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BUITENGEWONE

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Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

All Proclamations, Government and General Notices published for the first time, are indicated by a * in the left-hand upper corner.

GOEWERMENTSKENNISGEWING.

GOVERNMENT NOTICE.

Onderstaande Goewermentskennisgewings word vir algemene inligting gepubliseer:—

The following Government Notices are published for general information:—

DEPARTEMENT VAN ARBEID.

DEPARTMENT OF LABOUR.

* No. 1921.] [17 September 1954.
WET OP NATURELLE-ARBEID (BESLEGTING VAN GESKILLE), 1953.

* No. 1921.] [17 September 1954.
NATIVE LABOUR (SETTLEMENT OF DISPUTES) ACT, 1953.

MELKERYBEDRYF, WITWATERSRAND EN PRETORIA.

DAIRY TRADE, WITWATERSRAND AND PRETORIA.

Ek, BAREND JACOBUS SCHOEMAN, Minister van Arbeid—

I, BAREND JACOBUS SCHOEMAN, Minister of Labour, do hereby—

- (a) bepaal hierby kragtens subartikel (6) van artikel *elf* van die Wet op Naturelle-arbeid (Beslegting van Geskille), 1953, dat die Order wat deur my kragtens subartikel (4) van artikel *elf* ten opsigte van die Melkerybedryf, Witwatersrand en Pretoria, gemaak is, die bepalinge waarvan in die bygaande Bylae verskyn, in die magistraatsdistrikte Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan en Nigel; die gebiede binne 'n straal van tien myl van die hoofposkantore op Krugersdorp en Springs en 'n straal van twaalf myl van die hoofposkantoor, Pretoria, van toepassing sal wees en vanaf die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat twee jaar vanaf genoemde tweede Maandag eindig, bindend is vir die persone wat daardeur geraak word; en
- (b) verklaar hierby kragtens subartikel (1) van artikel *veertien* van genoemde Wet, dat al die bepalinge van genoemde Order vanaf die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat twee jaar vanaf genoemde tweede Maandag eindig, *mutatis mutandis* van toepassing is ten opsigte van persone wat werknemers is soos in die Nywerheid-versoeningswet, 1937, soos gewysig, omskrywe is.

B. J. SCHOEMAN,
Minister van Arbeid.

B. J. SCHOEMAN,
Minister of Labour.

BYLAE.

SCHEDULE.

AANBEVELING DEUR DIE LOONRAAD KRAGTENS DIE BEPALINGS VAN DIE WET OP NATURELLE-ARBEID (BESLEGTING VAN GESKILLE), 1953.

RECOMMENDATION BY THE WAGE BOARD IN TERMS OF THE NATIVE LABOUR (SETTLEMENT OF DISPUTES) ACT, 1953.

MELKERYBEDRYF, WITWATERSRAND EN PRETORIA.

DAIRY TRADE, WITWATERSRAND AND PRETORIA.

Aangesien Sy Edele die Minister van Arbeid 'n versoek tot die Loonraad kragtens artikel *elf* van die Wet op Naturelle-arbeid (Beslegting van Geskille), 1953, gerig het om 'n aanbeveling aan hom voor te lê, 'n versoek wat soos volg lui:—

Whereas the Honourable the Minister of Labour made a request to the Wage Board, in terms of section *eleven* of the Native Labour (Settlement of Disputes) Act, 1953, to submit to him a recommendation, which request reads—

„ . . . om aan hom 'n aanbeveling voor te lê insake die voorwaardes waarvolgens tot 'n skikking geraak behoort te word om al die aangeleenthede wat die

„ . . . to submit a recommendation as to the conditions in accordance with which a settlement should be effected of all matters which might form the sub-

onderwerp van 'n geskil in die melkerybedryf in die magistraatsdistrikte Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan en Nigel; die gebiede binne 'n omtrek van tien myl van die hoofposkantoor op Krugersdorp en Springs en 'n omtrek van twaalf myl van die hoofposkantoor, Pretoria, kan uitmaak met betrekking tot en as gevolg van die verstryking van die diensvoorwaardes by die Uitspraak vasgestel wat by Goewermentskennisgewing No. 1708 van 7 Augustus 1953 afgekondig is.

Vir die doel van hierdie kennisgewing—

beteken „melkerybedryf” die bedryf waarin werkgewers en werknemers verbonde is vir die doel van verkoop en/of distribusie van volmelk en/of enige of al die artikels wat binne die woordbepaling van melkeryproduk val indien verkoop of gedistribueer, tesame met die verkoop en/of distribusie van volmelk en omvat alle bykomstige werk indien dit deur sodanige werkgewers en werknemers verrig word, met uitsluiting van die verkoop van oortollige volmelk, karringmelk, afgeroomde melk of afgeskeie melk aan melkdistribueerders deur fabrieke wat melkprodukte vervaardig, maar wat gewoonlik nie volmelk verkoop nie; maar sluit nie plaasbedrywighede in nie; en

beteken „melkeryproduk”, sonder enige beperking van die gewone betekenis van die uitdrukking, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeie melk, plantjie-melk, suurmilk, eiers, heuning of roomys.”;

maak die Loonraad hierby die aanbeveling wat in die Bylae hieronder voorkom.

BYLAE.

1. BESTEK VAN GEBIED VAN TOEPASSING VAN ORDER.

Hierdie Order is van toepassing op alle werkgewers en werknemers in die melkerybedryf in die magistraatsdistrikte Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan en Nigel; die gebiede binne 'n straal van tien myl van die hoofposkantoor op Krugersdorp en Springs, en 'n straal van twaalf myl van die hoofposkantoor, Pretoria.

2. TERUGWERKENDE UITWERKING VAN ORDER.

Elke werknemer wat in diens is op die datum waarop hierdie Order in werking tree en wat ten opsigte van enige dienstydperk tussen die vyf-en-twintigste dag van Junie 1954 en die genoemde datum nie die kontantekwivalent van eenige of al die voordele ontvang het waarop hy gedurende daardie tydperk geregtig sou gewees het indien hierdie Order op die vyf-en-twintigste dag van Junie 1954 in werking getree het nie, moet op of voor die tiende dag na die inwerkingtreding van hierdie Order, deur die werkgewer wat hom aldus in diens gehad het die verskil betaal word tussen die kontant waarop hy aldus geregtig sou gewees het en die kontant wat hy werklik ten opsigte van sodanige diens ontvang het.

3. WOORDOMSKRIVING.

(1) Tensy die teenoorgestelde bedoeling blyk, het enige uitdrukking wat in hierdie Order gebruyk word en in die Wet op Naturelle-arbeid (Beslegtig van Geskille), 1953, omskryf is, dieselfde betekenis as in daardie Wet, en tensy strydig met die samehang, beteken—

„afleringswerknemer”: 'n werknemer wat goedere en/of boodskappe te voet of per fiets, driewieler, handvoertuig afler, of met 'n meganiese waentjie of afleringsvoertuig wat deur 'n voetganger beheer word, en wat bestellings kan aanneem en/of kontant in die geval van k.b.a.-bestellings en wat melk vir kontant aan ongereelde kliente in 'n „naturelle-gebied”, soos omskryf in artikel een-en-veftig van die Nywerheid-versoeningswet, 1937, kan verkoop, maar dit omvat nie die bestuurder van 'n motorvoertuig of drywer van 'n diervoertuig nie;

„arbeider”, 'n werknemer wat een of meer van ondervermelde werksaamhede verrig:—

- Persele, installasie, masjinerie, gerei, houters, diere, meubels of ander artikels skoonmaak of was;
- diere voer of versorg; voertuie oppas of diere in- of uitspan;
- laai of aflaai; voertuie, uitgesonderd motorvoertuie, olie of smeer;
- houters met die hand of met 'n vulmasjien wat met die hand bedien word, vul;
- vuurmaak of vure aan die brand hou, uitgesonderd in verband met 'n stoomketel, en/of afval verwyder;
- dra, versit, toedraai, stapel, verpak of uitpak; kassies of pakkies oop- of toemaak;

ject of a dispute in the Dairy Trade in the Magisterial Districts of Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan and Nigel; the areas within a radius of ten miles from the General Post Offices at Krugersdorp and Springs, and a radius of twelve miles from the General Post Office, Pretoria, with reference to and in consequence of the expiration of the conditions of employment laid down in the Award for the Dairy Trade, published under Government Notice No. 1708 of the 7th August, 1953.

For purposes of this request—

„Dairy Trade” means the trade in which employers and employees are associated for the purpose of the sale and/or distribution of whole milk and/or any or all of the articles included in the definition of dairy produce if sold or distributed in association with the sale and/or distribution of whole milk and includes all work incidental thereto if carried on by such employers and employees, but does not include the sale of surplus whole milk, buttermilk, skimmed milk or separated milk to milk distributors by factories at which milk products are manufactured and from which whole milk is not ordinarily sold; but does not include farming operations; and

„dairy produce” means without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk, eggs, honey and ice cream.”

the Wage Board hereby makes the recommendation set out in the Schedule hereto.

SCHEDULE.

1. SCOPE AND AREA OF APPLICATION OF ORDER.

This Order shall apply to all employers and employees in the Dairy Trade in the Magisterial Districts of Roodepoort, Johannesburg, Germiston, Boksburg, Benoni, Brakpan and Nigel; the areas within a radius of ten miles from the General Post Offices at Krugersdorp and Springs, and a radius of twelve miles from the General Post Office, Pretoria.

2. RETROSPECTIVE EFFECT OF ORDER.

Every employee who is in employment on the date of the coming into operation of this order and who has in respect of any period of employment between the twenty-fifth day of June, 1954, and the said date not received the cash equivalent of any or all the benefits to which he would have been entitled during that period if this order had come into operation on the twenty-fifth day of June, 1954, shall, not later than fourteen days after the coming into operation of this order, be paid by the employer who so employed him the difference between the cash to which he would have been so entitled and the cash he actually received in respect of such employment.

3. DEFINITIONS.

(1) Unless the contrary intention appears, any expression used in this order which is defined in the Native Labour (Settlement of Disputes) Act, 1953, shall have the same meaning as in that Act and unless inconsistent with the context—

„assistant foreman” means an employee who assists a foreman or supervisor in the performance of his duties and who may act for him in his absence;

„boiler attendant” means an employee who under the supervision of a foreman or supervisor or assistant foreman is responsible for raising and maintaining the water level and steam pressure of a boiler in an establishment and who may make, stoke, rake or draw the fire in such boiler;

„boss boy” means an employee who exercises control over labourers and delivery employees and who may record data incidental to their work;

„casual employee” means an employee who is employed by the same employer on not more than three days in any week;

„checker” means an employee who is engaged in receiving, checking and issuing milk and who may weigh and store milk, supervise the duties of employees engaged in assisting him in the performance of any or all of his duties, and record information incidental to any or all of his duties, and for the purposes of this definition the expression milk may include any article or articles of dairy produce;

„clerical employee” means an employee, other than a checker, engaged in writing, typing or any other form of clerical work and include a storeman-cashier, despatch clerk and telephone operator;

„clerical employee, female, qualified,” means a female clerical employee who has had not less than four years' experience;

„clerical employee, female, unqualified,” means a female clerical employee who has had less than four years' experience;

- (g) rantsoene kook, tee of ander drank maak;
- (h) gedrukte of klaar geadresseerde etikette aan kassies of pakkies heg, kassies of pakkies sjabloner en/of merk;
- (i) masjiene voer en/of daarvan afneem;
- „assistent-voorman”, ’n werknemer wat ’n voorman of opsigter help by die uitvoering van sy pligte en wat tydens sy afwesigheid vir hom kan waarneem;
- „baasjong”, ’n werknemer wat in beheer is oor arbeiders en afleweringswerknemers en wat gegewens in verband met hul werk kan aanteken;
- „bedryfsinrigting”, enige perseel waarin of in verband waarmee een of meer werknemers in die melkerybedryf in diens is;
- „gewig sonder wag”, die gewig van enige motorvoertuig en/of sleepwa soos aangegeven in ’n lisensie of sertifikaat wat vir daardie voertuig of sleepwa deur ’n lisensie-owerheid uitgereik is;
- „ketelbediener”, ’n werknemer wat, onder die toesig van ’n voorman of opsigter of assistent-voorman, verantwoordelik is vir die styging en instandhouding van die waterstand en stoomdruk in ’n stoomketel in ’n bedryfsinrigting en wat die vuur in dié ketel kan maak, stook, hark of trek;
- „klerklike werknemer”, ’n werknemer, uitgesonderd ’n nasiener, wat skryfwerk, tikwerk of enige ander vorm van klerklike werk verrig en omvat ’n stoomman-kassier, versendingsklerk en telefonis;
- „klerklike werknemer, manlik, gekwalifiseer”, ’n manlike klerklike werknemer met minstens vyf jaar ondervinding;
- „klerklike werknemer, manlik, ongekwalifiseer”, ’n manlike klerklike werknemer met minder as vyf jaar ondervinding;
- „klerklike werknemer, vroulik, gekwalifiseer”, ’n vroulike klerklike werknemer met minstens vier jaar ondervinding;
- „klerklike werknemer, vroulik, ongekwalifiseer”, ’n vroulike klerklike werknemer met minder as vier jaar ondervinding;
- „korttyd”, ’n tydelike vermindering van die getal gewone werkers as gevolg van slappe in die bedryf, tekort aan grondstowwe of spoorwegtrekke, slegte weersgesteldheid of ’n algemene onklaarmaking van installasie of masjinerie of ’n dreigende instorting van geboue as gevolg van ongeluk of ander onvoorsiene noodgeval;
- „loon”, dié gedeelte van die besoldiging aan ’n werknemer in kontant betaalbaar ten opsigte van die gewone werksure in klousule 6 (1) genoem;
- „los werknemer”, ’n werknemer wat hoogstens drie dae in ’n week by dieselfde werkgewer in diens is;
- „melkdepot”, enige perseel waarin werkgewers en werknemers hoofsaaklik assosieer vir prosesbewerking van volmelk en vanwaar sodanige melk gebottel en/of verkoop en/of versprei word en vanwaar melkeryprodukte verkoop en/of versprei kan word;
- „melkdepotbestuurder”, ’n werknemer in beheer van ’n melkdepot en wat kontrole uitoefen oor al die werknemers in sodanige depot;
- „melkerybeampte”, ’n werknemer, uitgesonderd ’n melktoetsers, wat ’n graad of diploma in suiwelbereiding besit en wat algemeen verantwoordelik is vir die goeie toestand van melk, botter of room waarmee in ’n bedryfsinrigting gehandel of wat daaruit versprei word en wat boonop die werksaamhede van toets en/of gradeer van melk, botter en/of room kan verrig, toesig kan hou oor die pasteuriseer van melk en ook die werksaamhede van ’n voorman of opsigter kan verrig;
- „melkerybeampte, gekwalifiseer”, ’n melkerybeampte met minstens twee jaar ondervinding;
- „melkerybeampte, ongekwalifiseer”, ’n melkerybeampte met minder as twee jaar ondervinding;
- „melkerybedryf”, die bedryf waarin werkgewers en werknemers geassosieer is vir die doel van die verkoop en/of verspreiding van volmelk en/of enigeen of al die artikels wat in die woordomskriving van melkprodukte ingesluit word indien verkoop of versprei, tesame met die verkoop en/of verspreiding van volmelk, en omvat alle bykomende werk indien dit deur sodanige werkgewers en werknemers verrig word, maar omvat nie die verkoop van oortollige volmelk, karringmelk, afgeroomde melk of afgeskeide melk aan melkverspreiders deur fabrieke wat melkprodukte vervaardig maar gewoonlik nie volmelk verkoop nie, maar omvat nie plaasbedrywighede nie;
- „melkeryprodukte”, sonder om die gewone betekenis van die uitdrukking te beperk, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjie-melk, suurmilk, eiers, heuning en roomys;
- „melktoetsers”, ’n werknemer aan wie ’n sertifikaat deur die Departement van Landbou vir die toets van melk en room uitgereik is wat hom kwalifiseer om melk en room vir die bottervetgehalte daarvan te toets, wat melk of vars room toets en/of gradeer, en wat ook in beheer kan wees van die toetsing en hou oor die pasteuriseer van melk;
- „motorvoertuig”, ’n vervoermiddel wat gebruik word vir die vervoer van goedere en wat deur ander as menslike of dierlike krag voortbeweeg word, en sluit ’n meganiese perd in maar nie ’n „melkwaentjie” of afleweringsmeganiens voortbeweeg, maar deur ’n voetganger;
- „motorvoertuig”, ’n werknemer wat ’n motorvoertuig bestuur en toetsing van hierdie woordomskriving „motorvoertuig bestuur” alle tydperke en alle tydperke bestee aan werk in verband met die bestuur en alle tydperke wat hy op sy bestuurt;

- „clerical employee, male, qualified,” means a male clerical employee who has had not less than five years’ experience;
- „clerical employee, male, unqualified,” means a male clerical employee who has had less than five years’ experience;
- „counterhand” means an employee, other than a delivery employee, engaged in attending to customers in an establishment and who may receive orders;
- „counterhand, female, qualified,” means a female counterhand who has had not less than four years’ experience;
- „counterhand, female, unqualified,” means a female counterhand who has had less than four years’ experience;
- „counterhand, male, qualified,” means a male counterhand who has had not less than five years’ experience;
- „counterhand, male, unqualified,” means a male counterhand who has had less than five years’ experience;
- „dairyman” means an employee, other than a milk tester, who is the holder of a degree or diploma in dairying and who is generally responsible for the good condition of milk, butter or cream dealt with at and distributed from an establishment and who may in addition perform the operations of testing and/or grading milk, butter and/or cream, may supervise the pasteurization of milk, and may also perform the duties of a foreman or supervisor;
- „dairyman, qualified,” means a dairyman who has had not less than two years’ experience;
- „dairyman, unqualified,” means a dairyman who has had less than two years’ experience;
- „dairy produce” means, without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk, eggs, honey and ice cream;
- „dairy trade” means the trade in which employers and employees are associated for the purpose of the sale and/or distribution of whole milk and/or any or all of the articles included in the definition of dairy produce if sold or distributed in association with the sale and/or distribution of whole milk and includes all work incidental thereto if carried on by such employers and employees, but does not include the sale of surplus whole milk, buttermilk, skimmed milk or separated milk to milk distributors by factories at which milk products are manufactured and from which whole milk is not ordinarily sold; but does not include farming operations;
- „delivery employee” means an employee engaged in the delivery of goods and/or messages on foot or by means of a bicycle, tricycle, hand-propelled vehicle or a mechanically propelled but pedestrian controlled „pram” or delivery vehicle and who may accept orders and/or cash in the case of cash on delivery orders and who may sell milk for cash to casual customers in a „Native area” as defined in section fifty-one of the Industrial Conciliation Act, 1937, but does not include a motor vehicle driver or a driver of an animal-drawn vehicle;
- „emergency work” means any work necessitated by a breakdown of plant or machinery or other unforeseen emergency, in connection with the overhauling or repairing of plant or machinery which cannot be performed during the ordinary hours of work prescribed in clause 6 and any other work arising from an unforeseen occurrence due to causes such as fire, storm, accident, epidemic, act of violence, civil commotion or theft which must be done without delay and which is necessary to ensure the maintenance and/or provision of light, water, telephone, public health, sanitary, cleaning, public transport or airport services, or for the fulfilment of orders for the supply of goods to, or the provision of service in connection with, ships, hospitals, or the Union Defence Forces or South African Police;
- „establishment” means any premises in or in connection with which one or more employees are employed in the dairy trade;
- „experience” means—
- (a) in relation to a dairyman, the total period or periods of full-time employment which an employee has had in an establishment as a dairyman;
 - (b) in relation to a clerical employee, the total period or periods of full-time employment which an employee has had as a clerical employee;
 - (c) in relation to a counterhand, the total period or periods of full-time employment which an employee has had as a counterhand in the dairy trade or as a shop assistant in the provisions or grocery department of any shop;
- „foreman or supervisor” means an employee, other than a milk depot manager or a boss boy, in charge of the employees in an establishment who exercises control over such employees and is responsible for the efficient performance by them of their duties;
- „labourer” means an employee engaged in one or more of the following operations:—
- (a) cleaning or washing premises, plant, machinery, utensils, containers, animals, furniture or other articles;
 - (b) feeding or tending animals, minding vehicles or harnessing or unharnessing animals;
 - (c) loading or unloading; oiling or greasing vehicles, other than motor vehicles;
 - (d) filling containers by hand or by hand-operated filling machines;

"nasiener", 'n werknemer wat melk ontvang, nagaan en uitreik, en wat melk kan weeg en opbêre, toesig hou oor die pligte van werknemers wat hom by die uitvoering van enigeen of al sy pligte behulpsaam is en aantekening maak van gegewens wat by enigeen of al sy pligte hoort, en vir die toepassing van hierdie woordomskrifing kan die uitdrukking "melk" enige melkeryproduktartikel of -artikels insluit;

"noodwerk", enige werk nodig gemaak deur 'n onklaarraking van installasie of masjinerie of ander onvoorsiene noodgeval, of in verband met die nagaan of herstel van installasie of masjinerie, wat nie gedurende gewone werkure, voorgeskryf in klousule 6, verrig kan word nie; en enige ander werk wat uit onvoorsiene voorvalle te wyte aan oorsake soos brand, storm, ongeluk, epidemie, gewelddaad, burgerlike onluste of diefstal, ontstaan, wat sonder uitstel verrig moet word en noodsaaklik is vir die instandhouding en/of lewering van ligte, water, telefoondienste, openbare gesondheids-, sanitêre-, skoonmaak-, openbare vervoer- of lughawediensle, of vir die uitvoering van bestellings vir die verskaffing van goedere aan, of die lewering van dienste in verband met skepe, hospitale of die verdedigingsmag van die Unie of die Suid-Afrikaanse Polisie;

"ondervinding"—

- (a) met betrekking tot 'n melkerybeampte, die totale voltydse dienstdytperk of -tydperke wat 'n werknemer as 'n melkerybeampte in 'n bedryfsinrigting gehad het;
- (b) met betrekking tot 'n klerklike werknemer, die totale voltydse dienstdytperk of -tydperke wat 'n werknemer as 'n klerklike werknemer gehad het;
- (c) met betrekking tot 'n toonbankbediende, die totale dienstdytperk of -tydperke wat 'n werknemer as 'n toonbankbediener in die melkerybedryf of as 'n winkelbediende in die voedsel- of kruideniersafdeling van 'n winkel gehad het;

"sleepwa", 'n vervoermiddel wat deur 'n motorvoertuig getrek word;

"toonbankbediende", 'n werknemer, uitgesonderd 'n afleweringswerknemer, wat klante in 'n bedryfsinrigting kan bedien en wat bestellings kan aanneem;

"toonbankbediende, manlik, gekwalifiseer", 'n manlike toonbankbediende, met minstens vyf jaar ondervinding;

"toonbankbediende, manlik, ongekwalifiseer", 'n manlike toonbankbediende met minder as vyf jaar ondervinding;

"toonbankbediende, vroulik, gekwalifiseer", 'n vroulike toonbankbediende met minstens vier jaar ondervinding;

"toonbankbediende, vroulik, ongekwalifiseer", 'n vroulike toonbankbediende met minder as vier jaar ondervinding;

"voorman" of "opsigter", 'n werknemer, uitgesonderd 'n melkdepotbestuurder of 'n baasjong, in beheer van die werknemers in 'n bedryfsinrigting en wat kontrole uitoefen oor dié werknemers en verantwoordelik is vir die behoorlike verrigting van hul werk;

"wag", 'n werknemer wat persele, geboue, hekke of ander eiendom bewaak;

"weeklikse werknemer", 'n werknemer wat by die week betaal word.

(2) Vir die toepassing van hierdie Order, word dit beskou dat 'n werknemer tot daardie klas behoort waarin hy uitsluitlik of hoofsaaklik werksaam is.

4. BESOLDIGING.

(1) Die minimum loon wat 'n werkgewer aan ondervermelde klasse van sy werknemers moet betaal, is soos volg:—

	Per week.		
	£	s.	d.
(a) Werknemers, uitgesonderd los werknemers—			
(i) Melkdepotbestuurder	10	7	8
(ii) Melkerybeampte, gekwalifiseer	8	0	0
(iii) Melkerybeampte, ongekwalifiseer—			
gedurende die eerste ses maande ondervinding	5	6	0
gedurende die tweede ses maande ondervinding	5	19	6
gedurende die derde ses maande ondervinding	6	13	0
gedurende die vierde ses maande ondervinding	7	6	6
(iv) Voorman of opsigter	7	10	0
(v) Assistent-voorman of -opsigter	5	10	0
(vi) Melktoetsers, manlik	5	7	6
(vii) Melktoetsers, vroulik	4	2	6
(viii) Klerklike werknemer, manlik, gekwalifiseer	6	0	0
(ix) Toonbankbediende, manlik, gekwalifiseer	6	0	0
(x) Klerklike werknemer, manlik, ongekwalifiseer—toonbankbediende, manlik, ongekwalifiseer—			
gedurende die eerste jaar ondervinding	2	0	0
gedurende die tweede jaar ondervinding	2	15	0
gedurende die derde jaar ondervinding	3	10	0
gedurende die vierde jaar ondervinding	4	5	0
gedurende die vyfde jaar ondervinding	5	0	0
(xi) Klerklike werknemer, vroulik, gekwalifiseer	3	15	0
(xii) Toonbankbediende, vroulik, gekwalifiseer	3	15	0

(e) making or maintaining fires other than in connection with a steam boiler and/or removing refuse;

(f) carrying, moving, wrapping, stacking, packing or unpacking; opening or closing boxes or packages;

(g) cooking rations, making tea or other beverages;

(h) affixing printed or ready addressed labels to boxes or packages; stencilling and/or marking boxes or packages;

(i) feeding into and/or taking off from machines;

"milk depot" means any premises in which employers and employees mainly associate for the purpose of processing whole milk and from which such milk is bottled and/or sold and/or distributed and from which dairy produce may be sold and/or distributed;

"milk depot manager" means an employee in charge of a milk depot and who exercises control over all employees in such depot;

"milk tester" means an employee to whom a milk and cream testing certificate has been granted by the Department of Agriculture, qualifying him to test milk and cream for its butter fat content, who is engaged in testing and/or grading milk or fresh cream and may also be in charge of or supervise the pasteurization of milk;

"motor vehicle" means a conveyance used for the transportation of goods and which is propelled by other than human or animal power and includes a mechanical horse and/or tractor, but excludes a mechanically propelled but pedestrian controlled "pram" or delivery vehicle;

"motor vehicle driver" means an employee engaged in driving a motor vehicle, and for the purposes of this definition "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;

"short-time" means a temporary reduction in the number of ordinary hours of work due to slackness of trade, shortage of raw materials or railway trucks, vagaries of the weather or a general breakdown of plant or machinery or a threatened breakdown of buildings caused by accident or other unforeseen emergency;

"trailer" means any conveyance drawn by a motor vehicle;

"unladen weight" means the weight of any motor vehicle and/or trailer as expressed in a licence or certificate issued by a licensing authority in respect of such vehicle or trailer;

"wage" means that portion of the remuneration payable in money to an employee in respect of the ordinary hours of work referred to in clause 6 (1);

"watchman" means an employee engaged in guarding premises, buildings, gates or other property;

"weekly employee" means an employee who is paid by the week.

(2) For the purposes of this Order, an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

4. REMUNERATION.

(1) The minimum wage which shall be paid by an employer to the undermentioned classes of his employees shall be as follows:—

(a) Employees other than casual employees—

	Per Week		
	£	s.	d.
(i) Milk depot manager	10	7	8
(ii) Dairyman, qualified	8	0	0
(iii) Dairyman, unqualified—			
during the first six months of experience	5	6	0
during the second six months of experience	5	19	6
during the third six months of experience	6	13	0
during the fourth six months of experience	7	6	6
(iv) Foreman or supervisor	7	10	0
(v) Assistant foreman or supervisor	5	10	0
(vi) Milk tester, male	5	7	6
(vii) Milk tester, female	4	2	
(viii) Clerical employee, qualified, male	6	0	
(ix) Counterhand, male, qualified	6	0	
(x) Clerical employee, male, unqualified—			
Counterhand, male unqualified—			
during the first year of experience			
during the second year of experience			
during the third year of experience			
during the fourth year of experience			
during the fifth year of experience			
(xi) Clerical employee, female			
(xii) Counterhand, female			

	Per Week. £ s. d.
(xiii) Klerklike werknemer, vroulik, ongekwalifiseer—toonbankbediende, vroulik, ongekwalifiseer—	
gedurende die eerste jaar ondervinding ...	2 0 0
gedurende die tweede jaar ondervinding ...	2 7 6
gedurende die derde jaar ondervinding ...	2 15 0
gedurende die vierde jaar ondervinding ...	3 5 0
(xiv) Nasiener ...	4 10 0
(xv) Motorvoertuigbestuurder wat 'n motorvoertuig bestuur waarvan die gewig sonder vrag, tesame met die gewig sonder vrag van 'n sleepwa of sleepwaens wat deur daardie voertuig getrek word—	
(a) hoogstens 10,000 lb. is ...	4 10 0
(b) meer as 10,000 lb. is ...	6 0 0
(xvi) Aflerewingswerknemer ...	2 0 0
(xvii) Arbeider, agtien jaar of ouer ...	1 10 0
(xviii) Arbeider, onder agtien jaar ...	1 2 6
(xix) Wag ...	2 2 6
(xx) Baasjong ...	1 15 0
(xxi) Drywer van 'n diervoertuig ...	2 2 6
(xxii) Werknemers nie elder in hierdie paragraaf gespesifiseer nie ...	1 12 0

Met dien verstande dat die minimum loon van 'n aflerewingswerknemer, wat voltyds of hoofsaaklik in die dorp Alexandra in die magistraatsdistrik Johannesburg in diens is, £1. 10s. per week in die geval van 'n werknemer van 18 jaar of ouer en £1. 3s. 6d. per week in die geval van 'n werknemer onder 18 jaar, kan wees.

(b) *Los werknemer*.—Vir elke dag of gedeelte van 'n dag diens een-vyfde van die hoogste weekloon wat vir 'n werknemer van sy klas en gebied voorgeskryf is.

(2) *Kontrakbasis*.—Vir die toepassing van hierdie klousule is die basis van die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, weekliks en moet 'n werknemer, behoudens soos bepaal in klousule 5 (6), ten opsigte van 'n week minstens die volle weekloon soos in subklousule (1) vir 'n werknemer van sy klas en gebied voorgeskryf, betaal word, of hy daardie week die maksimum getal gewone ure voorgeskryf in klousule 6 (1) of minder gewerk het.

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

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

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

voorgeskryf is in subklousule (1), moet dié werknemer vir alle gewone werke van die bedryfsinrigting op daardie dag gewerk, betaal—

(i) in die geval in paragraaf (a) genoem, vir elke uur teen 'n skaal gelyk aan die hoër weekloon gedeel deur die getal gewone ure deur die werknemer per week gewerk;

(ii) in die geval in paragraaf (b) genoem, vir elke uur teen 'n skaal gelyk aan die weekloon vir 'n werknemer van sy klas en gebied voorgeskryf, plus twintig persent, gedeel deur die getal gewone ure deur die werknemer per week gewerk; met dien verstande dat dié werknemer nie vir dié dag waarop die werk deur hom verrig is, geregtig is op 'n totale bedrag wat groter is as wat 'n gekwalifiseerde werknemer in die hoër klas sou toegekome het teen die loonskaal wat vir hom in subklousule (1) voorgeskryf is nie;

met dien verstande dat waar die enigste verskil tussen klasse kragtens subklousule (1) gebaseer is op ondervinding, geslag of ouderdom, die bepalinge van hierdie subklousule nie van toepassing is nie.

(4) *Berekening van maandloon*.—Wanneer die loon wat aan 'n werknemer verskuldig is, kragtens klousule 5 (1) maandeliks betaal word, moet dit bereken word teen die skaal van 44 maal die loon wat in subklousule (1) vir 'n werknemer van sy klas en gebied voorgeskryf word.

(5) Ondanks andersluidende bepalinge in hierdie klousule, is dit vir 'n werkgewer toelaatbaar om 'n prestasieloonstelsel in te voer waarin die besoldiging wat aan 'n werknemer betaalbaar is, kan wissel wanneer die hoeveelheid werk deur hom gedoen of deur 'n groep werknemers waarvan hy lid is, wissel; met dien verstande dat wanneer so 'n skema deur 'n werkgewer ingevoer word—

(a) een week of een maand skriftelike kennis, al na die geval, aan weeklikse of maandelikse werknemers gegee moet word aangaande die voorwaardes wat ingevolge genoemde skema van toepassing is;

(b) kopieë van die kennisgewing in paragraaf (a) genoem, gestuur word aan die Beheerraad en die Afdelingsinspekteur, Departement van Arbeid, Johannesburg of Pretoria, al na die geval;

(c) elke werknemer wat deur die skema gedek word, elke week of elke maand, al na die geval, minstens die besoldiging (met inbegrip van betaling vir oortyd) vir 'n werknemer van sy klas vir dié tyd gewerk, moet ontvang, plus vyf persent, ongeag die feit of hy ingevolge so 'n skema tot dié besoldiging geregtig is ten opsigte van werk gedurende daardie tyd gedoen.

	Per Week. £ s. d.
(xiii) Clerical employee, female, unqualified— Counterhand, female, unqualified—	
during the first year of experience ...	2 0 0
during the second year of experience ...	2 7 6
during the third year of experience ...	2 15 0
during the fourth year of experience ...	3 5 0
(xiv) Checker ...	4 10 0
(xv) Motor vehicle driver who drives a motor vehicle the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle—	
(a) does not exceed 10,000 lb. ...	4 10 0
(b) exceeds 10,000 lb. ...	6 0 0
(xvi) Delivery employee ...	2 0 0
(xvii) Labourer of the age of 18 years or over ...	1 10 0
(xviii) Labourer under the age of 18 years ...	1 2 6
(xix) Watchman ...	2 2 6
(xx) Boss boy ...	1 15 0
(xxi) Driver of an animal-drawn vehicle ...	2 2 6
(xxii) Employee not elsewhere specified in this paragraph ...	1 12 0

Provided that the minimum wage of a delivery employee employed wholly or mainly in the township of Alexandra in the magisterial District of Johannesburg may be £1. 10s. per week in the case of an employee of the age of 18 years or over, and £1. 3s. 6d. in the case of an employee under the age of 18 years.

(b) *Casual employee*, for each day or part of a day of employment one-fifth of the highest weekly wage prescribed for an employee of his class and area.

(2) *Basis of Contract*.—For the purposes of this clause the basis of contract of employment of an employee, other than a casual employee, shall be weekly and save as provided in clause 5 (6) an employee shall be paid in respect of a week not less than the full weekly wage prescribed in sub-clause (1) for an employee of his class and area whether he has in that week worked the maximum number of ordinary hours prescribed in clause 6 (1) 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 sub-clause (1), shall pay to such employee a wage for all the ordinary hours of work of the establishment on that day—

(i) in the case referred to in paragraph (a), at a rate for each hour equal to the higher weekly wage divided by the number of ordinary hours worked by such employee in a week;

(ii) in the case referred to in paragraph (b), at a rate for each hour equal to the weekly wage prescribed for an employee of his class and area, plus twenty per cent divided by the number of ordinary hours worked by such employee in a week; provided that such employee shall not be entitled to an aggregate amount in respect of the day on which he performs such work greater than the amount that would have accrued to a qualified employee in such higher class at the rate of wage prescribed for him in sub-clause (1); provided that where the sole difference between classes is, in terms of sub-clause (1) based on experience, sex or age, the provisions of this sub-clause shall not apply.

(4) *Calculation of Monthly Wages*.—Whenever the wage due to an employee is in terms of clause 5 (1) paid monthly it shall be calculated at the rate of four-and-one-third times the wage prescribed in sub-clause (1) for an employee of his class and area.

(5) Notwithstanding anything to the contrary in this clause contained, it shall be permissible for an employer to introduce any incentive wage scheme in which the remuneration payable to an employee may vary whenever the amount of work done by him or by any group of employees of which he is a member varies; provided that whenever any such scheme is introduced by an employer—

(a) one week's or one month's written notice shall be given to weekly or monthly employees, as the case may be, of the conditions applicable under the said scheme;

(b) copies of the notice referred to in paragraph (a) shall be transmitted to the Management Board and the Divisional Inspector, Department of Labour, Johannesburg or Pretoria, as the case may be;

(c) each employee covered by the scheme shall receive each week or month, as the case may be, not less than the remuneration (including overtime pay) for an employee of his class for the time worked, plus five per cent, irrespective of whether he is, in terms of any such scheme, entitled to such amount of remuneration in respect of work done during that time.

5. BETALING VAN BESOLDIGING.

(1) (a) *Werknemer, uitgesonderd los werknemer.*—Behoudens soos bepaal in klousule 7 (3), moet enige bedrag aan 'n werknemer verskuldig, weekliks, of wanneer die werkgewer en werknemer skriftelik daartoe ooreengekom het, maandeliks gedurende werkure of binne 15 minute nadat met werk opgehou is, op die betaaldag van die bedryfsinrigting in kontant betaal word, of by diensbeëindiging as dit plaasvind voor die betaaldag en moet geplaas word in 'n geslote koevert of houer waarop aangeteken staan, of wat vergesel gaan van 'n staat wat daarop vermeld die name van die werkgewer en dié van die werknemer, die werknemer se bedryf, die getal gewone ure en oortydure gewerk, die verskuldigde besoldiging en die tydperk ten opsigte waarvan betaling gedoen word.

(b) Ondanks 'n andersluidende ooreenkoms tussen 'n werkgewer en sy werknemer, moet die eerste betaling aan 'n werknemer ten opsigte van enige tydperk gewerk, deur sy werkgewer aan hom gemaak word op die eerste betaaldag van die bedryfsinrigting vir 'n werknemer van sy klas na die aanvang van sy dienstyd, ongeag die feit of hy op daardie dag—

(i) in die geval van 'n weeklikse besoldigde werknemer, 'n volle week;

(ii) in die geval van 'n maandeliks betaalde werknemer, 'n volle maand;

diens of minder by sy werkgewer voltooi het.

(c) Vir weekliks betaalde werknemers is Vrydae die betaaldag van 'n bedryfsinrigting elke week, en vir maandeliks betaalde werknemers is dit die laaste dag van elke kalendermaand; met dien verstande dat ingeval die laaste dag van 'n kalendermaand op 'n Sondag of 'n openbare vakansiedag val, die betaaldag die eerste werkdag moet wees wat onmiddellik op die Sondag of die openbare vakansiedag volg.

(d) Ondanks die bepalinge van paragraaf (c) kan 'n werkgewer ten opsigte van sy bedryfsinrigting die betaaldag vir sy weeklikse en maandeliks werknemers vasstel; met dien verstande—

(i) dat hy minstens sewe dae vooraf skriftelik kennis gee om hierdie betaaldag aan die Beheerraad en aan die Afdelingsinspekteur, Departement van Arbeid, van sy gebied bekend te maak.

(ii) dat hy op 'n opvallende plek in sy bedryfsinrigting 'n kennisgewing vertoon en vertoon hou waarin hierdie betaaldag genoem word;

(iii) dat hy geen betaaldag aldus deur hom vasgestel, mag verander nie, tensy hy minstens 30 dae skriftelike kennis van die voorgename wysiging gegee het aan die Beheerraad en die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied, en minstens 30 dae kennis aan sy werknemers deur 'n kennisgewing, wat die voorgename wysiging uiteensit, op 'n opvallende plek in sy bedryfsinrigting op te plak en opgeplak te hou; en

(iv) dat enige betaaldag wat vir maandeliks werknemers vasgestel word, nie vroeër as drie dae voor en nie later as drie dae na die end van die kalendermaand val nie.

(2) *Los werknemer.*—'n Werkgewer moet die besoldiging, wat aan sy los werknemer verskuldig is, by diensbeëindiging in kontant betaal.

(3) Geen betaling mag deur 'n werkgewer, hetsy direk of indirek, ten opsigte van die indiensneming of opleiding van enige werknemer, gemaak of aangeneem word nie.

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

(5) *Losies en inwoning.*—Behoudens soos by die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, of by die Naturelle-arbeid Regelingswet, 1911, bepaal, mag 'n werkgewer nie van sy werknemer vereis om by hom te loseer en/of in te woon nie, ook nie by enige persoon of op enige plek deur hom aangewys nie.

(6) *Boetes en aftrekkings.*—'n Werkgewer mag sy werknemers geen boetes oplê of enige aftrekking van sy werknemer se loon maak nie, uitgesonderd onderstaande:—

(a) Met die skriftelike toestemming van sy werknemer, 'n aftrekking vir verlof-, siekte-, versekerings-, versorg- of pensioenfondse;

(b) behalwe soos andersins in hierdie Order bepaal, as 'n werknemer van die werk af wegbly, 'n aftrekking in verhouding tot die tydperk van sy afwesigheid, bereken op die basis van die weekloon wat die werknemer op daardie tyd ten opsigte van sy gewone werkure ontvang het;

(c) 'n aftrekking van enige bedrag wat 'n werkgewer kragtens 'n wet of bevel van enige bevoegde hof verplig of toegelaat word om af te trek;

(d) ten opsigte van 'n openbare vakansiedag, uitgesonderd Nuwejaarsdag, Goeie-Vrydag, Geloftedag en Kersdag, waarop van 'n werknemer vereis of hy toegelaat word om nie te werk nie; 'n aftrekking van die loon wat hy sou ontvang het as hy op dié dag gewerk het;

5. PAYMENT OF REMUNERATION.

(1) (a) *Employee other than a Casual Employee.*—Save as provided in clause 7 (3), any amount due to an employee shall be paid in cash weekly, or if the employer and employee have agreed thereto, monthly, during the hours of work or within fifteen minutes of ceasing work on the pay-day of the establishment or on termination of employment if this takes place before the pay-day and shall be contained in a closed envelope or container on which shall be reflected, or which shall be accompanied by a statement, showing the employer's and employee's names, the employee's occupation, the number of ordinary and overtime hours worked, the remuneration due and the period in respect of which payment is made.

(b) Notwithstanding any agreement to the contrary between an employer and his employee, the first payment to any employee in respect of any period worked shall be made to him by his employer on the first pay-day of the establishment for an employee of his class after the commencement of his employment irrespective of whether he has on that day completed—

(i) in the case of a weekly paid employee, a full week's;

(ii) in the case of a monthly paid employee, a full month's, employment or less with his employer.

(c) The pay-day of an establishment for weekly paid employees shall be Friday in every week and for monthly paid employees it shall be the last day of every calendar month; provided that where the last day of a calendar month falls on a Sunday or a public holiday, such pay-day shall be the first work day immediately succeeding such Sunday or public holiday.

(d) Notwithstanding the provisions of paragraph (c), an employer may in respect of his establishment fix the pay-day for his weekly and monthly employees; provided—

(i) that he gives at least seven days' prior written notice specifying such pay-days to the Management Board, and to the Divisional Inspector, Department of Labour, for his area;

(ii) that he exhibits and maintains in a conspicuous place in his establishment a notice specifying such pay-days;

(iii) that he may not vary any pay-day so fixed by him unless he has given at least 30 days' written notice of the intended variation to the Management Board and the Divisional Inspector, Department of Labour, for his area and at least 30 days' notice to his employees by affixing and maintaining in a conspicuous place in his establishment a notice specifying the intended variation; and

(iv) that any pay-day fixed for monthly employees shall be not earlier than three days before, and not later than three days after, the end of a calendar month.

(2) *Casual Employee.*—An employer shall pay the remuneration due to his 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 any employee.

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

(5) *Board and Lodging.*—Save as provided in the Natives (Urban Areas) Consolidation Act, 1945, or in the Native Labour Regulation Act, 1911, an employer shall not require his employee to board and/or lodge with him or with any person or at any place nominated by him.

(6) *Fines and Deductions.*—An employer shall not levy any fines against his employee, nor shall he make any deductions from his employee's remuneration, other than the following:—

(a) With the written consent of his employee a deduction for holiday, sick benefit, insurance, provident or pension funds;

(b) except where otherwise provided in this order whenever an employee is not at work, a deduction proportionate to the period of his absence calculated on the basis of the weekly wage which such employee was receiving in respect of his ordinary hours of work at the time thereof;

(c) a deduction of any amount which an employer by any law or any order of any competent court is required or permitted to make;

(d) a deduction in respect of any public holiday, other than New Year's Day, Good Friday, Day of the Covenant and Christmas Day, on which an employee is required or permitted not to work of the wage which he would have received had he worked on such day;

(e) as 'n werknemer instem of kragtens die Naturelle (Stads-gebiede) Konsolidasiewet, 1945, of die Naturelle-arbeid Regelingwet, 1911, verplig is om van sy werkgever losies en/of inwoning aan te neem, 'n aftrekking van hoogstens die bedrae wat hieronder bepaal word:—

	(i) In die geval van 'n afleveringswerknemer, 'n arbeider, 'n drywer van 'n dierevoertuig, 'n baasjong, 'n wag, en die klas beskryf in klousule 4 (1) as „werknemers nie elders in hierdie paragraaf gespesifiseer nie”.		(ii) In die geval van 'n ander werknemer as 'n werknemer genoem in kolom (i).	
	Per week. s. d.	Per maand. £ s. d.	Per week. s. d.	Per maand. £ s. d.
Losies (uitgesonderd melkrantsoen).....	3 0	0 13 0	11 6	2 10 0
Inwoning.....	2 0	0 8 8	6 11	1 10 0
Losies en inwoning (uitgesonderd melkrantsoen).....	5 0	1 1 8	18 5	4 0 0

(f) as 'n werknemer toestem om van sy werkgever 'n melkrantsoen van volmelk aan te neem, 'n aftrekking van hoogstens ondervermelde bedrae:—

	Per week. s. d.	Per maand. s. d.
(i) Minstens een pint en minder as twee pinte per dag.....	2 0	8 8
(ii) Minstens twee pinte per dag.....	4 0	17 4

(g) wanneer die gewone werkure, in klousule 6 voorgeskryf, verminder word weens korttyd, 'n aftrekking ten opsigte van elke uur van dié vermindering, van die werknemer se weekloon gedeel deur die getal gewone ure wat dié werknemer per week werk; met dien verstande dat geen aftrekking gemaak mag word nie—

(i) in die geval van korttyd wat veroorsaak word deur 'n tydelike slapte in die bedryf of 'n tekort aan grondstowwe of spoorwegtrokke, tensy die werkgever sy werknemer minstens 24 uur kennis gegee het van sy voorneme om die gewone werkure aldus te verminder;

(ii) in die geval van korttyd wat veroorsaak word deur slegte weersgesteldheid, of 'n algemene onklaarraking van installasie of masjinerie, of 'n dreigende instorting van geboue as gevolg van ongeluk of onvoorsiene noodgeval, ten opsigte van die eerste uur wat nie gewerk word nie, tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat geen werk beskikbaar sal wees nie;

(h) 'n aftrekking van die bydrae van 'n werknemer kragtens klousule 15 hiervan.

6. WERKURE, GEWONE EN OORTYD EN BETALING VIR OORTYD.

(1) *Gewone werkure.*—Die gewone werkure van 'n werknemer mag nie meer wees nie as—

(a) in die geval van 'n motorvoertuigbestuurder, 'n afleveringswerknemer en 'n drywer van 'n dierevoertuig, 8 op 'n dag of 49 in 'n week van sewe dae;

(b) in die geval van 'n los werknemer, 9 op 'n dag;

(c) in die geval van 'n werknemer, uitgesonderd 'n werknemer genoem in paragrafe (a) en (b)—

(i) 46 in 'n week van hoogstens ses dae;

(ii) 8 op 'n dag in die geval van 'n werknemer wat 'n sesdaagse week werk, 9 1/5 op 'n dag in die geval van 'n werknemer wat 'n vyfdaagse week werk.

(2) *Oortyd.*—Alle tyd wta oor die maksimum getal gewone ure, voorgeskryf in subklousule (1), gewerk word, uitgesonderd tyd op Sondag gewerk deur 'n werknemer genoem in subklousule (1) (c), moet as oortyd beskou word.

(3) *Etensonderbrekings.*—'n Werkgever mag nie van 'n werknemer, uitgesonderd 'n werknemer genoem in paragrafe (a) en (b) van subklousule (1), vereis of hom toelaat om meer as vyf agtereenvolgende ure sonder 'n pouse van minstens een uur te werk nie, waarvan geen werk verrig mag word nie, en dié pouse word nie as deel van dié gewone werkure of oortyd gereken nie; met dien verstande dat—

(i) as dié pouse langer as een uur duur, enige tydperk oor 1 1/2 uur as gewone werkure gereken moet word;

(ii) werktidperke wat deur 'n pouse van minder as een uur onderbreek word, as aanenlopend beskou moet word.

(e) when an employee agrees or is required, in terms of the Natives (Urban Areas) Consolidation Act, 1945, or the Native Labour Regulation Act, 1911, to accept board and/or lodging from his employer, a deduction not exceeding the amounts specified hereunder:—

	(i) In the case of a Delivery Employee, a Labourer, a Driver of Animal-drawn Vehicle, a Boss Boy, a Watchman, and the class described in Clause 4 (1) as "Employee not elsewhere specified in this paragraph".		(ii) In the case of an Employee Other than an Employee referred to in Column (i).	
	Per Week. s. d.	Per Month. £ s. d.	Per Week. s. d.	Per Month. £ s. d.
Board (excluding milk ration).....	3 0	0 13 0	11 6	2 10 0
Lodging.....	2 0	0 8 8	6 11	1 10 0
Board and lodging (excluding milk ration).....	5 0	1 1 8	18 5	4 0 0

(f) when an employee agrees to accept from his employer a ration of whole milk, a deduction not exceeding the amount specified hereunder:—

	Per Week. s. d.	Per Month. s. d.
(i) Not less than one pint per day and less than two pints.....	2 0	8 8
(ii) Not less than two pints per day.....	4 0	17 4

(g) whenever the ordinary hours of work prescribed in clause 6 are reduced on account of short-time, a deduction in respect of such hour of such reduction of the employee's weekly wage divided by the number of ordinary hours worked by such employee in a week: Provided that no deduction shall be made—

(i) in the case of short-time arising out of a temporary slackness of trade or shortage of raw materials or railway trucks, unless the employer has given his employee not less than twenty-four hours' notice of his intention so to reduce the ordinary hours of work;

(ii) in the case of short-time arising out of vagaries of the weather or a general breakdown of plant or machinery or a threatened breakdown of buildings due to accident or other unforeseen emergency, in respect of the first hour not so worked, unless the employer has given his employee notice on the previous day that no work will be available;

(h) a deduction of the contribution of an employee in terms of clause 15 hereof.

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

(1) *Ordinary Hours of Work.*—The ordinary hours of an employee shall not exceed—

(a) in the case of a motor vehicle driver, a delivery employee and a driver of an animal-drawn vehicle, eight in any day or 49 in any week of seven days;

(b) in the case of a casual employee, nine in any day;

(c) in the case of an employee other than an employee referred to in paragraphs (a) and (b)—

(i) 46 in any week of not more than six days,

(ii) 8 in any day in the case of an employee who works a six-day week or 9 1/5th in any day in the case of an employee who works a five-day week.

(2) *Overtime.*—All time worked in excess of the maximum number of ordinary hours prescribed in sub-clause (1), other than time worked on a Sunday by an employee referred to in sub-clause (1) (c), shall be deemed to be overtime.

(3) *Meal Breaks.*—An employer shall not require or permit an employee, other than any employee referred to in paragraphs (a) and (b) of sub-clause (1), to work for more than five hours continuously without a meal interval of not less than one hour during which no work shall be performed, and such interval shall not be deemed to be part of the ordinary hours of work or overtime: Provided that—

(i) if such interval be for longer than one hour, any period in excess of an hour-and-a-quarter shall be deemed to be ordinary hours of work;

(ii) periods of work interrupted by an interval of less than one hour shall be deemed to be continuous.

(4) *Beperking van oortyd.*—'n Werkgewer kan nie van sy werknemer vereis of hom toelaat om meer as twee uur oortyd op enige dag te werk nie.

(5) *Betaling vir oortyd.*—'n Werkgewer moet sy werknemer vir alle oortyd deur hom gewerk, besoldiging betaal teen 'n skaal van minstens 1½ maal die loon wat in klousule 4 (1) vir 'n werknemer van sy klas en gebied voorgeskryf is.

(6) *Voorbehoude.*—(a) Die bepaling van hierdie klousule is nie op 'n melkdepotbestuurder of 'n wag van toepassing nie.

(b) Die bepaling van subklousules (3) en (4) is nie van toepassing op 'n werknemer wat werk verrig wat genoodsaak is deur 'n onklaarraking van installasie of masjinerie of ander onvoor-siene noodgeval nie.

(c) Die bepaling van subklousule (3) is nie van toepassing op 'n toonbankbediende of arbeider wat in 'n bedryfsinrigting in diens is wat gewoonlik vir meer as twee uur tussen 12-uur middag en 4-uur namiddag vir klante gesluit is nie; met dien verstande dat alle gewone werke en enige oortyd op 'n dag binne 'n tydperk van hoogstens twaalf uur, van die tyd af waarop so 'n werknemer op daardie dag met sy werk begin, gewerk moet word.

7. JAARLIKSE VERLOF.

(1) Behoudens die bepaling van subklousule (2), moet 'n werk-gewer sy werknemer ten opsigte van elke voltooide jaar diens by hom, twee agtereenvolgende weke verlof met volle besoldiging toestaan, en, op versoek van sy werknemer, 'n bykomende week se verlof sonder besoldiging, en hierdie week moet aaneenlopend met die twee weke besoldigde verlof wees.

(2) Die verlof genoem in subklousule (1) moet toegestaan word op 'n tydstop wat deur die werkgewer vasgestel word; met dien verstande dat—

- behoudens soos bepaal in paragraaf (v), wanneer die verlof nie eerder toegestaan is nie, dit binne vier maande na die voltooiing van die betrokke diensjaar toegestaan moet word;
- die tydperk van sodanige verlof nie mag saamval met siekteverlof wat kragtens klousule (8) toegestaan is of met enige ander tydperk van afwesigheid wat nie inbreuk op die dienskontrak maak nie;
- as Nuwejaarsdag, Goede-Vrydag, Geloftedag of Kersdag binne die tydperk van verlof val, nog 'n dag vir elke sodanige dag as 'n verdere verloftydperk met volle besoldiging by genoemde tydperk gevoeg moet word;
- 'n werkgewer enige dag geleentheidsverlof met volle besoldiging wat aan sy werknemer op sy werknemer se skriftelike versoek toegestaan is gedurende die jaar diens waarop die jaarlikse verloftydperk betrekking het, van die verloftydperk kan aftrek;
- 'n werkgewer en sy afleweringswerknemer en sy arbeider, uitgesonderd 'n arbeider op wie die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, van toepassing is, skriftelik ooreen kan kom dat jaarlikse verlof oor 'n dienstydperk van hoogstens twee opeenvolgende jare kan ooploop.

(3) *Verlofbesoldiging.*—Die besoldiging ten opsigte van jaarlikse verlof, in subklousule (1) genoem, moet uiterlik op die laaste werkdag voor die datum van die aanvang van die verlof betaal word.

(4) 'n Werknemer wie se dienskontrak in die eerste of enige daaropvolgende jaar diens by dieselfde werkgewer eindig voor die verloftydperk, genoem in subklousule (1), opgeloop het, moet, behoudens soos bepaal in die vierde voorbehoud by subklousule (2), by dié beëindiging in plaas van verlof en ten opsigte van elke volle maand van die tydperk van minder as een jaar, minstens een-sesde van die weekloon betaal word wat hy onmiddellik voor die datum van die beëindiging ontvang het.

(5) 'n Werknemer wat geregtig geword het op 'n verloftydperk kragtens subklousule (1) en wie se dienskontrak eindig voor die verlof toegestaan is, moet by dié beëindiging ten opsigte van verlof die bedrag, genoem in subklousules (1) en (4), betaal word.

(6) Vir die toepassing van hierdie klousule moet dit beskou word dat die uitdrukking „diens” enige tydperk of tydperke omvat wat 'n werknemer—

- ingevalge subklousule (1) met verlof afwesig is;
- op las of op versoek van sy werkgewer van sy werk afwesig is;
- ingevalge klousule 8 met siekteverlof afwesig is;
- afwesig is om enige ander rede wat nie met die dienskontrak strydig is nie;

wat gesamentlik hoogstens twaalf weke in 'n jaar beloop, en, na gelang van die jongste datum, dat diens begin op die datum waarop hy die laaste keer op verlof geregtig geword het, of verlof toegestaan is, of die datum waarop hy diens by die werk-gewer aanvaar het;

8. SIEKTEVERLOF.

(1) 'n Werkgewer moet aan sy werknemer wat na een maand diens by hom van sy werk afwesig is weens siekte of ongeluk, wat nie deur sy eie wangedrag veroorsaak is nie, behalwe 'n ongeluk waarvoor skadeloosstelling ingevolge die Ongevalwet, 1941, betaalbaar is, altesaam twee weke siekteverlof toestaan gedurende enige enkele diensjaar by hom en moet hom ten opsigte van enige afwesigheidstydperk kragtens die bepaling hiervan minstens die loon betaal wat hy sou ontvang het as hy gedurende dié tydperk gewerk het; met dien verstande dat die werkgewer as 'n vooropgestelde voorwaarde vir betaling deur hom van enige bedrag ten opsigte van so 'n afwesigheid bo drie dae kan eis dat ten opsigte van elke tydperk van afwesigheid waarvoor betaling gevorder word, 'n sertifikaat wat deur 'n geregistreerde mediese praktisyn onderteken is, en wat die aard en duur van die werknemer se

(4) *Limitation of Overtime.*—An employer shall not require or permit his employee to work overtime for more than two hours in any day.

(5) *Payment for Overtime.*—An employer shall pay to his employee in respect of all overtime worked by him remuneration at a rate not less than one-and-one-third times the wage prescribed in clause 4 (1) for an employee of his class and area.

(6) *Savings.* (a) The provisions of this clause shall not apply to a milk depot manager or a watchman.

(b) The provisions of sub-clauses (3) and (4) shall not apply to an employee employed on work necessitated by a breakdown of plant or machinery or other unforeseen emergency.

(c) The provisions of sub-clause (3) shall not apply to a counterhand or labourer employed in an establishment which is normally closed to business for more than two hours between 12 o'clock noon and 4 o'clock p.m.: Provided that all ordinary hours of work and any overtime on any day shall be worked within a period not exceeding twelve hours from the time such an employee first commences work for that day.

7. ANNUAL LEAVE.

(1) Subject to the provisions of sub-clause (2) an employer shall grant to his employee in respect of each completed year of employment with him two consecutive weeks' leave on full pay, and, at the request of his employee, an additional week's leave without pay, such week's leave to be consecutive with the two weeks' paid leave.

(2) The leave referred to in sub-clause (1) shall be granted at a time to be fixed by the employer: Provided that—

- save as provided in paragraph (v) if such leave has not been granted earlier it shall be granted within four months after the completion of the year of employment to which it relates;
- the period of such leave shall not be concurrent with sick leave granted in terms of clause 8 nor with any other period of absence not being in breach of the contract of employment;
- if New Year's Day, Good Friday, Day of the Covenant or Christmas Day falls within the period of such leave another day shall for each such day be added to the said period as a further period of leave on full pay;
- an employer may set off against such period of leave any day of occasional leave granted on full pay to his employee at his employee's request made in writing during the year of employment to which the period of annual leave relates;
- an employer and his delivery employee and his labourer, other than a labourer to whom the Factories, Machinery and Building Work Act, 1941, applies, may agree, in writing, that annual leave be accumulated over a period of employment of not more than two consecutive years.

(3) *Leave Remuneration.*—The remuneration in respect of annual leave referred to in sub-clause (1) shall be paid not later than the last work day before the date of the commencement of such leave.

(4) An employee whose contract of employment terminates in the first or any subsequent year of employment with the same employer before the period of leave referred to in sub-clause (1) has accrued shall, save as provided in the fourth proviso to sub-clause (2), upon such termination be paid in lieu of leave and in respect of each completed month of such period of less than one year not less than one-sixth of the weekly wage which he was receiving immediately before the date of such termination.

(5) An employee who has become entitled to a period of leave in terms of sub-clause (1) and whose contract of employment terminates before such leave has been granted shall upon such termination be paid in respect of leave the amount provided for in sub-clauses (1) and (4).

(6) For the purposes of this clause the expression “employment” shall be deemed to include any period or periods during which an employee is—

- absent on leave in terms of sub-clause (1);
- absent from work on the instructions of or at the request of his employer;
- absent on sick leave in terms of clause 8;
- absent for any other reason not being in breach of the contract of employment;

amounting in the aggregate to not more than twelve weeks in any year and employment shall be deemed to commence from the date on which he last became entitled to or was granted leave or the date on which he entered the employer's service, whichever is the later.

8. SICK LEAVE.

(1) An employer shall grant to his employee who after one month's employment with him is absent from work through sickness or accident, not caused by his own misconduct, other than an accident compensable under the Workmen's Compensation Act, 1941, two weeks' sick leave in the aggregate during any one year of employment with him and shall pay to him in respect of any period of absence in terms hereof not less than the wage he would have received had he worked during such period; Provided that an employer may require the production of a certificate signed by a registered medical practitioner showing the nature and the duration of the employee's illness in respect of each period of absence in excess of three days for which payment

siekte vermeld, voorgelê word; voorts met dien verstande dat wanneer van 'n werkgewer kragtens 'n wet vereis word om ten opsigte van enige werknemer wat in daardie wet voorgeskryf word, hospitaalgeld te betaal en hy dit ook betaal, die bedrag wat aldus betaal word, afgetrek kan word van die betaling wat kragtens hierdie klousule vir siekte verskuldig is, maar hoogstens die bedrag wat ten opsigte van enige tydperk van siekte waarvoor voorsiening hierin gemaak word.

(2) Die siekteverlof wat in subklousule (1) genoem word kan oor 'n tydperk van hoogstens twee jaar agtereenvolgende diens oploop.

(3) Vir die toepassing van hierdie klousule, het die uitdrukking „diens” dieselfde betekenis as in klousule 7 (6).

9. OPENBARE VAKANSIEDAE EN SONDAE.

(1) *Openbare vakansiedae.*—'n Werknemer is geregtig op en moet verlof toegestaan word met volle besoldiging op Nuwejaarsdag, Goeie-Vrydag, Gelofte-dag en Kersdag; met dien verstande dat van 'n werknemer vereis kan word om op enige van die dae te werk.

(2) *Betaling vir werk op openbare vakansiedae.*—(a) As 'n werknemer, uitgesonderd 'n los werknemer, op Nuwejaarsdag, Goeie-Vrydag, Gelofte-dag of Kersdag werk, moet sy werkgewer hom vir elke sodanige dag minstens die bedrag genoem in subklousule (1) betaal plus, ten opsigte van elke uur of gedeelte van 'n uur aldus gewerk, sy weekloon gedeel deur die getal gewone ure deur hom in 'n week gewerk.

(b) As 'n los werknemer op Nuwejaarsdag, Goeie-Vrydag, Gelofte-dag of Kersdag werk, moet sy werkgewer hom vir elkeen van die dae minstens die dagloon, in klousule 4 (1) vir 'n los werknemer voorgeskryf, betaal, plus ten opsigte van elke uur of gedeelte van 'n uur aldus gewerk, dié loon gedeel deur nege.

(3) *Betaling vir werk op Sondag.*—As 'n werknemer, uitgesonderd 'n werknemer genoem in klousules 6 (1) (a) en (b), 'n melk-depotbestuurder en 'n wag, op 'n Sondag werk, moet sy werkgewer hom of—

(a) 'n bedrag van minstens die dubbele urekwivalent van sy gewone loon vir elke uur aldus gewerk; met dien verstande dat die minimum betaling aan 'n werknemer minstens dubbel die besoldiging moet wees wat aan hom betaalbaar is ten opsigte van die tydperk wat gewoonlik op 'n weekdag deur hom gewerk word; of

(b) hom besoldiging teen minstens $1\frac{1}{2}$ maal sy gewone loon-skaal betaal ten opsigte van die totale tydperk op dié Sondag gewerk en hom binne sewe dae na die Sondag een dag vakansie toestaan waarvoor hy hom besoldiging moet betaal teen 'n skaal van minstens sy gewone skaal van besoldiging asof hy op dié vakansiedag sy gewone werkure vir daardie dag van die week gewerk het.

(4) As 'n los werknemer op 'n Sondag werk, moet sy werkgewer hom minstens dubbel die loon betaal wat in klousule 4 (1) vir 'n los werknemer voorgeskryf word.

10. BESKERMENDE KLERE, UNIFORMS EN OORPAKKE.

(1) 'n Werkgewer wat van sy werknemer vereis om oorpakke en/of beskermende klere te dra, of wat kragtens 'n wet of regulasie verplig is om oorpakke en/of beskermende klere aan sy werknemer te verskaf, moet of—

(a) dié oorpakke en/of beskermende klere kosteloos verskaf en in goeie toestand hou; of

(b) sy werknemer, benewens die besoldiging wat in klousule 4 vir 'n werknemer van sy klas en gebied voorgeskryf word, 'n maandelikse toelae van minstens 6s. 6d., 3s. 9d. en 1s. 4d. betaal in plaas van die verskaffing en onderhoud onderskeidelik van oorpakke, rubberstewels en voor-skote.

(2) 'n Werkgewer moet in nat weer aan sy werknemer wat aflewerdienste verrig, 'n waterdigte mantel of ander vorm van beskerming verskaf, of daardie werknemer benewens die besoldiging wat in klousule 4 vir 'n werknemer van sy klas en gebied voorgeskryf is, 'n bedrag van minstens 2s. per maand betaal. Wanneer 'n werkgewer 'n waterdigte mantel of ander beskerming aan sy werknemer verskaf, bly die artikel die werkgewer se eiendom.

11. VERBOD OP INDIENSNEMING VAN PERSONE ONDER VYFTIEN JAAR.

'n Werkgewer mag niemand onder vyftien jaar in diens neem nie.

12. DIENSSERTIFIKAAT.

By beëindiging van die dienskontrak van enigeen van sy werknemers, uitgesonderd 'n los werknemer, moet 'n werkgewer op versoek van sy werknemer, laasgenoemde voorsien van 'n dienssertifikaat waarop die naam van die werkgewer en dié van die werknemer voluit, die aard van die diens, die aanvangsdatum van die dienskontrak, die beëindigingsdatum daarvan en die skaal van die besoldiging op die datum van die beëindiging, aangegee word.

13. BEÏNDIGING VAN DIENSKONTRAK.

(1) 'n Werkgewer, of sy werknemer, uitgesonderd 'n los werknemer, moet gedurende die eerste maand diens minstens 24 uur diensopsegging gee, en daarna—

(a) in die geval van 'n afleweringswerknemer, minstens twee weke; en

(b) in die geval van enige ander werknemer, minstens een week.

is claimed, as a condition precedent to the payment by him of any amount in respect of such absence: Provided further that where an employer is by any law, required to pay, and pays hospital fees in respect of any employee referred to in any such law, the amount so paid may be set off against the payment due in respect of sickness in terms of this clause, but not exceeding the amount which will be payable in respect of any period of sickness provided for herein.

(2) The sick leave referred to in sub-clause (1) shall be accumulative over a period of service of not more than two consecutive years.

(3) For the purposes of this clause the expression “employment” shall have the same meaning as in clause 7 (6).

9. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays.*—An employee shall be entitled to and be granted leave on full pay on New Year's Day, Good Friday, Day of the Covenant and Christmas Day; provided that an employee may be required to work on any such day.

(2) *Payment for Work on Public Holidays.*—(a) Whenever an employee, other than a casual employee, works on New Year's Day, Good Friday, Day of the Covenant or Christmas Day, his employer shall pay to him for each such day not less than the amount provided for in sub-clause (1) plus in respect of each hour or part of an hour so worked, his weekly wage divided by the number of ordinary hours worked by him in a week.

(b) Whenever a casual employee works on New Year's Day, Good Friday, Day of the Covenant or Christmas Day, his employer shall pay to him for each such day not less than the daily wage prescribed in clause 4 (1) for a casual employee, plus in respect of each hour or part of an hour so worked, such wage divided by nine.

(3) *Payment for Work on Sundays.*—Whenever an employee, other than any employee referred to in clauses 6 (1) (a) and (b), a milk depot manager and a watchman works on a Sunday, his employer shall either—

(a) pay to him an amount not less than double the hourly equivalent of his ordinary wage for each hour so worked; provided that the minimum payment to an employee shall not be less than double the remuneration payable to him in respect of the period ordinarily worked by him on a weekday; or

(b) pay him remuneration at a rate of not less than one and one-third times his ordinary rate of remuneration in respect of the total period worked on such Sunday and grant him within seven days of such Sunday one day's holiday and pay him in respect thereof remuneration at a rate of not less than his ordinary rate of remuneration as if he had on such holiday worked his average ordinary working hours for that day of the week.

(4) Whenever a casual employee works on a Sunday, his employer shall pay to him not less than double the wage prescribed in clause 4 (1) for a casual employee.

10. PROTECTIVE CLOTHING, UNIFORMS AND OVERALLS.

(1) An employer who requires his employee to wear any overall and/or protective clothing or who is compelled by any law or regulation to provide his employee with any overall and/or protective clothing shall either—

(a) supply and maintain in good condition free of charge any such overall and/or protective clothing; or

(b) pay to his employee, in addition to the remuneration prescribed in clause 4 for an employee of his class and area a monthly allowance of not less than 6s. 6d., 3s. 9d. and 1s. 4d. in lieu of the supply and maintenance of overalls, gum boots and aprons respectively.

(2) An employer shall in wet weather either provide his employee engaged in delivery with a waterproof cape or other form of protection or pay to such employee in addition to the remuneration prescribed in clause 4 for an employee of his class and area, an amount of not less than 2s. per month. Where an employer provides his employee with a waterproof cape or other form of protection the article shall remain the property of the employer.

11. PROHIBITION OF EMPLOYMENT OF ANY PERSON UNDER THE AGE OF FIFTEEN YEARS.

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

12. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment of any of his employees, other than a casual employee, furnish such employee at the employee's request with a certificate of service showing the full names of the employer and employee, the nature of employment, the dates of commencement and termination of the contract of employment and the rate of remuneration at the date of such termination.

13. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) An employer or his employee, other than a casual employee, shall give not less than twenty-four hours' notice during the first month of employment and thereafter—

(a) in the case of a delivery employee not less than two weeks' notice; and

(b) in the case of any other employee not less than one week's notice;

vir besoldiging van die dienskontrak, of 'n werkgewer kan die dienskontrak sonder voorafgaande opsegging beëindig deur aan die werknemer minstens onderstaande te betaal:—

- (i) In die geval van 24 uur diensopsegging die weekloon wat die werknemer onmiddellik voor die datum van die beëindiging ontvang het, gedeel deur sewe in die geval van 'n werknemer wat 'n sewedaagse week werk en deur ses in die geval van 'n werknemer wat 'n sesdaagse week werk, en deur vyf in die geval van 'n werknemer wat 'n vyfdaagse week werk;
- (ii) in die geval genoem in paragraaf (a), dubbel die weekloon;
- (iii) in die geval genoem in paragraaf (b), die weekloon;

wat die werknemer onmiddellik voor die datum van die beëindiging ontvang het; met dien verstande dat dit nie die onderstaande raak nie:—

- (i) 'n Werkgewer of 'n werknemer se reg om die dienskontrak sonder opsegging te beëindig om 'n rede wat wetlik as voldoende erken word;
- (ii) enige skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat 'n gelyke diensopseggingstermyn aan albei kante en, na gelang van die geval, vir langer tydperke as dié in paragrafe (a) en (b) genoem, bepaal;
- (iii) die toepassing van enige verbeurings of boetes wat kragtens wet toegepas kan word op 'n werknemer wat van sy werk weggooi.

(2) As 'n ooreenkoms ingevolge paragraaf (ii) van die voorbehoud by subklousule (1) aangegaan is, moet die betaling in plaas van diensopsegging in verhouding wees tot die diensopseggingstermyn waarvoor ooreengekom is.

(3) Die diensopsegging wat in subklousule (1) genoem word, moet skriftelik wees en tree in werking met ingang van die dag waarop dit gegee word; met dien verstande dat die diensopseggingstermyn nie met die werknemer se afwesigheid met jaarlikse verlof kragtens die bepalings van klousule 7, siekteverlof kragtens klousule 8 of gedurende enige ander tydperk van afwesigheid wat nie op die dienskontrak inbreuk maak nie, mag saamval of gegee word nie.

14. AANTEKENINGS WAT DEUR WERKGEWERS GEHOU MOET WORD.

'n Werkgewer moet te alle tye ten opsigte van sy werknemers aantekening hou van die besoldiging wat aan hulle betaal word, tyd deur hulle gewerk en ander besonderhede voorgeskryf by regulasie 5 (1) (a) van die regulasies ingevolge die Loonwet, 1937 (Wet No. 44 van 1937).

15. BEHEERRAAD.

(1) Daar word 'n beheerraad ingestel, hierna genoem „die Raad”, wat verantwoordelik is vir die toepassing van die bepalings van hierdie Order.

(2) (a) Die Raad bestaan uit 'n onafhanklike voorsitter, drie verteenwoordigers van werkgewers en drie verteenwoordigers van werknemers, wat almal deur die Sekretaris van Arbeid aangestel word.

(b) Een verteenwoordiger van werkgewers en een verteenwoordiger van werknemers moet uit die gebied binne 'n straal van twaalf myl van die hoofskantoor, Pretoria, en twee verteenwoordigers van werkgewers en twee verteenwoordigers van werknemers uit die oorige gebiede aangestel word. Een plaasvervanger moet vir elke lid, uitgesonderd die voorsitter, deur die Sekretaris van Arbeid aangestel word.

(c) Die Sekretaris van Arbeid moet die lede en plaasvervangers vir sodanige tydperk as wat hy kan bepaal, aanstel, 'n tydperk wat nie twaalf maande te bowe gaan nie, maar sulke lede en plaasvervangers moet hul ampte beklee tot tyd en wyl hul plaasvervangers aangestel is, en hulle is herkiesbaar.

(3) Enige vakature wat in die Raad of onder die plaasvervangers ontstaan, moet gevul word deur 'n persoon wat deur die Sekretaris van Arbeid aangestel is, en die persoon aldus aangestel beklee sy amp vir die onverstreke ampstermyn van sy voorganger.

(4) (a) 'n Beslissing ten gunste waarvan minstens vier aanwesige lede van die Raad by 'n behoorlik saamgestelde vergadering gestem het, moet as 'n beslissing van die Raad beskou word.

(b) Plaasvervangers is daarop geregtig om vergaderings van die Raad by te woon, maar het slegs die reg om te stem wanneer hul onderskeie prinsipale afwesig is.

(5) (a) Die Raad moet reëls formuleer wat nie met hierdie Order strydig is nie, met betrekking tot—

- (i) die aanstelling van 'n lid om op te tree as voorsitter by enige vergadering waarop die voorsitter van die Raad nie teenwoordig is nie;
- (ii) die byeenroep van vergaderings van die Raad, die prosedure daarby en die notulering van sodanige vergaderings se verrigtings;
- (iii) die hou en ouditeer van rekenings van inkomste en uitgawes, en
- (iv) die onderhoud van die rekords van sy bedrywighede;

met dien verstande dat enige reël wat kragtens hierdie paragraaf geformuleer word, nie in werking mag tree voordat dit deur die Sekretaris van Arbeid goedgekeur is nie.

(b) Met die goedkeuring van die Sekretaris van Arbeid, kan die Raad reëls formuleer wat nie strydig met hierdie Order is nie, aangaande enige ander sake, wat die Sekretaris van Arbeid as noodsaaklik en wenslik bepaal dat dit aldus gereguleer word ter bereiking van die doeleindes van hierdie Order.

of his intention to terminate the contract of employment, or an employer may terminate the contract of employment without notice by paying the employee not less than—

- (i) in the case of twenty-four hours' notice, the weekly wage which the employee was receiving immediately before the date of such termination divided by seven in the case of an employee who works a seven-day week, by six in the case of an employee who works a six-day week and by five in the case of an employee who works a five-day week;
- (ii) in the case referred to in paragraph (a), double the weekly wage;
- (iii) in the case referred to in paragraph (b), the weekly wage;

which the employee was receiving immediately before the date of such termination; provided that this shall not affect—

- (i) the right of an employer or an employee to terminate a contract of employment 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 the periods referred to in paragraphs (a) and (b) as the case may be;
- (iii) the operation of any forfeitures or penalties which by law may be applicable in respect of desertion by an employee.

(2) When an agreement is entered into in terms of paragraph (ii) of the proviso to sub-clause (1), the payment in lieu of notice shall be proportionate to the period of notice agreed upon.

(3) The notice referred to in sub-clause (1) shall be in writing and shall take effect from the day on which it is given: Provided that the period of notice shall not run concurrently with, nor shall notice be given during the employee's absence on annual leave in terms of clause 7, sick leave in terms of clause 8 or during any other period of absence not being in breach of the contract of employment.

14. RECORDS TO BE MAINTAINED BY EMPLOYERS.

An employer shall at all times keep in respect of his employees a record of the remuneration paid to them, time worked by them and other particulars prescribed by regulation 5 (1) (a) of the regulations made under the Wage Act, 1937 (Act No. 44 of 1937).

15. MANAGEMENT BOARD.

(1) There shall be established a Board of Management, hereinafter referred to as “the Board”, which shall be responsible for administering the provisions of this order.

(2) (a) The Board shall consist of an independent chairman, three representatives of employers and three representatives of employees, all of whom shall be appointed by the Secretary for Labour.

(b) One representative of employers and one representative of employees shall be appointed from the area within a radius of twelve miles from the General Post Office, Pretoria, and two representatives of employers and two representatives of employees shall be appointed from the remaining areas. One alternate shall be appointed by the Secretary for Labour for each member except the Chairman.

(c) The Secretary for Labour shall appoint the members and alternates for such period, being not in excess of twelve months, as he may determine; but such members and alternates shall continue in office until their successors are appointed and shall be eligible for re-appointment.

(3) Any vacancy occurring on the Board or amongst alternates shall be filled by a person appointed by the Secretary for Labour, and the person so appointed shall hold office for the unexpired period of office of his predecessor.

(4) (a) A decision in favour of which at least four members of the Board present at a properly constituted meeting have voted shall be deemed to be the decision of the Board.

(b) Alternates shall be entitled to attend meetings of the Board but shall have the right to vote only in the absence of their respective principals.

(5) (a) The Board shall make rules, not inconsistent with this order, relating to—

- (i) the appointment of a member to act as chairman at any meeting at which the Chairman of the Board is not present;
- (ii) the calling of meetings of the Board, the procedure thereat and the keeping of minutes of the proceedings of such meetings;
- (iii) the keeping and audit of accounts of income and expenditure, and
- (iv) the maintenance of records of its activities;

provided that any rule made in terms of this paragraph shall not become operative until approved by the Secretary for Labour.

(b) The Board may, with the approval of the Secretary for Labour, make rules not inconsistent with this order on any other matters which are determined by the Secretary for Labour to be necessary or expedient to be so regulated for the achievement of the purposes of this order.

(6) (a) Van tyd tot tyd kan die Raad op voorwaardes wat hy kan vasstel, enige persone as ampsdraers, met inbegrip van agente, aanstel wat nodig is om hulle in staat te stel om sy werksaamhede te verrig, en werkers en werknemers moet aan sodanige persone alle fasiliteite, gewere en werknemers moet aan om hulle pligte uit te voer.

(b) 'n Werkgewer moet—

- (i) na die beste van sy vermoë sodanige inligting met betrekking tot die diensvoorwaardes van sy werknemers verstrek as wat deur 'n agent vereis kan word; en
- (ii) op versoek van 'n agent enige boek, dokument of ding met betrekking tot die diensvoorwaardes van sy werknemers vir ondersoek voorleë.

(7) Die Raad kan enigiens van sodanige ampsdraers, met inbegrip van agente, in hul amp skors of daaruit ontslaan.

(7) (a) Ter bestryding van die Raad se uitgawes by die uitvoering van sy pligte kragtens die bepalings van hierdie Order, met inbegrip van die betaling van sodanige bedrae aan sy lede (maar hoogstens £2. 2s. per dag in die geval van gewone lede en £4. 4s. per dag in die geval van die voorsitter van die Raad) as dié waarvoor die Raad kan besluit, moet 'n werkgewer van die loon van elkeen van sy werknemers, uitgesonderd 'n los werknemer, die bedrag van—

- (i) 4s. per maand aftrek in die geval van 'n werknemer wat 'n loon van meer as £2. 5s. per week ontvang;
- (ii) 1s. per maand in die geval van 'n werknemer wat 'n loon van £2. 5s. per week, of minder, ontvang;

en by die bedrag aldus afgetrek, moet die werkgewer as sy eie bydrae, 'n gelyke bedrag voeg en die totale bedrag maandeliks en voor of op die sewende dag na die end van die maand waarop die genoemde bedrag betrekking het, tesame met 'n staat wat die name van die werkgewer en sy werknemers, bedrywe van werknemers en bedrae wat afgetrek is, aantoon.

(b) Wanneer fondse na die mening van die Raad ook al in só 'n mate opgehoop het dat die invordering van bydraes van werkgewers en werknemers opgeskort kan word sonder om die doeltreffende toepassing van die Order op enige wyse te benadeel, kan die Raad die invordering van bydraes aldus opskort, maar kan te eniger tyd daarna dié opskorting herroep as, na sy goeddunke, die invordering van bydraes weer nodig geword het; met dien verstande dat minstens een kalendermaand kennis van sy besluit om die invordering van Bydraes op te skort of dié opskorting in te trek, soos volg deur die Raad gegee moet word:—

- (i) Skriftelik aan die Sekretaris van Arbeid; en
- (ii) aan die werkgewers en werknemers deur middel van 'n kennisgewing in 'n Afrikaanse en 'n Engelse koerant wat in die gebiede, deur die Order gedek, uitgegee word of ten tye daarvan daarin sirkuleer.

(8) (a) By die verstryking van hierdie Order, moet die jongsbenoemde voorsitter al die bate en onuitgegewe gelde op daardie datum onder beheer van die Raad, tesame met alle sodanige inligting aangaande uitstaande gelde, laste en ander verrigtings van die Raad as wat nodig is om die sake van die Raad af te sluit en te likwideer, aan die Sekretaris van Arbeid oordra.

(b) Die Sekretaris van Arbeid moet self of deur middel van sodanige persoon of persone as wat hy vir die doel aanstel, die sake van die Raad afsluit en die bate van die Raad wat in sy besit is, bewaar hangende die stigting van enige liggaam wat daarna ingevolge artikel dertien (1) (b) van die Wet op Naturele-arbeid (Beslegting van Geskille), 1953, aangestel kan word vir die administrasie van enige toekomstige order wat ingevolge genoemde Wet vir die Melkerybedryf gemaak kan word, wat in die gebied gedek deur hierdie Order, of enige gedeelte van sodanige gebied, van toepassing kan wees, en moet in dié geval aan genoemde liggaam al sodanige bate oordra, hetsy die likwidasië voltooi is of nie; of indien die toekomstige order nie gemaak is ten opsigte van al die gebiede wat deur hierdie Order gedek word nie, dan so 'n gedeelte van sodanige bate as wat hy regverdig beskou met inagneming van die gedeelte van die gebiede wat deur sodanige nuwe order gedek word.

(c) Enige bate waarvoor nog nie ingevolge die bepalings van hierdie subklousule aan die einde van drie jaar na die verstryking van hierdie Order beskik is nie, moet onmiddellik gelikwideer en in die Gekonsolideerde Inkomstefonds inbetaal word.

(d) Die Sekretaris van Arbeid kan van enige gelde waarmee hy kragtens hierdie subklousule gehandel het, enige noodsaaklike uitgawes aftrek wat deur hom aangegaan is in die uitvoering van enige werk wat as gevolg van hierdie subklousule op hom gelê is.

16. VRYSTELLINGS.

(1) Behoudens die bepalings van subklousule (2) van hierdie klousule, kan die Raad vrystelling om enige goeie of voldoende rede van enigiens van die bepalings van hierdie Order verleen aan, of ten opsigte van, enige persoon; met dien verstande dat geen vrystelling van die bepalings van subklousule (3) van klousule 9 verleen nóg word nie.

(2) Die Raad stel ten opsigte van enige persoon aan wie 'n vrystellingstifikaat verleen word, die voorwaardes vas waarop en die termyn waarvoor die vrystelling van krag is; met dien verstande dat die Raad na goeddunke en nadat een week skriftelik kennis aan die betrokke persoon gegee is, enige vrystellingstifikaat kan intrek, hetsy die termyn waarvoor die vrystelling verleen was, verstryk het of nie;

(6) (a) The Board may from time to time appoint, upon such conditions as it may determine, any persons as officials, including agents, as are necessary to enable it to perform its functions, and employers and employees shall afford such persons such facilities as will enable them to carry out their duties.

(b) An employer shall—

- (i) furnish to the best of his ability such information relating to the conditions of employment of his employees as an agent may require; and
- (ii) at the request of an agent produce any book, document or thing relating to the conditions of employment of his employees for examination.

(c) The Board may suspend from duty or discharge any such officials, including agents.

(7) (a) To meet the expenses of the Board in carrying out its functions in terms of this order, including the payment of such fees to its members (not exceeding £2. 2s. per diem in the case of ordinary members and £4. 4s. per diem in the case of the chairman of the Board) as the Board may decide, every employer shall deduct from the wages of each of his employees, other than a casual employee, the sum of—

- (i) 4s. per month in the case of an employee who receives a wage of more than £2. 5s. per week;
- (ii) 1s. per month in the case of an employee who receives a wage of £2. 5s. per week or less;

and to the amount so deducted the employer shall, as his own contribution, add an amount equivalent to the total amount so deducted and forward the total sum to the Board monthly and not later than the seventh day after the end of the month to which the sum referred to relates together with a statement showing the names of the employer and his employees, occupations of employees and amounts deducted.

(b) Whenever in the opinion of the Board, funds have accumulated to an extent that, without in any way impairing the efficient administration of the order, the collection of contributions from employers and employees can be suspended, the Board may so suspend the collection of contributions but may at any time thereafter, if in its discretion the collection of contributions again becomes necessary, cancel such suspension; provided that at least one calendar month's notice of its decision to suspend the collection of contributions or to cancel such suspension shall be given by the Board to—

- (i) the Secretary for Labour, in writing; and
- (ii) the employers and employees by notice in an English and an Afrikaans newspaper published or currently circulating in the areas covered by the order.

(8) (a) Upon the expiration of this order, the last-appointed chairman shall hand over all the assets and unexpended moneys under the Board's control at that date, to the Secretary for Labour together with all such information concerning outstanding moneys, liabilities and the other transactions of the Board as shall be necessary to enable the Board's affairs to be wound up and liquidated.

(b) The Secretary for Labour shall himself or through such person or persons as he shall appoint for the purpose, wind up the affairs of the Board and shall hold the assets of the Board pending the establishment of any body which may thereafter be appointed in terms of section 13 (1) (b) of the Native Labour (Settlement of Disputes) Act, 1953 for the administration of any future order which may be made under the said Act for the Dairy Trade, which may apply in the area covered by this order or any portion of such area, and shall in that event transfer to the said body the whole of such assets, whether liquidation is complete or not, or if the future order is not made in respect of the whole of the areas covered by this order, then such portion of such assets as he deems equitable having regard to the portion of the areas covered by such new order.

(c) Any assets not disposed of in terms of this sub-clause at the end of three years from the expiration of this order shall forthwith be liquidated and paid into the Consolidated Revenue Fund.

(d) The Secretary for Labour may deduct from any moneys dealt with by him in terms of this sub-clause, any necessary expenditure incurred by him in carrying out any function imposed on him by this sub-clause.

16. EXEMPTIONS.

(1) Subject to the provisions of sub-clause (2) of this clause, the Board may grant exemption from any of the provisions of this order to or in respect of any person for any good or sufficient reason; provided that no exemption shall be granted from the provisions of sub-clause (3) of clause 9.

(2) The Board shall fix, in respect of any person granted a licence of exemption, the conditions subject to which such exemption is granted and the period during which such exemption shall operate; provided that the Board may, if it deems fit, after one week's notice, in writing, has been given to the person concerned, withdraw any exemption licence, whether or not the period for which exemption was granted has expired.

(3) Die Raad moet aan elke persoon aan wie vrystelling verleen word, 'n sertifikaat uitreik deur die Raad of 'n behoorlik gemagtigde persoon onderteken, wat vermeld—

- (a) die betrokke persoon se naam voluit;
- (b) die bepaling van die Order waarvan vrystelling verleen word;
- (c) die voorwaardes waarop die vrystelling verleen word, en
- (d) die termyn waarvoor die vrystelling van krag is.
- (4) Die Raad moet—
 - (a) alle sertifikate wat uitgereik word, in volgorde nommer;
 - (b) van elke sertifikaat, wat uitgereik word, 'n afskrif hou en 'n afskrif aan die Afdelingsinspekteur, Departement van Arbeid vir die gebied waarin die betrokke werkgewer se bedryfsinrigting geleë is, stuur; en
 - (c) as vrystelling aan 'n werknemer verleen word, 'n afskrif van die sertifikaat aan die betrokke werkgewer stuur.

S. P. DU T. VILJOEN, *Voorsitter.*

P. R. VIVIERS, *Lid.*

J. J. SCHEEPERS, *Lid.*

J. M. CHOWLES, *Sekretaris, Loonraad.*

Pretoria,
27 Julie 1954.

(3) The Board shall issue to every person granted exemption a licence, signed by it or a duly authorised person setting out—

- (a) the full name of the person concerned;
- (b) the provision of the order from which exemption is granted;
- (c) the conditions subject to which such exemption is granted; and
- (d) the period during which the exemption shall operate.
- (4) The Board shall—
 - (a) number consecutively all licences issued;
 - (b) retain a copy of each licence issued, and forward a copy to the Divisional Inspector, Department of Labour, for the area in which the establishment of the employer concerned is situated; and
 - (c) where exemption is granted to an employee, forward a copy of the licence to the employer concerned.

S. P. DU T. VILJOEN, *Chairman.*

P. R. VIVIERS, *Member.*

J. J. SCHEEPERS, *Member.*

J. M. CHOWLES, *Secretary, Wage Board.*

Pretoria,
27th July, 1954.



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