed not to have worked during such interval.

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

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

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

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

(b) during a peak period, in the case of a male clerk, a storeman or a stores clerk or a female clerk employed on premises not registered or liable for registration as a factory under the Factories, Machinery and Building Work Act, 1941, two hours in any week;

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

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

(a) in the case of a casual employee, one and a third time his ordinary wage in respect of the total period so worked by such employee on any day;

(b) in the case of any other employee, one and a third times his ordinary wage in respect of the total period so worked by such employee in any week;

Provided that an employer shall pay his clerk, storeman or stores clerk who works overtime during a peak period at a rate of not less than double his ordinary wage in respect of the total period so worked by such employee in any week.

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

(a) between 18h00 and 06h00;

(b) after 13h00 on more than five days a week;

(c) meer as twee uur oortyd op 'n dag te werk nie, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd mag werk, maar dan só dat die oortydwerk nie 10 uur in enige week te bowe gaan nie;

(d) op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;

(e) op meer as 60 dae in 'n jaar oortyd te werk nie;

(f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy—

(i) sodanige werknemer voor die middag kennis daarvan gegee het; of

(ii) sodanige werknemer van 'n ete van minstens 60 sent voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of

(iii) sodanige werknemer minstens 60 sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(10) *Voorbehoudsbepalings.*—(a) Hierdie klousule is nie van toepassing nie op—

(i) 'n werknemer indien en solank so 'n werknemer gereeld 'n loon van minstens R500 per maand in die landdrosdistrikte (uitgesonderd die munisipale gebiede) Bloemfontein, Kimberley, Kroonstad, Port Elizabeth, Sasolburg en Uitenhage, R550 per maand in die landdrosdistrik Worcester en die munisipale gebiede Kroonstad en Ladysmith en R600 in die oorblywende gebiede in klousule 1 genoem;

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

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

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

(b) Subklousule (4), (5), (6) en (7) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Subklousule (5) is nie van toepassing nie op 'n drywer van 'n motorvoertuig of 'n arbeider wat so 'n drywer van 'n motorvoertuig op sy rondtes vergesel.

6. JAARLIKSE VERLOF

(1) Behoudens subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooide tydperk van 12 maande diens by hom verlof toestaan en moet die werknemer sodanige verlof neem—

(a) in die geval van 'n werknemer in klousule 5 (2) (a) genoem ten opsigte van 'n jaar met aanvangsdatum 1 Julie waarin sodanige werknemer 'n spitsydperk gewerk het of 'n wag, 21 agtereenvolgende dae;

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

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

(i) in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens drie maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;

(ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens 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 Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof by subklousule (1) voorgeskryf, moet toegestaan en geneem word op 'n tyd wat die werkgever 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 werkgever en

(c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday, but so that 10 hours are not exceeded in any week;

(d) overtime on more than three consecutive days in any week;

(e) overtime on more than 60 days in any year;

(f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—

(i) before midday given notice thereof to such employee; or

(ii) provided such employee with a meal costing not less than 60 cents and allowed her sufficient time to have it before she has to commence overtime; or

(iii) paid such employee not less than 60 cents in time to enable her to obtain and have a meal before overtime is due to commence.

(10) *Savings.*—(a) This clause shall not apply to—

(i) an employee if and for as long as such an employee is in receipt of a regular wage of not less than R500 per month in the Magisterial Districts (excluding municipal areas) of Bloemfontein, Kimberley, Kroonstad, Port Elizabeth, Sasolburg and Uitenhage, R550 per month in the Magisterial District of Worcester and the Municipal Areas of Kroonstad and Ladysmith, and R600 in the remaining areas referred to in clause 1;

(ii) 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—

(aa) he makes no deduction from his watchman's wage in respect thereof;

(bb) 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 (4), (5), (6) and (7) shall not apply to an employee while he is engaged in doing emergency work.

(c) Subclause (5) shall not apply to a driver of a motor vehicle or a labourer who accompanies such driver on his rounds.

6. ANNUAL LEAVE

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

(a) in the case of an employee mentioned in clause 5 (2) (a) in respect of a year commencing on 1 July in which such employee worked a peak period, or in the case of a watchman, 21 consecutive days' leave;

(b) in the case of every other employee, 14 consecutive days' leave;

and shall pay such employee in respect of such leave—

(i) in the case of an employee referred to in paragraph (a), an amount of not less than three times the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced;

(ii) in the case of an employee referred to in paragraph (b), an amount of not less than double the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced:

Provided that for the purpose of this clause the weekly wage of any employee who is engaged in doing piece-work shall be calculated on the basis set out in section 20 (5) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in subclause (1) shall be granted 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

sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer moet toestaan met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

(ii) die tydperk van verlof nie mag saamval nie met—

(aa) siekteverlof wat ingevolge klousule 7 toegestaan is of met afwesigheid van werk weens ongeskiktheid in die omstandigheid uiteengesit in klousule 7 (5) (a) of (b) en wel tot 'n totaal van hoogstens 10 weke in enige jaar;

(ab) enige tydperk waarin die werknemer kennisgewing van diensbeëindiging ingevolge klousule 12 uitdien of militêre opleiding of diens kragtens die Verdedigingswet, 1957, ondergaan, tensy die werknemer dit versoek en die werkgewer skriftelik daartoe instem;

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

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

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens ooploop: 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 by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgeloopt het, moet daar by sodanige diensbeëindiging, benevens 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 skriftelike versoek van sy werknemer met volle besoldiging aan hom toegestaan is, 'n eweredige bedrag kan aftrek: Voorts met dien verstande dat, behoudens klousule 12 (4), 'n werknemer—

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

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

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

op geen besoldiging 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;

employer and employee have agreed there to in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;

(ii) the period of leave shall not be concurrent with—

(aa) sick leave granted in terms of clause 7 or absence from work owing to incapacity in the circumstances set out in clause 7 (5) (a) or (b), not exceeding in total 10 weeks in any year;

(ab) any period in which the employee is serving notice of termination of employment in terms of clause 12, or is undergoing military training or service under the Defence Act, 1957, unless the employee so requests and the employer agrees, 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 that—

(i) 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) the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request at least until after the expiration of the period of leave.

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

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

(5) An employee whose employment terminates during any period of 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

(a) in the case of an employee referred to in paragraph (a) of subclause (1), one-fourth; and

(b) in the case of an employee referred to in paragraph (b) of subclause (1), one-sixth;

of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of all occasional leave on full pay granted to an employee at his written request, and provided further that, in terms of clause 12 (4), an employee—

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

(ii) who leaves his employment without cause recognised by law as sufficient; or

(iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice,

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

(6) An employee who has become entitled to a period of leave prescribed in subclause (1), as 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) By die toepassing van hierdie klousule word die uitdrukking "diens" geag te omvat—

(a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;

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

(i) met verlof ingevolge hierdie klousule;

(ii) met siekteverlof ingevolge klousule 7 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (5) (a) of (b);

(iii) op las of versoek van sy werkgewer;

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

(c) enige tydperk wat 'n werknemer van sy werk afwesig is om buitere opleiding of diens ingevolge die Verdedigingswet, 1957, te ondergaan: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidingstydperk of dienstydperk as diens te eis nie;

en word diens geag te begin—

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

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

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

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

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

7. SIEKTEVERLOF

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

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

(b) in die geval van enige ander werknemer, altesaam minstens 24 werkdade;

gedurende elke siklus 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 besoldiging 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;

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

(a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;

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

(i) on leave in terms of this clause;

(ii) on sick leave in terms of clause 7 or 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 no more than 10 weeks; and

(c) any period during which an employee is absent from work while 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 had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;

(ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied, but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;

(iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

(8) (a) Notwithstanding anything to the contrary contained in this clause an employer may, for the purpose of annual leave at any time, but not more than once in any period of 12 months, close his establishment or part of his establishment for 14 consecutive days plus any additional days that may have to be added by virtue of the third proviso to subclause (2).

(b) An employee who at the date of the closing of an establishment or part thereof in which he is employed, is not entitled to the full period of annual leave prescribed in subclause (1) shall, in respect of any leave due to him, be paid by his employer on the basis set out in subclause (5), and for the purpose of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment or part of the establishment, as the case may be.

7. SICK LEAVE

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

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

(b) in the case of every other employee, not less than 24 work days;

sick leave in the aggregate during each cycle of 24 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that—

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

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

(2) 'n Werkgewer kan, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk—

(a) vir 'n tydperk van langer as drie agtereenvolgende werkdag; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en waarin die aard en duur van die werknemer se ongeskiktheid gemeld word. Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede besoldiging ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom kan vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

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

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1);

en wat in enige jaar altesaam hoogstens 10 weke be-loop; en

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

en word enige tydperk van diens by dieselfde werkgewer onmiddellik voordat hierdie Vasstelling bindend geword het, by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en word alle siekteverlof wat met volle besoldiging 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) Hierdie klousule is nie van toepassing nie—

(a) op 'n werknemer op wie se skriftelike versoek sy werkgewer bydraes maak wat minstens gelyk is aan dié wat hy self maak aan 'n fonds of organisasie deur die werknemer benoem en wat aan hom in geval van ongeskiktheid in die omstandighede in hierdie klousule uiteengesit die betaling waarborg van altesaam minstens die ekwivalent van sy loon vir 20 of 24 werkdag, na gelang van

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

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

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

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

require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has, during any period of up to eight weeks, received payment in terms of this clause of 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;

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

(cc) on sick leave in terms of subclause (1);

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

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

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

(5) This clause shall not apply—

(a) to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than

die geval, in elke siklus van 24 maande diens, behalwe dat die gewaarborgde koers gedurende die eerste 24 maande van betaling van bydraes deur die werknemer verminder kan word, maar tot minstens die aanwaskoers in die eerste voorbehoudsbepaling van subklousule (1) uiteengesit;

(b) ten opsigte van enige tydperk van ongeskiktheid van 'n werknemer ten opsigte waarvan daar by enige ander wet van die werkgewer vereis word om aan die werknemer minstens sy volle loon te betaal.

8. OPENBARE VAKANSIEDAE EN SONDAE

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

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

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

(4) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgewer of—

(a) die werknemer—

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

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

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

(5) Subklousule (2) tot en met (4) is nie van toepassing nie—

(a) op 'n werknemer wat ingevolge klousule 5 (10) (a) van die werkurebepalings uitgesluit is;

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

9. STUKWERK

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

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

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

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

(b) in respect of any period of incapacity of an employee in respect of which the employer is required under any other Act to pay the employee at least his full wage.

8. PUBLIC HOLIDAYS AND SUNDAYS

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

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

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

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

(a) pay the employee—

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

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

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

(5) The provisions of subclauses (2) up to and including (4) shall not apply to—

(a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (10) (a);

(b) a casual employee or a watchman.

9. PIECE-WORK

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

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

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

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

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

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

10. VERBOD OP INDIENSNEMING

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

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om sodanige uniform, oorpak of beskermende klere te was of te was en stryk en in so 'n geval moet die werkgewer so 'n werknemer 'n toelae van minstens 60c per week betaal.

12. BEÏNDIGING VAN DIENSKONTRAK

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

- (a) gedurende die eerste vier weke diens, minstens een werkdag;
- (b) na die eerste vier weke diens, minstens een week;
- (c) in die geval van 'n werknemer wat maandeliks betaal word, na die eerste vier weke diens, twee weke;

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

- (i) In die geval van een werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) in die geval van een week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (iii) in die geval van twee weke kennisgewing, minstens dubbel die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

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

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

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

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

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

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

10. PROHIBITION OF EMPLOYMENT

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

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee, and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such uniform, overall or protective clothing, in which event the employer shall pay such employee an allowance of not less than 60c every week.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

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

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

- (i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;
- (ii) in the case of one week's notice, the weekly wage which the employee is receiving at the time of such termination;
- (iii) in the case of two weeks' notice, double the weekly wage which the employee is receiving at the time of such termination;

Provided that this shall not affect—

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

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

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

(3) Die kennisgewing by subklousule (1) voorgeskryf, kan op enige werkdag geskied: Met dien verstande dat—

(i) die kennisgewingstermyn nie mag saamval met, en die kennisgewing nie mag geskied gedurende 'n werknemer se afwesigheid met verlof toegestaan 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 toegestaan ingevolge 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 wanneer 'n werkgewer, 'n bedrag aldus aan homself toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgewer betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgewer by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik in die volgende vorm is en waarin die volle name van die werkgewer en die werknemer, die klas van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die loon van die werknemer op die datum van sodanige beëindiging vermeld word.

DIENSSERTIFIKAAT

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

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

(Handtekening van werkgewer
of gemagtigde verteenwoordiger)

Datum.....

(a) Skrap wat nie van toepassing is nie.

(b) Meld die beroep waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv., klerk, werknemer graad I, arbeider.

Kennisgewing.—Kragtens artikel 18 van die Loonwet, 1957, vervang die Loonvasstelling in die bostaande Bylae Loonvasstelling 334, gepubliseer by Goewermentskennisgewing R. 1518 van 3 September 1971, soos gewysig by Goewermentskennisgewing R. 1565 van 3 September 1976.

No. R. 1653

15 Augustus 1980

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

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, dat die bepalinge van die Loonvasstelling vir die Wol-, Angorahaar-, Huid- en Velbedryf, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R. 1652 van 15 Augustus 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 bepalinge van genoemde Wet.

S. P. BOTHA, Minister van Mannekragbenutting.

(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) in aggregate not exceeding 10 weeks in any year.

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

13. CERTIFICATE OF SERVICE

Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall, upon termination of any contract of employment, furnish the employee with a certificate of service substantially in the following form, showing the full names of the employer and the employee, the class of the employee, the date of commencement and the date of termination of the contract and the wage of the employee on the date of such termination.

CERTIFICATE OF SERVICE

I/We (a).....
carrying on trade in the Wool, Mohair, Hides and Skins Trade at.....
hereby certify that.....
was employed by me/us (a) from the.....
day of..... 19..... to the.....
day of..... 19..... as (b).....
At the termination of employment his/her (a) wage was R.....
per week/month.

(Signature of employer or
authorised representative)

Date.....

(a) Delete whichever is inapplicable.

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

Note.—In terms of section 18 of the Wage Act, 1957, the Wage Determination in the above Schedule supersedes Wage Determination 334, published under Government Notice R. 1518 of 3 September 1971, as amended by Government Notice R. 1565 of 3 September 1976.

No. R. 1653

15 August 1980

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

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, declare the provisions of the Wage Determination for the Wool, Mohair, Hides and Skins Trade, Certain Areas, published under Government Notice R. 1652 of 15 August 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.

INHOUD

No.		Bladsy No.	Staats- koerant No.
	Mannekragbenutting, Departement van Goewermentskennisgewings		
R. 1652	Loonwet (5/1957): Loonvasstelling 401: Wol- Angorahaar, ens., Sekere Gebiede...	1	7180
R. 1653	Wet op Fabriek, Masjinerie en Bouwerk (22/1941): Wol- Angorahaar, ens., Sekere Gebiede.....	18	7180

CONTENTS

No.		Page No.	Gazette No.
	Manpower Utilisation, Department of Government Notices		
R. 1652	Wage Act (5/1957): Wage Determination 401: Wool, Mohair, etc., Certain Areas...	1	7180
R. 1653	Factories, Machinery and Building Work Act (22/1941): Wool, Mohair etc., Certain Areas.....	18	7180

