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CAPE TOWN, 30TH DECEMBER, 1966.
KAAPSTAD, 30 DESEMBER 1966.

[No. 1624.

GOVERNMENT NOTICE.

DEPARTMENT OF LABOUR.

No. 2128.]

[30th December 1966.

WAGE ACT, NO. 5 OF 1957

HEAVY CLAY AND ALLIED PRODUCTS INDUSTRY, CERTAIN AREAS

By direction of the Minister of Labour, all persons whose interests may be affected directly or indirectly by the recommendation which has been submitted to the Minister by the Wage Board and which appears in the Schedule hereto, and who have any objections to the making of a determination in accordance with the recommendation are hereby, in terms of section 13 (1) (a) of the Wage Act, 1957, invited to lodge such objections in writing with the Secretary for Labour, Private Bag 117, Pretoria, within thirty days after publication of this notice.

NOTE.—The report of the Wage Board pertaining to this recommendation is available for inspection at the offices of the Divisional Inspectors, Department of Labour, Johannesburg, Pretoria, Durban, Cape Town, Port Elizabeth, East London, George, Kimberley and Bloemfontein. Persons lodging objections other than in manuscript are requested to furnish seven copies of their statement of objections and seven copies of any accompanying documents.

SCHEDULE

RECOMMENDATION
TO
THE HONOURABLE THE MINISTER OF LABOUR
BY
DIVISION B OF THE WAGE BOARD
HEAVY CLAY AND ALLIED PRODUCTS
INDUSTRY, CERTAIN AREAS

1. AREA AND SCOPE OF DETERMINATION

This Determination shall apply to all employees, other than managers, in the Heavy Clay and Allied Products Industry and to the employers of such employees in the following areas—

GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN ARBEID.

No. 2128.]

[30 Desember 1966.

LOONWET, NO. 5 VAN 1957

SWAAR KLEI- EN VERWANTE PRODUKTE- NYWERHEID, SEKERE GEBIEDE

In opdrag van die Minister van Arbeid word almal wie se belange regstreeks of onregstreeks geraak word deur die aanbeveling wat die Loonraad aan die Minister voorgelê het en wat in die Bylae hiervan verskyn, hierby ooreenkomstig artikel 13 (1) (a) van die Loonwet, 1957, versoek om, as hulle besware het teen die maak van 'n vasstelling ooreenkomstig die aanbeveling, daardie besware binne dertig dae na die publikasie van hierdie kennisgewing skriftelik by die Sekretaris van Arbeid, Privaatsak 117, Pretoria, in te dien.

OPMERKING.—Die Loonraadverslag wat op hierdie aanbeveling betrekking het, is beskikbaar vir insae by die kantore van die Afdelingsinspekteurs, Departement van Arbeid, Johannesburg Pretoria, Durban, Kaapstad, Port Elizabeth, Oos-Londen, George, Kimberley en Bloemfontein. Persone wat besware indien in 'n ander vorm as in manuskrip, word versoek om sewe afskrifte van hulle besware en sewe afskrifte van alle bygaande dokumente te verstrek.

BYLAE

AANBEVELING
AAN
SY EDELE DIE MINISTER VAN ARBEID
DEUR
AFDELING B VAN DIE LOONRAAD
SWAAR KLEI- EN VERWANTE PRODUKTENYWERHEID,
SEKERE GEBIEDE

1. GEBIED EN BESTEK VAN VASSTELLING

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Swaar Klei- en Verwante Produktenywerheid en op die werkgewers van sodanige werknemers in die volgende gebiede:—

Cape Province

The Magisterial Districts of Albany, Bellville, the Cape, East London, George, Kimberley, Knysna, Mossel Bay, Oudtshoorn, Port Elizabeth, Simonstown, Somerset West, Stellenbosch, Strand, Uitenhage and Wynberg;

Natal

The Magisterial Districts of Dannhauser, Durban, Dundee, Estcourt, Inanda, Klip River, Newcastle, Pinetown and Pietermaritzburg;

Orange Free State

The Magisterial Districts of Bloemfontein, Kroonstad, Odendaalsrus, Sasolburg, Virginia and Welkom;

Transvaal

The Magisterial Districts of Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Witbank and the municipal area of Middelburg.

2. DEFINITIONS

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

- (1) "artisan" means an employee who is engaged in work normally performed by a skilled artisan, and for the purpose of this definition the expression "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section 6 of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section 2 (7) or section 7 (3) of the said Act;
- (2) "assistant foreman" means an employee who, under the general supervision of a foreman, performs any of the activities or duties of a foreman and who may act for him during his absence;
- (3) "assistant quarryman" means an employee who, under the general supervision of a quarryman, performs any of the activities or duties of a quarryman and who may act for him during his absence;
- (4) "blaster" means an employee who carries out blasting operations and who is a competent person within the meaning of the Mines and Works Act, No. 27 of 1956;
- (5) "boiler attendant" means an employee who, under general supervision, maintains the water level and steam pressure in a boiler and who may make, maintain or draw the fire in such boiler;
- (6) "casual employee" means an employee who is employed by the same employer on not more than three days in any week;
- (7) "ceramic ware" means electrical porcelain insulators or fittings, crockery, pottery, ovenware, white or colour glaze sanitary ware, laboratory equipment, bathroom fittings, wall tiles or floor tiles (other than quarry tiles);
- (8) "chargehand" means an employee who, under the general supervision of a foreman or assistant foreman, is in charge of grade I employees and who, in addition, may supervise grade II or grade III employees or labourers;
- (9) "chauffeur" means an employee, other than a traveller's assistant, who is engaged in driving a motor vehicle which is intended to carry passengers and used for the conveyance of his employer or of staff, clients or visitors and which may be used for the conveyance of documents or parcels;
- (10) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work;
- (11) "clerk, female, qualified," means a female clerk who has had not less than four years' experience;
- (12) "clerk, female, unqualified," means a female clerk who has had less than four years' experience;
- (13) "clerk, male, qualified," means a male clerk who has had not less than five years' experience;
- (14) "clerk, male, unqualified," means a male clerk who has had less than five years' experience;
- (15) "commission work" means any system under which a traveller's remuneration is calculated on the value or number of orders submitted by him to and accepted by his employer;
- (16) "continuous process worker" means an employee who is engaged in an activity directly connected with the drying or burning processes, the generation of power or steam or the pumping of water in which continuous working by means of three shifts per day on seven days per week is necessary;

Kaapprovinsie

Die landdrosdistrikte Albanie, Bellville, die Kaap, Oos-Londen, George, Kimberley, Knysna, Mosselbaai, Oudtshoorn, Port Elizabeth, Simonstad, Somerset-Wes, Stellenbosch, Strand, Uitenhage en Wynberg;

Natal

Die landdrosdistrikte Dannhauser, Durban, Dundee, Estcourt, Inanda, Kliprivier, Newcastle, Pinetown en Pietermaritzburg;

Oranje-Vrystaat

Die landdrosdistrikte Bloemfontein, Kroonstad, Odendaalsrus, Sasolburg, Virginia en Welkom;

Transvaal

Die landdrosdistrikte Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Witbank en die munisipale gebied van Middelburg.

2. WOORDOMSKRYWINGS

(a) Tensy uit die samehang anders blyk, het iedere uitdrukking wat in hierdie Vastelling geësig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet en, tensy onbestaanbaar met die samehang, beteken—

- (1) „ambagsman” ’n werknemer wat werk doen wat in die reël deur ’n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordomskriving beteken die uitdrukking „geskoolde ambagsman” iemand wat sy leertyd uitgedien het in ’n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van ’n vaardigheidssertifikaat deur die Registrateur van Vakleerlinge aan hom uitgereik ingevolge artikel 6 van die Wet op Opleiding van Ambagsmense, 1951, of ’n sertifikaat deur genoemde Registrateur aan hom uitgereik ingevolge of artikel 2 (7) of artikel 7 (3) van genoemde Wet;
- (2) „arbeider” ’n werknemer wat een of meer van die volgende werksaamhede verrig:—
 - (i) Die vuurmaakplekke of skoorstene van oonde skoonmaak, maar nie solank die oond brand nie;
 - (ii) persele, installasie, masjinerie, gereedskap, gerei, uitrusting of ander artikels skoonmaak, was of ontsmet of oppervlakte skoonmaak of skraap voordat dit geveer word;
 - (iii) briewe, boodskappe of goedere binne ’n bedryfsinrigting te voet of deur middel van ’n fiets, driewieler of handvoertuig afhaal of aflewer;
 - (iv) trokke, sleepwaens of koekepanne, uitgesonderd trokke wat aan die Suid-Afrikaanse Spoorweg- en Hawensadministrasie behoort, koppel en ontkoppel;
 - (v) draad volgens gestelde lengtes sny of lusse in draad draai;
 - (vi) klei, grond, gruis, steenkool of ander materiaal graaf, met ’n skopgraaf of ’n pik bewerk of losmaak of stene of betonwerk opbreek;
 - (vii) met die hand boor;
 - (viii) die invoerwerk of afvoerwerk in verband met ’n masjien verrig;
 - (ix) stortgeute, bakke, hysbakke of vultregters vul of leegmaak;
 - (x) houers vul, verpak, toedraai, verseël of met band vasmaak;
 - (xi) metaalklissies met die hand aan vuurvaste stene vassit;
 - (xii) tuinwerk;
 - (xiii) pad- of spoorwegoorgange bewaak;
 - (xiv) ’n oond leegmaak;
 - (xv) artikels ophang, dra, verskuif, hanteer of opstapel maar nie deur middel van ’n kragtoestel nie;
 - (xvi) persele afwit;
 - (xvii) trokke of voertuie laai of aflaai;
 - (xviii) vure maak of in stand hou, maar nie in lokomotiewe of oonde nie, of afval of as verwyder;
 - (xix) kantonhouers, dose of palette van klaargemaakte materiaal maak of dit daarmee herstel;
 - (xx) tee, koffie of dergelike drank berei;
 - (xxi) sakke heelmaak, skoonmaak of uitskud;
 - (xxii) voertuie, uitgesonderd motorvoertuie, olie of smeer;
 - (xxiii) deure of poortdeure oop- of toemaak;
 - (xxiv) ’n hystoestel of gryper met die hand bedien;
 - (xxv) ’n handvoertuig stoot of trek;
 - (xxvi) ongebakte kleiprodukte, uitgesonderd stene, herrangskik terwyl dit besig is om droog te word;
 - (xxvii) sanitêre emmers verwyder, leegmaak of vervang;
 - (xxviii) die drade van ’n outomatiese snymasjien, uitgesonderd ’n outomatiese draaisnymasjien, vervang;
 - (xxix) as met die hand sif, stene skei (maar nie sorteer nie), sinter van stene afkap of gebakte kleiprodukte, strooi-klip of ander grondstowwe opbreek;

- (17) "day" means the period of twenty-four hours from midnight to midnight: Provided that, in an establishment in which any regular shift commences in one calendar day and ends in the next calendar day, the expression shall mean a period of twenty-four hours reckoned from the time an employee normally commences work;
- (18) "District A" means the magisterial districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, the Cape, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pinetown, Pretoria, Randfontein, Rodepoort, Simonstown, Springs, Vanderbijlpark, Vereeniging and Wynberg;
- (19) "District B" means the magisterial districts of Port Elizabeth, Somerset West, Stellenbosch and Strand.
- (20) "District C" means the magisterial districts of Bloemfontein, East London, Kimberley, Pietermaritzburg and Uitenhage and that portion of the magisterial district of Potchefstroom which falls within a radius of 15 miles from the General Post Office of Fochville;
- (21) "District D" means the magisterial districts of Klerksdorp, Kroonstad, Odendaalsrus, Sasolburg, Virginia and Welkom;
- (22) "District E" means the magisterial districts of George, Knysna, Mossel Bay and Oudtshoorn;
- (23) "District F" means all areas described in clause 1 and not mentioned in the definitions "District A", "District B", "District C", "District D", and "District E";
- (24) "driver of an earth-moving machine" means a driver or operator of an earth-moving machine;
- (25) "driver of a motor vehicle" means an employee, other than a chauffeur or a messenger, who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive;
- (26) "driver of a motor vehicle, class I," means a driver of a motor vehicle who drives the vehicle outside an establishment;
- (27) "driver of a motor vehicle, class II," means a driver of a motor vehicle who is engaged in driving such vehicle within an establishment, including driving the vehicle—
 - (a) to a workshop for maintenance or repair;
 - (b) to a place of safety for the vehicle;
 - (c) to another site of operations;
- (28) "earth-moving machine" means a power-driven front-end loader or off-loader of bucket or grab type, a bulldozer, scraper, digger or trencher and includes any tractor adapted to achieve any of the purposes of these machines but does not include an excavator of swinging boom type or a mobile hoist;
- (29) "emergency work" means—
 - (1) any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or a breakdown of plant, machinery or motor vehicle must be done without delay;
 - (2) any work in connection with the loading or unloading of—
 - (i) trucks or vehicles of the South African Railways and Harbours; or
 - (ii) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours;
 - (3) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours;
- (30) "establishment" means any premises in or in connection with which ten or more employees are employed in the Heavy Clay and Allied Products Industry;
- (31) "excavator driver" means a driver or operator of an excavator of the swinging boom type;
- (32) "excavator driver, qualified," means an excavator driver who has had not less than six months' experience;
- (33) "excavator driver, unqualified," means an excavator driver who has had less than six months' experience;
- (34) "experience" means in relation to—
 - (a) a clerk, a factory clerk or a traveller, the total period or periods of employment which an employee has had as a clerk, a factory clerk or a traveller, respectively, in any trade or in the service of the State;
 - (b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Heavy Clay and Allied Products Industry;
- (35) "factory clerk" means an employee who, under the supervision of a foreman, assistant foreman or qualified male clerk, is engaged in performing one or more of the following duties—
 - (i) checking goods received against delivery notes or orders;
 - (ii) counting, checking or weighing railway trucks or motor vehicles or recording these particulars;
 - (iii) interpreting or translating Bantu languages;
 - (iv) issuing passes, certificates of service or time cards or registering the engagement or discharge of employees;
 - (v) keeping, filing or sorting delivery notes, requisitions or time, wage or job cards;
 - (vi) keeping time or production records;
- (xxx) sjabloner of merk (maar nie adresseer nie) of gedrukte of vooraf geadresseerde etikette aan stene of ander produkte of aan dose, sakke, karton- of ander houers heg;
- (xxxi) diere oppas, in- of uitspan, voertuie versorg of 'n dierevoertuig binne 'n bedryfsinrigting dryf;
- (xxxii) met 'n gestelde skaal weeg of met 'n gestelde maat meet;
- (3) „assistent-voorman" 'n werknemer wat, onder die algemene toesig van 'n voorman, enigeen van die werksaamhede of pligte van 'n voorman verrig en wat gedurende sy afwesigheid namens hom kan waarneem;
- (4) „assistent-steengroefbaas" 'n werknemer wat, onder die algemene toesig van 'n steengroefbaas, enigeen van die werksaamhede of pligte van 'n steengroefbaas verrig en wat gedurende sy afwesigheid namens hom kan waarneem;
- (5) „bediener van 'n mobiele hystoestel" 'n werknemer wat 'n verkhuyswa of ander mobiele kragaangedrewe hys- of laaistoestel bedien wat gebruik word om goedere op te laai, af te laai, te verskuif of op te stapel;
- (6) „bedryfsinrigting" 'n perseel waarop of in verband waarmee tien of meer werknemers in die Swaar Klei- en Verwante Produktenywerheid in diens is;
- (7) „bestuurder" 'n werknemer wat deur sy werkgever belas word met die algemene—
 - (a) toesighouding oor,
 - (b) verantwoordelikheid vir, en
 - (c) leiding vandie werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werksaam is;
- (8) „bestuurder van 'n grondwerkmasjien" 'n bestuurder of bediener van 'n grondwerkmasjien;
- (9) „bode" 'n werknemer wat boodskappe, briewe of dokumente deur middel van 'n twee- of driewielmotorfiets, bromponie of outofiets of 'n fiets wat met 'n hulpmotor toegerus is, aflewer;
- (10) „chauffeur" 'n werknemer, uitgesonderd 'n handelsreisiger se hulp, wat 'n motorvoertuig bestuur wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgever of van personeel, klante of besoekers en waarmee ook dokumente of pakke vervoer mag word;
- (11) „dag" die tydperk van vier-en-twintig uur vanaf middernag tot middernag: Met dien verstande dat, in 'n bedryfsinrigting waarin 'n gereelde skof op een kalenderdag begin en op die daaropvolgende kalenderdag eindig, die uitdrukking 'n tydperk van vier-en-twintig uur beteken wat gereken word vanaf die tyd waarop 'n werknemer gewoonlik begin werk;
- (12) „deeltydse klerk" 'n klerk wat per week of per maand in diens geneem word vir hoogstens 30 gewone werkdere in 'n week;
- (13) „deurlopende proses-werker" 'n werknemer wat 'n werksaamheid verrig wat regstreeks in verband staan met die droogmaak- of bakprosesse, die ontwikkeling van krag of stoom of die pomp van water waarby deurlopende werk by wyse van drie skofte per dag op sewe dae per week nodig is;
- (14) „Distrik A" die landdrosdistrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, die Kaap, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pinetown, Pretoria, Randfontein, Rodepoort, Simonstad, Springs, Vanderbijlpark, Vereeniging en Wynberg;
- (15) „Distrik B" die landdrosdistrikte Port Elizabeth, Somerset West, Stellenbosch en Strand;
- (16) „Distrik C" die landdrosdistrikte Bloemfontein, Oos-Londen, Kimberley, Pietermaritzburg en Uitenhage en daardie gedeelte van die landdrosdistrik Potchefstroom wat binne 'n straal van vyftien myl van die Hoofposkantoor van Fochville af val;
- (17) „Distrik D" die landdrosdistrikte Klerksdorp, Kroonstad, Odendaalsrus, Sasolburg, Virginia en Welkom;
- (18) „Distrik E" die landdrosdistrikte George, Knysna, Mosselbaai en Oudtshoorn;
- (19) „Distrik F" alle gebiede wat in klousule 1 genoem word maar wat nie in die omskrywings van „Distrik A", „Distrik B", „Distrik C", „Distrik D" en „Distrik E" ingesluit is nie;
- (20) „fabrieksklerk" 'n werknemer wat, onder die toesig van 'n voorman, assistent-voorman of gekwalifiseerde manlike klerk, een of meer van die volgende werksaamhede verrig—
 - (i) ontvangte goedere nagaan deur dit te vergelyk met afleweringsbriewe of bestellings;
 - (ii) spoorwaens of motorvoertuie tel, nagaan of weeg of sodanige besonderhede aanteken;
 - (iii) uit Bantoetale tolk of vertaal;
 - (iv) passe, dienssertifikate of tydkaarte uitreik of die indiensneming of ontslag van werknemers aanteken;
 - (v) afleweringsbriewe, rekvisisies of tyd-, loon- of taakkaarte hou, liasseer of sorteer;
 - (vi) tyd- of produksieregisters hou;
 - (vii) ontvangste of uitreikings op bakkaarte plak of ander vorms van voorraadregisters hou;
 - (viii) kaartjies stempel;
 - (ix) geldwaardes ten opsigte van enigeen van voornoemde sake bereken;

- (vii) posting receipts or issues on bin cards or other forms of stores records;
- (viii) stamping tickets;
- (ix) calculating money values in respect of any of the foregoing matters;
- (36) "factory clerk, qualified," means a factory clerk who has had not less than twelve months' experience;
- (37) "factory clerk, unqualified," means a factory clerk who has had less than twelve months' experience;
- (38) "foreman" means an employee who is in charge of the employees in an establishment or a department of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties;
- (39) "grade I employee" means an employee who is engaged in any one or more of the following operations or capacities—
- (i) driver of a tractor;
 - (ii) hospital, dispensary or first aid room orderly;
 - (iii) messenger;
 - (iv) operating a power-driven crushing machine;
 - (v) operating a power-driven clay bat making machine;
 - (vi) operating an extrusion machine;
 - (vii) operating a power-driven hammer;
 - (viii) operating a power-driven press for making bricks, tiles, pipes or fittings;
 - (ix) weighing or proportioning composite batches of materials;
- (40) "grade I employee, qualified," means a grade I employee who has had not less than twelve months' experience;
- (41) "grade I employee, unqualified," means a grade I employee who has had less than twelve months' experience;
- (42) "grade II employee" means an employee who is engaged in any one or more of the following operations or capacities—
- (i) assembling pipe fittings;
 - (ii) blacksmith's striker;
 - (iii) mixing machine attendant;
 - (iv) moulding bricks, pipe fittings, chimney pots, roofing tile accessories or other articles by hand;
 - (v) moulding bricks by pneumatic or electric hammer;
 - (vi) oiling or greasing motor vehicles;
 - (vii) operating a double drum scraper winch for moving material;
 - (viii) operating a power-driven cutting, bending or punching machine for the working of sheet metal;
 - (ix) operating a power-driven grinding machine;
 - (x) operating a power-driven grinding or cutting machine for finishing or improving burnt clay products;
 - (xi) operating a power-driven grooving or fettling machine;
 - (xii) operating a power-driven pulverising machine;
 - (xiii) packing earthenware pipes or fittings into railway trucks;
 - (xiv) packing or setting bricks or other articles for firing in a kiln or on kiln cars;
 - (xv) sorting finished products into categories;
 - (xvi) tallyman;
- (43) "grade II employee, qualified," means a grade II employee who has had not less than six months' experience;
- (44) "grade II employee, unqualified," means a grade II employee who has had less than six months' experience;
- (45) "grade III employee" means an employee who is engaged in any one or more of the following operations or capacities—
- (i) affixing stamps to letters, parcels or other articles;
 - (ii) assisting an artisan in the use of his tools other than by the independent use of such tools;
 - (iii) attending an automatic stoker;
 - (iv) changing, removing or replacing wheels, tyres or tubes of motor vehicles, wheelbarrows or other vehicles or inflating or repairing tubes;
 - (v) collecting or delivering letters, messages or goods outside an establishment on foot or by means of a bicycle, tricycle or manually propelled vehicles;
 - (vi) compressor attendant;
 - (vii) conveyor or tripper minder;
 - (viii) cooking rations in a compound kitchen;
 - (ix) cutting or trimming green blocks by hand to a template to form special shapes;
 - (x) driving an animal-drawn vehicle outside an establishment;
 - (xi) driving a power-driven unit used solely for pushing or pulling kiln or dryer cars;
 - (xii) fireman of a kiln without automatic stoker, a gas producing plant, a stationary boiler, a steam locomotive or an oilfired kiln;
 - (xiii) oiling or greasing machinery other than motor vehicles under supervision;
 - (xiv) operating a cutting machine engaged in cutting plastic clay columns or products;
 - (xv) operating an electrical appliance to remove dust or dirt;
- (21) „fabrieksklerk, gekwalifiseer”, 'n fabrieksklerk met minstens twaalf maande ondervinding;
- (22) „fabrieksklerk, ongekwalifiseer”, 'n fabrieksklerk met minder as twaalf maande ondervinding;
- (23) „faktotum” 'n werknemer wat kleinere herstelwerk of verstellings aan masjinerie of uitrusting of kleinere herstelwerk of opknappings aan geboue of ander bouwerke doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie;
- (24) „grondwerkmasjien” 'n kragaangedrewe voorlaaier of -aflaaier van die bak- of skeptipe, 'n stootskraper, 'n skraper, graaf- of slootgraafmasjien en omvat dit ook 'n trekker wat so aangepas is dat dit vir enigeen van die doeleindes van hierdie masjiene gebruik word, maar nie ook 'n masjiengraaf van die swaaiaarmtipe of 'n mobiele hystoestel nie;
- (25) „handelsreisiger” 'n werknemer wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting vir so 'n inrigting bestellings werf, vra of soek;
- (26) „handelsreisiger, gekwalifiseer”, 'n handelsreisiger met minstens vier jaar ondervinding;
- (27) „handelsreisiger, ongekwalifiseer”, 'n handelsreisiger met minder as vier jaar ondervinding;
- (28) „handelsreisiger se hulp” 'n werknemer wat 'n handelsreisiger vergesel en hom help met die inpak, uitpak of vertoon van sy monsters en wat die motorvoertuig mag bestuur wat die handelsreisiger in die uitvoering van sy werk gebruik;
- (29) „keramiekware” elektriese isolators of toebehorens van porselein, breekgoed, erdewerk, oondware, wit of gekleurde sanitêre glasuurware, laboratoriumuitrusting, badkamertoebehorens, muur- of vloerteëls (uitgesonderd steengroefteëls);
- (30) „ketelbediener” 'n werknemer wat onder algemene toesig die waterpeil en stroomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, stook of uithaal;
- (31) „klerk” 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kasier en 'n telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk;
- (32) „klerk, vrou, gekwalifiseer”, 'n vroulike klerk met minstens vier jaar ondervinding;
- (33) „klerk, vrou, ongekwalifiseer”, 'n vroulike klerk met minder as vier jaar ondervinding;
- (34) „klerk, man, gekwalifiseer”, 'n manlike klerk met minstens vyf jaar ondervinding;
- (35) „klerk, man, ongekwalifiseer”, 'n manlike klerk met minder as vyf jaar ondervinding;
- (36) „kommissiewerk” 'n stelsel waarvolgens 'n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkgewer voorlê en wat laasgenoemde aanvaar;
- (37) „korttyd” 'n tydelike vermindering in die getal gewone werke weens 'n bedryfslapte, ongunstige weersomstandighede, 'n tekort aan grondstowwe, 'n onklaarraking van installasie of masjinerie of 'n werklike of dreigende onklaarraking van geboue;
- (38) „'n kragaangedrewe masjien bedien” om in die beheer van 'n kragaangedrewe masjien te wees en die toevoer van materiaal na so 'n masjien te reguleer of om die werk wat deur die masjien gedoen is, noukeurig te ondersoek of na te gaan en omvat dit ook minder belangrike lopende verstelwerk aan die masjien en die aan- of stopsit van die masjien waar sodanige werk gedoen word deur die werknemer wat in die beheer van die masjien is;
- (39) „lokomotiefbestuurder” 'n werknemer wat 'n stoom-, elektriese of diesellokomotief bestuur;
- (40) „loon” die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werke soos by klousule 5 voorgeskryf: Met dien verstande—
- (i) dat, as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werke gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;
 - (ii) dat die eerste voorbehoudingsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie;
- (41) „los werknemer” 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is;
- (42) „masjiengraafbestuurder” 'n bestuurder of bediener van 'n masjiengraaf van die swaaiaarmtipe;
- (43) „masjiengraafbestuurder, gekwalifiseer”, 'n masjiengraafbestuurder met minstens ses maande ondervinding;
- (44) „masjiengraafbestuurder, ongekwalifiseer”, 'n masjiengraafbestuurder met minder as ses maande ondervinding;
- (45) „mengmasjienbediener” 'n werknemer wat die vloei van water na die klei reguleer en wat die masjien kan aansit of stopsit;

- (xvi) operating a hand franking machine for the franking of envelopes;
- (xvii) operating a hand powered brick or tile press;
- (xviii) operating a machine for the weighing or filling of bags or other containers;
- (xix) operating a jackhammer, power-driven drill or paving breaker;
- (xx) operating a power-driven screening machine;
- (xxi) placing letters or other written, typed or printed matter in envelopes;
- (xxii) preparing clay to a rough shape, preparatory to moulding;
- (xxiii) rearranging green bricks in the course of drying;
- (xxiv) regulating the flow of materials to a belt or pan;
- (xxv) replacing wires of an automatic rotary cutting machine;
- (xxvi) sorting green products preparatory to packing or setting in a kiln;
- (xxvii) stacking green products by hand for drying;
- (xxviii) trimming or fettling green products by hand;
- (xxix) winch (other than a double drum scraper winch), haulage or lift operator or attendant;
- (46) "grade III employee, qualified," means a grade III employee who has had not less than three months' experience;
- (47) "grade III employee, unqualified," means a grade III employee who has had less than three months' experience;
- (48) "handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment or minor repairs or renovations to buildings or other structures but who does not do work normally performed by an artisan;
- (49) "Heavy Clay and Allied Products Industry" means the industry in which employers and employees are associated in establishments where ten or more employees are engaged in—
 - (i) the manufacture of any one or more of the following articles (other than ceramic ware), namely bricks, silica sand bricks, quarry tiles, roof tiles, slabs, hollow blocks, refractories, acid-proof or fireproof earthenware, earthenware pipes, earthenware pipe fittings, ventilators, insulating products or any other article which in the process of being manufactured is hardened by burning in a kiln or by any other heat process and which is made from clay or of which clay or any other heat resisting or insulating mineral, ore or material or a combination of clay and such other mineral, ore or material forms the principal component;
 - (ii) the extraction, mining, winning or preparation of the clay or heat resisting or insulating mineral, ore or material used in the manufacture of any of the articles referred to in paragraph (i), if carried on by employers who are engaged in such manufacture;

and includes all operations incidental to or consequent on any of the aforesaid activities;
- (50) "labourer" means an employee who is engaged in any one or more of the following activities—
 - (i) cleaning kiln fireholes or flues excepting during the burning of the kiln;
 - (ii) cleaning, washing or disinfecting premises or plant, machinery, tools, utensils, equipment or other articles or cleaning or scraping surfaces preparatory to painting;
 - (iii) collecting or delivering letters, messages or goods within an establishment on foot or by means of a bicycle, tricycle or manually propelled vehicle;
 - (iv) coupling or uncoupling trucks, trailers or cocopans other than trucks belonging to the South African Railways and Harbours Administration;
 - (v) cutting wire to set lengths or twisting loops in wire;
 - (vi) digging, shovelling, picking or loosening clay, soil, gravel, coal or other material or breaking brick or concrete work;
 - (vii) drilling by hand;
 - (viii) feeding into or taking off from a machine;
 - (ix) filling or emptying chutes, bins, skips or hoppers;
 - (x) filling, packing, wrapping, sealing or strapping containers;
 - (xi) fixing metal cases to refractory bricks by hand;
 - (xii) gardening work;
 - (xiii) guarding road or rail crossings;
 - (xiv) kiln emptying;
 - (xv) lifting, carrying, moving, handling or stacking articles, other than by means of a power-driven device;
- (46) „motorvoertuig” ’n kragaaangedrewe voertuig wat gebruik word vir die vervoer van goedere, uitgesonderd ’n handelsreisiger se monsters, en omvat dit ook ’n voorhaker maar nie ’n mobiele hystoestel, ’n grondwerkmasjien of ’n trekker nie;
- (47) „motorvoertuigbestuurder” ’n werknemer, uitgesonderd ’n chauffeur of ’n bode, wat ’n motorvoertuig bestuur, en by die toepassing van hierdie woordomskeuring omvat die uitdrukking „’n motorvoertuig bestuur” alle tydperke wat hy bestuur, alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy verplig is om op sy pos gereed te bly om te bestuur;
- (48) „motorvoertuigbestuurder klas I” ’n motorvoertuigbestuurder wat die voertuig buite ’n bedryfsinrigting bestuur;
- (49) „motorvoertuigbestuurder klas II” ’n motorvoertuigbestuurder wat sodanige voertuig binne-in ’n bedryfsinrigting bestuur, en omvat dit ook die bestuur van die voertuig—
 - (a) na ’n werkwinkel vir onderhouds- of herstelwerk;
 - (b) na ’n veilige bewaarplek vir die voertuig;
 - (c) na ’n ander werksaamheidsterrein;
- (50) „noodwerk”—
 - (1) enige werk wat weens onvoorsiene omstandighede soos ’n brand, storm, ongeluk, epidemie, gewelddaad, diefstal of ’n onklaarraking van installasie, masjinerie of ’n motorvoertuig sonder versium gedoen moet word;
 - (2) enige werk in verband met die laai of aflaai van—
 - (i) spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens; of
 - (ii) voertuie wat deur ’n vervoerkontraakteur gebruik word in die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Spoorweë en Hawens;
 - (3) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werke verrig kan word nie;
- (51) „onbelaste gewig” die gewig van ’n motorvoertuig, sleepwa of grondwerkmasjien soos aangegee in ’n lisensie of sertifikaat wat ten opsigte van so ’n motorvoertuig, grondwerkmasjien of sleepwa uitgereik is deur ’n owerheid wat by wet gemagtig is om lisensies ten opsigte daarvan uit te reik: Met dien verstande dat die onbelaste gewig van ’n motorvoertuig, sleepwa of grondwerkmasjien wat nie gelisensieer of geregistreer hoef te word nie, die gewig is wat deur die fabrikant van sodanige voertuig, sleepwa of masjien gespesifiseer word;
- (52) „onderbaas” ’n werknemer wat, onder die algemene toesig van ’n voorman of assistent-voorman, aan die hoof staan van werknemers graad I en wat daarbenewens oor werknemers graad II of graad III of arbeiders toesig kan hou;
- (53) „ondervinding” in verband met—
 - (a) ’n klerk, ’n fabrieksklerk of ’n handelsreisiger, die totale tydperk of tydperke diens wat ’n werknemer onderskeidelik as ’n klerk, ’n fabrieksklerk of ’n handelsreisiger gehad het in enige bedryf of in die diens van die Staat;
 - (b) enige ander klas werknemer, die totale tydperk of tydperke diens wat ’n werknemer in sy klas in die Swaar Klei- en Verwante Produktenywerheid gehad het;
- (54) „oortydwerk” daardie gedeelte van ’n tydperk wat ’n werknemer vir sy werkgever gedurende enige week of enige dag, na gelang van die geval, werk en wat langer is as die onderskeie gewone werke wat in subklousules (1), (2) en (3) van klousule 5 vir sodanige werknemer voorgeskrif word, maar omvat dit nie enige tydperk wat ’n werknemer—
 - (i) wie se genoemde ure in subklousule (1) van klousule 5 voorgeskrif word, vir sy werkgever op ’n Sondag werk nie;
 - (ii) wie se genoemde ure in subklousule (2) van klousule 5 voorgeskrif word, vir sy werkgever op sy vry dag werk nie;
- (55) „senior bestuurs-, professionele, tegniese of administratiewe werknemers” ’n werknemer wat deur die werkgever belas is met werk wat die verantwoordelijkheid meebring om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van ’n professionele, tegniese of administratiewe aard te neem;
- (56) „skofwerker” ’n werknemer wat ’n werksaamheid verrig wat regstreeks in verband staan met die maal- of verpoecingsprosesse waarin deurlopende werk deur middel van drie skofte per dag op vyf of ses dae per week nodig is;
- (57) „sleepwa” in verband met onbelaste gewig, ’n voertuig wat deur ’n motorvoertuig getrek word;
- (58) „spanleier” ’n werknemer wat, onder die algemene toesig van ’n voorman, assistent-voorman of onderbaas, aan die hoof staan van een of meer van die volgende klasse werknemers, naamlik werknemers graad II, graad III of arbeiders;
- (59) „springstofwerker” ’n werknemer wat skietwerk met springstof verrig en wat binne die betekenis van die Wet op Myne en Bedrywe, No. 27 van 1956, ’n bevoegde persoon is;
- (60) „steengroefbaas” ’n werknemer wat verantwoordelik is vir die steengroefwerk in ’n steengroef;

- (xvi) limewashing premises;
- (xvii) loading or unloading trucks or vehicles;
- (xviii) making or maintaining fires other than in locomotives or kilns, or removing refuse or ashes;
- (xix) making or repairing cartons, boxes or pallets from ready-prepared material;
- (xx) making tea, coffee or similar beverages;
- (xxi) mending, cleaning or shaking out bags;
- (xxii) oiling or greasing vehicles other than motor vehicles;
- (xxiii) opening or closing doors or wickets;
- (xxiv) operating a hoist or grab by hand;
- (xxv) pushing or pulling a manually propelled vehicle;
- (xxvi) re-arranging green clay products other than bricks, in the course of drying;
- (xxvii) removing, emptying or replacing sanitary pails;
- (xxviii) replacing wires of an automatic cutting machine other than an automatic rotary cutting machine;
- (xxix) screening ashes by hand, separating bricks (other than sorting), knocking off clinker from bricks or breaking up burnt clay products, cobbing stone or other raw material;
- (xxx) stencilling or marking (but not addressing) or affixing printed or pre-addressed labels to bricks or other products or to boxes, bags, cartons or other containers;
- (xxxi) tending, harnessing or unharnessing animals, minding vehicles or driving an animal-drawn vehicle within an establishment;
- (xxxii) weighing to a set scale or measuring to a set measure;
- (51) "leading hand" means an employee who, under the general supervision of a foreman, assistant foreman or charge-hand, is in charge of any one or more of the following classes of employee, namely, grade II employees, grade III employees or labourers;
- (52) "locomotive driver" means an employee who is engaged in driving a steam, electric or diesel locomotive;
- (53) "manager" means an employee who is charged by his employer with the overall—
(a) supervision over,
(b) responsibility for, and
(c) direction of,
the activities of an establishment and the employees engaged therein;
- (54) "messenger" means an employee engaged in delivering messages, letters or documents by means of a two or three wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine;
- (55) "mixing machine attendant" means an employee who is engaged in regulating the flow of water to the clay and who may start and stop the machine;
- (56) "motor vehicle" means any power-driven vehicle used for conveying goods, other than traveller's samples, and includes a mechanical horse but does not include a mobile hoist, an earth-moving machine or a tractor;
- (57) "operating a power-driven machine" means being in control of a power-driven machine and regulating the flow of material to such machine or scrutinizing or checking the work done by the machine and includes the making of minor running adjustments to the machine and the starting or stopping of the machine where such work is done by the employee in control of the machine;
- (58) "operator of a mobile hoist" means an employee who is engaged in operating a fork-lift truck or other mobile power-driven hoist or loader used in the loading, unloading, moving or stacking of goods;
- (59) "overtime" means that portion of any period during which an employee works for his employer during any week or on any day, as the case may be, which is in excess of the respective ordinary hours of work prescribed for such employee in sub-clauses (1), (2) and (3) of clause 5, but does not include any period during which an employee—
(i) whose said hours are prescribed in sub-clause (1) of clause 5, works for his employer on a Sunday;
(ii) whose said hours are prescribed in sub-clause (2) of clause 5, works for his employer on his day off;
- (60) "part time clerk" means a clerk employed by the week or month for not more than thirty ordinary hours of work in any week;
- (61) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done;
- (62) "quarryman" means an employee who is in charge of the quarrying operations in a quarry;
- (63) "senior managerial, professional, technical or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decisions of a professional, technical or administrative character in the conduct of the activities of an establishment;
- (61) „stukwerk” ’n stelsel waarvolgens ’n werknemer se besoldiging gegronnd word op die hoeveelheid werk wat verrig is;
- (62) „Swaar Klei- en Verwante Produktenywerheid” die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings waar tien of meer werknemers betrokke is by—
(i) die vervaardiging van een of meer van die volgende artikels (uitgesonderd keramiekware), naamlik bakstene, silikasandstene, steengroefteëls, dakpanne, plate, hol blokke, vuurvaste produkte, suur- of vuurvaste erdewerk, erdepype, erdepyp-toebehorens, lugroosters, isoleerprodukte of enige ander artikel wat in die vervaardigingsproses verhard word deur dit in ’n oond te bak of enige ander verhittingsproses te laat ondergaan en wat van klei gemaak is of waarvan klei of enige ander hittevast of isolerende materiaal, erts of materiaal of verbinding van klei en sodanige ander mineraal, erts of materiaal die hoofbestanddeel vorm;
(ii) die ekstraheer, myn, win of bereiding van die klei of hittevast of isolerende mineraal, erts of materiaal wat gebruik word by die vervaardiging van enigeen van die artikels genoem in paragraaf (i), indien uitgeoefen deur werkgewers wat by sodanige vervaardiging betrokke is;
en omvat dit alle werksaamhede wat met enigeen van voornoemde bedrywighede in verband staan of daaruit voortspruit;
- (63) „telklerk” ’n werknemer wat, onder die algemene toesig van ’n voorman, assistent-voorman of gekwalifiseerde manlike klerk, en op ’n ander manier as om skriftelike registers te hou, een of meer van die volgende pligte verrig:—
(i) Artikels nagaan, tel, weeg of meet;
(ii) hoeveelhede in verskillende stadiums in die produksieproses aanteken;
(iii) gereedskap of uitrusting teen ’n rekwisisie uitreik en sodanige gereedskap of uitrusting terugontvang in die magasyn;
- (64) „trekker” ’n kragaangedrewe trekker wat gebruik word om een of meer sleepwaens te trek, maar uitgesonderd ’n kragaangedrewe eenheid wat uitsluitlik gebruik word om oond- of droogwaens te stoot of te trek;
- (65) „voorman” ’n werknemer wat aan die hoof staan van die werknemers in ’n bedryfsinrigting of ’n departement van ’n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig;
- (66) „wag” ’n werknemer wat ’n perseel of eiendom bewaak.
- (67) „werknemer graad I” ’n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:—
(i) Bestuurder van ’n trekker;
(ii) hospitaal-, apteek- of eerstehulpkamerbediende;
(iii) bode;
(iv) ’n kragaangedrewe stampmeul bedien;
(v) ’n kragaangedrewe kleibeslagmasjiens bedien;
(vi) ’n uitpersmasjiens bedien;
(vii) ’n kragaangedrewe hamer bedien;
(viii) ’n kragaangedrewe pers vir die vervaardiging van stene, teëls, pype of toebehorens bedien;
(ix) saamgestelde lotte materiaal weeg of afmeet;
- (68) „werknemer graad I, gekwalifiseer,” ’n werknemer graad I met minstens twaalf maande ondervinding;
- (69) „werknemer graad I, ongekwalifiseer,” ’n werknemer graad I met minder as twaalf maande ondervinding;
- (70) „werknemer graad II” ’n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:—
(i) Pyptoebhorens inmeekaarsit;
(ii) grofsmid se hamerslaner;
(iii) mengmasjiensbediener;
(iv) stene, pyptoebhorens, skoorsteenpote, dakpanbybehorens of ander artikels met die hand vorm;
(v) stene met ’n druklug- of elektriese hamer vorm;
(vi) motorvoertuie olie of smeer;
(vii) ’n skrapervindas met dubbele trommels vir die verskuiwing van materiaal bedien;
(viii) ’n kragaangedrewe sny-, buig- of ponsmasjiens vir die bewerking van plaatmetaal bedien;
(ix) ’n kragaangedrewe slypmasjiens bedien;
(x) ’n kragaangedrewe slyp- of snymasjiens vir die afwerking of verbetering van produkte van gebakte klei bedien;
(xi) ’n kragaangedrewe groef- of poetsmasjiens bedien;
(xii) ’n kragaangedrewe verpoelingsmasjiens bedien;
(xiii) erdepype of -toebhorens in spoorwaens verpak;
(xiv) stene of ander artikels in ’n oond of op oondwaens pak of plaas om gebak te word;
(xv) voltooid produkte in kategorieë sorteer;
(xvi) telklerk;
- (71) „werknemer graad II, gekwalifiseer,” ’n werknemer graad II met minstens ses maande ondervinding;

- (64) "shift worker" means an employee who is engaged in an activity directly connected with the grinding or pulverising processes in which continuous working by means of three shifts per day on five or six days per week is necessary;
- (65) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, vagaries of the weather, shortage of raw materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings;
- (66) "tallyman" means an employee who, under the general supervision of a foreman, assistant foreman or qualified male clerk, and by means other than keeping written records, is engaged in performing one or more of the following duties—
- (i) checking, counting, weighing or measuring articles;
 - (ii) recording quantities at stages in the production process;
 - (iii) issuing tools or equipment against a requisition and receiving such tools or equipment back into store;
- (67) "tractor" means a power-driven tractor used for drawing one or more trailers but excluding a power-driven unit used solely for pushing or pulling kiln or dryer cars;
- (68) "trailer" for the purpose of unladen weight means any conveyance drawn by a motor vehicle;
- (69) "traveller" means an employee who, as a travelling representative of an establishment, invites, canvasses or solicits orders on behalf of such establishment;
- (70) "traveller, qualified," means a traveller who has had not less than four years' experience;
- (71) "traveller, unqualified," means a traveller who has had less than four years' experience;
- (72) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples and who may drive the motor vehicle used by the traveller in the performance of his duties;
- (73) "unladen weight" means the weight of any motor vehicle, trailer or earth-moving machine as recorded in a licence or certificate issued in respect of such motor vehicle, earth-moving machine or trailer by any authority empowered by law to issue licences in respect thereof: Provided that the unladen weight of a motor vehicle, trailer or earth-moving machine which is not required to be licensed or registered shall be the weight specified by the manufacturer of such vehicle, trailer or machine;
- (74) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided—
- (i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;
 - (ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee who is employed on any basis provided for in clause 9 receives over and above the amount which he would have received if he had not been employed on such a basis;
- (75) "watchman" means an employee engaged in guarding premises or property.

(b) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

3. REMUNERATION*

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

(a) Employees other than casual employees and part-time clerks

	In Districts A, B, C and D		In Districts E and F	
	Per week R	Per week R	Per week R	Per week R
Artisan	38.18	38.18		
Assistant foreman	29.90	29.90		
Assistant quarryman	23.23	23.23		
Blaster	29.44	29.44		
Chauffeur	11.50	9.66		
Clerk, female, qualified	17.31	15.58		
Clerk, female, unqualified—				
during the first year of experience	10.38	8.74		
during the second year of experience	12.12	10.38		
during the third year of experience	13.85	12.12		
during the fourth year of experience	15.58	13.85		

*NOTE: As indicated in paragraph 119 of the Board's report concerning this industry, the recommendation in respect of wages is based on the assumption that the Honourable the Minister of Labour will suspend the Cost of Living Allowance Regulations framed under War Measure No. 43 of 1942.

- (72) „werknemer graad II, ongekwalifiseer,” ’n werknemer graad II met minder as ses maande ondervinding;
- (73) „werknemer graad III” ’n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:—
- (i) Seëls op briewe, pakkette of ander artikels plak;
 - (ii) ’n ambagsman help met die gebruik van sy gereedschap sonder om sodanige gereedschap selfstandig te gebruik;
 - (iii) ’n outomatiese stooktoestel bedien;
 - (iv) wiele, buite- of binnebande van motorvoertuie, kruiwaens of ander voertuie omruil, afhaal of vervang of binnebande oppomp of herstel;
 - (v) briewe, boodskappe of goedere buite ’n bedryfsinrigting te voet of deur middel van ’n trapfiets, driewieler of handvoertuig afhaal of aflewer;
 - (vi) kompressorbediener;
 - (vii) vervoer of storttoestelbediener;
 - (viii) rantsoene in ’n kampongkombuis kook;
 - (ix) ongebakke blokke met die hand volgens ’n leipatroon sny of afwerk om spesiale fatsoene te vorm;
 - (x) ’n dierevoertuig buite ’n bedryfsinrigting dryf;
 - (xi) ’n kragaangedrewe eenheid dryf wat uitsluitlik gebruik word om oond- of droogwaens te stoot of te trek;
 - (xii) stoker van ’n oond sonder ’n outomatiese stooktoestel, ’n gasinstallasie, ’n vaste stoomketel, ’n stoomlokomotief of ’n oond wat met olie gestook word;
 - (xiii) masjinerie, uitgesonderd motorvoertuie, onder toesig olie of smeer;
 - (xiv) ’n snymasjien bedien wat plastiekkleipilare of -produkte sny;
 - (xv) ’n elektriese toestel bedien wat stof of vuilgoed verwyder;
 - (xvi) ’n handfrankeermasjien vir die frankering van koeverte bedien;
 - (xvii) ’n steen- of teëlpers bedien wat met die hand gewerk word;
 - (xviii) ’n masjien vir die weeg of vul van sakke of ander houers bedien;
 - (xix) ’n klopboor, kragaangedrewe boor of plaveiselbreker bedien;
 - (xx) ’n kragaangedrewe sifmasjien bedien;
 - (xxi) briewe of ander geskrewe, getikte of gedrukte stukke in koeverte plaas;
 - (xxii) klei in ’n ruwe fatsoen berei vir vormwerk;
 - (xxiii) ongebakke stene in die loop van die droogproses her-rangskik;
 - (xxiv) die toevoer van materiaal na ’n vervoerband of bak reguleer;
 - (xxv) die drade van ’n outomatiese draaisnymasjien vervang;
 - (xxvi) ongebakke produkte sorteer voordat dit in ’n oond gepak of ingesit word;
 - (xxvii) ongebakke produkte met die hand opstapel om droog te word;
 - (xxviii) ongebakke produkte met die hand afwerk of repareer;
 - (xxix) windas- (uitgesonderd ’n skrapewindas met dubbele trommels), trektoestel- of hyserbediener;
- (74) „werknemer graad III, gekwalifiseer,” ’n werknemer graad III met minstens drie maande ondervinding;
- (75) „werknemer graad III, ongekwalifiseer,” ’n werknemer graad III met minder as drie maande ondervinding;
- (b) By die toepassing van hierdie Vasstelling word ’n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. BESOLDIGING*

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

(a) Werknemers, uitgesonderd los werknemers en deeltydse klerke

	In distrikte A, B, C en D		In distrikte E en F	
	Per week R	Per week R	Per week R	Per week R
Ambagsman	38.18	38.18		
Assistent-voorman	29.90	29.90		
Assistent-steengroefbaas	23.23	23.23		
Springstofwerker	29.44	29.44		
Chauffeur	11.50	9.66		
Klerk, vrou, gekwalifiseer	17.31	15.58		
Klerk, vrou, ongekwalifiseer				
gedurende die eerste jaar ondervinding	10.38	8.74		
gedurende die tweede jaar ondervinding	12.12	10.38		
gedurende die derde jaar ondervinding	13.85	12.12		
gedurende die vierde jaar ondervinding	15.58	13.85		

*OPMERKING: Soos in paragraaf 119 van die Raad se verslag gemeld, rus die aanbeveling oor lone op die veronderstelling dat Sy Edele die Minister van Arbeid die Regulasies op Lewenskostetoelae, uitgevaardig kragtens Oorlogsmaatregel No. 43 van 1942, sal opskort.

	In Districts A, B, C and D		In Districts E and F		In distrikte A, B, C en D		In distrikte E en F	
	Per week		Per week		Per week		Per week	
	R		R		R		R	
Clerk, male, qualified	25.39		22.62		25.39		22.62	
Clerk, male, unqualified—								
during the first year of experience ..	11.54		9.66		11.54		9.66	
during the second year of experience ..	14.31		11.54		14.31		11.54	
during the third year of experience ..	17.08		14.31		17.08		14.31	
during the fourth year of experience ..	19.85		17.08		19.85		17.08	
during the fifth year of experience ..	22.62		19.85		22.62		19.85	
Driver of a motor vehicle, class I, the unladen weight of which vehicle together with the unladen weight of any trailers drawn by such vehicle—								
(i) does not exceed 6,000 lb.	16.10		13.57		16.10		13.57	
(ii) exceeds 6,000 lb. but not 15,000 lb. ..	19.32		16.10		19.32		16.10	
(iii) exceeds 15,000 lb.	23.00		19.32		23.00		19.32	
Driver of a motor vehicle, class II, the unladen weight of which vehicle together with the unladen weight of any trailers drawn by such vehicle—								
(i) does not exceed 6,000 lb.	11.50		9.20		11.50		9.20	
(ii) exceeds 6,000 lb. but not 15,000 lb. ..	13.80		11.50		13.80		11.50	
(iii) exceeds 15,000 lb.	16.10		13.80		16.10		13.80	
Driver of an earth-moving machine the unladen weight of which—								
(i) does not exceed 6,000 lb.	11.50		9.66		11.50		9.66	
(ii) exceeds 6,000 lb.	18.40		16.10		18.40		16.10	
Excavator driver, qualified	29.44		29.44		29.44		29.44	
Excavator driver, unqualified	25.53		25.53		25.53		25.53	
Factory clerk, qualified	11.92		10.35		11.92		10.35	
Factory clerk, unqualified—								
during the first six months of experience ..	9.66		8.28		9.66		8.28	
during the second six months of experience ..	10.58		9.20		10.58		9.20	
Foreman	40.02		40.02		40.02		40.02	
Handyman	17.71		14.03		17.71		14.03	
Locomotive driver	29.90		29.90		29.90		29.90	
Operator of a mobile hoist with an operational capacity of one ton or less ..	9.20		8.28		9.20		8.28	
Operator of a mobile hoist with an operational capacity of more than one ton ..	13.80		11.50		13.80		11.50	
Quarryman	30.82		30.82		30.82		30.82	
Traveller, qualified	36.46		36.46		36.46		36.46	
Traveller, unqualified—								
during the first year of experience ..	25.39		25.39		25.39		25.39	
during the second year of experience ..	28.15		28.15		28.15		28.15	
during the third year of experience ..	30.93		30.93		30.93		30.93	
during the fourth year of experience ..	33.68		33.68		33.68		33.68	
Traveller's assistant	11.50		11.50		11.50		11.50	
Klerk, man, gekwalifiseer					25.39		22.62	
Klerk, man, ongekwalifiseer—								
gedurende die eerste jaar ondervinding ..					11.54		9.66	
gedurende die tweede jaar ondervinding ..					14.31		11.54	
gedurende die derde jaar ondervinding ..					17.08		14.31	
gedurende die vierde jaar ondervinding ..					19.85		17.08	
gedurende die vyfde jaar ondervinding ..					22.62		19.85	
Motorvoertuigbestuurder, klas I, wat 'n motorvoertuig bestuur waarvan die onbelaste gewig, tesame met die onbelaste gewig van sleepwaens wat deur sodanige voertuig getrek word—								
(i) hoogstens 6,000 lb. is					16.10		13.57	
(ii) meer as 6,000 lb. maar hoogstens 15,000 lb. is					19.32		16.10	
(iii) meer as 15,000 lb. is					23.00		19.32	
Motorvoertuigbestuurder, klas II, wat 'n motorvoertuig bestuur waarvan die onbelaste gewig, tesame met die onbelaste gewig van sleepwaens wat deur sodanige voertuig getrek word—								
(i) hoogstens 6,000 lb. is					11.50		9.20	
(ii) meer as 6,000 lb. maar hoogstens 15,000 lb. is					13.80		11.50	
(iii) hoogstens 15,000 lb. is					16.10		13.80	
Bestuurder van 'n grondwerkmassien waarvan die onbelaste gewig—								
(i) hoogstens 6,000 lb. is					11.50		9.66	
(ii) meer as 6,000 lb. is					18.40		16.10	
Masjiengraafbestuurder, gekwalifiseer ..					29.44		29.44	
Masjiengraafbestuurder, ongekwalifiseer ..					25.53		25.53	
Fabrieksklerk, gekwalifiseer					11.92		10.35	
Fabrieksklerk, ongekwalifiseer								
gedurende die eerste ses maande ondervinding ..					9.66		8.28	
gedurende die tweede ses maande ondervinding ..					10.58		9.20	
Voorman					40.02		40.02	
Faktotum					17.71		14.03	
Lokomotiefbestuurder					29.90		29.90	
Bediener van 'n mobiele hystoestel met 'n werkvermoë van een ton of minder ..					9.20		8.28	
Bediener van 'n mobiele hystoestel met 'n werkvermoë van meer as een ton ..					13.80		11.50	
Steengroefbaas					30.82		30.82	
Handelsreisiger, gekwalifiseer					36.46		36.46	
Handelsreisiger, ongekwalifiseer—								
gedurende die eerste jaar ondervinding ..					25.39		25.39	
gedurende die tweede jaar ondervinding ..					28.15		28.15	
gedurende die derde jaar ondervinding ..					30.93		30.93	
gedurende die vierde jaar ondervinding ..					33.68		33.68	
Handelsreisiger se hulp					11.50		11.50	

	For the first twelve months after the coming into force of this Determination						For the next succeeding twelve months						Thereafter					
	District A	District B	District C	District D	District E	District F	District A	District B	District C	District D	District E	District F	District A	District B	District C	District D	District E	District F
	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week
Boiler attendant	7.13	6.67	6.21	5.98	5.29	4.60	7.36	6.90	6.44	6.21	5.52	4.83	7.82	7.36	6.67	6.44	5.75	5.29
Chargehand	10.12	9.66	9.20	8.97	8.28	7.59	10.35	9.89	9.43	9.20	8.51	7.82	10.81	10.12	9.66	9.43	8.74	8.28
Leading hand	8.51	8.05	7.59	7.36	6.67	5.98	8.74	8.28	7.82	7.59	6.90	6.21	9.20	8.51	8.05	7.82	7.13	6.67
Grade I employee, qualified ..	9.20	8.74	8.28	8.05	7.36	6.67	9.43	8.97	8.51	8.28	7.59	6.90	9.89	9.20	8.74	8.51	7.82	7.36
Grade I employee, unqualified—																		
during the first six months of experience ..	8.51	8.05	7.59	7.36	6.67	5.98	8.74	8.28	7.82	7.59	6.90	6.21	9.20	8.51	8.05	7.82	7.13	6.67
during the second six months of experience ..	8.97	8.51	8.05	7.82	7.13	6.44	9.20	8.74	8.28	8.05	7.36	6.67	9.66	8.97	8.51	8.28	7.59	7.13
Grade II employee, qualified ..	8.05	7.59	7.13	6.90	6.21	5.52	8.28	7.82	7.36	7.13	6.44	5.75	8.74	8.05	7.59	7.36	6.67	6.21
Grade II employee, unqualified—																		
during the first three months of experience ..	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52
during the second three months of experience ..	7.59	7.13	6.90	6.44	5.75	5.06	7.82	7.36	6.90	6.67	5.98	5.29	8.28	7.82	7.13	6.90	6.21	5.75
Grade III employee, qualified ..	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52
Grade III employee, unqualified ..	7.13	6.67	6.21	5.98	5.29	4.60	7.36	6.90	6.44	6.21	5.52	4.83	7.82	7.36	6.67	6.44	5.75	5.29
Labourer of the age of 18 years or over ..	6.90	6.44	5.98	5.75	5.06	4.37	7.13	6.67	6.21	5.98	5.29	4.60	7.59	7.13	6.44	6.21	5.52	5.06
Labourer under the age of 18 years ..	5.52	5.06	4.83	4.60	3.87	3.60	5.75	5.29	4.83	4.60	3.87	3.60	5.98	5.52	5.06	4.83	4.37	4.14
Watchman	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52
Employee not specifically mentioned elsewhere in this clause ..	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52

	Vir die eerste twaalf maande na die inwerkingtreding van hierdie Vastelling						Vir die daaropvolgende twaalf maande						Daarna					
	Distrik A	Distrik B	Distrik C	Distrik D	Distrik E	Distrik F	Distrik A	Distrik B	Distrik C	Distrik D	Distrik E	Distrik F	Distrik A	Distrik B	Distrik C	Distrik D	Distrik E	Distrik F
	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week	Per week
Ketelbediener	R 7.13	R 6.67	R 6.21	R 5.98	R 5.29	R 4.60	R 7.36	R 6.90	R 6.44	R 6.21	R 5.52	R 4.83	R 7.82	R 7.36	R 6.67	R 6.44	R 5.75	R 5.29
Onderbaas	10.12	9.66	9.20	8.97	8.28	7.59	10.35	9.89	9.43	9.20	8.51	7.82	10.81	10.12	9.66	9.43	8.74	8.28
Spanleier	8.51	8.05	7.59	7.36	6.67	5.98	8.74	8.28	7.82	7.59	6.90	6.21	9.20	8.51	8.05	7.82	7.13	6.67
Werknemer graad I, gekwalifiseer ..	9.20	8.74	8.28	8.05	7.36	6.67	9.43	8.97	8.51	8.28	7.59	6.90	9.89	9.20	8.74	8.51	7.82	7.36
Werknemer graad I, ongekwalifiseer—																		
gedurende die eerste ses maande																		
ondervinding	8.51	8.05	7.59	7.36	6.67	5.98	8.74	8.28	7.82	7.59	6.90	6.21	9.20	8.51	8.05	7.82	7.13	6.67
gedurende die tweede ses maande																		
ondervinding	8.97	8.51	8.05	7.82	7.13	6.44	9.20	8.74	8.28	8.05	7.36	6.67	9.66	8.97	8.51	8.28	7.59	7.13
Werknemer graad II, gekwalifiseer ..	8.05	7.59	7.13	6.90	6.21	5.52	8.28	7.82	7.36	7.13	6.44	5.75	8.74	8.05	7.59	7.36	6.67	6.21
Werknemer graad II, ongekwalifiseer—																		
gedurende die eerste drie maande																		
ondervinding	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52
gedurende die tweede drie maande																		
ondervinding	7.59	7.13	6.90	6.44	5.75	5.06	7.82	7.36	6.90	6.67	5.98	5.29	8.28	7.82	7.13	6.90	6.21	5.75
Werknemer graad III, gekwalifiseer ..	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52
Werknemer graad III, ongekwalifiseer—																		
Arbeider 18 jaar oud of ouer	7.13	6.67	6.21	5.98	5.29	4.60	7.36	6.90	6.44	6.21	5.52	4.83	7.82	7.36	6.67	6.44	5.75	5.29
Arbeider jonger as 18 jaar	6.90	6.44	5.98	5.75	5.06	4.37	7.13	6.67	6.21	5.98	5.29	4.60	7.59	7.13	6.44	6.21	5.52	5.06
Wag	5.52	5.06	4.83	4.60	3.87	3.60	5.75	5.29	4.83	4.37	3.68	5.98	5.75	5.06	4.83	4.37	4.14	4.14
Werknemer nie spesifiek elders in hierdie klousule vermeld nie ..	7.36	6.90	6.44	6.21	5.52	4.83	7.59	7.13	6.67	6.44	5.75	5.06	8.05	7.59	6.90	6.67	5.98	5.52

Provided that a labourer who is engaged in removing, emptying, cleaning or replacing sanitary pails shall be paid not less than—

- (i) in the case of a casual employee, ten cents per day; and
- (ii) in the case of a labourer, fifty cents per week, in addition to the daily or weekly wage, as the case may be, prescribed for an employee of his class in his area.

(b) *Casual employee*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that, where the employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression "weekly wage" shall mean the weekly wage prescribed for a qualified employee of that class and provided further that where the employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage may be reduced by not more than fifty per cent.

(c) *Part-time clerk*—A part-time clerk shall be paid not less than seventy per cent of the wage prescribed for a clerk in the same area, of the same sex and with the same experience.

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

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

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

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

- (i) in the case referred to in paragraph (a), not less than the daily wage calculated at the higher rate, and
- (ii) in the case referred to in paragraph (b), not less than the daily wage calculated on the notch in the rising scale immediately above the wage which the employee was receiving for his ordinary work—

Provided that—

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

Met dien verstande dat 'n arbeider wat sanitêre emmers verwyder, leegmaak, skoonmaak of vervang, minstens—

- (i) tien sent per dag in die geval van 'n los werknemer; en
- (ii) vyftig sent per week in die geval van 'n arbeider betaal moet word benewens die dag- of weekloon, na gelang van die geval, wat vir 'n werknemer van sy klas in sy gebied voorgeskryf word.

(b) *Los werknemer*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied en van dieselfde geslag, wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word: Met dien verstande dat, waar die werkgever van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon” die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word, en voorts met dien verstande dat, waar die werkgever van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens vyftig persent verminder mag word.

(c) *Deeltydse klerk*—'n Deeltydse klerk moet minstens sewentig persent van die loon voorgeskryf vir 'n klerk in dieselfde gebied, van dieselfde geslag en met dieselfde ondervinding, betaal word.

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

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

- (a) 'n hoër loon as dié van sy eie klas, of
- (b) 'n stygende loonskaal wat uitloop op 'n hoër loon as dié van sy eie klas,

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

- (i) in die geval in paragraaf (a) bedoel, minstens die dagloon bereken teen die hoër tarief; en
- (ii) in die geval in paragraaf (b) bedoel, minstens die dagloon bereken op dié kerf in die stygende skaal onmiddellik bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande dat—

- (i) die bepalings van hierdie subklousule nie geld nie wanneer die verskil tussen die klasse ingevolge subklousule (1) op ouderdom, ondervinding of geslag berus;
- (ii) tensy daar in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vastelling só uitgelê mag word nie dat dié 'n werkgever belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskrewe loon dieselfde of laer is as dié wat vir so 'n werknemer voorgeskryf word.

(4) *Calculation of wages.*

- (a) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—
 (i) five, in the case of an employee who works a five-day week;
 (ii) six, in the case of every other employee.
- (b) The monthly wage of an employee shall be four and a third times his weekly wage.
- (c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by the number of ordinary hours of work which he ordinarily works in a week.

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

- (a) a traveller who uses his employer's motor transport or who is required to travel by train or any other means of conveyance than his own, his employer shall reimburse him all the reasonable expenses incurred by him in connection with such transport in the performance of his duties, and for the purpose of this sub-clause the cost of overnight garaging of motor transport shall be deemed to be a transport expense;
- (b) a traveller who is required to provide motor transport for the performance of his duties, his employer shall pay him a transport allowance for each mile travelled in the performance of his duties of not less than in the case of—
 (i) a vehicle the weight of which does not exceed 2,500 lb. and which has not more than four cylinders ... 6 cents;
 (ii) a vehicle the weight of which exceeds 2,500 lb. but not 2,900 lb. and which has not more than four cylinders ... 7½ cents;
 (iii) a vehicle the weight of which does not exceed 2,900 lb. and which has more than four cylinders ... 7½ cents;
 (iv) a vehicle the weight of which exceeds 2,900 lb. ... 10 cents;
 and for the purpose of this sub-clause the expression "weight" means the weight as recorded in a licence or certificate issued in respect of such vehicle by an authority empowered by law to issue such licence or certificate.

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

- (a) a traveller who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—
 (i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;
 (ii) pay him a subsistence allowance of not less than four rand for each night where such absence extends over one or more nights;
- (b) a traveller's assistant who, accompanying a traveller on any journey undertaken by the traveller in the performance of his duties, is absent from the place of his residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—
 (i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night,
 (ii) pay him a subsistence allowance of not less than one rand for each night where such absence extends over one or more nights—

Provided that for the purpose of this sub-clause the expression "night" means the period between 11 o'clock p.m. and 4 o'clock a.m.

(7) (a) Any allowances and expenses payable to an employee in terms of sub-clauses (5) and (6) shall be paid by an employer within seven days of the employee's written claim therefor: Provided that an employee shall submit any such claims within one month of entitlement but shall not submit more than one claim in any one week.

(b) An employer may require his traveller to frame any claim so that it shall reflect—

- (i) in respect of any claim in terms of sub-clause (5) (a), the mode of travel employed and the transport expenses incurred or the nature of any other expense for which reimbursement is claimed;
- (ii) in respect of any claim in terms of sub-clause (5) (b), the mileage travelled each day, the points of call and, except in municipal areas, the route followed;
- (iii) in respect of any claim in terms of sub-clause (6), the times of commencement and ending of each period of absence;

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

(4) *Loonberekening.*

- (a) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—
 (i) vyf, in die geval van 'n werknemer wat vyf dae in 'n week werk;
 (ii) ses, in die geval van alle ander werknemers.
- (b) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.
- (c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur die getal gewone werksure wat hy gewoonlik in 'n week werk.

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

- (a) aan 'n handelsreisiger wat van sy werkgever se motorvoertuig gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgever hom alle redelike uitgawes vergoed wat hy in die uitvoering van sy pligte in verband met sodanige vervoer aangegaan het, en by die toepassing van hierdie subklousule word die koste verbonde aan die stalling van 'n motorvoertuig oornag, geag 'n vervoeruitgawe te wees;
- (b) aan 'n handelsreisiger van wie vereis word om 'n motorvoertuig vir die uitvoering van sy pligte te verskaf, moet sy werkgever hom vir elke myl wat hy in die uitvoering van sy pligte afgelê het, 'n vervoertoelae betaal van minstens, in die geval van—
 (i) 'n voertuig waarvan die gewig hoogstens 2,500 pond is en wat hoogstens vier silinders het ... 6 sent;
 (ii) 'n voertuig waarvan die gewig oor die 2,500 pond is maar nie oor die 2,900 nie en wat hoogstens vier silinders het ... 7½ sent;
 (iii) 'n voertuig waarvan die gewig hoogstens 2,900 pond is en wat meer as vier silinders het ... 7½ sent;
 (iv) 'n voertuig waarvan die gewig oor die 2,900 pond is ... 10 sent;
 en by die toepassing van hierdie subklousule beteken die uitdrukking „gewig” die gewig aangegeven op 'n lisensie of sertifikaat wat ten opsigte van sodanige voertuig uitgereik is deur 'n owerheid wat by wet gemagtig is om sodanige lisensie of sertifikaat uit te reik.

(6) *Onderhoudstoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig—

- (a) aan 'n handelsreisiger wat op enige reis wat hy in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—
 (i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in iedere sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;
 (ii) moet sy werkgever hom 'n onderhoudstoelae van minstens vier rand vir iedere nag betaal as so 'n afwesigheid oor een of meer nagte strek;
- (b) aan 'n handelsreisiger se hulp wat, wanneer hy 'n handelsreisiger vergesel op enige reis wat die handelsreisiger in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—
 (i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in iedere sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;
 (ii) moet sy werkgever hom 'n onderhoudstoelae van minstens een rand vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

Met dien verstande dat by die toepassing van hierdie subklousule die uitdrukking „nag” die tydperk tussen 11-uur nm. en 4-uur vm. beteken.

(7) (a) 'n Werkgever moet alle toelae en uitgawes wat ingevolge subklousules (5) en (6) aan 'n werknemer betaalbaar is, aan hom betaal binne sewe dae nadat die werknemer dit skriftelik geëis het: Met dien verstande dat 'n werknemer iedere sodanige eis binne een maand vanaf die tydstop waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as een eis in 'n week mag indien nie.

(b) 'n Werkgever kan van sy handelsreisiger vereis om iedere eis so op te stel dat dit weergee—

- (i) in die geval van 'n eis ingevolge subklousule 5 (a), die soort vervoer en die vervoerkoste of die aard van alle ander uitgawes waarvoor hy vergoeding eis;
- (ii) in die geval van 'n eis ingevolge subklousule 5 (b), die mylafstand wat hy elke dag afgelê het, die plekke wat besoek is en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;
- (iii) in die geval 'n eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het,

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

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clauses 3 (7) and 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee in cash or by cheque monthly during the hours of work or within thirty minutes of ceasing work, on the usual pay day of the establishment for such employee (or in the case of a continuous process worker or a shift worker at a time to be agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment but not later than twenty four hours after the usual pay day) or on termination of employment if this takes place before the usual pay day, and such amount shall be accompanied by a statement showing—

- the employer's name;
- the employee's name or his number on the pay roll and his occupation;
- the number of ordinary hours of work worked by the employee;
- the number of overtime hours worked by the employee;
- the employee's wage;
- the details of any other remuneration arising out of the employee's employment;
- the details of any deductions made;
- the actual amount paid to the employee; and
- the period in respect of which payment is made;

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

- at the written request of an employee, the amount due to him may be paid into his building society or bank account by the employer who shall hand to him the relevant receipt together with the aforementioned statement;
- the aforementioned information need not be furnished in the case of a foreman or a senior managerial, professional, technical or administrative employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R160 per month.

(2) *Casual employee.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment.

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

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

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

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

- with the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, subscriptions to trade unions, the cost of drugs or medicines supplied to an employee, house rentals owing to a local authority, dental or medical services or subscriptions to an employee's recreational or social club if such club is on the employer's premises;
- except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;
- a deduction of any amount which an employer by law or order of any competent court is required or permitted to make;
- whenever an employee agrees, or is required in terms of the Bantu (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified hereunder—

Per week Per month

	R	R
(i) Board	0.80	3.47
(ii) Lodging	0.40	1.73
(iii) Board and lodging	1.20	5.20;

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

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

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalinge van klousules 3 (7) en 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure, of binne dertig minute nadat die werk gestaak is, op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal (of in die geval van 'n deurlopende proses-werker of skofwerker, op 'n tyd waarvoor sodanige werknemer en sy werkgever ooreengekom het en wat binne die gewone kantoorure van die bedryfsinrigting maar nie later nie as vier-en-twintig uur na die gewone betaaldag moet geskied) of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet vergesel gaan van 'n staat waarop gemeld word—

- die werkgever se naam;
- die werknemer se naam of sy nommer op die betaalstaat en sy beroep;
- die getal gewone werkure wat die werknemer gewerk het;
- die getal ure wat die werknemer oortyd gewerk het;
- die werknemer se loon;
- besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- besonderhede van enige bedrag wat afgetrek is;
- die werklike bedrag wat aan die werknemer betaal word; en
- die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie besonderhede aangeteken is of sodanige staat word die eiendom van die werknemer:

Met dien verstande dat—

- op die skriftelike versoek van 'n werknemer, die bedrag wat aan hom verskuldig is, in sy bouvereniging- of bankrekening gestort mag word deur die werkgever, wat die betrokke ontvangsbewys tesame met voornoemde staat aan hom moet oorhandig;
- voornoemde inligting nie in die geval van 'n voorman of 'n senior bestuurs-, professionele, tegniese of administratiewe werknemer verstrekkend moet word nie as en solank sodanige werknemer gereeld 'n loon teen minstens R160 per maand ontvang.

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

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

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

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

(6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes opleë of bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:—

- met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfonds, ledegelde van vakverenigings, die koste van verdoewingsmiddels of medisyne wat aan 'n werknemer verskaf is, huishuur wat aan 'n plaaslike owerheid verskuldig is, gelde vir tandheelkundige of mediese dienste of ledegelde van 'n onspannings- of sosiale klub vir werknemers as sodanige klub, op die perseel van die werkgever is;
- behoudens andersluidende bepalinge in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;
- iedere bedrag wat 'n werkgever regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;
- wanneer 'n werknemer daarmee instem of daar ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en huisvesting of kos of huisvesting van sy werkgever aan te neem, 'n bedrag van hoogstens—

Per week Per maand

	R	R
(i) Kos	0.80	3.47
(ii) Huisvesting	0.40	1.73
(iii) Kos en huisvesting	1.20	5.20;

(e) wanneer die gewone werkure in klousule 5 voorgeskryf, weens korttyd verminderd word, 'n bedrag van hoogstens die werknemer (uitgesonderd 'n los werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande dat—

- geen aftrekking ten opsigte van korttyd wat deur 'n slappe in die bedryf of 'n tekort aan grondstowwe ontstaan, geskied nie tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

- (ii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings or the vagaries of the weather, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;
- (f) with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Bantu village under the control of such council or other local authority.

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

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

- (a) in the case of an employee who works a six-day week—
 - (i) forty-six in any week from Monday to Saturday, inclusive; and
 - (ii) subject to sub-paragraph (i) hereof, eight on any day, unless the hours on one day do not exceed five, in which case the hours on any of the other days may be extended to eight-and-one-half;
- (b) in the case of an employee who works a five-day week—
 - (i) forty-six in any week from Monday to Saturday, inclusive; and
 - (ii) subject to sub-paragraph (i) hereof, nine-and-one-quarter on any day;
- (c) in the case of a part-time clerk—
 - (i) thirty in any week; and
 - (ii) subject to sub-paragraph (i) hereof, five on any day.

(2) An employer shall not require or permit a continuous process worker to work more ordinary hours of work than—

- (i) forty-eight in any week from Sunday to Saturday, inclusive; and
- (ii) subject to sub-paragraph (i) hereof, eight on any day: Provided that an employer may require or permit such an employee to work two shifts of eight hours on one day but not more often than once in any period of three consecutive weeks and so that the employee has a free period of at least eight hours between such shifts.

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

(4) *Meal intervals.*—An employer shall not require an employee to work continuously for more than—

- (a) eight hours, in the case of a continuous process worker or a shift worker, and
- (b) five hours, in the case of any other employee, without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—
 - (i) an employer may agree with his employee to reduce the period of such interval to not less than half-an-hour, and in that event, and after the employer has informed the Divisional Inspector, Department of Labour, for his area, in writing of such agreement, the interval may be so reduced;
 - (ii) periods of work interrupted by intervals of less than one hour, except when proviso (i) or (v) applies, shall be deemed to be continuous;
 - (iii) if such interval be longer than one hour, any period in excess of one-and-one-quarter hours shall be deemed to be time worked;
 - (iv) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
 - (v) when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to fifteen minutes;
 - (vi) a driver of a motor vehicle, class I, who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purpose of this sub-clause not to have worked during such interval;
 - (vii) in the case of a continuous process worker he shall be permitted to partake of meals or refreshments during his ordinary hours of work on any shift unless this is prohibited by virtue of a notice published in terms of section 27 of the Factories, Machinery and Building Work Act, 1941.
 - (viii) the provisions of this sub-clause shall not apply to an employee who is employed on task work and completes the task allotted to him on any day within seven consecutive hours calculated from the time he commences work on that day and who is further not required or permitted to perform any other work on any such day.

- (ii) ten opsigte van korttyd weens die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word of dat die weer ongunstig is, geen aftrekking vir die eerste uur waarin daar nie gewerk word nie, geskied nie tensy die werkgewer sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

- (f) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgewer aan 'n munisipale raad of ander plaaslike owerheid betaal het aan die huur van 'n huis of aan huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantodorp onder die beheer van so 'n raad of ander plaaslike owerheid bewoon.

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

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

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

(2) 'n Werkgewer mag nie van 'n deurlopende proses-werker vereis of hom toelaat om meer gewone werkure te werk nie as—

- (i) agt-en-veertig in 'n week van Sondag tot en met Saterdag; en
- (ii) behoudens die bepalings van subparagraaf (i) hiervan, agt op 'n dag: Met dien verstande dat 'n werkgewer van sodanige werknemer mag vereis of hom mag toelaat om twee skofte van agt uur op een dag te werk maar nie meer dikwels nie as een maal in enige tydperk van drie agtereenvolgende weke en wel op so 'n manier dat die werknemer 'n vry tydperk van minstens agt uur tussen sodanige skofte het.

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

(4) *Etenspouses.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om vir meer as—

- (a) agt uur, in die geval van 'n deurlopende proses-werker, en
- (b) vyf uur, in die geval van 'n ander werknemer, aaneen te werk nie sonder 'n etenspouse van minstens een uur, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—
 - (i) 'n werkgewer met sy werknemer ooreen mag kom om die duur van sodanige pouse tot uiters 'n halfuur te verkort, en in dié geval en nadat die werkgewer die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;
 - (ii) werktydperke wat onderbreek word deur pouses van minder as een uur, uitgesonderd waar voorbehoudsbepaling (i) of (v) van toepassing is, geag word aaneenlopend te wees;
 - (iii) as sodanige pouse langer as een uur is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;
 - (iv) alleenlik een sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;
 - (v) wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse op versoek van die werknemer tot vyftien minute verkort mag word;
 - (vi) 'n motorvoertuigbestuurder, klas I, wat gedurende sodanige pouse geen ander werk verrig as om in die beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule geag word nie gedurende sodanige pouse te gewerk het nie;
 - (vii) in die geval van 'n deurlopende proseswerker hy toegelaat moet word om etes of verversings gedurende sy gewone werkure op 'n skof te nuttig tensy dit by 'n kennisgewing gepubliseer kragtens artikel 27 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, belet word;
 - (viii) die bepalings van hierdie subklousule nie van toepassing is nie op 'n werknemer wat taakwerk verrig en wat die taak wat aan hom toegewys is, op enige dag voltooi binne sewe agtereenvolgende ure gereken vanaf die tyd waarop hy op daardie dag met die werk begin het en van wie daar nie vereis word of wat nie toegelaat word om enige ander werk op sodanige dag te verrig nie.

(5) *Hours of work to be consecutive.*—Save as provided in sub-clauses (2) (ii) and (4), all hours of work of an employee on any day shall be consecutive.

(6) *Overtime.*—Notwithstanding the definition of "overtime" in clause 2, any time worked by a continuous process worker in any week, other than on his day off, in excess of forty-six hours shall for the purposes of payment be deemed to be overtime.

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

- (a) in the case of a casual employee, two hours on any day;
- (b) in the case of any other employee, ten hours in any week.

(8) *Female employees.*—Notwithstanding anything to the contrary contained in this clause, an employer shall not require or permit a female employee to work—

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday, but so that ten hours are not exceeded in any week;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than sixty days in any year;
- (f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—
 - (i) before midday given notice thereof to such employee; or
 - (ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or
 - (iii) paid such employee not less than twenty-five cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

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

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

(10) *Day off.*—An employer shall grant to each of his continuous process workers one full day off during every seven consecutive days but if an employer requires or permits such an employee to work on his day off, the hours worked shall be deemed not to be part of the ordinary hours of work prescribed in sub-clause (2).

(11) *Savings.*

- (a) The provisions of this clause shall not apply to a traveller or a traveller's assistant.
- (b) The provisions of this clause shall not apply to a foreman or to a senior managerial, professional, technical or administrative employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R160 per month.
- (c) The provisions of sub-clauses (4), (5) and (7) shall not apply to an employee while he is engaged on emergency work or to a hospital, dispensary or first aid room orderly or to a chauffeur.
- (d) The provisions of sub-clause (4) shall not apply to an employee engaged in delivering bricks or other articles or removing, emptying or replacing sanitary pails.
- (e) The provisions of this clause shall not apply to a watchman or an employee who is wholly or mainly engaged in cooking rations in a compound kitchen whose employer grants him a day off of twenty-four consecutive hours in respect of every week of employment: Provided that—
 - (i) he makes no deduction from such employee's wage in respect thereof;
 - (ii) an employer may, in lieu of granting such employee any such day off, pay such employee the wage which he would have received if he had not worked on such day, plus an amount of not less than his daily wage in respect of such day not granted.

6. ANNUAL LEAVE

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

- (a) in the case of a traveller, traveller's assistant, an employee who is wholly or mainly engaged in cooking rations in a compound kitchen or a watchman, twenty-one consecutive calendar days' leave.
 - (b) in the case of every other employee, fourteen consecutive calendar days' leave,
- and shall pay such employee in respect of such leave—

(5) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalingen van subklousules (2) (ii) en (4), moet alle werkure van 'n werknemer op iedere dag agtereenvolgend wees.

(6) *Oortydwerk.*—Ondanks die omskrywing van „oortydwerk” in klousule 2, word alle tyd wat 'n deurlopende proses-werker in enige week, uitgesonderd op sy vry dag, langer as ses-en-veertig uur werk, vir besoldigingsdoeleindes geag oortydwerk te wees.

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

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van 'n ander werknemer, tien uur in 'n week.

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

- (a) tussen 6-uur nm. en 6-uur vm. te werk nie;
- (b) op meer as vyf dae in 'n week na 1-uur nm. te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie, met dié uitsondering dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd mag werk, maar dan só dat die oortydwerk hoogstens tien uur in 'n week beloop;
- (d) op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;
- (e) op meer as sestig dae in 'n jaar oortyd te werk nie;
- (f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy—
 - (i) sodanige werknemer voor die middag kennis daarvan gegee het; of
 - (ii) sodanige werknemer van 'n toereikende ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
 - (iii) sodanige werknemer minstens vyf-en-twintig sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

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

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

(10) *Vry dag.*—'n Werkgewer moet aan elkeen van sy deurlopende proses-werkers een volle vry dag toestaan gedurende elke sewe agtereenvolgende dae, maar as 'n werkgewer van sodanige werknemer vereis of hom toelaat om op sy vry dag te werk, word die ure wat hy gewerk het, nie geag deel van die gewone werkure soos voorgeskryf in subklousule (2), te wees nie.

(11) *Voorbehoudsbepalings.*

- (a) Die bepalingen van hierdie klousule is nie op 'n handelsreisiger of 'n handelsreisiger se hulp van toepassing nie.
- (b) Die bepalingen van hierdie klousule is nie op 'n voorman of op 'n senior bestuurs-, professionele, tegniese of administratiewe werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R160 per maand ontvang.
- (c) Die bepalingen van subklousules (4), (5) en (7) is nie op 'n werknemer terwyl hy noodwerk verrig of op 'n hospitaal-, apteek- of eerstehulpbediende of op 'n chauffeur van toepassing nie.
- (d) Die bepalingen van subklousule (4) is nie op 'n werknemer wat bakstene of ander artikels aflewer of van sanitêre emmers verwyder, leegmaak of vervang, van toepassing nie.
- (e) Die bepalingen van hierdie klousule is nie op 'n wag of 'n werknemer wat uitsluitlik of hoofsaaklik rantsone in 'n kampongkombuis kook en wie se werkgewer hom ten opsigte van elke week diens 'n vry dag van vier-en-twintig agtereenvolgende ure verleen, van toepassing nie: Met dien verstande dat—
 - (i) 'n werkgewer geen bedrag ten opsigte daarvan van sodanige werknemer se loon aftrek nie;
 - (ii) 'n werkgewer, in plaas daarvan dat hy sodanige dag vryaf aan sodanige werknemer gee, sodanige werknemer dié loon mag betaal wat hy sou ontvang het indien hy nie op sodanige dag gewerk het nie, plus 'n bedrag van minstens sy dagloon ten opsigte van sodanige dag wat nie toegestaan is nie.

6. JAARLIKSE VERLOF

(1) Behoudens die bepalingen van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van iedere voltooide tydperk van twaalf maande diens by hom verlof verleen—

- (a) in die geval van 'n handelsreisiger, 'n handelsreisiger se hulp, 'n werknemer wat uitsluitlik of hoofsaaklik rantsone in 'n kampongkombuis kook of 'n wag, een-en-twintig agtereenvolgende kalenderdae;
- (b) in die geval van iedere ander werknemer, veertien agtereenvolgende kalenderdae

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

- (i) in the case of an employee referred to in paragraph (a), an amount of not less than three times the weekly wage to which he is entitled as from the first day of the leave;
- (ii) in the case of an employee referred to in paragraph (b), an amount of not less than double the weekly wage to which he is entitled as from the first day of the leave;

Provided that for the purpose of this clause the weekly wage of a traveller who is employed on commission work shall be calculated by dividing the remuneration payable to him by virtue of his agreement in accordance with clause 9 (7) in respect of the twelve months immediately preceding the date of the accrual of his leave by fifty-two or if he has had less than twelve months of such employment, by dividing the total remuneration so payable to him during his period of such employment by the number of completed weeks in such period: Provided further that for the purpose of this clause the weekly wage of any employee who is engaged on piece-work shall be calculated on the basis set out in section 20 (5) (a) of the Factories, Machinery and Building Work Act, 1941.

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

- (i) if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within four months after the completion of the twelve months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;
- (ii) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training under the Defence Act, 1957;
- (iii) if New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;
- (iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of twelve months of employment to which the period of leave relates.

(3) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than twenty-four months of employment:

Provided—

- (i) that the request is made by such employee not later than four months after the expiry of the first period of twelve months of employment to which the leave relates, and
- (ii) that the date of the receipt of the request is endorsed on the request over the signature by the employer, who shall retain the request for a period of not less than three years from such date or the date of the expiry of the first period of twelve months of employment to which the leave relates, whichever is the later.

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

(4) The remuneration in respect of the leave prescribed in sub-clause (1), read with sub-clause (3), shall be paid not later than the last work day before the date of commencement of the leave: Provided that at the written request of an employee such remuneration may be paid on the first work day after expiry of the leave.

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

- (a) in the case of an employee referred to in paragraph (a) of sub-clause (1), one-fourth, and
- (b) in the case of an employee referred to in paragraph (b) of sub-clause (1), one-sixth,

of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to sub-clause (2) and provided further that an employee—

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or
- (ii) who leaves his employment without cause recognized by law as sufficient; or

- (i) in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens drie maal die weekloon waarop hy met ingang van die eerste dag van die verlof geregtig is;
- (ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens twee maal die weekloon waarop hy met ingang van die eerste dag van die verlof geregtig is:

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n handelsreisiger wat kommissiewerk doen, bereken word deur die besoldiging wat uit hoofde van sy ooreenkoms ingevolge klousule 9 (7) aan hom betaalbaar is ten opsigte van die twaalf maande onmiddellik voor die datum waarop die verlof hom toekom, deur twee-en-vyftig te deel of, indien hy minder as twaalf maande aldus gewerk het, deur die totale besoldiging wat aldus vir sodanige dienstydperk aan hom betaalbaar is, te deel deur die getal voltooië weke in sodanige tydperk: Met dien verstande voorts dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof voorgeskryf in subklousule (1), moet verleen word op 'n tyd wat die werkgever bepaal: Met dien verstande dat—

- (i) as sodanige verlof nie eerder verleen is nie, dit behoudens die bepalings van subklousule (3) so verleen moet word dat dit begin binne vier maande na voltooiing van die twaalf maande diens waarop dit betrekking het; of dat, as die werkgever en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;
- (ii) die tydperk van verlof nie met siekteverlof wat ingevolge klousule 7 verleen is of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met 'n tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;
- (iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Gelofte-dag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;
- (iv) 'n werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van twaalf maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgever die verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens laat ooploop:

Met dien verstande—

- (i) dat sodanige werknemer so 'n versoek doen binne vier maande na verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en
- (ii) dat die werkgever die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek vir minstens drie jaar bewaar vanaf sodanige datum of vanaf die datum van verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van die twee datums.

(b) Die bepalings van subklousule (2) is *mutatis mutandis* van toepassing op die verlof in hierdie subklousule bedoel.

(4) Die besoldiging ten opsigte van die verlof voorgeskryf in subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlof betaal word: Met dien verstande dat sodanige besoldiging op die skriftelike versoek van 'n werknemer op die eerste werkdag na die verstryking van die verlof betaal kan word.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van twaalf maande eindig voordat die verloftydperk voorgeskryf in subklousule (1), ten opsigte van so 'n termyn opgeloopt het, moet daar by sodanige diensbeëindiging, benewens ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooië maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

- (a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) bedoel, een vierde, en
- (b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) bedoel, een sesde

van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgever ten opsigte van 'n verloftydperk wat hy ingevolge die vierde voorbehoudsbepaling van subklousule (2) aan 'n werknemer verleen het, 'n eweredige bedrag kan aftrek; en voorts met dien verstande dat 'n werknemer—

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

(iii) who is dismissed by his employer without notice for any cause recognized by law as sufficient for such dismissal without notice, shall not be entitled to any payment by virtue of this sub-clause.

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

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

- (a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;
 - (ii) on sick leave in terms of clause 7;
 - (iii) on the instructions or at the request of his employer, amounting in the aggregate in any year to not more than ten weeks; and
- (c) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

and employment shall be deemed to commence—

- (i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;
- (ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
- (iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

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

(b) An employee who at the date of the closing of an establishment or portion thereof in terms of paragraph (a) is not entitled to the full period of annual leave prescribed in sub-clause (1) (b) shall, in respect of any leave due to him, be paid by his employer on the basis set out in sub-clause (5), and for the purpose of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment or portion thereof.

7. SICK LEAVE

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

- (a) in the case of an employee who works a five-day week, not less than twenty work days', and
- (b) in the case of every other employee, not less than twenty-four work days',

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

- (i) in the first twenty-four consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work day in respect of each completed month of employment;
- (ii) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for twenty or twenty-four work days, as the case may be, in each cycle of twenty-four months of employment, except that during the first twenty-four months of the payment of contributions by the employee the guaranteed rate of payment may be reduced but to not less than the rate prescribed in the first proviso to this sub-clause;

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

op geen betaling uit hoofde van hierdie subklousule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf in subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof verleen is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom verleen was.

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

- (a) enige tydperk ten opsigte waarvan 'n werkgever 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;
- (b) enige tydperk wat 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klousule;
 - (ii) met siekteverlof ingevolge klousule 7;
 - (iii) op las of versoek van sy werkgever, en wel tot 'n totaal, in enige jaar, van hoogstens tien weke; en
- (c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidingstydperk as diens te eis nie,

en word diens geag te begin—

- (i) in die geval van 'n werknemer wat, voor die inwerking-treding van hierdie Vasstelling, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlof geregtig geword het;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerkingtreding van hierdie Vasstelling in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;
- (iii) in die geval van 'n ander werknemer, op die datum waarop sodanige werknemer by sy werkgever in diens getree het of op die datum van inwerkingtreding van hierdie Vasstelling, en wel op die jongste van die twee datums.

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

(b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfsinrigting of 'n gedeelte daarvan ingevolge paragraaf (a), nie op die volle tydperk van die jaarlikse verlof voorgeskryf in subklousule (1) (b), geregtig is nie, moet ten opsigte van die verlof wat aan hom verskuldig is, deur sy werkgever betaal word op die grondslag in subklousule (5) voorgeskryf, en vir die doel van die jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting of 'n gedeelte daarvan aldus sluit.

7. SIEKTEVERLOF

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

- (a) in die geval van 'n werknemer wat 'n werkweek van vyf dae het, vir altesaam minstens twintig werkdade, en
- (b) in die geval van iedere ander werknemer, vir altesaam minstens vier-en-twintig werkdade

gedurende elke tydkring van vier-en-twintig agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstaande dat—

- (i) gedurende die eerste vier-en-twintig agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van 'n ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;
- (ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, betaal aan 'n fonds of organisasie wat die werknemer aanwys en wat die werknemer waarborg dat, in geval van sy ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir twintig of vier-en-twintig werkdade, na gelang van die geval, in elke tydkring van vier-en-twintig maande diens aan hom betaal sal word, met dié uitsondering dat, gedurende die eerste vier-en-twintig maande wat die werknemer bydraes betaal, die gewaarborgde betaling verlaag kan word maar nie tot minder nie as die aanwaskoers vermeld in die eerste voorbehoudsbepaling van hierdie subklousule;

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

(iv) if in respect of any period of incapacity covered by this clause an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply.

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

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

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

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

(3) Where, during the first cycle of twenty-four months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid in respect of only such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiry of the said cycle of employment or on termination of employment before such expiry pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiry or termination, had not been taken.

(4) For the purpose of this clause the expression—

(a) "employment" shall be deemed to include—

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

(aa) on leave in terms of clause 6;

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

(cc) on sick leave in terms of sub-clause (1), amounting in the aggregate, in any year, to not more than ten weeks, and

(ii) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

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

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

8. PUBLIC HOLIDAYS, SUNDAYS AND DAYS OFF

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

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

(3) Whenever an employee, other than a continuous process worker, works on a Sunday, his employer shall either—

(a) pay the employee—

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

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

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

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

(iv) indien daar by 'n ander wet van 'n werkgewer vereis word om 'n werknemer sy volle loon te betaal ten opsigte van 'n tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepalings van hierdie klousule nie van toepassing is nie.

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

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

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

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

(3) Wanneer 'n werkgewer gedurende die eerste tydkring van vier-en-twintig maande diens by dieselfde werkgewer weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig op betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nog nie geneem is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking „diens” geag ook te omvat—

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

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1)

en wat in enige jaar altesaam hoogstens tien weke beloop, en

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

en word enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van inwerkingtreding van hierdie Vastelling geag diens ingevolge hierdie Vastelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie Vastelling verleen te wees;

(b) beteken „ongeskiktheid” onvermoë om te werk weens 'n siekte of besering, uitgesonderd dié veroorsaak deur 'n werknemer se eie wangedrag: Met dien verstande dat werk-onvermoë wat veroorsaak is deur 'n ongeluk waarvoor vergoeding betaalbaar is ingevolge die Ongevallewet, 1941, geag word ongeskiktheid te wees slegs ten opsigte van 'n tydperk van werkonvermoë waarvoor geen bedrag in verband met ongeskiktheid kragtens daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE, SONDAE EN DAE VRYAF

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

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

(3) Wanneer 'n werknemer, uitgesonderd 'n deurlopende proseswerker, op 'n Sondag werk, moet sy werkgewer of—

(a) die werknemer—

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

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

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

(4) Whenever a continuous process worker works on a Sunday his employer shall pay him at a rate not less than one-and-one-third times his ordinary wage in respect of the total period worked by him on such Sunday: Provided that—

- (i) where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours;
- (ii) work on a Sunday shall not attract payment for overtime over and above the rate of remuneration prescribed in this sub-clause.

(5) Whenever a continuous process worker works on his day off his employer shall pay him at a rate not less than double his ordinary wage in respect of the total period worked by him on such day off: Provided that where such an employee is required or permitted to work for less than four hours on such day off he shall be deemed to have worked for four hours.

(6) Whenever a continuous process worker works a shift which falls partly on any public holiday mentioned in sub-clause (1), on a Sunday or on his day off and partly on any other calendar day, the whole shift shall be deemed to have been worked on the calendar day on which the major portion of such shift falls.

(7) This clause shall not apply—

- (a) to a foreman or a senior managerial, professional, technical or administrative employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R180 per month;
- (b) to a casual employee, a traveller, a traveller's assistant, an employee who is wholly or mainly engaged in cooking rations in a compound kitchen or a watchman.

9. PIECE-WORK AND COMMISSION WORK

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

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

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

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

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

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

- (a) the weekly or monthly wage payable to the traveller, where such wage is higher than that prescribed in clause 3 (1) for such traveller, and the rate or rates of the commission and the conditions of entitlement thereto;
- (b) the day of the week or month on which commission earned is due and payable;
- (c) the area in which the traveller is required or permitted to work;
- (d) the type, description, number, quantity or value of orders (individual, weekly, monthly or otherwise) which the employer is from time to time prepared to accept; and
- (e) the day of payment of commission in respect of orders accepted by the employer before termination of the contract of employment: Provided that such day of payment shall be not later than the last work day of the month succeeding the month during which employment was terminated.

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

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

(4) Wanneer 'n deurlopende proses-werker op 'n Sondag werk, moet sy werkgever hom teen minstens een en een derde maal sy gewone loon besoldig ten opsigte van die totale tydperk wat hy op sodanige Sondag werk: Met dien verstande dat—

- (i) waar daar van sodanige werknemer vereis word of waar hy toegelaat word om vir minder as vier uur op sodanige Sondag te werk, hy geag moet word vier uur te gewerk het;
- (ii) werk op 'n Sondag nie 'n reg op oortydsbesoldiging bo en behalwe die besoldiging in hierdie subklousule voorgeskrif, verleen nie.

(5) Wanneer 'n deurlopende proses-werker op sy vry dag werk, moet sy werkgever hom besoldig teen minstens dubbel sy gewone loon ten opsigte van die totale tydperk wat hy op sodanige vry dag gewerk het: Met dien verstande dat, waar daar van sodanige werknemer vereis word of waar hy toegelaat word om vir minder as vier uur op sodanige vry dag te werk, hy geag moet word vier uur te gewerk het.

(6) Wanneer 'n deurlopende proses-werker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag genoem in subklousule (1), of op 'n Sondag of op sy vry dag en gedeeltelik op 'n ander kalenderdag val, moet die hele skof geag word gewerk te gewees het op die kalenderdag waarop die grootste gedeelte van sodanige skof val.

(7) Hierdie klousule is nie van toepassing nie—

- (a) op 'n voorman of 'n senior bestuurs-, professionele, tegniese of administratiewe werknemer indien en terwyl so 'n werknemer gereeld 'n loon teen minstens R180 per maand ontvang;
- (b) op 'n los werknemer, 'n handelsreisiger, 'n handelsreisiger se hulp, 'n werknemer wat uitsluitlik of hoofsaaklik rantsoene in 'n kampongkombuis kook of 'n wag.

9. STUKWERK EN KOMMISSIEWERK

(1) 'n Werkgever mag, nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, gegee het, 'n stukwerkstelsel invoer, en sodanige werkgever moet, behoudens die bepalinge van klousule 4(6), sy werknemer wat volgens sodanige stukwerkstelsel werk, teen die besoldiging betaal wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgever, ongeag die hoeveelheid werk wat verrig is, die werknemer moet betaal—

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

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

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

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

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

- (a) die week- of maandloon aan die handelsreisiger betaalbaar, indien sodanige loon hoër is as dié wat in klousule (3) 1 vir so 'n handelsreisiger voorgeskrif word, asook die kommissietarief of -tariewe en die voorwaardes waarop hy die reg daarop verkry;
- (b) die dag van die week of maand waarop die verdiende kommissie verskuldig en betaalbaar is;
- (c) die gebied waarin daar van die handelsreisiger vereis word of hy toegelaat word om te werk;
- (d) die tipe, beskrywing, getal, hoeveelheid of waarde van die bestellings (individueel, weekliks, maandeliks of hoe ook al) wat die werkgever van tyd tot tyd bereid is om te aanvaar; en
- (e) die dag waarop die kommissie op bestellings wat die werkgever voor die beëindiging van die dienskontrak aanvaar het, betaal moet word: Met dien verstande dat sodanige betaaldag uiterlik die laaste werkdag moet wees van die maand wat volg op die maand waarin die diens beëindig is.

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

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

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

10. TASK-WORK SYSTEM

Nothing in this Determination shall be so construed as to preclude an employer from agreeing with his employee that the employee may go off duty upon the completion by him of an allotted task within the daily ordinary hours of work prescribed for such employee.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

- (a) during the first four weeks of employment, not less than one work day's,
- (b) after the first four weeks of employment, not less than one week's notice of termination of contract, or an employer or employee may terminate the contract without notice by paying the employee or paying the employer, as the case may be, in lieu of such notice not less than—
 - (i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;
 - (ii) in the case of one week's notice, the weekly wage which the employee is receiving at the time of such termination:

Provided that this shall not affect—

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

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

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

(3) The notice prescribed in sub-clause (1) may be given on any work day: Provided that—

- (i) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training which an employee is undergoing in pursuance of the Defence Act, 1957;
- (ii) notice shall not be given during an employee's absence on sick leave granted in terms of clause 7.

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

13. CERTIFICATE OF SERVICE

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

14. PROHIBITION OF EMPLOYMENT

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

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

10. TAAKWERKSTELSEL

Niks in hierdie Vasstelling mag so uitgelê word nie dat dit 'n werkgewer belet om daarmee in te stem dat sy werknemer van diens af mag gaan by die voltooiing, deur hom, van 'n opgelegde taak binne die daaglikse gewone werkure wat vir sodanige werknemer voorgeskryf is.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou, en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer.

12. BEÏNDIGING VAN DIENSKONTRAK

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

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

Met dien verstande dat—

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

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

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

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

- (i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;
- (ii) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie.

(4) Ondanks andersluidende bepalinge in hierdie Vasstelling, mag 'n werkgewer, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgewer te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer sou moes betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgewer by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik die vorm het soos in die Bylae van hierdie Vasstelling voorgeskryf en wat die volle name van die werkgewer en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon van die werknemer op die datum van sodanige beëindiging vermeld.

14. VERBOD OP INDIENSNEMING

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

15. SKOFTYDTAFEL

Elke werkgewer wat deurlopende proses-werkers in diens het, moet, voor die begin van elke skofskilus, op 'n opvallende plek op sy perseel, wat hy moet bepaal, 'n kennisgewing of tydtafel aanbring wat die skofte wat elke sodanige werker gedurende die eersvolgende skofskilus sal moet werk en die vry tydperke van elke sodanige werker meld. Die werkgewer moet sodanige kennisgewing of tydtafel vir 'n tydperk van drie jaar na die datum daarvan bewaar.

16. LOGBOEK

(1) 'n Werkgewer moet sy motorvoertuigbestuurder, klas I, voorsien van 'n logboek wat sover doenlik die volgende vorm het—

DAAGLIKSE LOG

Naam van werkgewer
 Naam van motorvoertuigbestuurder
 Datum
 Tyd waarop werk begin het vm./nm.
 Tyd waarop werk opgehou het vm./nm.
 Getal ure gewerk
 Besonderhede omtrent enige ongeluk of vertraging

(Handtekening van motorvoertuig-
 bestuurder.)

Datum 19....

(2) Iedere motorvoertuigbestuurder moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne vier-en-twintig uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgegewer indien.

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

BYLAE

Ek/ons (a)
 wat die Swaar Klei- en Verwante Produktenywerheid beoefen
 te

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

(Handtekening van werkgever of
gemagtigde verteenwoordiger.)

Datum

(a) Skrap wat nie van toepassing is nie.

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

H. W. TINDALE,
Chairman.

R. W. GRIEVE,
Member.

A. JUYN,
Additional member.

H. W. TINDALE,
Voorsitter.

R. W. GRIEVE,
Lid.

A. JUYN,
Addisionele Lid.

J. T. LLEWELLYN,
Sekretaris.

PRETORIA.

H. W. TINDALE,
Chairman.

R. W. GRIEVE,
Member.

P. R. VIVIERS,
Member.

Date: 5.12.1966.

Datum: 30.9.1966.

Die Loonraad, handelende kragtens artikel 3 (5) (d) van die Loonwet, 1957, keur hierby hierdie aanbeveling goed.

H. W. TINDALE,
Voorsitter.

R. W. GRIEVE,
Lid.

P. R. VIVIERS
Lid.

Datum: 5.12.66.

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