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GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 1552.

30 Augustus 1968.

LOONWET, 1957.

LOONVASSTELLING No. 301.

NYWERHEID VIR DIE VERVAARDIGING VAN BLIKKIESMELK EN ANDER MELKPRODUKTE, SEKERE GEBIEDE.

In opdrag van die Minister van Arbeid, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Nywerheid vir die Vervaardiging van Blikkiesmelk en Ander Melkprodukte, Sekere Gebiede, gemaak en die 23ste dag van September 1968, bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Nywerheid vir die Vervaardiging van Blikkiesmelk en ander Melkprodukte, en op die werkgewers van sodanige werknemers in die volgende gebiede:—

Kaaprovinsie.—Die landdrosdistrikte Mosselbaai, Mount Currie, Robertson en Vryburg.

Natal.—Die landdrosdistrikte Bergville, Estcourt en Polela.

Oranje-Vrystaat.—Die landdrosdistrikte Harrismith, Heilbron, Koppies, Lindley, Marquard en Vrede.

Transvaal.—Die landdrosdistrikte Bethal, Standerton en Volksrust.

2. WOORDOMSKRYWINGS.

(a) Tensy uit die samehang anders blyk, het iedere uitdrukking wat in hierdie Vasstelling gebesig 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 woordomskrywing 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 vaardigheidsertifikaat deur die Registrateur van Vakleerlinge

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 1552.

30 August 1968.

WAGE ACT, 1957.

WAGE DETERMINATION No. 301.

CONDENSED MILK AND OTHER MILK PRODUCTS INDUSTRY, CERTAIN AREAS.

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Condensed Milk and Other Milk Products Industry, Certain Areas, and has fixed the 23rd day of September 1968, as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the Industry for the Manufacture of Condensed Milk and other Milk Products, and to the employers of such employees in the following areas:—

Cape Province.—The Magisterial Districts of Mossel Bay, Mount Currie, Robertson and Vryburg.

Natal.—The Magisterial Districts of Bergville, Estcourt and Polela.

Orange Free State.—The Magisterial Districts of Harrismith, Heilbron, Koppies, Lindley, Marquard and Vrede.

Transvaal.—The Magisterial Districts of Bethal, Standerton and Volksrust.

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) “ammonia compressor plant operator” means an employee who, under the supervision of a foreman, is in charge of an ammonia compressor plant; (4)

(2) “Area A” means the Magisterial Districts of Mossel Bay and Robertson; (23)

aan hom uitgereik ingevolge artikel 6 van die Wet op Opleiding van Ambagsmanne, 1951, of 'n sertifikaat deur genoemde Registrateur aan hom uitgereik ingevolge of artikel 2 (7) of artikel 7 (3) van gemelde Wet; (6)

(2) „arbeider” ’n werknemer wat een of meer van die volgende werksaamhede verrig:—

- (1) met die hand etikette aan blikke met 'n inhoud van meer as 7 lb heg;
- (2) beskermende verf aan masjiene toedien;
- (3) op motorvoertuie help, uitgesonderd bestuur- of herstelwerk verrig;
- (4) ou-metaal met die hand baal;
- (5) kassies of ander houers met die hand vasbind of met draad of hoepels vasmaak;
- (6) melkkanne in kanwasmasjiene plaas of daaruit uithaal;
- (7) masjinerie of mure skoonmaak of skraap voor dié geverf word;

(8) persele of voertuie of gereedskap, masjinerie, meubels, gerei, melkkanne of ander artikels skoonmaak of was;

(9) ou-metaal met die hand opsny;

(10) blikke, sakke, kassies of ander houers met die hand vul of leegmaak;

(11) met die hand deksels op houers pas;

(12) tuinwerk;

(13) houers met die hand vaslym;

(14) met die hand voerings, drukwerk, skywe of ringe in deksels of houers sit;

(15) met die hand goedere laai, aflaai, oplaai, dra, verskuif of opstapel;

(16) vure maak, onderhou of uithaal (uitgesonderd in stoomketels) of as of vullis verwyder;

(17) tee of dergelike drankie maak of werknemers of sy werkgewer met tee of dergelike drankie bedien;

(18) kassies, sakke, bale, kartondose, kanne of ander houers oop- of toemaak;

(19) krane of kleppe onder toesig oop- of toemaak;

(20) 'n handhystoestel bedien;

(21) deksels of bodems op houers plaas voordat naatwerk verrig word;

(22) enige voertuig stoot of trek, uitgesonderd met 'n meganiese hulpmiddel;

(23) met die hand rubberstempelwerk doen waar geen eie oordeel vereis word nie;

(24) karton- of veselbordhouers monteer;

(25) steenkool met 'n graaf versit, waarby stoomketelstortbakke also met steenkool vul;

(26) kassies, sakke, kartondose of ander houers sjabloneer of merk waar geen eie oordeel vereis word nie (maar nie met die hand adresseer nie) of klaar geadresseerde etikette aan kassies, sakke, kartondose of ander houers heg;

(27) met die hand roer of 'n nie-kraagaangedrewe mengmasjien bedien;

(28) geboë flense van kanne reguit maak;

(29) goedere uitpak;

(30) wit- of kleurkalk aan mure aanbring; (50)

(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; (7)

(4) „bediener van 'n ammoniak-kompressorinstallasie” ’n werknemer wat onder toesig van 'n voorman in beheer is van 'n ammoniak-kompressorinstallasie; (1)

(5) „bediener van 'n bestralinginstallasie” ’n werknemer wat in beheer is van en verantwoordelik is vir 'n bestralinginstallasie, waarby die handhawing van die juiste stroom ingesluit is; (48)

(6) „bediener van 'n droogwals” ’n werknemer wat in beheer is van en verantwoordelik is vir die funksionering van 'n droogwals of 'n vakuumdroomwals; (68)

(7) „bediener van 'n mobiele hystoestel” ’n werknemer wat werk met 'n kraagaangedrewe mobiele hystoestel of vorkhefswa wat by die laai, aflaai, versit of opstapel van goedere gebruik word; (57)

(8) „bediener van 'n vakuuomond” ’n werknemer wat beheer het oor en verantwoordelik is vir die funksionering van 'n vakuuomond of 'n droogtonnel; (81)

(9) „bedryfsinrigting” ’n perseel waarop of in verband waarmee een of meer werknemers in die Nywerheid vir die Vervaardiging van Blikkiesmelk en ander Melkprodukte in diens is; (26)

(10) „bestuurder” ’n werknemer wat deur sy werkgewer belas is met die algemene—

(a) toesig oor;

(b) verantwoordelikheid vir; en

(c) leiding van,

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werksaam is; (55)

(3) „Area B” means the Magisterial Districts of Bethal, Standerton and Volksrust and the municipal area of Estcourt; (24)

(4) „Area C” means the Magisterial Districts of Bergville, Harrismith, Heilbron, Koppiers, Lindley and Vrede and the municipal area of Vryburg; (25)

(5) „Area D” means all the other areas not mentioned in the definitions „Area A”, „Area B” and „Area C”; (26)

(6) „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; (1)

(7) „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)

(8) „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; (27)

(9) „casual employee” means an employee who is employed by the same employer on not more than 3 days in any week; (36)

(10) „chargehand” means an employee who is in charge of a group of Grade IV employees or labourers or a group of Grade IV employees and labourers; (46)

(11) „chemical technician” means an employee who is engaged in inaugurating, governing, supervising or carrying out tests of raw materials or manufactured products and interpreting the data derived from such tests in connection with the preparation of products; (12)

(12) „clerk” means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, despatch clerk, receiving clerk 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; (28)

(13) „clerk, female, qualified,” means a female clerk who has had not less than 4 years' experience; (31)

(14) „clerk, female, unqualified,” means a female clerk who has had less than 4 years' experience; (32)

(15) „clerk, male, qualified,” means a male clerk who has had not less than 5 years' experience; (29)

(16) „clerk, male, unqualified,” means a male clerk who has had less than 5 years' experience; (30)

(17) „dairy produce” means, without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk or ice-cream; (64)

(18) „dairy trade” means the trade in which employers and employees are associated for the sale or distribution or the sale and distribution of—

(a) whole milk; or

(b) any or all of the articles included in the definition of dairy produce if such sale or distribution or sale and distribution is in association with the sale or distribution or sale and distribution of whole milk;

and further includes all work incidental thereto; (63)

(19) „day”, in relation to a shift worker, means the period of 24 hours calculated from the time the employee commences work; (13)

(20) „despatch clerk” means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, weighing, packing, marking, addressing or despatching of goods or packages; (67)

(21) „District A” means the Magisterial Districts of Estcourt, Harrismith and Mossel Bay; (15)

(22) „District B” means the Magisterial Districts of Bergville, Bethal, Heilbron, Koppiers, Lindley, Marquard, Mount Currie, Polela, Robertson, Standerton, Volksrust, Vrede and Vryburg; (16)

(23) „double seamer feeder” means an employee who is engaged in feeding lids and tins into a double seaming machine and who may stop and start the machine and clear jams in the runway; (69)

(11) „bestuurder van 'n motorvoertuig” ’n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woordomskriving 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; (24)

(12) „chemiese tegnikus” ’n werknemer belas met die invoering, kontrolering, toesig op en uitvoering van die toetse waaraan grondstowwe of fabrikate onderwerp word en met die vertolkings van die resultate van sodanige toetse in verband met die bereiding van produkte; (11)

(13) „dag”, met betrekking tot 'n skofwerker, die tydperk van 24 uur gereken vanaf die tydstop waarop die werknemer begin werk; (19)

(14) „deeltydse bestuurder van 'n motorvoertuig” ’n werknemer wat in die reël ander werk doen as om 'n motorvoertuig te bestuur maar wat op meer as 2 dae in 'n week 'n motorvoertuig vir altesaam hoogstens 3 uur op enige sodanige dag bestuur, en by die toepassing van hierdie woordomskriving omvat die uitdrukking „'n motorvoertuig bestuur” alle tydperke wat hy bestuur en alle tyd wat die bestuurder, terwyl hy in die beheer van die voertuig is, aan werk in verband met die voertuig of die vraag bestee; (63)

(15) „distrik A” die landdrosdistrikte Estcourt, Harrismith en Mosselbaai; (21)

(16) „distrik B” die landdrosdistrikte Bergville, Bethal, Heilbron, Koppies, Lindley, Marquard, Mount Currie, Polela, Robertson, Standerton, Volksrust, Vrede en Vryburg; (22)

(17) „droogspuitbediener” ’n werknemer wat beheer het oor 'n droogspuitinstallasie en vir die funksionering daarvan verantwoordelik is; (74)

(18) „etiketteerder met die hand” ’n werknemer wat etikette aan blikke met 'n inhoud van minder as 7 pond heg; (44)

(19) „fabrieksklerk” ’n werknemer wat onder toesig van 'n manlike klerk een of meer van die volgende werksaamhede verrig;—

(1) Bestellings opmaak, waarby houters met die hand merk of adresseer;

(2) etikette uitreik of aanteken;

(3) stukwerklone aanteken;

(4) die hoeveelheid of gewig van verbruikte goedere aanteken;

(5) die werktijd van die werknemers aanteken;

(6) goedere weeg;

(7) toesig hou oor die aflaai van goedere of sodanige goedere nasien of aanteken; (28)

(20) „fabrieksklerk, gekwalifiseerd,” ’n fabrieksklerk met minstens 12 maande ondervinding; (29)

(21) „fabrieksklerk, ongekwalifiseerd,” ’n fabrieksklerk met minder as 12 maande ondervinding; (30)

(22) „faktotum” ’n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting, uitgesonderd masjinerie of uitrusting wat regstreeks gebruik word by die vervaardiging van die produkte van 'n bedryfsinrigting en wat ook kleinere herstelwerk of opknappings aan geboue mag doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (45)

(23) „gebied A” die landdrosdistrikte Mosselbaai en Robertson; (2)

(24) „gebied B” die landdrosdistrikte Bethal, Standerton en Volksrust en die munisipale gebied van Estcourt; (3)

(25) „gebied C” die landdrosdistrikte Bergville, Harrismith, Heilbron, Koppies, Lindley en Vrede en die munisipale gebied van Vryburg; (4)

(26) „gebied D” al die ander gebiede nie in die woordomskrivings van „gebied A”, „gebied B” en „gebied C” gemeld nie; (5)

(27) „ketelbediener” ’n werknemer wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, stook of uithaal; (8)

(28) „klerk” ’n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman, versendingsklerk, ontvangsklerk en telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie kousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (12)

(29) „klerk, man, gekwalifiseerd,” ’n manlike klerk met minstens 5 jaar ondervinding; (15)

(30) „klerk, man, ongekwalifiseerd,” ’n manlike klerk met minder as 5 jaar ondervinding; (16)

(31) „klerk, vrou, gekwalifiseerd,” ’n vroulike klerk met minstens 4 jaar ondervinding; (13)

(32) „klerk, vrou, ongekwalifiseerd,” ’n vroulike klerk met minder as 4 jaar ondervinding; (14)

(24) “driver of a motor vehicle” means an employee 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; (11)

(25) “emergency work” means—

(i) any work which, owing to an unforeseen increase in the supply of milk or unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft, or a breakdown of plant or machinery or a motor vehicle, must be done without delay;

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

(a) ships;

(b) trucks or vehicles of the South African Railways and Harbours; or

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

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

(4) any work in connection with the receiving, storing or processing of fresh milk or the filling or packing of milk products which cannot be done during the ordinary working hours on the day the fresh milk is received by reason of—

(a) the late arrival of such milk occasioned by—

(i) South African Railways and Harbours' train delays;

(ii) wet weather roads;

(b) the breakdown of electric power; (43)

(26) “establishment” means any premises in or in connection with which one or more employees are employed in the Industry for the Manufacture of Condensed Milk and other Milk Products; (9)

(27) “experience” means in relation to—

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

(2) any other class of employee, the total period or periods of employment which an employee has had in his class in the Condensed Milk and other Milk Products Industry; (47)

(28) “factory clerk” means an employee who, under the supervision of a male clerk, is engaged in any one or more of the following operations:—

(1) assembling orders, including the marking or addressing of containers by hand;

(2) issuing or recording labels;

(3) recording piece-work earnings;

(4) recording quantities or weight of goods consumed;

(5) recording the times worked by employees;

(6) weighing goods;

(7) supervising the off-loading of goods or checking or recording such goods; (19)

(29) “factory clerk, qualified,” means a factory clerk who has had not less than 12 months' experience; (20)

(30) “factory clerk, unqualified,” means a factory clerk who has had less than 12 months' experience; (21)

(31) “field officer” means an employee who advises farmers on the production and handling of milk; (70)

(32) “fireman” means an employee who is engaged in making or maintaining fires in steam boilers, including drawing or raking; (60)

(33) “foreman” means an employee who is in charge of the employees in an establishment or section of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (71)

(34) “Grade I employee” means an employee who is engaged in any one or more of the following capacities or activities:—

(1) ammonia compressor plant operator;

(2) irradiating plant operator;

(3) roller drier operator;

(4) spray drier operator;

(5) vacuum oven operator;

(6) operating any one or more of the following machines or plants:—

(a) Automatic labeller;

(b) cooker;

(c) condensed milk filling or cap sealing machine;

(d) filter press;

(33) „korttyd” ’n tydelike vermindering van die getal gewone werkers weens ’n slapting in die bedryf, ’n tekort aan grondstowwe, wisselvalligheid van die weer of ’n onklaarraking van masjinerie of installasie of onklaarraking of dreigende onklaarraking van geboue; (72)

(34) „laboratoriumassistent” ’n werknemer wat onder toesig van ’n chemiese tegnikus of ’n melktoetser monsters voorberei of eerste of verloopstoetse uitvoer en wat die resultate daarvan mag aanteken; (49)

(35) „loon” die bedrag wat ingevolge klousule 3 (1) aan ’n werknemer betaalbaar is ten opsigte van sy gewone werkers soos by klousule 5 voorgeskryf: Met dien verstande—

(i) dat, as ’n werkgewer ’n werknemer ten opsigte van sodanige gewone werkers gereeld ’n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;

(ii) dat die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat ’n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (82)

(36) „los werknemer” ’n werknemer wat hoogstens 3 dae in ’n week by dieselfde werkgewer in diens is; (9)

(37) „magasynman” ’n werknemer wat beheer het oor die voorrade inkomende goedere of afgewerkte of gedeeltelik afgewerkte produkte en wat daarvoor verantwoordelik is om goedere in ’n magasyn of pakhuis te ontvang, op te berg, te verpak of uit te pak of om goedere uit ’n magasyn of pakhuis aan die verbruiksafdelings in ’n bedryfsinrigting of vir versending te lewer; (75)

(38) „masjienbediener” ’n werknemer wat ’n kragaangedrewe masjien bedien, aansit of stopsit en die funksionering daarvan kontroleer en wat—

(i) kleinere verstellings en kleinere herstelwerk aan die masjien mag doen;

(ii) die masjien mag olie en smeer;

(iii) die masjien mag voer en leegmaak;

en die uitdrukking „’n masjien bedien” het ’n ooreenstemmende betekenis; (54)

(39) „masjienfaktotum” ’n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting wat regstreeks gebruik word by die vervaardiging van die produkte van ’n bedryfsinrigting, maar wat geen werk verrig wat gewoonlik deur ’n ambagsman gedoen word nie; (52)

(40) „masjienoppasser” ’n werknemer wat ’n kragaangedrewe masjien oppas en wie se plig dit is om die masjienbediener, ’n panwerker of ’n skofman in kennis te stel wanneer sodanige masjien sleg werk of gaan staan en wat—

(i) die toevoer na sodanige masjien aan die gang mag sit en stopsit;

(ii) met die hand sodanige masjien mag voer en leegmaak;

(iii) by foutiewe werkverrigting die masjien kan stopsit wanneer die masjienbediener, ’n panwerker of ’n skofman buite bereik is;

maar wat sodanige masjien nie mag aansit of na sodanige stilstand weer aansit of enige verstelling daaraan doen nie, behalwe in regstreekse opdrag van die masjienbediener, panwerker of skofman, en „masjien oppas” het ’n ooreenstemmende betekenis; (53)

(41) „melktoetser” ’n werknemer wat in besit is van ’n geldige sertifikaat van bevoegdheid in die klassifisering van melk of room uitgereik deur of namens die Sekretaris van Landbou-ekonomie en -bemarking en wat monsters voorberei of eerste of verloopstoetse uitvoer en die resultate daarvan aanteken; (56)

(42) „motorvoertuig” ’n kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere uitgesonderd ’n handelsreisiger se monsters en omvat dit ook ’n voorhaker en ’n trekker maar nie ’n mobiele hystoetel nie; (58)

(43) „noodwerk”—

(1) enige werk wat weens ’n onvoorsiene toename in die verskaffing van melk of onvoorsiene omstandighede soos ’n brand, storm, ongeluk, epidemie, gewelddaad, diefstal, of ’n onklaarraking van installasie of masjinerie of ’n motorvoertuig, sonder versuim gedoen moet word;

(2) enige werk in verband met die laai of aflaa van—

(a) skepe;

(b) spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens; of

(c) voertuie wat deur ’n vervoerkontraakteur gebruik word in die nakoming van ’n kontrak as sodanig met die Suid-Afrikaanse Spoorweë en Hawens; of

(e) homogeniser;

(f) leak detector;

(g) milk separator;

(h) pasteuriser;

(i) powder filling or gassing machine;

(j) tin steriliser;

(k) vacuum boiler; (72)

(35) “Grade I employee, qualified,” means a Grade I employee who has had not less than 9 months’ experience; (73)

(36) “Grade I employee, unqualified,” means a Grade I employee who has had less than 9 months’ experience; (74)

(37) “Grade II employee, means an employee who is engaged in any one or more of the following capacities or activities:—

(1) Baling waste or scrap metal by power-driven machine;

(2) beading or trimming by machine;

(3) bending or body forming by power-driven machine;

(4) cutting metal, other than scrap, by hand;

(5) dipping in tinning process;

(6) flanging;

(7) folding over by hand preparatory to seaming;

(8) grooving by hand;

(9) guillotine cutting;

(10) hand soldering;

(11) laboratory assistant;

(12) minding an automatic body maker, press, slitter or soldering machine;

(13) notching by power-driven machine;

(14) operating a gas plant;

(15) operating a lining, grinding or mixing machine;

(16) power press stamping (stamping out or pressing);

(17) punching by power-driven machine;

(18) seaming, grooving or locking by power-driven machine;

(19) slitting by power-driven machine;

(20) syrup maker;

(21) weighing or measuring to instructions but other than weighing to a set scale or measuring to a set measure; (75)

(38) “Grade II employee, qualified,” means a Grade II employee who has had not less than 6 months’ experience; (76)

(39) “Grade II employee, unqualified,” means a Grade II employee who has had less than 6 months’ experience; (77)

(40) “Grade III employee” means an employee who is engaged in any one or more of the following capacities or activities:—

(1) Double seamer feeder;

(2) initial tester;

(3) making boxes or trays by hand from uncut materials;

(4) mobile hoist operator;

(5) oiling or greasing power-driven machinery or motor vehicles under supervision;

(6) operating any one or more of the following machines:—

(i) Automatic code-dating machine;

(ii) cooler;

(iii) varnishing machine;

(7) protective clothing attendant;

(8) receiving clerk’s assistant; (78)

(41) “Grade III employee, qualified,” means a Grade III employee who has had not less than 3 months’ experience; (79)

(42) “Grade III employee, unqualified” means a Grade III employee who has had less than 3 months’ experience; (80)

(43) “Grade IV employee” means an employee who is engaged in any one or more of the following capacities or activities:—

(1) Assembling, checking and packing printed matter;

(2) assisting an artisan by holding articles or tools or otherwise working with him, other than by the independent use of tools;

(3) assisting a guillotine operator;

(4) cooking rations;

(5) delivering or collecting letters, messages or goods on foot or by means of a bicycle, tricycle or other non-power-driven vehicle;

(6) feeding or emptying grinding or milling machines;

(7) fireman;

(8) goods lift attendant;

(9) hand labeller;

(10) washing, ironing or mending overalls;

(11) lifting, moving or stacking goods by means of a power-driven but pedestrian controlled vehicle;

(12) machine minder;

(13) oiling or greasing non-power-driven machines;

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

(4) alle werk in verband met die ontvangs, opslag of verwerking van vars melk of die vul of verpakking van melkprodukte wat nie gedurende die gewone werkure op die dag waarop die vars melk binnekom gedoen kan word nie weens—

(a) die laat aankoms van sodanige melk as gevolg van—

(i) vertraging van die treine van die Suid-Afrikaanse Spoorweë en Hawens;

(ii) nat paaie;

(b) 'n elektriese kragonderbreking; (25)

(44) „Nywerheid vir die Vervaardiging van Blikkiesmelk en ander Melkprodukte” die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is, met die doel om een of meer van die volgende werksaamhede te verrig, naamlik die vervaardiging, verpakking, verduursaming, konsentring of inmaak van—

(i) melk of produkte waarvan melk of 'n melkderivaat die hoofbestanddeel vorm;

(ii) kleinkinder- of invalidevoedsel waarvan melk of 'n melkderivaat die hoofbestanddeel vorm (uitgesonderd die vervaardiging of verpakking van kleinkinder- of invalidevoedsel indien uitgeoefen in bedryfsinrigtings wat onderworpe is aan die bepalings van Loonvaststelling No. 180, Voedselnywerheid, Republiek van Suid-Afrika, gepubliseer by Goewermentskennisgewing No. 1665 van 7 November 1958);

en omvat dit alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspuit maar dit omvat nie die suiwelbedryf of die vervaardiging, verpakking, verduursaming, konsentring of inmaak van enige van die artikels wat in die woordomskriving van suiwelprodukte ingesluit is nie; (46)

(45) „onbelaste gewig” die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig of sleepwa uitgereik is deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat, in die geval van 'n twee- of drie-wielige motorfiets, bromponie of bromfiets of trapiets met hulpmotor, die onbelaste gewig geag word hoogstens 1,000 lb te wees; (80)

(46) „onderbaas” 'n werknemer wat in beheer is van 'n groep werknemers graad IV of arbeiders of 'n groep werknemers graad IV en arbeiders; (10)

(47) „ondervinding”, met betrekking tot—

(1) 'n klerk, uitgesonderd 'n ontvangsklerk, die totale tydperk of tydperke diens wat 'n werknemer as klerk in enige bedryf of in diens van die Staat gehad het;

(2) enige ander klas werknemer, die totale tydperk of tydperke diens wat hy as werknemer van sy klas in die Nywerheid vir die vervaardiging van Blikkiesmelk en ander Melkprodukte gehad het; (27)

(48) „ontvangsklerk” 'n werknemer wie se werk en verantwoordelikheid dit is om die vars melk te ontvang en te weeg en om die gewig daarvan aan te teken; (66)

(49) „ontvangsklerk se assistent” 'n werknemer wat kanne met melk wat aan afsonderlike produsente behoort, tel en die aantal kanne of die name of uitkenningmerke van sodanige produsente aan die ontvangsklerk mededeel; (67)

(50) „opsigter” 'n werknemer, uitgesonderd 'n voorman of 'n assistent-voorman, wat toesig hou oor 'n groep werknemers graad I, graad II of graad III; (76)

(51) „oortyd” daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgewer werk en wat langer is as die onderskeie gewone werkure in subklousule (1) of (2) van klousule 5 vir sodanige werknemer voorgeskryf, maar omvat dit nie ook 'n tydperk waarin 'n werknemer wie se gewone werkure in klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgewer werk nie; (59)

(52) „panwerker” 'n werknemer wat in beheer is van 'n volledige vakuumpkondensatoreenheid en wat verantwoordelik is vir—

(i) die pasteuriseer en kondenseer van melk;

(ii) die verkoeling van blikkiesmelk; en

(iii) die vermenging van bestanddele volgens formule; (60)

(14) operating a non-power-driven perforating or scoring machine;

(15) packing articles of a uniform size and number into containers specially made to contain such articles, by hand or machine;

(16) repairing trays, crates or boxes by hand;

(17) sorter;

(18) stencilling or marking (but not addressing by hand) boxes, bags, cartons or other containers other than where no discretion is involved;

(19) weighing to a set scale or measuring to a set measure; and includes employees not specifically mentioned in clause 3; (81)

(44) “hand labeller” means an employee who is engaged in affixing labels by hand to tins of a capacity of less than 7 lb; (18)

(45) “handyman” means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment directly used in the manufacture of the products of an establishment, and who may effect minor repairs or renovations to buildings but who does not do work normally performed by an artisan; (22)

(46) “Industry for the Manufacture of Condensed Milk and other Milk Products” means the industry in which employers and employees are associated in establishments which are registered or liable for registration in terms of the Factories, Machinery and Building Work Act, 1941, for the purpose of carrying on any or more of the following activities, namely the manufacture, packing, preserving, concentrating or canning of—

(i) milk or products of which milk or a milk derivative is the principal component;

(ii) infant or invalid foods of which milk or a milk derivative is the principal component (excluding the manufacture or packing of infant or invalid foods if conducted in establishments which are subject to the provisions of Wage Determination No. 180—Food Industry, Republic of South Africa, published under Government Notice No. 1665 of 7th November, 1958);

and includes all activities incidental to or consequent on any of the aforesaid activities but does not include the dairy trade or the manufacture, packing, preserving, concentrating or canning of any of the articles included in the definition of dairy produce; (44)

(47) “initial tester” means an employee, other than a laboratory assistant, who, on the arrival of milk at an establishment, tests samples of such milk for sourness by applying a chemical solution; (66)

(48) “irradiating plant operator” means an employee who is in charge of and responsible for the operation of an irradiating plant, including the maintenance of correct currents; (5)

(49) “laboratory assistant” means an employee who, under the supervision of a chemical technician or a milk tester, is engaged in preparing samples or making initial or routine tests and who may record the results thereof; (34)

(50) “labourer” means an employee who is engaged in any one or more of the following activities:—

(1) Affixing labels by hand to tins of a capacity of more than 7 lb;

(2) applying anti-corrosive paint to machinery;

(3) assisting on motor vehicles, other than driving or effecting repairs;

(4) baling scrap metal by hand;

(5) binding, wiring or strapping boxes or other containers by hand;

(6) charging can washing machines with milk cans or discharging;

(7) cleaning or scraping machinery or walls in preparation for painting;

(8) cleaning or washing premises or vehicles or tools, machinery, furniture, utensils, milk cans or other articles;

(9) cutting up scrap metal by hand;

(10) filling or emptying tins, bags, boxes or other containers by hand;

(11) fitting lids to containers by hand;

(12) gardening work;

(13) glueing containers by hand;

(14) inserting liners, printed matter, discs or rings into lids or containers by hand;

(15) loading, unloading, lifting, carrying, moving or stacking goods by hand;

(16) making, maintaining or drawing fires (other than in steam boilers) or removing refuse or ashes;

(17) making tea or similar beverages or serving tea or similar beverages to employees or his employer;

(53) „panwerker, gekwalifiseerd”, 'n panwerker met minstens 3 jaar ondervinding; (61)

(54) „panwerker, ongekwalifiseerd”, 'n panwerker met minder as 3 jaar ondervinding; (62)

(55) „senior bestuurs- of administratiewe werknemer” 'n werknemer wat deur die werkgewer belas is met werk wat die verantwoordelikheid meebring om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van 'n administratiewe aard te neem; (69)

(56) „skofman” 'n werknemer wat in beheer is van 'n drooginstallasie, met inbegrip van die pasteuriseer-, droog-, roomafskel-, maal- en sifmasjiene, en van die werknemers wat werksaam is in verband met sodanige installasie, wat daarvoor verantwoordelik is dat die werknemers die werk behoorlik verrig en wat masjiene mag aansit en stopsit en kleinere herstelwerk en verstellings daaraan mag doen; (70)

(57) „skofwerker” 'n werknemer wat skofwerk doen in 'n bedryfsinrigting waarin 2 of 3 skofte op 'n dag op minstens 5 dae in 'n week gewerk word; (71)

(58) „sleepwa” enige voertuig wat deur 'n motorvoertuig getrek word; (79)

(59) „sorteerder” 'n werknemer wat houters nagaan en dié met uitwendige defekte uitsorteer; (73)

(60) „stoker” 'n werknemer wat die vuur in 'n stoomketel maak of onderhou, met inbegrip van uithaal of hark; (32)

(61) „stroopmaker” 'n werknemer wat van suiker of ander koolhidrate stroop van 'n voorgeskrewe dikte kook of opbou; (77)

(62) „stukwerk” 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (64)

(63) „suiwelbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die verkoop of verspreiding of verkoop en verspreiding van—

(a) volmelk; of

(b) enigeen van of al die artikels wat in die omskrywing van suiwelprodukte ingesluit is, indien die verkoop of verspreiding of verkoop en verspreiding saam met die verkoop of verspreiding of verkoop en verspreiding van volmelk geskied;

en verder omvat dit alle werk wat daarmee in verband staan; (18)

(64) „suiwelprodukte”, sonder om die gewone betekenis van die uitdrukking te beperk, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjiemelk, suurmilk, of roomys; (17)

(65) „tegniese of professionele werknemer” 'n werknemer wat deur sy werkgewer belas is met die uitvoering van werk van 'n tegniese of professionele aard; (78)

(66) „toetser-by-ontvangs” 'n werknemer, uitgesonderd 'n laboratoriumassistent, wat sodra die melk by 'n bedryfsinrigting aankom, monsters van sodanige melk deur middel van 'n chemiese oplossing op suurheid toets; (47)

(67) „versendingsklerk” 'n werknemer wat belas is met die versending of verpakking van goedere vir vervoer of aflewering en wat toesig mag hou oor die byeenbring, nagaan, weeg, verpakking, merk, adresseer of versending van goedere of pakkette; (20)

(68) „versorger van beskermende klere” 'n werknemer wat oorpakke, voorskote, handskoene, oorskoene, rubberstewels, waterdigte jasse of ander beskermende klere uitreik en toesig hou oor die was, stryk of heelmaak van oorpakke; (65)

(69) „voerder van 'n dubbelnaatmasjiene” 'n werknemer wat deksels en blikke in 'n dubbelnaatmasjiene voer en wat die masjiene mag aanskakel en stopsit en verstoppings uit die glygroef verwyder; (23)

(70) „voorligtingsbeampte” 'n werknemer wat boere in verband met die produksie en hantering van melk adviseer; (31)

(71) „voorman” 'n werknemer wat aan die hoof staan van die werknemers in 'n bedryfsinrigting of afdeling van 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig; (33)

(72) „werknemer graad I” 'n werknemer wat in 1 of meer van die volgende hoedanighede werksaam is of 1 of meer van die volgende werksaamhede verrig:—

(1) Bediener van 'n ammoniak-kompressorinstallasie;

(2) bediener van 'n bestraalinstallasie;

(3) bediener van 'n droogwals;

(4) bediener van 'n droogspuitinstallasie;

(5) bediener van 'n vakuuomond;

(6) bediener van 1 of meer van die volgende masjiene of installasies:—

(a) Outomatiese etiketteerder;

(b) kooktoestel;

(c) blikkiesmelkvul- of -verseëlmasjiene;

(18) opening or closing boxes, bags, bales, cartons, cans or other containers;

(19) opening or closing cocks or valves, under supervision;

(20) operating a hand hoist;

(21) placing or putting tops or bottoms on containers in preparation for seaming;

(22) pushing or pulling any vehicle other than by means of a mechanical device;

(23) rubber stamping by hand where no discretion is involved;

(24) setting-up cardboard or fibre board containers;

(25) shovelling coal, including shovelling coal into boiler hoppers;

(26) stencilling or marking (but not addressing by hand) boxes, bags, cartons or other containers where no discretion is involved or affixing ready addressed labels to boxes, bags, cartons or other packages;

(27) stirring by hand or operating a non-power-driven mixing machine;

(28) straightening bent flanges of cans;

(29) unpacking goods;

(30) white or colour washing of walls; (2)

(51) “law” includes the common law; (84)

(52) “machine handyman” means an employee who is engaged in making minor repairs or adjustments to machinery or equipment used directly in the manufacture of the products of an establishment but who does not do work normally performed by an artisan; (39)

(53) “machine minder” means an employee who is engaged in watching a power-driven machine with the duty to report any malfunctioning or stopping of such machine to the machine operator, a panman or a shiftsman and who may—

(i) start and stop the feed into such machine;

(ii) feed into and take off from such machine by hand;

(iii) stop the machine in the event of its malfunctioning if the machine operator, panman or shiftsman is beyond reach;

but who may not start, re-start or make any adjustment to such machine except under the direct instruction of the machine operator, panman or shiftsman, and the expression “minding a machine” has a corresponding meaning; (40)

(54) “machine operator” means an employee who operates, starts or stops a power-driven machine and checks the operation of the machine and who may—

(i) make minor running adjustments and minor repairs to the machine;

(ii) oil and grease the machine;

(iii) feed into and take off from such machine,

and the expression “operating a machine” has a corresponding meaning; (38)

(55) “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; (10)

(56) “milk tester” means an employee who is the holder of a current certificate of proficiency for grading milk or cream issued by or on behalf of the Secretary for Agricultural Economics and Marketing and who is engaged in preparing samples or making initial or routine tests and recording the results thereof; (41)

(57) “mobile hoist operator” means an employee who is engaged in operating a mobile power-driven hoist or fork-lift truck used in the loading, unloading, moving or stacking of goods; (7)

(58) “motor vehicle” means any power-driven vehicle used for conveying goods, other than traveller's samples, and includes a mechanical horse and a tractor but does not include a mobile hoist; (42)

(59) “overtime” means that portion of any period which an employee works for his employer during any week or on any day, as the case may be, and which is in excess of the respective ordinary hours of work prescribed for such employee in sub-clause (1) or (2) of clause 5, but does not include any period during which an employee whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday; (51)

(60) “panman” means an employee who is in charge of a complete vacuum pan condensing unit and who is responsible for—

(i) the pasteurising and condensing of milk;

(ii) the cooling of condensed milk; and

(iii) the mixing of ingredients according to formula; (52)

(61) “panman, qualified,” means a panman who has had not less than 3 years' experience; (53)

- (d) filterpers;
- (e) homogenisator;
- (f) lekaanwyser;
- (g) roomafskeier;
- (h) pasteurisator;
- (i) poeivul- of gasbehandelingmasjien;
- (j) bliksterilisator;
- (k) vakuumsel; (34)

(73) „werknemer graad I, gekwalifiseerd,” ’n werknemer graad I met minstens 9 maande ondervinding; (35)

(74) „werknemer graad I, ongekwalifiseerd,” ’n werknemer graad I met minder as 9 maande ondervinding; (36)

(75) „werknemer graad II,” ’n werknemer wat in een of meer van die volgende hoedanighede werksaam is of een of meer van die volgende werksaamhede verrig:—

- (1) Met ’n kragaangedrewe masjien afvalmetaal of ou-metaal baal;
- (2) met ’n masjien rantvorm of afwerk;
- (3) met ’n kragaangedrewe masjien buig of middelstukke vorm;
- (4) metaal, uitgesonderd ou-metaal, met die hand sny;
- (5) by die vertinproses indoo;
- (6) flense maak;
- (7) met die hand oorvou as voorbereiding vir naatwerk;
- (8) groewe met die hand maak;
- (9) guillotine werk;
- (10) met die hand soldeer;
- (11) laboratoriumassistent;
- (12) ’n outomatiese middelstukdraaier, pers, strokiessnyer of soldeermasjien oppas;
- (13) met ’n kragaangedrewe masjien uitkeep;
- (14) ’n gasinstallasie bedien;
- (15) ’n voering-, vergruis- of mengmasjien bedien;
- (16) kragstempelwerk (uitstempel of pers);
- (17) met ’n kragaangedrewe masjien pons;
- (18) met ’n kragaangedrewe masjien nate, groewe of sluitwerk maak;
- (19) met ’n kragaangedrewe masjien strokies maak;
- (20) stroopmaker;
- (21) volgens instruksie weeg of meet, uitgesonderd op ’n gestelde skaal of na ’n gestelde maat; (37)

(76) „werknemer graad II, gekwalifiseerd,” ’n werknemer graad II met minstens 6 maande ondervinding; (38)

(77) „werknemer, graad II, ongekwalifiseerd,” ’n werknemer graad II met minder as 6 maande ondervinding; (39)

(78) „werknemer graad III,” ’n werknemer wat in een of meer van die volgende hoedanighede werksaam is of een of meer van die volgende werksaamhede verrig:—

- (1) ’n Dubbelnaatmasjien voer;
- (2) toetser-by-ontvangs;
- (3) kassies of bakke uit ongesaagde materiaal met die hand maak;
- (4) bediener van ’n mobiele hystoestel;
- (5) kragaangedrewe masjinerie of motorvoertuie onder toesig olie of smeer;
- (6) een of meer van die volgende masjiene bedien:—
 - (i) Outomatiese kodedatumstempelaar;
 - (ii) verkoeler;
 - (iii) vernismasjien;
- (7) versorger van beskermende klere;
- (8) ontvangsklerk se assistent; (40)

(79) „werknemer graad III, gekwalifiseerd,” ’n werknemer graad III met minstens 3 maande ondervinding; (41)

(80) „werknemer graad III, ongekwalifiseerd,” ’n werknemer graad III met minder as 3 maande ondervinding; (42)

(81) „werknemer graad IV,” ’n werknemer wat in een of meer van die volgende hoedanighede werksaam is of een of meer van die volgende werksaamhede verrig:—

- (1) Drukwerk byeenbring, nagaan en verpak;
- (2) ’n ambagsman help deur artikels of gereedskap vas te hou of op ’n ander wyse saam met hom te werk, uitgesonderd die selfstandige gebruik van gereedskap;
- (3) die bediener van ’n guillotine help;
- (4) rantsoene kook;
- (5) briewe, boodskappe of goedere te voet of per trapfiets, driewiel of ander nie-kragaangedrewe voertuig aflewer of ophaal;
- (6) vergruis- of maalmasjiene voer of leegmaak;
- (7) stoker;
- (8) bediener van ’n goederehysbak;
- (9) etiketteerder met die hand;

(62) „panman, unqualified,” means a panman who has had less than 3 years’ experience; (54)

(63) „part-time driver of a motor vehicle” means an employee who is ordinarily engaged on duties other than driving a motor vehicle but who on more than 2 days in any week is engaged in driving a motor vehicle for not more than 3 hours in the aggregate on any such day, 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, while in charge of the vehicle, on work connected with the vehicle or the load; (14)

(64) „piece-work” means any system under which an employee’s remuneration is based on the quantity of work done; (62)

(65) „protective clothing attendant” means an employee who is engaged in handing out overalls, aprons, gloves, galoshes, gumboots, waterproofs or other protective clothing and who supervises the laundering, ironing or mending of overalls; (68)

(66) „receiving clerk” means an employee who is engaged in and responsible for receiving and weighing fresh milk and recording the weight thereof; (48)

(67) „receiving clerk’s assistant” means an employee who is engaged in counting cans containing milk belonging to individual producers and who calls out the number of cans or the names or identification marks of such producers to the receiving clerk; (49)

(68) „roller drier operator” means an employee who is in charge of and responsible for the operation of a roller drier or a vacuum roller drier; (6)

(69) „senior managerial or administrative employee” means an employee who is charged by his employer with the performance of work entailing responsibility for taking decisions of an administrative character in the conduct of the activities of an establishment; (55)

(70) „shiftsman” means an employee who is in charge of a drying plant, including the pasteurising, drying, separating, milling and sifting machines, and of the employees employed in connection with such plant and responsible for the efficient performance by them of their duties and who may start, stop and make minor repairs and adjustments to machinery; (56)

(71) „shift-worker” means an employee who is engaged on shift work in an activity in an establishment in which 2 or 3 shifts per day on at least 5 days per week are worked; (57)

(72) „short-time” means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials, vagaries of the weather, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (33)

(73) „sorter” means an employee who scrutinises containers and sorts out those with external defects; (59)

(74) „spray drier operator” means an employee who is in charge of and responsible for the operation of a spray drying plant; (17)

(75) „storeman” means an employee who is in charge of stocks of incoming goods or finished or partly finished products and who is responsible for receiving, storing, packing or unpacking goods in a store or warehouse or delivering goods from a store or warehouse to the consuming departments in an establishment or for despatch; (37)

(76) „supervisor” means an employee other than a foreman or an assistant foreman, who is engaged in supervising a group of Grade I, Grade II or Grade III employees or a group of one or more classes of such employees; (50)

(77) „syrup maker” means an employee who is engaged in boiling or building up syrup from sugar or other carbohydrates to a prescribed density; (61)

(78) „technical or professional employee” means an employee who is charged by his employer with the performance of work of a technical or professional character; (65)

(79) „trailer” means any conveyance drawn by a motor vehicle; (58)

- (10) oorpakke was, stryk of heelmaak;
- (11) goedere met 'n kragaangedrewe maar deur 'n voetganger beheerde voertuig op lig, verskuif of opstapel;
- (12) masjienoppasser;
- (13) nie-kragaangedrewe masjiene olie of smeer;
- (14) 'n nie-kragaangedrewe perforeer- of kerfmasjien bedien;
- (15) artikels van dieselfde grootte en getal met die hand of 'n masjien verpak in houers wat spesiaal ontwerp is om hulle te bevat;
- (16) bakke, kratte of kassies met die hand herstel;
- (17) sorteerder;
- (18) kassies, sakke, kartondose of ander houers sjabloner of merk (maar nie met die hand adresseer nie), uitgesonderd waar geen eie oordeel vereis word nie;
- (19) op 'n gestelde skaal weeg of na 'n gestelde maat meet; en omvat werknemers wat nie spesifiek in klousule 3 (1) genoem word nie; (43)
- (82) „wag” 'n werknemer wat 'n perseel of eiendom bewaak;
- (83) „welsynsbeampte” 'n werknemer wat 'n geldige bekwaamheidsertifikaat in eerste hulp hou wat uitgereik is deur—
- (a) Die Rooikruisvereniging van Suid-Afrika,
- (b) St. John-Ambulansvereniging, of
- (c) Die Suid-Afrikaanse Noodhulp Liga,
- en wat in die beheer van 'n eerstehulpkamer is; (84)
- (84) „Wet” ook die gemene reg. (51)
- (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 werkgever aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is dié hieronder uiteengesit:—

(a) *Werknemers uitgesonderd los werknemers—*

(i)

	In alle Gebiede. Per week.
	R c
Ambagsman	38 18
Assistent-voorman	29 90
Chemiese tegnikus	38 18
Klerk, man, ongekwalifiseerd—	
Gedurende die eerste jaar ondervinding	11 54
Gedurende die tweede jaar ondervinding	14 31
Gedurende die derde jaar ondervinding	17 08
Gedurende die vierde jaar ondervinding	19 85
Gedurende die vyfde jaar ondervinding	22 62
Klerk, man, gekwalifiseerd	25 39
Klerk, vrou, ongekwalifiseerd—	
Gedurende die eerste jaar ondervinding	10 38
Gedurende die tweede jaar ondervinding	12 12
Gedurende die derde jaar ondervinding	13 85
Gedurende die vierde jaar ondervinding	15 58
Klerk, vrou, gekwalifiseerd	17 31
Fabrieksklerk, ongekwalifiseerd—	
Gedurende die eerste 6 maande ondervinding	8 74
Gedurende die tweede 6 maande ondervinding	9 66
Fabrieksklerk, gekwalifiseerd	10 81
Voortligtingsbeampte	38 18
Voorman	40 02
Faktotum	14 03
Onderhoudsman	25 39
Melktoetsers	25 39
Panwerker, ongekwalifiseerd—	
Gedurende die eerste jaar ondervinding	16 56
Gedurende die tweede jaar ondervinding	19 78
Gedurende die derde jaar ondervinding	22 77
Panwerker, gekwalifiseerd	25 39
Skofman	25 39
Opsigter	14 26
Welsynsbeampte	22 30

(80) “unladen weight” means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a 2- or 3-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb; (45)

(81) “vacuum oven operator” means an employee who is in charge of and responsible for the operation of a vacuum oven drier or a drying tunnel; (8)

(82) “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; (35)

(83) “watchman” means an employee who is engaged in guarding premises or property; (82)

(84) “welfare officer” means an employee who holds a current certificate of competency in first aid issued by—

(a) The Red Cross Society of South Africa,

(b) St. John Ambulance Association, or

(c) Die Suid-Afrikaanse Noodhulp Liga,

and who is in charge of a first aid room. (83)

(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—*

(i)

	In all Areas. Per week.
	R c
Artisan	38 18
Assistant foreman	29 90
Chemical technician	38 18
Clerk, male, unqualified—	
During the first year of experience	11 54
During the second year of experience	14 31
During the third year of experience	17 08
During the fourth year of experience	19 85
During the fifth year of experience	22 62
Clerk, male, qualified	25 39
Clerk, female, unqualified—	
During the first year of experience	10 38
During the second year of experience	12 12
During the third year of experience	13 85
During the fourth year of experience	15 58
Clerk, female, qualified	17 31
Factory clerk, unqualified—	
During the first 6 months of experience	8 74
During the second 6 months of experience	9 66
Factory clerk, qualified	10 81
Field Officer	38 18
Foreman	40 02
Handyman	14 03
Maintenance man	25 39
Milk tester	25 39
Panman, unqualified—	
During the first year of experience	16 56
During the second year of experience	19 78
During the third year of experience	22 77
Panman, qualified	25 39
Shiftsman	25 39
Supervisor	14 26
Welfare officer	22 30

(ii)

	In gebied A.	In gebied B.	In gebied C.		In gebied D.	
			Gedurende die eerste jaar na die inwerking-treding van hierdie Vastelling.	Daarna.	Gedurende die eerste jaar na die inwerking-treding van hierdie Vastelling.	Daarna.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Ketelbediener.....	6.44	5.98	5.29	5.52	5.06	5.29
Onderbaas.....	6.67	6.21	5.52	5.98	5.29	5.75
Werknemer graad I, ongekwalifiseerd—						
gedurende die eerste drie maande ondervinding....	7.82	7.36	6.44	6.90	5.98	6.44
gedurende die tweede drie maande ondervinding....	8.28	7.82	6.90	7.36	6.44	7.13
gedurende die derde drie maande ondervinding....	8.97	8.51	7.59	8.05	7.13	7.59
Werknemer graad I, gekwalifiseerd.....	9.43	8.97	8.05	8.51	7.59	8.05
Werknemer graad II, ongekwalifiseerd—						
gedurende die eerste drie maande ondervinding....	7.82	7.36	6.44	6.90	5.98	6.21
gedurende die tweede drie maande ondervinding....	8.28	7.82	6.90	7.36	6.44	6.90
Werknemer graad II, gekwalifiseerd.....	8.97	8.51	7.59	8.05	7.13	7.59
Werknemer graad III, ongekwalifiseerd.....	6.44	6.21	5.52	5.98	5.29	5.75
Werknemer graad III, gekwalifiseerd.....	6.90	6.67	5.98	6.41	5.75	6.21
Werknemer graad IV, man.....	6.21	5.75	5.06	5.29	4.83	5.06
Werknemer graad IV, vrou.....	5.06	4.83	4.14	4.37	3.91	4.14
Arbeider, man, 18 jaar of ouer.....	5.98	5.52	4.83	5.06	4.60	4.83
Arbeider, man, onder 18 jaar.....	4.60	4.14	3.68	3.91	3.45	3.68
Arbeider, vrou.....	4.83	4.60	3.91	4.14	3.68	3.91
Wag.....	6.44	5.98	5.29	5.52	5.06	5.29

Met dien verstande dat 'n werknemer wat sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas minstens die volgende betaal moet word:—

(i) in die geval van 'n los werknemer, 10 sent per dag; en

(ii) in die geval van 'n arbeider, 50 sent per week;

benewens die dagloon of weekloon, na gelang van die geval, wat vir 'n werknemer van sy klas in sy gebied voorgeskryf is.

(ii)

	In Area A.	In Area B.	In Area C.		In Area D.	
			During the first year after this Determination becomes binding.	Thereafter.	During the first year after this Determination becomes binding.	Thereafter.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Boiler attendant.....	6.44	5.98	5.29	5.52	5.06	5.29
Chargehand.....	6.67	6.21	5.52	5.98	5.29	5.75
Grade I employee, unqualified—						
during the first three months of experience.....	7.82	7.36	6.44	6.90	5.98	6.44
during the second three months of experience.....	8.28	7.82	6.90	7.36	6.44	7.13
during the third three months of experience.....	8.97	8.51	7.59	8.05	7.13	7.59
Grade I employee, qualified.....	9.43	8.97	8.05	8.51	7.59	8.05
Grade II employee, unqualified—						
during the first three months of experience.....	7.82	7.36	6.44	6.90	5.98	6.21
during the second three months of experience.....	8.28	7.82	6.90	7.36	6.44	6.90
Grade II employee, qualified.....	8.97	8.51	7.59	8.05	7.13	7.59
Grade III employee, unqualified.....	6.44	6.21	5.52	5.98	5.29	5.75
Grade III employee, qualified.....	6.90	6.67	5.98	6.41	5.75	6.21
Grade IV employee, male.....	6.21	5.75	5.06	5.29	4.83	5.06
Grade IV employee, female.....	5.06	4.83	4.14	4.37	3.91	4.14
Labourer, male, 18 years of age or over.....	5.98	5.52	4.83	5.06	4.60	4.83
Labourer, male, under 18 years of age.....	4.60	4.14	3.68	3.91	3.45	3.68
Labourer, female.....	4.83	4.60	3.91	4.14	3.68	3.91
Watchman.....	6.44	5.98	5.29	5.52	5.06	5.29

Provided that an employee 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, 10 cents per day; and

(ii) in the case of a labourer, 50 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.

(iii)

In alle
Gebiede.
Per
week.
R c

Bestuurder van 'n motorvoertuig waarvan die onbelaste gewig tesame met die gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig gesleep word—

(i) nie meer as 1,000 lb is nie	7 36
(ii) meer as 1,000 lb maar hoogstens 10,000 lb is ...	12 65
(iii) meer as 10,000 lb is	18 17
Deeltydse bestuurder van 'n motorvoertuig	9 66

(b) *Los werknemer.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een-tyfde 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 4 agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder mag word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en moet 'n werknemer, behoudens die bepalinge 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 1 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 bepalinge 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 dat dit 'n werkgever belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskryde loon dieselfde of laer is as dié wat vir so 'n werknemer voorgeskryf word nie.

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

(i) 5, in die geval van 'n werknemer wat 5 dae in 'n week werk;

(ii) 6, in die geval van alle ander werknemers.

(b) Die maandloon van 'n werknemer is $4\frac{1}{2}$ maal sy weekloon.

(c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur hoogstens 46.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalinge van klousule 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 15 minute nadat die werk gestaak is, op die dag waarop die

(iii)

In all
Areas.
Per
week.
R c

Driver of a motor vehicle, the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle—

(i) does not exceed 1,000 lb	7 36
(ii) exceeds 1,000 lb but not 10,000 lb	12 65
(iii) exceeds 10,000 lb	18 17

Part-time driver of a motor vehicle 9 66

(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 4 consecutive hours on any day, his wage may be reduced by not more than 50 per cent.

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

(3) *Differential wage.*—An employer who requires or permits a member of one class of his employees to perform for longer than 1 hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

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

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

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

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

(ii) in the case referred to in paragraph (b), not less than the daily wage calculated 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 subclause shall not apply where the difference between classes in terms of subclause (1) is based on age, experience or sex;

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

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

(i) 5, in the case of an employee who works a 5-day week;

(ii) 6, in the case of every other employee.

(b) The monthly wage of an employee shall be $4\frac{1}{2}$ times his weekly wage.

(c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by not more than 46.

4. PAYMENT OF REMUNERATION.

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee in cash or by cheque monthly during the hours of work or within 15 minutes of ceasing work,

bedryfsinrigting so 'n werknemer gewoonlik betaal, of by diens-beëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëde koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop gemeld word—

- (a) die werkgewer se naam;
- (b) die werknemer se naam of sy nommer op die betaalstaat en sy beroep;
- (c) die getal gewone werkure wat die werknemer gewerk het;
- (d) die getal ure wat die werknemer oortyd gewerk het;
- (e) die getal ure wat die werknemer op 'n Sondag, 'n openbare vakansiedag of die dag wat hy vry het, gewerk het;
- (f) die werknemer se loon;
- (g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspuit;
- (h) besonderhede van enige bedrag wat afgetrek is;
- (i) die werklike bedrag wat aan die werknemer betaal word;
- (j) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat bogenoemde inligting nie verstrekkend is word in die geval van 'n werknemer wat uit hoofde van klousule 5 (9) (a) van die bepalings ten opsigte van werkure uitgesluit is nie.

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

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

(4) *Koop van goedere.*—'n Werkgewer 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 bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer 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) *Aftrappings.*—'n Werkgewer mag sy werknemer geen boetes opleë of bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:—

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegede van vakverenigings;

(b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

(c) iedere bedrag wat 'n werkgewer regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

(d) 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 werkgewer 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 verminder word, 'n bedrag van hoogstens die werknemer (uitgesonderd 'n los werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande dat—

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

(ii) geen afrekkings ten opsigte van korttyd wat deur 'n slapte in die bedryf of 'n tekort aan grondstowwe ontstaan, geskied nie tensy die werkgewer sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(iii) ten opsigte van korttyd weens wisselvalligheid van die weer of die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word, geen afrekkings 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

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

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

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that the aforementioned information need not be furnished in the case of an employee who is excluded from the hours of work provisions by virtue of clause 5 (9) (a).

(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 or training of an employee.

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

(5) *Board and lodging.*—Save as provided in the 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:—

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

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;

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

(d) whenever an employee agrees or is required in terms of the 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—

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

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

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

(f) with the written consent of an employee, a deduction of an amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or

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, vereis of hom toelaat om meer gewone werkure te werk nie as—

(a) in die geval van 'n werknemer wat 6 dae per week werk—

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

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, 8 op 'n dag, tensy die ure op 1 dag hoogstens 5 is, wanneer die ure op enigeen van die ander dae tot 8½ verleng kan word;

(b) in die geval van 'n werknemer wat 5 dae per week werk—

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

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, 9½ op 'n dag.

(2) 'n Werkgewer mag nie van 'n los werknemer vereis of hom toelaat om meer gewone werkure as 8½ op 'n dag te werk nie.

(3) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as 5 uur aanse sonder 'n etenspouse van minstens 1 uur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

(a) '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;

(b) werktydperke wat onderbreek word deur pouses van minder as 1 uur, uitgesonderd waar voorbehoudsbepaling (a) of (e) van toepassing is, geag word aanenlopend te wees;

(c) as sodanige pouse langer as 1 uur is, enige tyd wat 1½ uur te bowe gaan, geag word werktyd te wees;

(d) alleenlik 1 sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;

(e) 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 15 minute verkort mag word;

(f) 'n bestuurder van 'n motorvoertuig 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;

(g) dat sodanige pouse nie op enige dag aan 'n skofwerker, 'n ketelbediener of 'n werknemer belas met die ontvangs en verwerking van melk of die vul of verpakking van melkprodukte, of die vervaardiging van metaalhouers gedurende sy gewone werkure toegestaan hoef te word nie indien aan hom gedurende sodanige ure die geleentheid gegee word om op sy pos 'n ete te nuttig.

(4) *Ruspouse.*—'n Werkgewer moet aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan so na as doenlik—

(a) in die middel van die eerste werkperiode van die dag;

(b) in die middel van die tweede werkperiode van die dag indien sodanige periode langer as 3 uur is;

waarin daar nie van die werknemer vereis of hy nie toegelaat mag word om werk te verrig nie, en so 'n pouse word geag deel van die gewone werkure van so 'n werknemer uit te maak.

(5) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalinge van subklousule (3), moet alle werkure van 'n werknemer op iedere dag agtereenvolgend wees.

(6) *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, 2 uur op 'n dag;

(b) in die geval van 'n bestuurder van 'n motorvoertuig en 'n arbeider wat hom vergesel, 20 uur in 'n week;

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

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, to work more ordinary hours of work than—

(a) in the case of an employee who works a 6-day week—

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

(ii) subject to subparagraph (i) hereof, 8 on any day, unless the hours on 1 day do not exceed 5, in which case the hours on any of the other days may be extended to 8½;

(b) in the case of an employee who works a 5-day week—

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

(ii) subject to subparagraph (i) hereof, 9½ on any day.

(2) An employer shall not require or permit a casual employee to work more ordinary hours of work than 8½ on any day.

(3) *Meal intervals.*—An employer shall not require or permit an employee to work for more than 5 hours continuously without a meal interval of not less than 1 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—

(a) 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.

(b) periods of work interrupted by intervals of less than 1 hour, except when proviso (a) or (e) applies, shall be deemed to be continuous;

(c) if such interval be longer than 1 hour, any period in excess of 1½ hours shall be deemed to be time worked;

(d) only 1 such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;

(e) 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 15 minutes;

(f) a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purposes of this subclause not to have worked during such interval;

(g) that such an interval need not be granted to a shift-worker, a boiler attendant or an employee engaged in the receiving or processing of milk or the filling or packing of milk products, or the manufacture of metal containers during his ordinary hours of work on any day, if he is given the opportunity during such hours of having a meal while at his post.

(4) *Rest intervals.*—An employer shall grant to each of his employees a rest interval of not less than 10 minutes as near as practicable—

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

(b) in the middle of each second work period in a day where such period is longer than 3 hours;

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

(5) *Hours of work to be consecutive.*—Save as provided in subclause (3), all hours of work of an employee on any day shall be consecutive.

(6) *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, 2 hours on any day;

(b) in the case of a driver of a motor vehicle and a labourer who accompanies him, 20 hours in any week;

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

(7) *Vroulike werknemers.*—Ondanks andersluidende bepalinge 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 5 dae in 'n week na 1-uur nm. te werk nie;
- (c) meer as 2 uur oortyd op 'n dag te werk nie, met die uitsondering dat 'n werknemer wat 'n werkweek van 5 dae het, op 'n Saterdag tot 4 uur oortyd mag werk, maar dan só dat die oortydwerk hoogstens 10 uur in 'n week behoort;
- (d) op meer as 3 agtereenvolgende dae in 'n week oortyd te werk nie;
- (e) op meer as 60 dae in 'n jaar oortyd te werk nie;
- (f) na voltooiing van haar gewone werkure meer as 1 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 25c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

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

- (a) in die geval van 'n los werknemer, 1½ 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, 1½ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in 'n week gewerk.

(9) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule is nie op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R187.50 per maand in „Distrik A” en R175 per maand in „Distrik B” ontvang.

(b) Die bepalinge van subklousules (3), (4), (5) en (6) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Die bepalinge van hierdie klousule is nie op 'n wag wie se werkgewer hom 'n dag van 24 agtereenvolgende ure ten opsigte van elke week diens vry afgee, van toepassing nie: Met dien verstande dat—

- (i) hy geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;
- (ii) 'n werkgewer, in plaas daarvan dat hy sodanige dag vry af aan sy wag gee, sodanige wag 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.

(d) Die bepalinge van subklousule (4) is nie op 'n bestuurder van 'n motorvoertuig, 'n arbeider wat op 'n motorvoertuig help of op 'n skofwerker van toepassing nie.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van iedere voltooide tydperk van 12 maande diens by hom verlof verleen van,

- (a) in die geval van 'n wag, 21 agtereenvolgende kalenderdae;
- (b) in die geval van iedere ander werknemer, 14 agtereenvolgende kalenderdae;

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

- (i) in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens 3 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 2 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 werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

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

- (a) as sodanige verlof nie eerder verleen is nie, dit behoudens die bepalinge van subklousule (3) so verleen moet word dat dit begin binne 4 maande na voltooiing van die 12

(7) *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 5 days a week;
- (c) overtime for more than 2 hours on any day, except that an employee who works a 5-day week may work up to 4 hours overtime on a Saturday, but so that 10 hours are not exceeded in any week;
- (d) overtime on more than 3 consecutive days in any week;
- (e) overtime on more than 60 days in any year;
- (f) overtime after completion of her ordinary hours of work for more than 1 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 25 cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(8) *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, 1½ 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, 1½ times his ordinary wage in respect of the total period so worked by such employee in any week.

(9) *Savings.*—(a) The provisions of this clause shall not apply to a foreman, senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R187.50 per month in "District A" and R175 per month in "District B".

(b) The provisions of subclauses (3), (4), (5) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of this clause shall not apply to a watchman whose employer grants him a day off of 24 consecutive hours in respect of every week of employment: Provided that—

- (i) he makes no deduction from his watchman's wage in respect thereof;
- (ii) an employer may, in lieu of granting his watchman any such day off, pay such watchman 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.

(d) The provisions of subclause (4) shall not apply to a driver of a motor vehicle, a labourer assisting on a motor vehicle or a shift-worker.

6. ANNUAL LEAVE.

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

- (a) in the case of a watchman, 21 consecutive calendar days' leave,
- (b) in the case of every other employee, 14 consecutive calendar days' leave,

and shall pay such employee in respect of such leave—

- (i) in the case of an employee referred to in paragraph (a), an amount of not less than 3 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 any employee who is engaged on piece-work shall be calculated on the basis set out in section 20 (5) of the Factories, Machinery and Building Work Act, 1941.

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

- (a) if such leave has not been granted earlier, it shall, save as provided in subclause (3), be granted so as to commence within 4 months after the completion of the 12 months of

maande diens waarop dit betrekking het; of dat, as die werkgewer en sy werknemer voor die verstryking van genoemde tydperk van 4 maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik 2 maande na die verstryking van genoemde tydperk van 4 maande;

(b) die tydperk van verlof nie met siekteverlof wat ingevolge klousule 7 verleen is of, tensy die werknemer dit versoek en die werkgewer skriftelik daartoe instem, met 'n tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(c) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, 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;

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

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer die verlof oor 'n tydperk van hoogstens 24 maande diens laat ooploop: Met dien verstande—

(i) dat sodanige werknemer so 'n versoek doen binne 4 maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en

(ii) dat die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek vir minstens 3 jaar bewaar vanaf sodanige datum of vanaf die datum van verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en wel vanaf die jongste van dié 2 datums.

(b) Die bepaling 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.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van 12 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 voltooide 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 van die weekloon; 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 werkgewer ten opsigte van 'n verloftydperk wat hy ingevolge die vierde voorbehoedsbepaling 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 die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgewer betaal het in plaas daarvan om aldus kennis te gee; of

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

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

op geen 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 werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;

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

(i) met verlof ingevolge hierdie klousule;

(ii) met siekteverlof ingevolge klousule 7;

(iii) op las of versoek van sy werkgewer,

employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of 4 months, the employer shall grant such leave to the employee as from a date not later than 2 months after the expiration of the said period of 4 months;

(b) 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;

(c) 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;

(d) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of 12 months of employment to which the period of leave relates.

(3) (a) At the written request of his employee, an employer may permit the leave to accumulate over a period of not more than 24 months of employment: Provided—

(i) that the request is made by such employee not later than 4 months after the expiry of the first period of 12 months of employment to which the leave relates, and

(ii) that the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request for a period of not less than 3 years from such date or the date of the expiry of the first period of 12 months of employment to which the leave relates, whichever is the later.

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

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

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

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

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

of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to subclause (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 recognised by law as sufficient; or

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

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

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

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

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

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

(i) on leave in terms of this clause;

(ii) on sick leave in terms of clause 7;

(iii) on the instructions or at the request of his employer,

en wel tot 'n totaal, in enige jaar, van hoogstens 10 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 4 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 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.

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 van—

(a) in die geval van 'n werknemer wat 'n werkweek van 5 dae het, altesaam minstens 20 werkdae, en

(b) in die geval van iedere ander werknemer, altesaam minstens 24 werkdae

gedurende elke tydkring van 24 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 verstande dat—

(i) gedurende die eerste 24 agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van 5 dae, 1 werkdag ten opsigte van elke voltooide tydperk van 5 weke diens en, in die geval van 'n ander werknemer, 1 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 20 of 24 werkdae, na gelang van die geval, in elke tydkring van 24 maande diens aan hom betaal sal word, met die uitsondering dat, gedurende die eerste 24 maande wat die werknemer bydraes betaal, die gewaarborgde koers verlaag kan word maar nie tot minder nie as die aanwaskoers vermeld in die eerste voorbehoudsbepaling van hierdie subklousule;

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

(iv) indien daar by 'n ander wet van 'n werkgever 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;

(v) by die toepassing van hierdie klousule die loon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

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

(a) vir 'n tydperk van langer as 3 agtereenvolgende kalenderdae; of

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

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

(c) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than 4 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.

7. SICK LEAVE.

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

(a) in the case of an employee who works a 5-day week, not less than 20 work days; and

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

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

(i) in the first 24 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a 5 day week, 1 work day in respect of each completed period of 5 weeks of employment and, in the case of any other employee, 1 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 20 or 24 work days, as the case may be, in each cycle of 24 months of employment, except that during the first 24 months of the payment of contributions by the employee the guaranteed rate may be reduced but to not less than the rate of accrual set out in the first proviso to this subclause;

(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;

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

(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 3 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,

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 8 agtereenvolgende weke by 2 of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van 8 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 werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgever weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig op betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgever moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat hy ten tyde van sodanige verstryking of beëindiging toekom, nog nie geneem is nie.

(4) By die toepassing van hierdie klousule—

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

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

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgever;

(cc) met siekteverlof ingevolge subklousule (1),

en wat in enige jaar altesaam hoogstens 10 weke beloop, en

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as 4 maande van een sodanige opleidingstydperk as diens te eis nie, en word enige tydperk van diens by dieselfde werkgever 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 siekte of 'n besering, uitgesonderd dié veroorsaak deur 'n werknemer se eie wangedrag: Met dien verstande dat werkonvermoë 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 EN SONDAE.

(1) Behoudens die bepalings van klousules 4 (6) en 6 (2), moet 'n werkgever aan 'n werknemer wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, 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, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgever 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 4 uur op so 'n dag te werk, hy geag word 4 uur te gewerk het.

(3) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

(i) indien hy aldus vir 'n tydperk van hoogstens 4 uur werk, minstens sy dagloon betaal,

(ii) indien hy aldus vir 'n tydperk van meer as 4 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 1½ maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne 7 dae vanaf sodanige Sondag 1 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 4 uur op sodanige Sondag te werk, hy geag moet word 4 uur te gewerk het.

(4) Wanneer 'n skofwerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag in subklousule (1) genoem of op 'n Sondag en gedeeltelik op enige ander kalenderdag val, word die hele skof geag gewerk te gewees het op die kalenderdag waarop die grootste gedeelte van sodanige skof val.

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 8 consecutive weeks received payment in terms of this clause on 2 or more occasions without producing such a certificate his employer may during the period of 8 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 24 months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid in respect of only such leave as has so accrued; but his employer shall, if he has not previously done so, at the 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 subclause (1),

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

(ii) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than 4 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 AND SUNDAYS.

(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 4 hours on such day he shall be deemed to have worked for 4 hours.

(3) Whenever an employee works on a Sunday, his employer shall either—

(a) pay the employee—

(i) if he so works for a period not exceeding 4 hours, not less than his daily wage;

(ii) if he so works for a period exceeding 4 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 1½ times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within 7 days of such Sunday 1 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 4 hours on such Sunday he shall be deemed to have worked for 4 hours.

(4) Whenever a shift-worker works a shift which falls partly on any public holiday mentioned in subclause (1) or on a Sunday 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.

(5) Hierdie klousule is nie van toepassing nie—

- (a) op 'n werknemer wat uit hoofde van klousule 5 (9) (a) van die bepalings ten opsigte van werkure uitgesluit is;
- (b) op 'n los werknemer, of 'n wag.

9. STUKWERK EN KOMMISSIEWERK.

(1) 'n Werkgewer mag, nadat hy minstens 1 week vooraf kennis aan sy werknemer gegee het, 'n stukwerkstelsel invoer en, sodanige werkgewer moet, behoudens die bepalings 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 werkgewer, 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 Werkgewer moet 'n lys van die besoldiging bedoel in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgewer wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemers wat volgens sodanige stelsel werk, minstens 1 kalendermaand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgewer nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

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

10. VERBOD OP INDIENSNEMING.

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

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende kleren wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende kleren 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 4 weke diens, minstens 1 werkdag,
- (b) na die eerste 4 weke diens, minstens 1 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 1 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”.

(5) This clause shall not apply—

- (a) to an employee who is excluded from the hours of work provisions by virtue of clause 5 (9) (a);
- (b) to a casual employee or a watchman.

9. PIECE-WORK AND COMMISSION WORK.

(1) An employer may, after at least 1 week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his employee, who is employed on such piece-work system, remuneration at the rate applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee no 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 1 month's notice of such intention: Provided that an employer and his employee may agree on a longer period of notice, in which case the employer shall give notice for a period not shorter than that agreed upon.

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

10. PROHIBITION OF EMPLOYMENT.

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

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

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

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 4 weeks of employment, not less than 1 work day's,

(b) after the first 4 weeks of employment, not less than 1 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 1 work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of 1 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) 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—

(a) 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;

(b) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie.

(4) Ondanks andersluidende bepalings in hierdie Vasstelling mag 'n werkgever, in die geval waarin '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 werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepalings van hierdie Vasstelling skuld, aan homself 'n bedrag toëien van hoogstens dié wat sodanige werknemer hom 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 werkgever 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 werkgever 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.

BYLAE.

Ek/Ons (a).....
wat die Nywerheid vir die Vervaardiging van Blikkiesmelk en ander Melkprodukte beoefen te.....
verklaar hierby dat.....
in my/ons (a) diens was van die..... dag van.....
19..... tot die..... dag van.....
19..... in die hoedanigheid (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 betrekking waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv., klerk, skofwerker, arbeider.

No. R. 1553. 30 Augustus 1968.
WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941, SOOS GEWYSIG.

NYWERHEID VIR DIE VERVAARDIGING VAN
BLIKKIESMELK EN ANDER MELKPRODUKTE,
SEKERE GEBIEDE.

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Loonvasstelling vir die Nywerheid vir die Vervaardiging van Blikkiesmelk en Ander Melkprodukte, Sekere Gebiede, gepubliseer by Goewermenskennisgewing No. R. 1552 van 30 Augustus 1968, oor die algemeen vir werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, nie minder gunstig is nie as die desbetreffende bepalings van genoemde Wet.

M. VILJOEN,
Minister van Arbeid.

Opmerking.—Hierdie kennisgewing het nie die uitwerking om die toepassing van artikel 20 (3) van die Wet ten opsigte van Republiekdag op te skort nie.

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

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

(a) 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;

(b) 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.

SCHEDULE.

I/We (a).....
carrying on trade in The Industry for the Manufacture of Condensed Milk and Other Milk Products, hereby certify that
was employed by me/us (a) from the..... day
of..... 19..... to the..... day
of..... 19..... as (b).....
At the termination of employment his/her (a) wage was.....
per week/month (a)..... rand..... cents

(Signature of Employer or Authorised
Representative.)

Date.....

(a) Delete whichever inapplicable.

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

No. R. 1553. 30 August 1968.
FACTORIES, MACHINERY AND BUILDING WORK
ACT, 1941, AS AMENDED.

CONDENSED MILK AND OTHER MILK
PRODUCTS INDUSTRY, CERTAIN AREAS.

I, Marais Viljoen, Minister of Labour, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for the Condensed Milk and Other Milk Products Industry, Certain Areas, published under Government Notice No. R. 1552 of the 30th August 1968, on the whole to be not less favourable to the employees whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays are regulated thereby than the relative provisions of the said Act.

M. VILJOEN,
Minister of Labour.

Note.—This notice shall not have the effect of suspending the operation of section 20 (3) of the Act in respect of Republic Day.

No. R. 1554.

30 Augustus 1968.

LOONWET, 1957.

INTREKKING VAN LOONVASSTELLING No. 237.
 NYWERHEID VIR DIE VERVAARDIGING VAN
 BLIKKIESMELK EN ANDER MELKPRODUKTE,
 SEKERE GEBIEDE.

Ek, Marais Viljoen, Minister van Arbeid, trek hierby
 kragtens artikel 16 van die Loonwet, 1957, met ingang van
 die 23ste dag van September 1968, al die bepalings van
 Loonvasstelling No. 237, gepubliseer by Goewerments-
 kennisgewing No. R. 263 van 15 Februarie 1963, in.

M. VILJOEN,
 Minister van Arbeid.

No. R. 1554.

30 August 1968.

WAGE ACT, 1957.

CANCELLATION OF WAGE DETERMINATION
 No. 237.

CONDENSED MILK AND OTHER MILK PRODUCTS
 INDUSTRY, CERTAIN AREAS.

I, Marais Viljoen, Minister of Labour, hereby in terms
 of section 16 of the Wage Act, 1957, cancel with effect
 from the 23rd day of September 1968, all the provisions
 of Wage Determination No. 237, published under Govern-
 ment Notice No. R. 263 of the 15th February 1963.

M. VILJOEN,
 Minister of Labour.

INHOUD.

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