

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CLXXXVII.] PRICE 6d.

CAPE TOWN, 25TH JANUARY, 1957.
KAAPSTAD, 25 JANUARIE 1957.

PRYS 6d. [No. 5806.

DEPARTMENT OF JUSTICE.

The following Bill is published for general information:—

Prisons and Reformatories Amendment Bill, 1957 .. 2

DEPARTEMENT VAN JUSTISIE

Onderstaande Wetsontwerp word ter algemene inligting gepubliseer:—

Wysigingswetsontwerp op Gevangnisse en Verbetergestigte, 1957 3

BLADSY

BILL

To amend the Prisons and Reformatories Act, 1911.

(Introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 2 of Act 13 of 1911, as amended by section 1 of Act 46 of 1920, section 2 of Act 27 of 1934, section 88 of Act 31 of 1937, and section 1 of Act 11 of 1955.

1. Section *two* of the Prisons and Reformatories Act, 1911 (hereinafter referred to as the principal Act), is hereby amended 5 by the substitution for the definition of "prisoner" of the following definition:

"'prisoner' shall mean any person, whether convicted or not, who is detained in any institution mentioned in paragraph (b) of section *nine*, section *thirteen* 10 or section *fifty*;"

Amendment of section 3 of Act 13 of 1911, as amended by section 1 of Act 46 of 1920, and section 88 of Act 31 of 1937.

2. Section *three* of the principal Act is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) The duties of the Prisons Department shall be—

- (a) The performance of all work necessary for, arising from, 15 or incidental to, the detention in maximum security, or in medium security, or in open institutions, as circumstances may warrant, of persons committed to its care;
- (b) as far as practicable to train convicts and prisoners 20 in agriculture or in any trade or occupation with a view to their reformation and rehabilitation;
- (c) to keep such statistics as the Minister may from time to time prescribe; and
- (d) to perform such other duties as the Minister may from 25 time to time assign to the department."

Amendment of section 4 of Act 13 of 1911, as amended by section 3 of Act 27 of 1934.

3. Section *four* of the principal Act is hereby amended—

- (a) by the substitution for sub-section (1) of the following sub-section:

"(1) The Minister may appoint any officer, other 30 than a subordinate officer, as an inspector of prisons or as a deputy-inspector of prisons, and such inspector or deputy-inspector shall perform the duties assigned to him by this Act or, subject to the provisions of this Act, by regulation or by administrative instruction." 35 and

- (b) by the substitution in sub-section (2) for the word "Minister" wherever it occurs of the word "Director".

Substitution of section 9 of Act 13 of 1911.

4. The following section is hereby substituted for section *nine* of the principal Act: 40

"Establishment of convict prisons and hospital prisons. 9. (1) The Minister may, by notice in the *Gazette*, establish—

- (a) convict prisons for the purposes of the imprisonment and confinement in accordance with the provisions of this Act and the regulations, 45 of persons convicted of any offence and sentenced to any period of imprisonment; and
- (b) chronic sick or hospital prisons for the treatment of convicts and prisoners.

(2) The Governor-General may make special 50 regulations for the control of chronic sick or hospital prisons. In the absence of such special regulations, the convict prison regulations shall apply."

WETSONTWERP

Tot wysiging van die „Wet op Gevangenissen en Verbetergestichten, 1911”.

(Ingedien deur die MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel twee van die Wet op „Gevangenissen en Verbetergestichten, 1911” (hieronder die Hoofwet genoem), word hierby gewysig deur die woordbepaling van „gevangene” deur die volgende woordbepaling te vervang:

„Gevangene’ een al dan niet veroordeelde die aangehouden wordt in een in paragraaf (b) van artikel negen, artikel dertien of artikel vijftig genoemde inrichting;”.

Wysiging van artikel 2 van Wet 13 van 1911, soos gewysig deur artikel 1 van Wet 46 van 1920, artikel 2 van Wet 27 van 1934, artikel 88 van Wet 31 van 1937, en artikel 1 van Wet 11 van 1955.
2. Artikel drie van die Hoofwet word hierby gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) De plichten van het Departement van Gevangenissen omvatten—

 - (a) het verrichten van alle werkzaamheden vereist voor, voortvloeiende uit, of rakende de aanhouding, naar vereiste van omstandigheden, in maximum zekerheid of in medium zekerheid of in open inrichtingen, van personen aan zijn zorg toevertrouwd;
 - (b) het opleiden zoo verre doenlik van bandieten en gevangenen in de landbouw of in een of ander bedrijf of beroep met het oog op hun verbetering en revalidatie;
 - (c) het verzamelen van zulke statistiese gegevens als de Minister van tijd tot tijd mocht voorschrijven; en
 - (d) het verrichten van zulke andere werkzaamheden als de Minister van tijd tot tijd aan het departement mocht opdragen.”.

Wysiging van artikel 3 van Wet 13 van 1911, soos gewysig deur artikel 1 van Wet 46 van 1920, en artikel 88 van Wet 31 van 1937.
3. Artikel vier van die Hoofwet word hierby gewysig—
 - (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) De Minister is bevoegd enige beambte, behalve een ondergeschikte beambte, tot inspekteur van gevangenissen of tot adjunkt-inspekteur van gevangenissen te benoemen, en zulk een inspekteur of adjunkt-inspekteur verricht de plichten die hem bij deze Wet of, onderworpen aan de bepalingen van deze Wet, bij regulaties of administratieve voorschriften opgedragen worden.”;

en
 - (b) deur in sub-artikel (2) die woord „Minister” orals waar dit voorkom deur die woord „Direkteur” te vervang.

Wysiging van artikel 4 van Wet 13 van 1911, soos gewysig deur artikel 3 van Wet 27 van 1934.
4. Artikel nege van die Hoofwet word hierby deur die volgende artikel vervang:

„Oprichting van bandietetronden en hospitaaltronden.

 9. (1) De Minister is bevoegd, bij kennisgeving in de Staatskoerant, op te richten—
 - (a) bandietetronden voor de gevangenzetting en opsluiting, overeenkomstig het bepaalde bij deze Wet en de regulaties, van personen die wegens een misdrijf schuldig bevonden en tot gevangenisstraf veroordeeld zijn; en
 - (b) chronies zieke- of hospitaaltronden voor de verpleging van bandieten en gevangenen.
 - (2) De Goeverneur-generaal is bevoegd bijzondere regulaties uit te vaardigen voor ’t beheer van chronies zieke- of hospitaaltronden. Bij ontstentenis van zulke regulaties worden de bandietetrond-regulaties toegepast.”.

Vervanging van artikel 9 van Wet 13 van 1911.

Amendment of
section 90 of
Act 13 of 1911,
as amended by
section 2 of
Act 46 of 1920.

8. Section *ninety* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

- "(1) (a) Any convict or prisoner detained in any institution mentioned in section *nine*, *thirteen* or *fifty* 5 may, in the interests of discipline or of such person, be removed by or on the authority of the Director to any other institution under the control of the department or, in the case of serious illness or of a female who is about to give birth to a child and if adequate 10 facilities do not exist for the treatment of such convict or prisoner in such institution, to any other place.
- (b) If any convict or prisoner detained as aforesaid is removed to any institution under the control of the department the order, judgment or warrant under 15 which he has been detained at the place from which he is being removed, together with all information relative to that convict or prisoner, shall be transmitted by the officer in charge of that place to the officer in charge of the institution to which the removal 20 is being made."

Short title.

9. This Act shall be called the Prisons and Reformatories Amendment Act, 1957.

8. Artikel *negentig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang:

Wysiging van artikel 90 van Wet 13 van 1911, soos gewysig deur artikel 2 van Wet 46 van 1920.

- 5 „(1) (a) Enige bandiet of gevangene die in een in artikel *negen, dertien of vijftig* genoemde inrichting aangehouden wordt, kan ter wille van de discipline of in het belang van zulk persoon, door of op gezag van de Direkteur naar enige ander inrichting onder het beheer van het departement overgebracht worden, of, in
- 10 geval van ernstige ziekte of van een vrouwspersoon die op 't punt staat aan een kind geboorte te geven, maar voldoende faciliteiten voor het behandelen van die bandiet of gevangene in bedoelde inrichting niet bestaan, naar enige ander plaats.
- 15 (b) Ingeval een bandiet of gevangene die zoals voormeld aangehouden wordt, naar een inrichting onder het beheer van het departement overgebracht wordt, wordt het bevelschrift of vonnis of de lastbrief uit krachte waarvan hij op de plaats vanwaar hij over-
- 20 gebracht wordt, aangehouden is, te zamen met alle gegevens betrekkelijk die bandiet, door de aldaar gezaghebbende beambte gezonden aan de gezaghebbende beambte van de inrichting waarheen de overbrenging geschiedt.”.

9. Hierdie Wet heet die Wysigingswet op Gevangenis en Kort titel.
25 Verbetergestigte, 1957.

BYLAË

NYWERHEID-VERSOENINGSWET, 1937.

VERSOENINGSRAADOOREENKOMS VIR DIE KAMSTOF-
TEKSTIELNYWERHEID.

OOREENKOMS

ingevolge die bepalings van die Nywerheid-versoeningswet, 1937, gesluit en aangegaan tussen die—

Textile Workers' Industrial Union (South Africa)
(hieronder die „werknemers” genoem), aan die een kant en die
Fine Wool Products of South Africa, Limited
(hieronder die „werkgever” genoem), aan die ander kant.

1. BESTEK VAN TOEPASSING.

(A) Die bepalings van hierdie Ooreenkoms moet deur alle werkgewers en werknemers in diens in die kamstoftekstielnywerheid nagekom word wat lede van die vakvereniging is en vir wie lone in hierdie Ooreenkoms voorgeskryf is.

(B) Die Ooreenkoms is van toepassing op die gebied deur die werkgewer geokkupeer en in die munisipale gebied van Uitenhage geleë.

2. GELDIGHEIDSDUUR VAN OOREENKOMS.

Hierdie Ooreenkoms tree in werking op sodanige datum as wat deur die Minister van Arbeid ingevolge artikel agt-en-veertig van die Nywerheid-versoeningswet, 1937, vasgestel word en bly van krag tot 30 Junie 1959 of vir sodanige tydperk as wat deur hom bepaal kan word.

3. WOORDOMSKRYWINGS.

(1) Enige uitdrukking wat in hierdie Ooreenkoms voorkom en in die Wet omskryf is het dieselfde betekenis as in die Wet; enige verwysing na die Wet sluit enige wysiging van sodanige Wet in en tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui, ook vrouens; voorts, tensy dit strydig met die samehang is, beteken—

- „Wet”, die Nywerheid-versoeningswet, No. 36 van 1937;
- „optoller”, ’n werknemer wat ’n optolmasjien bedien;
- „nawasbediener sonder ’n „strongbox”, ’n werknemer wat ’n nawasmasjien, uitgesonderd ’n „strongbox”, bedien;
- „nawasbediener met ’n „strongbox”, ’n werknemer wat ’n nawasmasjien bedien ingeslote ’n „strongbox” wat ’n deel van die masjien is;
- „oproller”, ’n werknemer wat die skering van die skering-masjien verwyder en die skering aan die kettingroller vassit;
- „nopster”, ’n werknemer wat knope, knoppe of vreemde materiaal uit die strik verwyder sonder om gate daarin te maak en sy mag haar tange en skêre gebruik;
- „afstryker en slyper”, ’n werknemer wat tande op kaardrollers afstryk, slyp, verwyder, skoonmaak en skerpmaak;
- „kaardmasjienuopsiener”, ’n werknemer wat kaardmasjiene bedien;
- „los werknemer”, ’n werknemer wat vir hoogstens drie (3) dae in enige week by dieselfde werkgewer in diens is;
- „kategorie B-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Afstryker en slyper;
- (2) kleedstofondersoeker;
- (3) garingheelmaker;

„kategorie C-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Kleedstofnasiener;
- (2) kettingsteller;

„kategorie D-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Nawasbediener met „strongbox”;
- (2) oproller;
- (3) kleedstofstopper;
- (4) inryger;
- (5) stukwerker;
- (6) papper;
- (7) kettingskeerder;
- (8) kettingknoper en -aanhenger;
- (9) wewer;

„kategorie E-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Nawasbediener sonder „strongbox”;
- (2) nopster;
- (3) bediener van kleedstofafwerkmasjien;
- (4) kamvoerman;
- (5) afdunmasjienbediener;
- (6) arbeider in die kleurafdeling;
- (7) masjienuolieman en handlanger;
- (8) afmeter;
- (9) naaldstellerasistent of valkamsteller;
- (10) ring- of kloppinner;
- (11) kleedstofnasienerassistent;

„kategorie F-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Optoller;
- (2) kaardmasjienuopsiener;
- (3) kleedkamerbediener;
- (4) kaastol-, keëltol-, bol-tol- of inslagtoloptoller;
- (5) valkambediener;
- (6) henkondersoeker;
- (7) bediener van enige masjien wat nie elders in hierdie Ooreenkoms gespesifiseer is nie;

SCHEDULE.

INDUSTRIAL CONCILIATION ACT, 1937.

CONCILIATION BOARD AGREEMENT FOR THE
WORSTED TEXTILE MANUFACTURING INDUSTRY,

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1937, made and entered into between

The Textile Workers' Industrial Union (South Africa)
of the one part (hereinafter referred to as “the employees”) and
Fine Wool Products of South Africa, Limited
(hereinafter referred to as “the employer”).

1. SCOPE OF APPLICATION.

(A) The terms of this Agreement shall be observed by the employer and by all the employees employed in the Worsteds Textile Manufacturing Industry, who are members of the trade union, and for whom wages are prescribed in this Agreement.

(B) The Agreement shall apply to the area occupied by the employer and situated in the Municipal Area of Uitenhage.

2. PERIOD OF OPERATION OF AGREEMENT.

This Agreement shall come into operation on a date to be determined by the Minister of Labour in terms of section forty-eight of the Industrial Conciliation Act, 1937, and shall remain in operation until the 30th June, 1959, or such period as the Minister may determine.

3. DEFINITIONS.

(1) Any expressions appearing in this Agreement which are defined in the Act shall have the same meaning as in the Act; any reference to the Act shall include any amendment of such Act and unless the contrary intention appears, words importing the masculine gender shall include females; further, unless inconsistent with the context—

“Act” means the Industrial Conciliation Act, No. 36 of 1937;
“assembly winder” means an employee who operates a winding machine;

“backwash operator without strongbox” means an employee who operates a backwash machine excluding a strongbox;

“backwash operator with strongbox” means an employee who operates a backwash machine including a strongbox which is part of the machine;

“beamer” means an employee who removes the warp from the warping machine and attaches the warp to the beam;

“burler” means an employee engaged in taking out knots, lumps or burls from the piece without making holes in it and may use tweezers or scissors;

“card stripper and grinder” means an employee who is engaged in stripping, grinding, removing, cleaning and sharpening needles on rollers;

“card tenter” means an employee engaged on minding carding machines;

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

“Category B employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Card stripper and grinder;
- (2) cloth checker;
- (3) smash piecer;

“Category C employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Percher;
- (2) warp setter;

“Category D employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Backwash operator with strongbox;
- (2) beamer;
- (3) cloth mender;
- (4) drawer-in;
- (5) piece marker;
- (6) sizer;
- (7) warper;
- (8) warp tyer and twister;
- (9) weaver;

“Category E employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Backwash operator without strongbox;
- (2) burler;
- (3) cloth finishing machine operator;
- (4) comb minder;
- (5) drawframe operator;
- (6) dyehouse labourer;
- (7) machine oiler and jobber;
- (8) measurer;
- (9) pin setter's assistant or faller dresser;
- (10) ring or cap spinner;
- (11) percher's assistant;

“Category F employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Assembly winder;
- (2) card tenter;
- (3) cloakroom attendant;
- (4) cheese, cone, ball or pirn winder;
- (5) gill box operator;
- (6) hank examiner;
- (7) operator of any machine not elsewhere specified in this Agreement;

- (8) merkmassienbediener;
- (9) inhaker;
- (10) opdraaier;
- (11) ring- of klokafhaler;
- (12) ring- of klokaanhegter;
- (13) magasynassistent;
- (14) afvalstof- of lapsorteerder;

„kategorie G-werknemer”, ’n werknemer wat in een of meer van die volgende hoedanighede of beroepe in diens is:—

- (1) Persele, voertuie, gereedskap, meubels, werktuie, masjinerie, houters of ander artikels skoonmaak en/of was;
 - (2) kaste of ander houters met toue of bande deur middel van ’n handmasjien toebind;
 - (3) briewe, boodskappe of artikels te voet of per fiets, drielief of handvoertuig aflewer;
 - (4) goedere of ander los artikels op- of aflaai, optel, dra, beweeg of opstapel;
 - (8) merkmassienbediener;
 - (5) enige voertuie of trok wat met die hand beweeg word, stoot of trek;
 - (6) tee of soortgelyke drankte maak;
 - (7) goedere op ’n vasgestelde skaal weeg;
 - (8) help by afleweringvoertuie, uitgesonderd dit bestuur of herstel;
 - (9) klein tolle dra;
 - (10) afval verwyder;
 - (11) deure, vensters, boligte, kaste, sakke, bale, dromme of ander houters of pakkies oopmaak, verseël of toemaak;
 - (12) tuinwerk (onder toesig plant, grawe, hark, grassny, strooi, meng, water lei);
 - (13) paai op paadjies vee;
 - (14) krane of kleppe onder die toesig van ’n werktuigkundige, toesighouer of masjienbediener oop- of toemaak;
 - (15) ondersoekte henks in bondels van spesifieke hoeveelhede bind;
 - (16) batterye vul;
 - (17) wol baal en/of trok;
 - (18) kambol en/of garing en/of kleedstof baal en/of sak en/of toedraai;
 - (19) uitkamsels of ander goedere vir versending, vervoer, aflewering of stoor, bymeekaarmaak en/of verpak;
 - (20) sakke met die hand maak en/of heelmaak;
- „kaastol-, keëltoel-, boltol- of inslagbolopsteller”, ’n werknemer wat ’n kaastol-, keëltoel-, boltol- of inslagtolmasjien bedien;
- „kleedkamerbediener”, ’n werknemer wat die kleedkamers en/of waskamers en/of latrines bedien en wat sodanige persele skoonmaak en/of was;
- „kleedstofondersoeker”, ’n werknemer wat onder toesig van ’n voorvrou die werk van die stoppers nagaan en wat foute met kryt werk en die stukke vir verbetering na die stoppers terugstuur;
- „kleedstofstopper”, ’n werknemer wat gate stop wat in die materiaal deur knope veroorsaak is, drade inwerk wat met die weef uitgelaat is en ook enige dubbele drade uittek;
- „bediener van kleedstofafwerkmasjien”, ’n werknemer wat enige masjien in die Afwerkafdeling bedien;
- „kamvoerman”, ’n werknemer wat een of meer Noble-kamme of Franse kamme bedien;
- „dag”, die tydperk van 24 uur bereken vanaf die tyd waarop die werknemer begin werk;
- „inryger”, ’n werknemer wat drade deur heuwels, rietkamme en valstopsetters in ’n sekere volgorde trek;
- „afduinmasjienbediener”, ’n werknemer wat ’n afduinmasjien bedien;
- „arbeider in die kleurafdeling”, ’n werknemer wat materiale in die kleurenteks insit en, na die kleuring, die materiaal verwyder;
- „inrigting”, enige persele waarop of in verband waarmee een of meer werknemers in die nywerheid in diens is;
- „ondervinding”, uitgesonderd soos anders bepaal, die totale tydperk wat sodanige werknemer in sy besondere beroep of werkbenaming in die Nywerheid, soos die geval mag wees, gehad het;
- „valkammasjienbediener”, ’n werknemer wat ’n valkammasjien bedien;
- „henkondersoeker”, ’n werknemer wat henks of breiwoel vir foute ondersoek;
- „aansporingsbonus”, enige stelsel waarvolgens ’n deel van ’n werknemer se besoldiging bereken word op die kwantiteit en/of kwaliteit van die werk wat hy gedoen het;
- „nywerheid”, die kamstofstekstielywerheid;
- „merkmassienbediener”, ’n werknemer wat ’n merkmassien bedien;
- „masjienolieman en handlanger”, ’n werknemer, uitgesonderd ’n werktuigkundige, wat verantwoordelik is vir die olie en smeer van masjiene en wat klein reparasies mag doen en van algemene hulp wees vir die voorman;
- „masjien- of installasiebediener en/of oppasser”, ’n werknemer wat ’n kragmasjien bedien, oppas, aan die gang sit en stop en wat veranderinge daaraan mag aanbring en/of die masjien kan voer of daarvan afhaal; en die uitdrukking „’n masjien bedien of oppas” het ’n ooreenstemmende betekenis;
- „afmeter”, ’n werknemer wat die lengte van ’n stuk meet en die nommer van die kleedstof, die aantal jaarts in die stuk en die kwaliteit daarvan neerskryf;
- „werktuigkundige”, ’n geskoolde ambagsman of werksman;
- „motorvoertuigbestuurder”, ’n werknemer wat ’n motorvoertuig bestuur, en vir die toepassing van hierdie omskrywing

- (8) labelling machine minder;
- (9) reacher-in;
- (10) reeler;
- (11) ring or cap doffer;
- (12) ring or cap twister;
- (13) stores assistant;
- (14) Waste or rag sorter;

“Category G employee” means an employee engaged in one or more of the following capacities or occupations:—

- (1) Cleaning and/or washing premises, vehicles, tools, furniture, utensils, implements, machinery, containers or other articles;
 - (2) binding or strapping boxes or other containers by hand strapping machine;
 - (3) delivering letters, messages, or articles on foot or by means of a bicycle, tricycle or hand-propelled vehicle;
 - (4) loading or unloading, lifting, carrying, moving or stacking goods or other movables;
 - (5) pushing or pulling any manually propelled vehicles or truck;
 - (6) making tea or similar beverages;
 - (7) weighing goods to a set scale;
 - (8) assisting on delivery vehicles other than driving or effecting repairs;
 - (9) small bobbin carrying;
 - (10) removing refuse;
 - (11) opening, sealing or closing doors, windows, fanlights, boxes, bags, bales, drums or other containers or packages;
 - (12) gardening work (planting under supervision, digging, raking, mowing, spreading, mixing, watering);
 - (13) sweeping roads or paths;
 - (14) opening or closing cocks or valves under the supervision of a mechanic, supervisor or machine operator;
 - (15) bundling examined hanks into bundles of specified quantities;
 - (16) filling batteries;
 - (17) baling and/or trucking wool;
 - (18) baling and/or packing and/or wrapping tops and/or yarn and/or cloth;
 - (19) collecting and/or packing nails or other goods for despatch, transport, delivery or storage;
 - (20) making and/or mending sacks by hand;
- “cheese, cone, ball or pirn winder” means an employee who operates a cheese, cone, ball or pirn winding machine;
- “cloakroom attendant” means an employee who is in charge of change-rooms and/or washrooms and/or lavatories and who cleans and/or washes such premises;
- “cloth checker” means an employee who under the supervision of a forewoman is engaged in checking the work of the menders and who marks mistakes with chalk and returns pieces to menders for correction;
- “cloth mender” means an employee who is engaged in mending holes in material caused by knots, putting in threads omitted in weaving and also in pulling out any double threads;
- “cloth finishing machine operator” means an employee engaged in operating any machine in the Finishing Department;
- “comb minder” means an employee engaged in operating one or more Noble Combs or French Combs;
- “day” means the period of 24 hours calculated from the time the employee commences work;
- “drawer-in” means an employee engaged in pulling threads through healds, reeds and drop wires in a certain order;
- “drawframe operator” means an employee who operates a drawframe;
- “dyehouse labourer” means an employee engaged in putting materials into dyeing tanks and removing the material after dyeing;
- “establishment” means any premises in or in connection with which one or more employees are employed in the Industry;
- “experience” means, save where elsewhere provided, the total period or periods of employment which such an employee has had in his particular occupation or designation in the Industry, as the case may be;
- “Gill Box operator” means an employee who operates Gill Boxes;
- “hank examiner” means an employee who examines hanks of knitting wool for faults;
- “incentive bonus” means any system under which part of an employee’s remuneration is based upon the quantity and/or quality of work done;
- “industry” means the Worsted Textile Manufacturing Industry;
- “labelling machine minder” means an employee who operates a labelling machine;
- “machine oiler and jobber” means an employee, other than a mechanic, who is responsible for the oiling and greasing of machines and who may carry out minor repairs and generally assist the foreman;
- “machine or plant operator and/or attendant” means an employee who operates, attends, starts and stops a power-driven machine and who may make adjustments thereto and/or feed or take off from such machine; and the expression “operating or attending a machine” has a corresponding meaning;
- “measurer” means an employee who measures the length of a piece and writes down the number of the cloth, number of yards in the piece and the quality thereof;
- “mechanic” means a skilled artisan or tradesman;
- “motor vehicle driver” means an employee engaged in driving a motor vehicle, and for the purpose of this definition

(b) Benewens die lewenskostoelae in paragraaf (a) van hierdie subklousule voorgeskrif, moet die werkgewer aan elkeen van sy manlike werknemers in Kategorieë E, F en G wat vir 'n ononderbroke tydperk sedert 12 Januarie 1953 in die betrokke kategorie by die werkgewer in diens was, 'n bykomende lewenskostoelae op die volgende skaal betaal:—

Kategorieë E en F 1s. 6d. per week.
Kategorie G 2s. 6d. per week.

(c) Benewens die lewenskostoelae in paragrafe (a) en (b) van hierdie subklousule voorgeskrif, is 'n werknemer wat die hele tyd gedurende die voorgeskrewe werkure van enige week werk, geregtig op en moet hy 'n bykomende lewenskostoelae van 4s. 6d. (vier shillings en ses pennies) per week betaal word.

Met dien verstande dat afwesigheid tot hoogstens een dag wat deur die werkgewer gemagtig is of andersins deur siekte of besering deur 'n sertifikaat van 'n mediese praktisyn ingevolge klousule 8 bevestig is, vir die toepassing van hierdie klousule as tyd gewerk beskou word.

(d) Benewens die lewenskostoelae in paragrafe (a), (b) en (c) van hierdie subklousule voorgeskrif, is 'n werknemer wat vyf jaar ononderbroke d'ens by die werkgewer voltooi het, hetsy voor of na hierdie Ooreenkoms van krag geword het, geregtig op en moet aan hom 'n dienstoelae van 6d. (ses pennies) per week deur die werkgewer betaal word.

Met dien verstande dat in die geval van vroulike werknemers goedgekeurde afwesigheid van hoogstens vier maande weens swangerskap vir die toepassing van hierdie paragraaf as ononderbroke diens beskou moet word.

(e) Benewens die lewenskostoelae in paragrafe (a), (b), (c) en (d) van hierdie subklousule voorgeskrif, is 'n werknemer van wie die grootste gedeelte van sy gewone werkure in enige week, tussen 8-uur nm. en 6-uur vm. val, geregtig op, en moet hy 'n bykomende lewenskostoelae betaal word bereken teen 10 persent van die lone voorgeskrif in subklousule (1) van hierdie klousule vir 'n werknemer van sy klas.

(5) *Differensiële loon.*—'n Werknemer wat verplig of toegelaat word om vir langer as altesaam een uur op enige dag te werk, hetsy benewens sy eie werk of ter vervanging daarvan, werk van 'n ander klas verrig waarvoor—

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

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

in subklousule (1) voorgeskrif is, is geregtig op en moet ten opsigte van elke uur of deel van 'n uur aldus gewerk—

(i) in die geval genoem in paragraaf (a) minstens een ses-enveertigste van die hoër weekloon in subklousule 1 voorgeskrif, betaal word, en

(ii) in die geval genoem in paragraaf (b) minstens een ses-enveertigste van die hoogste weekloon in subklousule (1) voorgeskrif;

met dien verstande dat waar die verskil in klasse ingevolge subklousule (1) op ondervinding, geslag of ouderdom gegrond is, die bepalinge van hierdie subklousule nie van toepassing is nie.

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

(7) *Berekening van maandlone.*—Wanneer die loon wat aan 'n werknemer verskuldig is ingevolge klousule 5 (1) maandeliks betaal word, word die bedrag van sodanige loon bereken teen die skaal van vier en 'n derde keer die loon voorgeskrif in subklousule (1) vir 'n werknemer van sy klas.

5. BETALING VAN BESOLDIGING.

(1) *'n Werknemer, uitgesonderd 'n los werknemer.*—Behoudens die bepalinge van subklousule (3) van klousule 7 moet enige bedrag wat aan 'n werknemer, uitgesonderd 'n los werknemer, verskuldig is, weekliks in kontant betaal word, of indien die werkgewer en werknemer skriftelik daartoe ooreengekom het, maandeliks, gedurende werkure of binne 15 minute nadat werk gestaak is op die Vrydag wat volg op die end en die gewone werkweek van die fabriek of by diensbeëindiging as dit plaasvind voor die gewone betaaldag en dit moet in 'n koefert of ander houer wees of vergesel wees van 'n staat met die werkgewer se naam, die werknemer se naam of betaalstaatsnommer, die werknemer se beroep, die aantal gewone en oortyd ure gewerk, die verskuldigde betaling ten opsigte van die gewone tyd gewerk, die verskuldigde betalings ten opsigte van oortyd gewerk, aansporingsbonusse, verskuldigde lewenskostoelae, bedrae afgetrek en die tydperk ten op sigte waarvan betaling geskied.

(2) *Los werknemer.*—Die werkgewer moet die besoldiging wat aan sy los werknemer verskuldig is, by beëindiging van die werknemer se daaglikse werktidperk, of in die geval van 'n los werknemer wat op twee of drie agtereenvolgende dae in enige week werk, by beëindiging van die aantal dae in daardie week gewerk, in kontant betaal.

(3) *Premies.*—Geen betaling mag regstreeks of onregstreeks aan 'n werkgewer gedoen of deur hom aangeneem word ten opsigte van die indiensneming of opleiding van 'n werknemer nie.

(b) In addition to the cost of living allowance prescribed in paragraph (a) of this sub-clause, the employer shall pay to each of his male employees in Categories E, F and G, who has been in the continuous employ, in the relevant category, of the employer since the 12th January, 1953, an additional cost of living allowance at the following rates:—

Categories E and F 1s. 6d. per week.
Category G 2s. 6d. per week.

(c) In addition to the cost of living allowances prescribed in paragraphs (a) and (b) of this sub-clause, an employee who attends work throughout the prescribed working hours of any week, shall be entitled to and shall be paid an additional cost of living allowance of 4s. 6d. (four shillings sixpence) per week.

Provided that absence to the maximum extent of one day, which has been authorised by the employer or alternatively has been due to illness or injury substantiated by a certificate from a medical practitioner in terms of clause 8, shall for the purpose of this cost of living allowance be regarded as time worked.

(d) In addition to the cost of living allowances prescribed in paragraphs (a), (b) and (c) of this sub-clause, an employee who has completed five years' continuous employment with the employer, whether before or after the coming into operation of this Agreement, shall be entitled to and shall be paid a service allowance of 6d. (sixpence) per week by the employer.

Provided that in the case of female employees approved absence not exceeding four months occasioned by pregnancy shall be deemed to be continuous service for purposes of this paragraph.

(e) In addition to the cost of living allowances prescribed in paragraphs (a), (b), (c) and (d) of this sub-clause, an employee, the major portion of whose ordinary hours of work in any week fall between the hours of 8 o'clock p.m. and 6 o'clock a.m., shall be entitled to and shall be paid an additional cost of living allowance calculated at 10 per cent of the wages prescribed in sub-clause (1) of this clause for an employee of his class.

(5) *Differential Wage.*—An employee who is required or permitted to perform for longer than one hour in the aggregate on any day either in addition to his own work or in substitution therefore, 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 be entitled to and be paid in respect of each hour or part of an hour so worked—

(i) in the case referred to in paragraph (a) not less than one forty-sixth of the higher weekly wage prescribed in sub-clause (1); and

(ii) in the case referred to in paragraph (b) not less than one forty-sixth of the highest weekly wage prescribed in sub-clause (1);

provided that where the 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.

(6) *Basis of Contract.*—For the purpose of this clause the basis of contract of an employee, other than a casual employee, shall be weekly and save as provided in sub-clause (5) hereof and in sub-clauses (1) and (6) of clause 5 an employee shall be paid in respect of a week not less than the full weekly wage prescribed in sub-clause (1) hereof for an employee of his class whether he has in that week worked the maximum number of ordinary hours prescribed in clause 6 (1) or less.

(7) *Calculation of Monthly Wage.*—Whenever the wage due to an employee is in terms of clause 5 (1) paid monthly, the amount of such wage 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.

5. PAYMENT OF REMUNERATION.

(1) *Employee other than a Casual Employee.*—Save as provided in sub-clause (3) of clause 7 any amount due to an employee other than a casual employee shall be paid in cash weekly or, if the employer and employee have agreed thereto, in writing, monthly, during the hours of work or within fifteen minutes of ceasing work on the Friday following the end of the usual working week of the factory or on termination of employment if this takes place before the usual pay-day and shall be contained in an envelope or other container, or accompanied by a statement, showing the employer's name, employee's name or pay roll number, the employee's occupation, the number of ordinary and the number of overtime hours worked, the payment due in respect of ordinary time worked, the payment due in respect of overtime worked, incentive bonus earnings, cost of living allowance due, amounts deducted and the period in respect of which payment is made.

(2) *Casual Employee.*—The employer shall pay the remuneration due to his casual employee in cash on completion of the employee's daily work period or, in the case of a casual employee who works on two or three consecutive days in any week, on completion of the number of days so worked in that week.

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

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

(5) *Losies en inwoning.*—Behoudens soos bepaal in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, en in die Naturelle-arbeid Regelingswet, 1911, kan 'n werkgewer nie van sy werknemer vereis om van hom of van enige persoon of plek wat deur hom aangewys word, losies en/of inwoning aan te neem nie.

(6) *Boetes en aftrekkings.*—'n Werkgewer kan sy werknemer geen boetes op of enige bedrag van sy besoldiging aftrek nie, behalwe onderstaande:—

- Met die skriftelike toestemming van sy werknemer, 'n bedrag vir verlof-, siekte-, versekerings-, voorsorg- of pensioen-fondse; met dien verstande dat in die geval van 'n aftrekking vir 'n siektetonds ingevolge die voorbehoudsbepaling by klausule 8, die skriftelike toestemming van die werknemer nie nodig is nie.
- Die werkgewer moet by ontvangs van 'n getekende aftrekorder wat deur die betrokke uitgewer goedgekeur is soos omskryf in die Nywerheid-versoeningswet, 1937, elke week van die besoldiging van sodanige werknemer die bedrag van sy verskuldigde bydraes aan die vakvereniging aftrek en sodanige gelde aan die Sekretaris van die tak van sodanige vereniging by die adres op die aftrekorder genoem, op of voor die 15de dag van elke maand stuur.
- Behalwe soos anders in die Ooreenkoms bepaal, wanneer 'n werknemer nie by die werk is nie, 'n bedrag in verhouding tot die tydperk van sy afwesigheid, bereken op die basis van sy weekloon wat sodanige werknemer ten opsigte van sy gewone werkure ten tye daarvan ontvang het.
- 'n Bedrag wat 'n werkgewer kragtens 'n wet of bevel van 'n bevoegde hof verplig is of toegelaat word om af te trek.
- As 'n werknemer instem of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, of die Naturelle-arbeid Regelingswet, 1911, verplig is om van sy werkgewer losies en/of inwoning aan te neem, bepaal hoogstens die bedrae hieronder:—

	Per week.	Per maand.
	s. d.	£ s. d.
Losies	3 0	0 13 0
Inwoning	2 0	0 8 8
Losies en inwoning	5 0	1 1 8

(4) *Purchase of Goods.*—The 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, the 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.*—The employer shall not levy any fines against his employee nor shall he make any deductions from his employee's remuneration, other than the following:—

- With the written consent of his employee, a deduction for holiday, sick, insurance, provident or pension funds; provided that in the case of a deduction for a sick fund in terms of the proviso to clause 8 the written consent of the employee need not be obtained.
- The employer shall, on receipt from an employee as defined in the Industrial Conciliation Act, 1937, of a signed stop order which shall be approved by the employer concerned, deduct from the remuneration of such employee, each week, the amount of his subscriptions due to the Trade Union and transmit such moneys to the Secretary of the Branch of such Union at the address set out in such stop order, not later than the 15th day of each month.
- Except where otherwise provided for in the Agreement whenever an employee is not at work a deduction proportionate to the period of his absence calculated on the basis of weekly wage which such an employee was receiving in respect of his ordinary hours of work at the time thereof.
- A deduction of any amount which the employer by any law or any order of any competent court is required or permitted to make.
- When an employee agrees or is required in terms of the Native (Urban Areas) Consolidation Act, 1945, or the Native Labour Regulation Act, 1911, to accept board and/or lodging from the employer, a deduction not exceeding the amounts specified hereunder:—

	Per Week.	Per Month.
	s. d.	£ s. d.
Board	3 0	0 13 0
Lodging	2 0	0 8 8
Board and Lodging	5 0	1 1 8

- Whenever the ordinary hours of work prescribed in clause 6 are reduced on account of short-time, a deduction in respect of each 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—

- in the case of short-time arising out of temporary slackness of trade or shortage of raw material or transport, 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;
- In the case of short-time arising out of vagaries of weather or a general breakdown of plant or machinery due to accident or other unforeseen emergency in respect of the first hour not worked unless the employer has given his employee notice on the previous day that no work will be available.

- The deduction permitted under sub-clause (3) of clause 11 in respect of protective clothing not surrendered on termination of service or on reasonable demand.

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

- Ordinary Hours of Work.*—The ordinary hours of work of an employee, other than a casual employee, shall not exceed—

- in the case of an employee who works a six-day week—
 - forty-six hours in any week from Monday to Saturday, inclusive;
 - eight hours in any day, unless the hours on one day do not exceed five, in which case the hours on the other days shall not exceed eight and a half on any day, if by such extension the ordinary hours of work, do not exceed forty-six in any week;
- in the case of an employee who works a five-day week—
 - forty-six hours in any week from Monday to Friday, inclusive;
 - nine and a quarter hours in any day.

- The ordinary hours of work of a casual employee shall not exceed—

- in the case of a factory in which a six-day week is observed, eight and a half hours in any day;
- in the case of a factory in which a five-day week is observed, nine and a quarter hours in any day.

- Meal Breaks.*—The employer shall not require or permit an employee to work for more than five hours continuously without an 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—

- 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;

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

- Die gewone werkure van 'n werknemer, uitgesonderd 'n los werknemer, mag nie meer as onderstaande wees nie:—

- In die geval van 'n inrigting waarin 'n sesdaagse week gewerk word—

- 46 uur per week van Maandag tot en met Saterdag;
- agt uur per dag, tensy die ure op een dag hoogstens vyf is, in welke geval die ure op elk van die ander dae hoogstens agt en 'n half per dag moet wees as die gewone werkure deur sodanige verlenging nie meer as 46 in enige week is nie.

- In die geval van 'n inrigting waarin 'n vyfdaagse week gewerk word—

- 46 uur per week van Maandag tot en met Vrydag;
- 9½ uur per dag.

- Die gewone werkure van 'n los werknemer mag nie meer wees nie as—

- in die geval van 'n fabriek wat 'n sesdagweek, 8½ uur op enige dag;
- in die geval van 'n fabriek wat 'n vyfdagweek werk, 9½ uur op enige dag.

- Etensonderbrekings.*—'n Werkgewer kan 'n werknemer nie verplig of toelaat om vir meer as vyf agtereenvolgende ure te werk sonder 'n pouse van minstens een uur waarin geen werk verrig mag word nie, en dié pouse word nie as deel van die gewone werkure of oortyd beskou nie; met dien verstande dat—

- as die pouse langer as een uur duur, die tydperk wat dit langer as 'n uur en 'n kwart duur, as gewone werkure beskou word;

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

(4) *Ruspouses*.—Die werkgewer moet aan elkeen van sy werknemers, uitgesonderd 'n motorvoertuigbestuurder, in diens in of om sy fabriek, 'n ruspouse van minstens tien minute toestaan so na as moontlik—

(a) aan die middel van elke eerste werktidperk in 'n dag; en

(b) aan die middel van elke tweede werktidperk in 'n dag; wanneer die werknemer nie verplig of toegelaat word om enige werk te doen nie en sodanige pouse word as 'n deel van die gewone werkure beskou.

(5) *Werkure moet aaneenlopend wees*.—Behoudens soos bepaal in subklousule (3) en (4) van hierdie klousule, moet alle werkure aaneenlopend wees.

(6) *Oortyd*.—Alle tyd wat bo en behalwe die getal ure ten opsigte van 'n dag of 'n week in subklousule (1) en (2) van hierdie klousule voorgeskryf, gewerk word, moet as oortyd gereken word.

(7) *Beperking van Oortyd*.—Die werkgewer mag 'n werknemer nie verplig of toelaat om langer as tien uur oortyd in enige week te werk nie.

(8) *Vroulike werknemers*.—Die werkgewer mag vroulike werknemers nie verplig of toelaat om soos volg te werk nie:—

(a) Tussen 6-uur nm. en 6-uur vm. nie;

(b) na 1-uur nm. op meer as vyf dae in enige werk;

(c) langer as twee uur oortyd op enige dag of meer as drie agtereenvolgende dae;

(d) oortyd op meer as 60 dae in enige jaar;

(e) na voltooiing van haar gewone werkure langer as een uur oortyd op enige dag; tensy—

(i) hy voor die middag sodanige werknemer daarvan in kennis gestel het; of

(ii) hy sodanige werknemer van 'n voldoende maaltid voorsien het voor die aanvang van sodanige oortyd; of

(iii) hy sodanige werknemer een sjieling en ses pennies betyds betaal het om haar in staat te stel om 'n maaltid te nuttig voor sodanige tyd 'n aanvang neem.

(9) *Besoldiging vir oortyd*.—Die werkgewer moet aan sy werknemer ten opsigte van alle oortyd deur hom gewerk besoldiging betaal teen minstens 'n skaal van een en 'n derde keer sy gewone loon; met dien verstande dat waar oortyd in enige week bereken op 'n daaglikse basis verskil van oortyd bereken op 'n weeklikse basis, die basis met die grootste getal oortyd gedurende die week aangeneem moet word.

(10) *Voorbehoud*.—Die bepalinge van subklousules (3) (4), (5) en (7) van hierdie klousule is nie van toepassing op 'n manlike werknemer in diens by werk wat noodsaaklik is weens 'n ontwrigting van installasie of masjinerie of deur ander onvoorsiene noodgevalle nie.

7. JAARLIKSE VERLOF.

(1) Elke werknemer wat op die laaste dag waarop sy verlof kan begin, ten minste een jaar ononderbroke diens by die werkgewer het, moet tussen 15 Desember van elke jaar en 14 Januarie van die volgende jaar, jaarliks verlof op die volgende basis toeestaan word:—

(a) 12 gewone werkdae met volle besoldiging in die geval van 'n werknemer wat gewoonlik vyf dae per week; of

(b) 15 gewone werkdae met volle besoldiging in die geval van 'n werknemer wat gewoonlik ses dae per week werk:

Met dien verstande dat indien enigeen van die bepaalde openbare vakansiedae ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, of enigeen van genoemde Wet se wysigings, binne die tydperk van sodanige verlof val, 'n ander dag te vervanging vir elke sodanige dag by genoemde tydperk as 'n verdere verlof-tydperk met volle besoldiging gevoeg moet word.

(2) Enige werknemer wat op 15 Desember van enige jaar nog nie 12 maande ononderbroke diens by sy werkgewer het nie en wie se diens nie beëindig is nie, moet vir elke voltooide maand diens in daardie jaar 'n bedrag betaal word gelyk aan een-vyfde van 'n week se loon in die geval van 'n werknemer wat gewoonlik vyf dae per week werk of een-sesde van 'n week se loon in die geval van 'n werknemer wat gewoonlik ses dae per week werk; met dien verstande dat indien enigeen van die openbare vakansiedae genoem in subklousule (1) van hierdie klousule binne die tydperk val wanneer die inrigting gesluit is, die werknemer vir elke sodanige dag 'n bykomende bedrag gelyk aan een-vyfde van 'n week se loon in die geval van 'n werknemer wat gewoonlik vyf dae per week werk en een-sesde van 'n week se loon in die geval van 'n werknemer wat gewoonlik ses dae per week werk, betaal moet word.

(3) 'n Werknemer wie se dienskontrak gedurende die eerste of enige daaropvolgende jaar diens by die werkgewer beëindig word voordat die verlof-tydperk in subklousule (1) van hierdie klousule genoem, opgeloop het, moet by sodanige beëindiging in plaas van verlof ten opsigte van elke voltooide maand van sodanige diens-tydperk van minder as 'n jaar minstens een-vyfde van sy werkloos in die geval van 'n werknemer wat gewoonlik vyf dae per week en een-sesde van sy werkloos in die geval van 'n werknemer wat gewoonlik ses dae per week werk, betaal word.

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

(4) *Rest Intervals*.—The employer shall grant to each of his employees employed in or about his factory, other than a motor vehicle driver, a rest interval of not less than ten minutes at as nearly as practicable—

(a) the middle of each first work period in a day; and

(b) the middle of each second work period in a day;

during which the employee shall not be required or permitted to perform any work and such interval shall be deemed to be part of the ordinary hours of work.

(5) *Hours of Work to be Consecutive*.—Save as provided in sub-clauses (3) and (4) of this clause all hours of work shall be consecutive.

(6) *Overtime*.—All time worked in excess of the number of hours prescribed in respect of a day or a week in sub-clauses (1) and (2) of this clause shall be deemed to be overtime.

(7) *Limitation of Overtime*.—The employer shall not require or permit an employee to work overtime for more than ten hours in any week.

(8) *Female Employees*.—The employer shall not require or permit a female employee—

(a) to work between 6 o'clock p.m. and 6 o'clock a.m.;

(b) to work after 1 o'clock p.m. on more than five days in any week;

(c) to work overtime for more than two hours on any day or on more than three consecutive days;

(d) to work overtime on more than sixty days in any year;

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

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

(ii) provided such employee with an adequate meal before the commencement of such overtime; or

(iii) paid to such employee one shilling and six-pence in sufficient time to enable her to obtain a meal before such time is due to commence.

(9) *Payment for Overtime*.—The 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 his ordinary wage; provided that where in any week overtime calculated on a daily basis differs from overtime calculated on a weekly basis, the basis which gives the greater amount of overtime during the week shall be adopted.

(10) *Savings*.—The provisions of sub-clauses (3), (4), (5) and (7) of this clause shall not apply to a male employee employed on work necessitated by a breakdown of plant or machinery or by other unforeseen emergency.

7. ANNUAL LEAVE.

(1) Every employee who on the latest day on which he can commence leave shall have completed at least one year's continuous service with the employer, shall, between the 15th December of each year and the 14th January of the following year, be granted annual leave on the following basis:—

(a) Twelve ordinary working days on full pay in the case of an employee who normally works on five days per week; or

(b) fifteen ordinary working days on full pay in the case of an employee who normally works on six days per week.

Provided that if any of the paid public holidays prescribed in terms of the Factories, Machinery and Building Work Act, 1941, or any subsequent amendments to the said Act, fall within the period of such leave another day shall, in substitution for each such day, be added to the said period as a further period of leave on full pay.

(2) Any employee who on the 15th December of any year has not completed 12 months' continuous service with his employer, and whose employment has not been terminated, shall be paid for each completed month of service in that year an amount equal to one-fifth of a week's wage in the case of an employee who normally works on five days per week, or one-sixth of a week's wage in the case of an employee who normally works on six days per week: Provided that if any of the public holidays referred to in sub-clause (1) of this clause fall within the period during which the establishment is closed the employee shall, for each such day, receive an additional amount equal to one-fifth of a week's wage in the case of an employee who normally works five days per week and one-sixth of a week's wage in the case of an employee who normally works six days per week.

(3) An employee whose contract of service terminates in the first or any subsequent year of employment with the employer before the period of leave referred to in sub-clause (1) of this clause has accrued, shall upon such termination, be paid in lieu of leave in respect of each completed month of such period of employment of less than a year not less than one-fifth of his weekly wage in the case of an employee who normally works on five days per week and one-sixth of his weekly wage in the case of an employee who normally works on six days per week.

(4) *Verlofbesoldiging*.—Die werkgewer moet sy werknemer aan wie verlof ingevolge subklousule (1) hiervan toegestaan word, sy verlofbesoldiging op of voor die laaste werkdag voor die aanvang van genoemde tydperk betaal en enige bedrag wat aan 'n werknemer ingevolge subklousules (1), (2) en (3) van hierdie klousule betaal word, moet bereken word op die loonskaal wat die werknemer een week voor die week waarin sy verlof 'n aanvang neem of sy diens beëindig word, na gelang van die geval, ontvang het, en wanneer 'n werknemer op 'n ander basis besoldig word as dié in ooreenstemming met die tyd deur hom op sy gewone loonskaal gewerk, moet sy gewone loonskaal vir die toepassing van hierdie klousule bereken word asof hy per uur betaal word en dit moet op enige datum vasgestel word deur sy totale loon gedurende die drie maande onmiddellik voor die datum of gedurende die hele tydperk van sy diens by die betrokke werkgewer, nl. die kortste, te deel deur die getal ure gewerk gedurende die tydperk ten opsigte waarvan sodanige loon betaal is.

(5) Vir die toepassing van hierdie klousule word dit beskou dat die uitdrukking „diens” enige tydperk of tydperke insluit wanneer 'n werknemer—

- (a) weens verlof kragtens subklousules (1) en (2) afwesig is; of
- (b) vredestrydse opleiding kragtens die Zuid Afrika Verdedigings Wet, 1912, moet meemaak; of
- (c) ingevolge die bevel of op versoek van die werkgewer van die werk afwesig is; of
- (d) weens siekte van die werk afwesig is of weens die feit dat geen vrou in 'n inrigting mag werk nie en dat geen werkgewer enige vrou sal verplig of toelaat om in sy inrigting te werk gedurende die tydperk wat vier weke voor haar verwagte bevalling begin en agt weke na die geboorte eindig nie; met dien verstande dat indien die kind doodgebore is, of doodgaan voor die verstryking van die agt weke na die geboorte, die bepaling van hierdie subklousule nie van toepassing is vanaf die datum deur die Fabrieks-inspekteur bepaal nie;

Met dien verstande dat die bepaling van paragraaf (d) nie van toepassing is ten opsigte van enige tydperk van afwesigheid weens siekte vir langer as drie agtereenvolgende dae nie indien die werknemer in gebreke bly om, op versoek van die werkgewer vir sodanige sertifikaat, by die werkgewer 'n sertifikaat van 'n mediese praktisyn in te dien dat hy weens siekte nie sy werk kon doen nie, of ten opsigte van die gedeelte van enige totale tydperk van afwesigheid gedurende enige 12 maande diens wat meer as 30-dae is.

(6) *Verlof en kennisgewing mag nie saamval nie*.—Die jaarliks verloftydperk of betaalde siekteverlof van 'n werknemer mag nie saam met enige tydperk val wat hy onder kennis van diensbeëindiging is of vredestrydse opleiding kragtens die Zuid Afrika Verdedigings Wet, No. 13 van 1912, meemaak nie.

8. SIEKTEVERLOF.

(1) 'n Werknemer wat drie maande diens by die werkgewer voltooi het en van die werk afwesig is weens siekte of 'n ongeluk, uitgesonderd—

- (a) siekte of 'n ongeluk wat deur die werknemer se eie nalatigheid of wangedrag veroorsaak is;
- (b) 'n ongeluk wat onder die bepalings van die Ongevallewet, 1941, val,

is geregtig op en moet aliesam twee weke siekteverlof in enige jaar diens toegestaan word en moet ten opsigte van elke werkdag daarvan die volgende loon ontvang:—

- (a) In die geval van 'n werknemer wat gewoonlik vyf dae per week werk, minstens een-vyfde van die weekloon wat hy onmiddellik voor die datum van sodanige verlof ontvang het;
- (b) in die geval van 'n werknemer wat gewoonlik ses dae per week werk, minstens een-sesde van die weekloon wat hy onmiddellik voor die datum van sodanige verlof ontvang het.

Met dien verstande dat—

- (i) die werkgewer van sy werknemer mag vereis om 'n mediese sertifikaat van 'n geregistreerde mediese praktisyn ten opsigte van enige afwesigheid voor te lê as bewys van sodanige siekte of ongeluk;
- (ii) indien daar 'n siektebystandfonds bestaan of een kragtens 'n ooreenkoms tussen die werkgewer en sy werknemers of tussen die werkgewer en 'n geregistreerde vakvereniging ingestel mag word waarby die werkgewer ten opsigte van elkeen van sy werknemers bydraes maak van 'n bedrag gelyk aan minstens die bedrag wat deur sodanige werknemer betaal word of betaalbaar is en uit welke fonds 'n werknemer in die geval van afwesigheid of afwesighede van die werk weens siekte of 'n ongeluk (uitgesonderd 'n ongeluk vergoedbaar kragtens die Ongevallewet, 1941) geregtig is om in enige jaar aliesam minstens 'n bedrag wat die ekwivalent is van twee weke se volle besoldiging te ontvang vir sodanige afwesigheid of afwesighede onder omstandighede wat vir die werknemer wesenlik nie minder gunstig as dié bepaling is nie, die bepalings van hierdie klousule nie van toepassing is nie.

(2) Vir die toepassing van hierdie klousule word dit beskou dat die uitdrukking „diens” dieselfde betekenis het as in subklousule (5) van klousule 7.

(3) Siekteverlof en jaarlikse verlof mag nie saamval nie.

(4) *Payment for Leave*.—The employer shall pay his employee to whom leave is granted in terms of sub-clause (1) hereof, his pay in respect of leave not later than the last working day before the commencement of the said period and any amount paid to an employee in terms of sub-clauses (1), (2) and (3) of this clause shall be calculated at the rate of wage which the employee was receiving one week prior to the week during which the leave became due or his employment terminated, as the case may be, and whenever an employee is remunerated on a basis other than in accordance with the time actually worked by him his ordinary rate of wage shall, for the purpose of this clause, be calculated as though he were paid by the hour and shall be ascertained at any date by dividing his total wage during the three months immediately preceding that date, or during the total period of his employment by the employer concerned, whichever is the shorter, by the number of hours worked during the period in respect of which such wage was paid.

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

- (a) is absent on leave in terms of sub-clauses (1) and (2); or
- (b) undergoes peace training under the South Africa Defence Act, 1912; or
- (c) is absent from work on the instructions or at the request of the employer; or
- (d) is absent from work owing to illness, or by reason of the fact that no female shall work in an establishment and no employer shall require or permit any female to work in his establishment during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after birth, provided that if the child is still-born or dies before the expiration of the eight weeks after birth, the provision of this sub-clause shall cease to apply as from the date fixed by the Factory Inspector.

Provided that the provision of paragraph (d) shall not apply in respect of any period of absence owing to illness on more than three consecutive days, if the employee fails, after a request for such certificate by the employer, to submit to the employer a certificate by a medical practitioner that he was prevented by illness from doing his work, or in respect of that portion of any total period of absence during any twelve months of employment, which is in excess of thirty days.

(6) *Leave and Notice not to be Concurrent*.—The period of annual leave or paid sick leave of an employee shall not be concurrent with any period during which an employee is under notice of termination of employment or is undergoing peace training under the South Africa Defence Act, No. 13 of 1912.

8. SICK LEAVE.

(1) An employee who has completed three months' employment with the employer and who is absent from work through illness or accident other than—

- (a) sickness or accident caused by the employee's own neglect or misconduct;
- (b) an accident falling within the provisions of the Workmen's Compensation Act, 1941;

shall be entitled to and be granted two weeks sick leave in the aggregate in any one year of employment and shall be paid in respect of each working day thereof—

- (a) in the case of an employee who normally works five days per week, not less than one-fifth of the weekly wage which he was receiving immediately before the date of such leave;
- (b) in the case of an employee who normally works six days per week, not less than one-sixth of the weekly wage he was receiving immediately before the date of such leave.

Provided that—

- (i) the employer may require his employee to produce a medical certificate from a registered medical practitioner in respect of any absence in proof of such sickness or accident;
- (ii) if there exists or may be established by virtue of an Agreement between the employer and his employees or between the employer and a duly registered trade union, a sick benefit fund to which the employer contributes in respect of each of his employees an amount not less than the amount paid or payable by such employee and out of which fund an employee is, in the case of absence or absences from work on account of sickness or accident (other than an accident compensable under the Workmen's Compensation Act, 1941), entitled to receive in the aggregate in any one year not less than an amount equivalent to his full wages for two weeks in respect of such absence or absences, in circumstances substantially not less favourable to the employee than this provision, the terms of this clause shall not apply.

(2) For the purpose of this clause, the expression “employment” shall have the same meaning as in sub-clause (5) of clause 7.

(3) Sick leave and annual leave shall not run concurrently.

9. OPENBARE VAKANSIEDAE EN SONDAE.

1. *Openbare vakansiedae.*—'n Werknemer is geregtig op en moet verlof met volle besoldiging op alle openbare vakansiedae voorgeskryf kragtens die Wet op Fabriek, Masjinerie en Bouwerk, 1941, of enige wysigings van genoemde Wet, toegestaan word; met dien verstande dat 'n werknemer verplig mag word om op enige dag te werk verder met dien verstande dat in die geval van 'n werknemer wat 'n vyfdagweek werk, wanneer sodanige vakansiedag op die sesde dag van die week val, die bepaling van hierdie klousule nie van toepassing is nie.

2. *Betaling vir werk op openbare vakansiedae.*—(a) Wanneer 'n werknemer, uitgesonderd 'n los werknemer, op enigen van die vakansiedae genoem in subklousule (1) van hierdie klousule werk, moet die werkgewer vir elke sodanige dag deur hom gewerk minstens die daaglikse loon in subklousule (2) van klousule 4 van 'n los werknemer voorgeskryf, betaal plus sodanige loon gedeel deur agt ten opsigte van elke uur of deel van 'n uur gewerk.

(b) Wanneer 'n los werknemer op enige van die vakansiedae genoem in subklousule (1) van hierdie klousule werk, moet die werkgewer vir elke sodanige dag deur hom gewerk minstens die daaglikse loon in subklousule (2) van klousule 4 van 'n los werknemer voorgeskryf, betaal plus sodanige loon gedeel deur agt ten opsigte van elke uur of deel van 'n uur gewerk.

(3) *Betaling vir werk op Sondag.*—Wanneer 'n werknemer, uitgesonderd 'n los werknemer op 'n Sondag werk, moet die werkgewer hom of—

- (a) minstens dubbel die loon betaal wat aan hom betaalbaar is ten opsigte van die tydperk gewoonlik deur hom op 'n weekdag gewerk; of
- (b) hom vir elke uur of deel van 'n uur gewerk minstens een en 'n derde keer sy gewone loon betaal ten opsigte van die totale tydperk op sodanige Sondag gewerk en aan hom binne sewe dae vanaf sodanige Sondag een dag vakansie toestaan en hom ten opsigte daarvan betaal teen 'n skaal van minstens sy gewone loon asof hy op sodanige vakansiedag sy gemiddelde gewone werkure vir daardie dag van die week gewerk het.

(4) Wanneer 'n los werknemer op 'n Sondag werk, moet die werkgewer hom minstens dubbel die loon vir 'n los werknemer in subklousule (2) van klousule 4 voorgeskryf, betaal.

10. AANSPORINGSBONUS.

(a) 'n Werknemer mag in diens wees vir aansporingsbonusse teen 'n skaal waarvoor die werkgewer en werknemer ooreengekom het, maar sodanige besoldiging moet ten opsigte van enige week minstens die weeklikse tydskaal wees.

(b) 'n Lys van aansporingsbonusskale wat van tyd tot tyd op die fabriek van toepassing is, moet op 'n opvallende plek in die inrigting opgeplak wees en mag nie sonder een week kennisgewing verander word nie.

(c) Waar 'n aansporingsbonusskema van toepassing is en die aantal werkdae in enige week in enige inrigting verminder word weens onklaarraking van die masjinerie, die nakom van 'n openbare vakansiedag of jaarlikse verlof, moet 'n *pro rata* vermindering gemaak word in die minimum produksiepeil vereis by die aansporingsbonusskema van krag in die betrokke inrigting, en die werknemers wat daardeur geraak word, moet elke week vir aansporingsbonusse kwalifiseer op die proporsioneel verlaagde minimum produksiesyfers.

11. BESKERMENDE KLERE.

(1) Wanneer die werkgewer dit van 'n werknemer vereis om 'n oorpak te dra of dit van hom vereis word ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, om beskermende klere te verskaf, moet sodanige beskermende klere gratis verskaf word en dit bly die eiendom van die werkgewer.

(2) Ondanks enige bepaling in die Wet op Fabriek, Masjinerie en Bouwerk, 1941, moet die werkgewer die volgende verskaf:—

(a) Paslike oorpakke vir werknemers in diens in die volgende beroepe of hoedanighede:—

- (i) Afstryker en slyper.
- (ii) Masjienolieman en handlanger.

(b) Paslike voorskote aan werknemers in diens in die volgende beroepe of hoedanighede:—

- (i) Afdunmasjienbediener.
- (ii) Ring- of klokspinner.
- (iii) Ring- of klokaanhegter.
- (iv) Wewer.
- (v) Optoller.
- (vi) Afvalsorteerder.

(3) Elke werknemer aan wie enige artikel of beskermende klere gegee is, word persoonlik vir die bewaring van sodanige artikel verantwoordelik gehou en wanneer sodanige artikel nie terugbesorg word by die werkgewer wanneer diens beëindig word nie of binne 'n redelike tydperk na 'n eis dat dit terugbesorg word, het die werkgewer die reg om die koste van die betrokke artikel of artikels van die werknemer se loon af te trek.

12. VERBOD OP INDIENSNEEMING VAN 'N PERSOON ONDER VYFTIEN JAAR.

'n Werkgewer mag niemand onder 15 jaar in diens hê nie.

9. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays.*—An employee shall be entitled to and be granted leave on full pay on all public holidays prescribed in terms of the Factories, Machinery and Building Work Act, 1941, or any subsequent amendment to the said Act; provided that an employee may be required to work on any day; provided further that in the case of an employee who works a five-day week, when such holiday falls on the sixth day of the week, the provisions of this clause shall not apply.

(2) *Payment for Work on Public Holidays.*—(a) Whenever an employee, other than a casual employee, works on any one of the holidays referred to in sub-clause (1) of this clause, the employer shall pay to him for each such day not less than the amount referred to in sub-clause (1) of this clause 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 any one of the holidays referred to in sub-clause (1) of this clause, the employer shall pay to him for each such day not less than the daily wage prescribed in sub-clause (2) of clause 4 for a casual employee, plus in respect of each hour or part of an hour so worked such wage divided by eight.

(3) *Payment for Work on Sundays.*—Whenever an employee, other than a casual employee, works on Sundays, the employer shall either—

- (a) pay him not less than double the wage payable to him in respect of the period ordinarily worked by him on a week day; or
- (b) pay to him for each hour or part of an hour so worked not less than one and one-third times this ordinary wage in respect of the total period worked on such Sunday and grant to him within seven days of such Sunday one day's holiday and pay him in respect thereof at a rate not less than his ordinary wage 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, the employer shall pay to him not less than double the wage prescribed in sub-clause (2) of clause 4 for a casual employee.

10. INCENTIVE BONUS.

(a) An employee may be employed at incentive bonus rates agreed upon between employer and employee, but such remuneration shall in respect of any week not be less than the weekly time rate.

(b) A schedule of incentive bonus rates from time to time applicable in the factory shall be kept posted up in a conspicuous place in the establishment and shall not be altered except after one week's notice.

(c) Where an incentive bonus scheme is in operation and the number of working days in any week is reduced in any establishment on account of a breakdown in machinery, the observance of a public holiday or the operation of annual leave, a *pro rata* reduction shall be made in the minimum level of production required under the incentive bonus scheme in operation in the establishment concerned and the employees affected shall for each week qualify for incentive bonuses on the proportionately reduced minimum productive figures.

11. PROTECTIVE CLOTHING.

(1) Whenever the employer requires his employee to wear an overall or is required to supply protective clothing in terms of the Factories, Machinery and Building Work Act, 1941, such overall or protective clothing shall be supplied free of charge and shall remain the property of the employer.

(2) Notwithstanding anything contained in the Factories, Machinery and Building Work Act, 1941, the employer shall provide—

(a) suitable overalls to employees engaged in the following occupations or capacities:—

- (i) Card stripper and grinder;
- (ii) machine oiler and jobber;

(b) suitable aprons to employees engaged in the following occupations or capacities:—

- (i) Drawframe operator;
- (ii) ring or cap spinner;
- (iii) ring or cap twister;
- (iv) weaver;
- (v) assembly winder;
- (vi) waste sorter.

(3) Every employee to whom any article of protective clothing has been issued shall be held personally liable for the safekeeping of such article and in the event of same not being returned to the employer on termination of service or within a reasonable period after demand the employer shall have the right to deduct from the wages of the employee the cost of the article or articles concerned.

12. PROHIBITION OF EMPLOYMENT OF PERSONS UNDER THE AGE OF FIFTEEN YEARS.

The employer shall not employ in his establishment any persons under the age of 15 years.

13. DIENSSERTIFIKAAT.

Die werkgewer moet by die beëindiging van 'n dienskontrak van enige werknemer, uitgesonderd 'n los werknemer, sodanige werknemer gratis voorsien van 'n dienssertifikaat deur die werkgewer onderteken, en wat die volgende besonderhede weergee:—

- (a) Volle naam van die werknemer;
- (b) die beroep waarin hy in diens was en die duur van sy diens in elke beroep;
- (c) loonskaal op die datum waarop sy dienskontrak beëindig word;
- (d) rede vir diensbeëindiging—
 - (1) bedanking;
 - (2) vermindering van personeel;
 - (3) ander.

14. BEËINDIGING VAN DIENSKONTRAK.

(1) Die werkgewer of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig, moet kennis gee van sy voorneme om die dienskontrak te beëindig en sodanige kennisgewing moet minstens soos volg wees:—

- (a) 24 uur gedurende die eerste vier weke diens;
- (b) een week na die eerste vier weke diens.
- (2) Die werkgewer mag die dienskontrak sonder kennisgewing, soos voorgeskryf in subklousule (1) van hierdie klousule, beëindig deur die werknemer minstens die volgende te betaal:—

- (a) In die geval van 24 uur kennisgewing die dagloon wat die werknemer ten tye van die beëindiging van die dienskontrak ontvang;
- (b) in die geval van 'n week kennisgewing, die weekloon wat die werknemer ten tye van die beëindiging van die dienskontrak ontvang.

(3) Subklousules (1) en (2) van hierdie klousule raak nie die volgende nie:—

- (a) Die reg van die werkgewer of 'n werknemer om die dienskontrak sonder kennisgewing te beëindig om enige rede wat by wet as voldoende beskou word;
- (b) enige skriftelike ooreenkoms tussen die werkgewer en sy werknemer wat voorsiening maak vir 'n kennisgewingtyd wat aan albei kante ewe lank is en langer is as wat in subklousule (1) van hierdie klousule voorgeskryf is.

(4) Wanneer 'n ooreenkoms ingevolge subklousule (3) (b) van hierdie klousule aangegaan word, moet die bepaling in plaas van kennisgewing gelyk wees aan die kennisgewingtyd waarvoor ooreengekom is.

(5) Die kennisgewing in subklousule (1) genoem, word van krag vanaf die dag waarop dit gegee word; met dien verstande dat die kennisgewingtyd nie mag saamval met en kennis nie gegee mag word gedurende die werknemer se afwesigheid weens jaarlikse verlof kragtens klousule 7 of siekteverlof kragtens klousule 8 nie.

Op hede die 17de dag van Oktober 1956, in Port Elizabeth, onderteken.

A. M. GRAY, *Voorsitter.*

M. ISMAIL,
E. WALTON,
Behoorlik Gemagtigde Verteenwoordigers
(Werknemers).

G. C. V. GRAHAM,
W. F. RAUTENBACH,
Behoorlik Gemagtigde Verteenwoordigers
(Werkgewers).

G. HAWKINS, *Sekretaris.*

No. 134.]

[25 Januarie 1957.]

WET OP FABRIEKE, MASJINERIE EN BOUWERK, 1941.

KAMSTOFVERVAARDIGINGSNYWERHEID.

Ek, JOHANNES DE KLERK, Minister van Arbeid, handelende ingevolge subartikel (1) van artikel twee-en-twintig van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, verklaar hierby dat die bepalings van die Ooreenkoms en kennisgewing in verband met die kamstofvervaardigingsnywerheid, bekendgemaak by Goewermentskennisgewing No. 133 van 25 Januarie 1957, nie vir die persone wie se werkkure daarby gereël word, minder gunstig as die ooreenstemmende bepalings van genoemde Wet is nie.

J. DE KLERK,

Minister van Arbeid.

13. CERTIFICATES OF SERVICE.

The employer shall, without any charge, upon termination of the contract of employment of any employee, other than a casual employee, furnish such employee with a certificate of service signed by the employer showing the following particulars:—

- (a) Full name of the employee.
- (b) The occupation in which he was employed and duration of his employment in each occupation.
- (c) Rate of pay at the date of termination of his contract of employment.
- (d) Reason for termination of service—
 - (i) resignation;
 - (ii) reduction in staff;
 - (iii) other.

14. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) The employer or his employee, other than a casual employee, who desires to terminate the contract of employment, shall give notice of his intention to terminate the contract and such notice shall be not less than—

- (a) twenty-four hours, during the first four weeks of employment;
- (b) one week, after the first four weeks of employment.

(2) The employer may terminate the contract of employment without notice as prescribed in sub-clause (1) of this clause, by paying the employee not less than—

- (a) in the case of 24 hours' notice, the daily wage which the employee is receiving at the date of the termination of the contract of employment;
- (b) in the case of a week's notice, the weekly wage which the employee is receiving at the date of the termination of the contract of employment.

(3) Sub-clauses (1) and (2) of this clause shall not affect—

- (a) the right of the employer or an employee to terminate the contract of employment without notice, for any cause recognised by law as sufficient;
- (b) any written agreement between the employer and his employee which provides for a period of notice of equal duration on both sides and for longer than prescribed in sub-clause (1) of this clause.

(4) When an agreement is entered into in terms of sub-clause (3) (b) of this clause, the payment in lieu of notice shall be proportionate to the period of notice agreed upon.

(5) The notice referred to in sub-clause (1) 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 or sick leave in terms of clause 8.

Signed at Port Elizabeth this 17th day of October, 1956.

A. M. GRAY, *Chairman.*

M. ISMAIL,
E. WALTON,
Duly Authorised Representatives (Employees).

G. C. V. GRAHAM,
W. F. RAUTENBACH,
Duly Authorised Representatives (Employers).

G. HAWKINS, *Secretary.*

No. 134.]

[25 January 1957.]

FACTORIES, MACHINERY AND BUILDING WORK ACT, 1941.

WORSTED TEXTILE MANUFACTURING INDUSTRY.

I, JOHANNES DE KLERK, Minister of Labour, acting in terms of sub-section (1) of section twenty-two of the Factories, Machinery and Building Work Act, 1941, hereby declare the provisions of the Agreement and notice relating to the Worsted Textile Manufacturing Industry, published under Government Notice No. 133 of the 25th January, 1957, to be not less favourable to the persons whose hours of work are regulated thereby than the relative provisions of the said Act.

J. DE KLERK,

Minister of Labour.

INVOERDERS UITVOERDERS NYWERAARS

teken in op



„HANDEL EN NYWERHEID”

*Die maandblad
van die Departement van Handel en Nywerheid*

INTEKENGELD: In die Unie van S.A., Suidwes-Afrika, Betsjoeanaland-Protektoraat, Swasieland, Basoetoland, Suid- en Noord-Rhodesie, Mosambiek, Angola, Belgiese Kongo, Niassaland, Tanganjika, Kenia en Oeganda teen 6d per eksemplaar, of teen 5/- per jaar (7/6 elders) vooruitbetaalbaar aan Die Staatsdrukker, Pretoria

VERSKYN IN ALBET AMPTELIKE TALE

Hierdie tydskrif bevat o.a. 'n maandelikse ekonomiese oorsig (met statistiek) van besigheids- en nywerheidstoestande in die Unie, die jongste departementele inligting oor afsetmoontlikhede vir Unie-produkte in lande waar die Unie oorsese handelsverteenwoordigers het, lysie van handelsnavrae, besonderhede in verband met nywerheidsbedrywighede in die Unie, die jongste aspekte van prys- en voorradebeheer, die meeste verslae (volledig) van die Raad van Handel en Nywerheid, en artikels van 'n algemene aard oor die handel en nywerheid

IMPORTERS EXPORTERS INDUSTRIALISTS

subscribe to



“COMMERCE & INDUSTRY”

*The monthly Journal
of the Department of Commerce and Industries*

SUBSCRIPTION: In the Union of S.A., S.W.A., Bechuanaland Protectorate, Swaziland, Basutoland, Southern and Northern Rhodesia, Mocambique, Angola, Belgian Congo, Nyassaland, Tanganyika, Kenya and Uganda—6d per copy or 5/- (7/6 elsewhere) per annum, payable in advance to The Government Printer, Pretoria

PUBLISHED IN BOTH OFFICIAL LANGUAGES

This Journal embodies *inter alia* a monthly economic review (with statistics) of business and industrial conditions in the Union, the latest Departmental information on market possibilities for Union products in countries at present covered by the Union's Overseas Trade Representatives, lists of trade enquiries, items of industrial activity in the Union, the latest information on price and commodity control, most reports (unabridged) of the Board of Trade and Industries, and articles of a general nature in connection with commerce and industry