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GOEWERMENTSKENNISGEWING.

DEPARTEMENT VAN ARBEID.

No. R. 1695. 20 September 1968.

LOONWET, 1957.

LOONVASSTELLING No. 302.

KOMMERSIELE DISTRIBUSIEBEDRYF, VERNAAMSTE 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 Kommersiële Distribusiebedryf, Vernaamste Gebiede, gemaak en die 14de dag van Oktober 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 in die volgende gebiede, naamlik:—

Kaaprovinsie.—Die landdrosdistrikte Bellville (uitgesonderd die munisipale gebiede van Durbanville en Kraaifontein), Die Kaap, Simonstad en Wynberg en die munisipale gebiede van Oos-Londen en Port Elizabeth.

Natal.—Die landdrosdistrikte Durban, Pietermaritzburg en Pinetown.

Oranje-Vrystaat.—Die munisipale gebiede van Bloemfontein en Welkom en die dorpsbestuursraadgebied van Sasolburg.

Transvaal.—(1) Die munisipale gebiede van Alberton, Benoni, Boksburg, Brakpan, Carletonville, Edenvale, Elsburg, Germiston, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Orkney, Pretoria, Randfontein, Roodepoort, Springs, Stilfontein, Vanderbijlpark, Vereeniging, Verwoerdburg en Westonaria en die landdrosdistrik Johannesburg.

A—32483

GOVERNMENT NOTICE.

DEPARTMENT OF LABOUR.

No. R. 1695. 20 September 1968.

WAGE ACT, 1957.

WAGE DETERMINATION No. 302.

COMMERCIAL DISTRIBUTIVE TRADE, PRINCIPAL 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 Commercial Distributive Trade, Principal Areas, and has fixed the 14th day of October 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 in the following areas, namely:—

Cape Province.—The Magisterial Districts of Bellville (excluding the municipal areas of Durbanville and Kraaifontein), the Cape, Simonstown and Wynberg and the municipal areas of East London and Port Elizabeth;

Natal.—The Magisterial Districts of Durban, Pietermaritzburg and Pinetown;

Orange Free State.—The municipal areas of Bloemfontein and Welkom and the village management board area of Sasolburg;

Transvaal.—(1) The municipal areas of Alberton, Benoni, Boksburg, Brakpan, Carletonville, Edenvale, Elsburg, Germiston, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Orkney, Pretoria, Randfontein, Roodepoort, Springs, Stilfontein, Vanderbijlpark, Vereeniging, Verwoerdburg and Westonaria and the Magisterial District of Johannesburg.

1—2163

(2) Die dorpsraadgebied van Bedfordview, en die dorpsgebiede Berario, Blackheath, Blackheath-uitbreiding 1, Fairland, Northcliff-uitbreiding 1, Northcliff-uitbreiding 2, Northcliff-uitbreiding 4 en Valeriedene geleë binne die gebied van die Wes-Johannesburgse Plaaslike Gebiedskomitee van die Transvaalseraad vir die Ontwikkeling van Buitestedelike Gebiede; op alle werknemers in die Komersiële Distribusiebedryf en op die werkgewers van sodanige werknemers: Met dien verstande dat dit nie van toepassing is nie op—

(a) werknemers wie se tyd grotendeels in beslag geneem word deur—

(i) die knip, kap, skeer, krul, reinig, skroei, was, bleik, verf, kleur, tint, stileer, permanente kartel, marcel-kartel of water-kartel of enige ander behandeling van die kop- of die gesig-hare; of

(ii) die massering of ander stimulerende behandeling van die gesig, kopvel of nek; of

(iii) naelversorging, winkbroue pluk, haarwerk, trichologiese of skoonheidsbehandeling;

hetsy by engeen van hierdie werksaamhede enige apparaat, toestel, preparaat of stof gebruik word al dan nie;

(b) werknemers wat uitsluitlik of hoofsaaklik werksaam is in Bantoegebiede soos omskryf in artikel 1 (1) van die Wet op Nywerheidsversoening, 1956;

(c) werknemers in 'n bedryfsinrigting wat geregistreer is of onderworpe is aan registrasie as 'n fabriek ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, en waarin hul werkgewer 'n deel van of al sy eie drank vervaardig (en hierdie uitdrukking sluit ook vermenging in) en benewens sy eie drank ook drank wat hy van ander bronne verkry het, verkoop of versprei of verkoop en versprei, indien en vir solank as wat—

(i) die werkgewer aldus verkoop of versprei of verkoop en versprei slegs in groothandelhoeveelhede en slegs aan persone wat gelisensieer is om drank te verkoop;

(ii) hy aldus verkoop of versprei of verkoop en versprei vanuit sodanige bedryfsinrigting; en

(iii) sy besigheid grotendeels die verkoop of verspreiding of verkoop en verspreiding van sy eie produkte, bereken op 'n gellingmaatgrondslag, is;

(d) werknemers in 'n bedryfsinrigting waarin motorvoertuie gemonteer en waaruit motoronderdele of bybehorens, hetsy daarin vervaardig of uit ander bronne verkry, verkoop of versprei word, of sowel verkoop as versprei word, indien en vir solank as wat sodanige onderdele of bybehorens verkoop of versprei word of verkoop en versprei word slegs aan werkgewers in die Motorgaragebedryf;

(e) werknemers wat roomys, sorbet of bevrore lekkernye van 'n soortgelyke aard van enige vervoermiddel af verkoop; en

(f) werknemers wat as ongeskoolde arbeiders in diens is in die bedrywe vir die handel in ou metaal en die handel in tweedehandse bottels en op wie of Loonvasstelling No. 268, gepubliseer by Goewermentskennisgewing No. R. 1819 van 19 November 1965; Loonvasstelling No. 269, gepubliseer by Goewermentskennisgewing No. R. 2003 van 17 Desember 1965; Loonvasstelling 270, gepubliseer by Goewermentskennisgewing No. R. 136 van 28 Januarie 1966; Loonvasstelling No. 272, gepubliseer by Goewermentskennisgewing No. R. 377 van 11 Maart 1966; of Loonvasstelling No. 274, gepubliseer by Goewermentskennisgewing No. R. 621 van 22 April 1966, van toepassing is.

2. WOORDOMSKRYWING.

(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) „afloweringswerknemer, graad A,” 'n werknemer wat briewe, boodskappe of goedere aflewer of vervoer deur middel van 'n motoraangedrewe fiets of hulpmotorfiets met 'n enjin wat 'n vermoë van hoogstens 50 c.c. het; (25)

(2) „afloweringswerknemer, graad B,” 'n werknemer wat briewe, boodskappe of goedere te voet of deur middel van 'n fiets, driewieler of ander hand- of voetaangedrewe voertuig aflewer of vervoer; (26)

(2) The village council area of Bedfordview, and the township areas of Berario, Blackheath, Blackheath Extension 1, Fairland, Northcliff Extension 1, Northcliff Extension 2, Northcliff Extension 4 and Valeriedene, situate within the area of the Western Johannesburg Local Area Committee of the Transvaal Board for the Development of Peri-Urban Areas;

to all employees in the Commercial Distributive Trade and to the employers of such employees: Provided that it shall not apply to—

(a) employees, the major portion of whose time is spent on—

(i) hairdressing, haircutting, shaving, curling, cleaning, singeing, shampooing, bleaching, dyeing, colouring, tinting, styling, permanent waving, marcel or water waving, or any other treatment of the hair of the head or the face; or

(ii) the massage or other stimulative treatment of the face, scalp or neck; or

(iii) manicuring, eyebrow plucking, board work, trichological treatment or beauty culture;

whether or not any apparatus, appliance, preparation or substance is used in any of these operations;

(b) employees wholly or mainly employed in Bantu areas as defined in section 1 (1) of the Industrial Conciliation Act, 1956;

(c) employees in an establishment which is registered or liable to registration as a factory in terms of the Factories, Machinery and Building Work Act, 1941, and in which their employer manufactures (which expression includes blending) some or all of his own liquor and sells or distributes or sells and distributes liquor acquired by him from other sources in addition to his own liquor, if and for so long as—

(i) the employer so sells or distributes or sells and distributes only in wholesale quantities and solely to persons licensed to sell liquor;

(ii) he so sells or distributes or sells and distributes from such establishment; and

(iii) the major portion of his business is the sale or distribution or sale and distribution of his own products reckoned on a gallonage basis;

(d) employees in an establishment in which motor vehicles are assembled and from which establishment motor spare parts or accessories, whether manufactured therein or acquired from other sources, are sold or distributed or both sold and distributed, if and for so long as such spare parts or accessories are sold or distributed or sold and distributed solely to employers in the Motor Garage Trade;

(e) employees selling ice-cream, sherbet or frozen delicacies of a similar nature from any conveyance; and

(f) employees who are employed as unskilled labourers in the trades of scrap metal dealing and second hand bottle dealing and to whom either Wage Determination No. 268, published under Government Notice No. R. 1819 of the 19th November 1965; Wage Determination No. 269, published under Government Notice No. R. 2003 of the 17th December 1965; Wage Determination No. 270, published under Government Notice No. R. 136 of the 28th January 1966; Wage Determination No. 272, published under Government Notice No. R. 377 of the 11th March 1966; or Wage Determination No. 274, published under Government Notice No. R. 621 of the 22nd April 1966, is applicable.

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) “alteration hand” means an employee who is engaged in altering or repairing any articles of men's, women's or children's wearing apparel, other than second-hand clothing, incidental to the sale of such articles from an establishment; (67)

(2) “alteration hand, qualified,” means an alteration hand who has had not less than 4 years' experience; (68)

(3) “alteration hand, unqualified,” means an alteration hand who has had less than 4 years' experience; (69)

(3) „algemene werker” ’n werknemer wat een of meer van die volgende werksaamhede verrig in een of meer van die volgende hoedanighede werksaam is:—

- (a) Posseëls plak op briewe, pakkette of ander artikels wat gepos moet word, of ’n handfrankeermasjien bedien;
- (b) gedrukte of klaar gedreëerde etikette plak op bottels, bale, kaste of ander pakke;
- (c) kassies van kasplanke met die hand inmeekaarsit;
- (d) op afleweringvoertuie behulpsaam wees;
- (e) afvalmetaal opbreek, waarby inbegrepe is afvalmetaal met enige middel in stukke sny;
- (f) goedere dra, skuif of opstapel, uitgesonderd met ’n mobiele hystoestel, of goedere uitpak;
- (g) wiele omruil of lekke heelmaak;
- (h) persele of voertuie, meubels, gerei, filterperse, masjinerie, implemente, gereedskap of ander artikels op sy werkgewer se perseel skoonmaak;

- (i) pluimvee skoonmaak of pluk;
- (j) vis skoonmaak, krap of in mootjies of stukkend sny;
- (k) invordering van kontantgelde in die geval van k.b.a.-verkope of aanname van skriftelike bestellings;

(l) met betrekking tot goedere wat in die bedryfsinrigting verkoop word, papier, monsters, linoleum, gordynstange, ogiesdraad, draad of ander artikels of goedere met die hand sny volgens afgemerkte afmetings;

- (m) afleweringswerknemer, graad B;
- (n) in vate, tenks of ander houeers voer of daaruit tap;
- (o) outomatiese of halfoutomatiese masjiene, bewegende vervoerband of platform voer of daarvan af neem;

(p) bottels of ander houeers met die hand of ’n nie-kragaan-gedrewe masjien vul, of dit van doppies, proppe of etikette voorsien;

- (q) pos opvou of in koeverte plaas;
- (r) eiers volgens grootte gradeer;
- (s) roerende eiendom gedurende die besigheidsure van ’n bedryfsinrigting bewaak;
- (t) voertuie laai of aflaai;

(u) vuurmaak of vure aan die brand hou of afval of as verwyder;

(v) tee of dergelike drank maak vir, of tee of dergelike drank bedien aan werknemers of sy werkgewer of gaste;

(w) bale, blikke, kaste of ander pakke met die hand merk, brandmerk of sjabloneer;

- (x) afvallood smelt;
- (y) sakke met die hand heelmaak;

(z) voorafgeweegde of andersins bepaalde bestanddele van diere- of pluimveevoer met die hand meng;

(aa) kaste met die hand toespyker of kaste of kratte heelmaak;

(ab) masjinerie of voertuie, uitgesonderd motorvoertuie, olie of smeer;

(ac) deure of vensters of bale, kaste of ander pakke oop- of toemaak;

(ad) ’n goederehyser of -hystoestel, uitgesonderd ’n mobiele hystoestel, bedien;

(ae) artikels van gelyke grootte en getal pak in houeers wat spesiaal vir sulke artikels bedoel is, of artikels of besondere groepe artikels pak in houeers wat spesiaal vir sulke artikels of groepe artikels bedoel is, of artikels in oop houeers pak vir plaaslike aflewering, of vis verpak;

(af) herhaaldelik weeg volgens voorafbepaalde gewig of herhaaldelik meet volgens voorafbepaalde maat;

(ag) riffer- of veselborddose of soortgelyke houeers met die hand inmeekaarsit en uitmeekaar haal;

(ah) leë sakke, bottels of ander houeers sorteer;

(ai) pakke, pakkette of sjablone sorteer of pakkette toedraai;

(aj) bande of drade om kaste sit;

(ak) diere oppas, skoonmaak, voer, inspan of uitspan;

(al) rubber- of ander stempels gebruik, waar daar geen onderskeidingsvermoë nodig is nie;

(am) oorpakke, uniforms of beskermende klere was; (39)

(4) „assistent-fietsmonteur” ’n werknemer wat een of meer van die volgende pligte of werksaamhede verrig:—

(a) Montering van kinderwaentjies, stootwaentjies, bromponies, snelwaens, trapkarretjies of enige ander soortgelyke kinder-voertuie met wiele of speelgoed wat met die hand of voet aangedryf word, waar sodanige montering nie verstellings aan presisielaars, kettings of opgeboude wiele, of die aansit en stywer stel van speke insluit nie; of

(4) „alteration milliner” means an employee who is engaged in altering women's or girls' hats incidental to the sale of such hats from an establishment; (20)

(5) „alteration milliner, qualified,” means an alteration milliner who has had not less than 4 years' experience; (21)

(6) „alteration milliner, unqualified,” means an alteration milliner who has had less than 4 years' experience; (22)

(7) „assembler” means an employee, other than a bicycle assembler or an assistant bicycle assembler, who is engaged in assembling mechanical or electrical devices or appliances or any component parts thereof in whole or in part from ready-made parts; (36)

(8) „assistant bicycle assembler” means an employee who is engaged in any one or more of the following duties or operations—

(a) assembling perambulators, go-carts, scooters, express wagons, pedal cars or any other similar children's wheeled vehicles or toys propelled by hand or foot, where such assembling does not involve the adjustment of precision bearings, chains or built-up wheels or the setting and tightening of spokes, or

(b) performing, under general supervision, any of the duties of a bicycle assembler, other than the trueing of bicycle wheels, the final adjustment of an assembled bicycle, the adjustment of precision bearings, chains or built-up wheels or the setting and tightening of spokes; (4)

(9) „bag mender” means an employee who is engaged in mending bags or sacks by machine where such mending is incidental to the sale of the bags or sacks or goods to be contained therein; (45)

(10) „bicycle assembler” means an employee who is engaged in any one or more of the following duties or operations:—

(a) Assembling bicycles or any component parts thereof in whole or in part from ready-made parts;

(b) trueing bicycle wheels or making final adjustments to an assembled bicycle;

(c) adjusting precision bearings, chains or built-up wheels or setting and tightening spokes;

and for the purpose of this definition and that of assistant bicycle assembler, the expression “bicycle” means a bicycle, a tricycle and a delivery tricar propelled by hand or foot and includes a perambulator, a go-cart, a scooter, an express wagon, a pedal car and any other similar children's wheeled vehicle or toy propelled by hand or by foot; (15)

(11) „casual employee” means an employee who is employed by the same employer on not more than 3 days in any week, except in a week during which the end of a month falls on a work day in which event such an employee may in that week work for the same employer for up to 3 days to and including the last day of that month and for up to 3 days in the next month but so that such employee is not employed by the same employer for more than 5 days in such week; (33)

(12) „Catering Trade” means the trade in which employers and employees are associated for the purpose of preparing or serving to order meals or refreshments (whether liquid or otherwise) or both such meals and refreshments in or from any establishment or portion thereof, whether permanent, temporary, indoors or in the open air and this includes such activities when carried on in or from one or more classes of premises or portions thereof—

(a) which are used as public restaurants, cafés or tearooms;

(b) on which meals or non-alcoholic drinks or both such meals and drinks are served;

(c) on which aerated or mineral waters are supplied in glasses or other containers for consumption on the premises;

(d) on which the above-mentioned activities are carried on in or in connection with any theatre, bioscope, bioscope-tea-room or any other entertainment or function;

and also includes the supply of liquor in any such establishments or on any such premises in terms of a liquor licence under the Liquor Act, 1928, held by such employers, but it does not include hotels, establishments trading exclusively under a wine and malt liquor licence, boarding houses or premises or portions of premises on which meals or refreshments or both such meals and refreshments are provided for consumption away from the premises; and includes all operations incidental to or consequent on any of the aforesaid activities; (71)

(b) verrigting, onder algemene toesig, van 'n fietsmonteur se pligte, uitgesonderd die regstel van fietswiele, finale verstellings aan 'n gemonteerde fiets, die verstelling van presisielaers, kettings of opgeboude wiele of die aansit en stywer stel van speke; (8)

(5) „bediener van 'n mobiele hystoestel” 'n werknemer wat werk met 'n kragaangedrewe mobiele hystoestel wat by die laai, aflaai, versit of opstapel van goedere gebruik word; (52)

(6) „bedryfsinrigting” 'n perseel waarop of in verband waarmee een of meer werknemers in die Kommersiële Distribusiebedryf in diens is; (37)

(7) „bestuurder” 'n werknemer wat deur sy werkgever 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; (48)

(8) „bestuurder van 'n motorvoertuig” 'n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woordomschrywing 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; (34)

(9) „buitewinkelassistent” 'n werknemer wat vir en namens 'n kleinhandelbedryfsinrigting gedurende die gewone werkure in klousule 5 van 'n winkelassistent voorgeskryf van kantoor tot kantoor of van private huis tot private huis gaan om bestellings van persone te vra, aan te vra of te werf vir die verskaffing van goedere aan hulle vir hul eie gebruik of verbruik, en wat geld namens sy bedryfsinrigting kan insamel; (57)

(10) „chauffeur” 'n werknemer wat 'n motorvoertuig bestuur wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgever of van personeel, klante of besoekers; (13)

(11) „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 woordomschrywing omvat die uitdrukking „'n motorvoertuig bestuur” alle tydperke wat hy bestuur en alle tyd wat die bestuurder, terwyl hy in beheer van die voertuig is, aan werk in verband met die voertuig of die vraag bestee; (60)

(12) „deeltydse werknemer” 'n versteller, hoedeversteller, skoonmaker van persele, klerk, uitstaller of 'n winkelassistent wat as sodanig by die week of maand in diens is vir hoogstens 25 gewone werkure in 'n week; (59)

(13) „Eethuiskouerbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om die bedryf te beoefen ten opsigte waarvan die lisensie gespesifiseer in item 9 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), gehou moet word en omvat dit alle werksaamhede wat daarmee in verband staan of daaruit voortspruit; (35)

(14) „faktotum” 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie, installasie of ander uitrusting wat die eiendom van sy werkgever is, uitgesonderd goedere waarin hy handel dryf, en wat ook kleinere herstelwerk of opknappings of onderhoudwerk mag doen aan geboue wat deur sy werkgever geokkuper word maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (42)

(15) „fietsmonteur” 'n werknemer wat een of meer van die volgende pligte of werksaamhede verrig:—

- (a) Fietse of enige onderdele daarvan in die geheel of gedeeltelik van klaarvervaardigde onderdele inmekaar sit;
- (b) fietswiele regstel of finale verstellings aan 'n gemonteerde fiets doen;
- (c) presisielaers, kettings of opgeboude wiele verstel of speke aansit of stywer stel;

en by die toepassing van hierdie woordomschrywing en dié van assistent-fietsmonteur, omvat die uitdrukking „fiets”, 'n fiets, 'n 3-wiel en 'n afleweringsdriewieler deur hand of voet aangedryf en sluit ook in 'n kinderwaentjie, 'n stootwaentjie, 'n bromponie, 'n snelwa, 'n trapkarretjie en enige ander dergelyke kindervoertuig met wiele, of speelgoed wat met die hand of voet aangedryf word; (10)

(16) „handelsreisiger” 'n werknemer, uitgesonderd 'n buitewinkelassistent of 'n versorger-bestellingnemer, wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting vir so 'n inrigting bestellings werf, vra of soek en wat geld mag invorder; (78)

(17) „handelsreisiger, gekwalifiseerd,” 'n handelsreisiger met minstens 4 jaar ondervinding; (79)

(18) „handelsreisiger, ongekwalifiseerd,” 'n handelsreisiger met minder as 4 jaar ondervinding; (80)

(13) „chauffeur” means an employee who is engaged in driving a motor vehicle designed to carry passengers and used for the conveyance of his employer, personnel, clients or visitors; (10)

(14) „clerk” means an employee who is engaged in writing, typing or any other form of clerical work and includes a cashier, a telephone switchboard operator and an operator of an adding, calculating or punch card machine, 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; (24)

(15) „clerk, female, qualified,” means a female clerk who has had not less than 4 years' experience; (25)

(16) „clerk, female, unqualified,” means a female clerk who has had less than 4 years' experience; (26)

(17) „clerk, male, qualified,” means a male clerk who has had not less than 5 years' experience; (27)

(18) „clerk, male, unqualified,” means a male clerk who has had less than 5 years' experience; (28)

(19) „coal” includes coke and charcoal; (47)

(20) „Coal Trade” means the trade in which employers and employees are associated for the sale, distribution and preparation for sale of coal or firewood or both, or for any one or more of these activities; (48)

(21) „Commercial Distributive Trade” means the trade in which employers and employees are associated for the purpose of conducting a shop and includes all operations incidental thereto carried on by such employers and their employees but does not include—

(i) that section of the trade in which is carried on—

(a) the sale or distribution or the sale and distribution by manufacturers (including cereal millers) of the goods manufactured by them; provided that this exclusion shall not apply—

(aa) in respect of the sale or distribution or the sale and distribution of goods from premises situated away from the factory premises and in respect of which one or both of the licences specified in the undermentioned items of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), are required to be held—

(i) Item 10.—Fresh Produce Dealers;

(ii) Item 11.—General Dealer; and

(bb) to a manufacturer's representative through whose activities goods of a manufacturer are sold or distributed or sold and distributed;

(b) the sale or distribution or the sale and distribution of the products of a bake-house from the premises thereof;

(c) the sale or distribution or the sale and distribution of stone, gravel, sand, road material or other similar products; or

(d) the business of a quarry master;

(ii) the business carried on under a wine and malt liquor licence or under the off-consumption privileges of a hotel liquor licence;

(iii) the Catering Trade;

(iv) the Coal Trade;

(v) the Dairy Trade;

(vi) the Liquid Fuel and Oil Trade;

(vii) the Meat Trade;

(viii) the Motor Garage Trade;

(ix) the Newspaper Publishing Trade;

(x) the Eating-house Keeper Trade;

(xi) the Timber Trade; and

(xii) the Wool, Mohair, Hides and Skins Trade; (29)

(22) „commission work” means any system under which a traveller's remuneration is calculated on the value or number of orders submitted by him to and accepted by his employer; (30)

(23) „dairy produce” means, without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk, eggs, honey and ice-cream; (52)

(24) „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; and

(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; (51)

(19) „handelsreisiger se hulp” ’n werknemer wat ’n handelsreisiger vergesel en hom help met die inpak, uitpak of vertoon van sy monsters en wat die motorvoertuig mag bestuur wat die handelsreisiger in die uitvoering van sy werk gebruik; (81)

(20) „hoedeversteller” ’n werknemer wat vroue- of meisiehoede verstel as deel van die verkoop van sodanige hoede vanuit ’n bedryfsinrigting; (4)

(21) „hoedeversteller, gekwalifiseerd,” ’n hoedeversteller met minstens 4 jaar ondervinding; (5)

(22) „hoedeversteller, ongekwalifiseerd,” ’n hoedeversteller met minder as 4 jaar ondervinding; (6)

(23) „hyserbediende,” ’n werknemer wat ’n passasiershysbedien; (45)

(24) „klerk,” ’n werknemer wat skryf, tik of enige ander soort klerklike werk verrig en omvat dit ook ’n kassier, telefoonskalkbordoperateur en ’n bediener van ’n optel-, reken- of ponskaartmasjien maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so ’n werknemer se werk; (14)

(25) „klerk, vrou, gekwalifiseerd,” ’n vroulike klerk met minstens 4 jaar ondervinding; (15)

(26) „klerk, vrou, ongekwalifiseerd,” ’n vroulike klerk met minder as 4 jaar ondervinding; (16)

(27) „klerk, man, gekwalifiseerd,” ’n manlike klerk met minstens 5 jaar ondervinding; (17)

(28) „klerk, man, ongekwalifiseerd,” ’n manlike klerk met minder as 5 jaar ondervinding; (18)

(29) „Kommersiële Distribusiebedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om ’n winkel te dryf en omvat dit alle werksaamhede wat daarmee gepaard gaan wat deur sodanige werkgewer en hul werknemers verrig word, maar omvat dit nie die volgende nie:—

(i) daardie gedeelte van die bedryf waarin die volgende uitgeoefen word:—

(a) Die verkoop of verspreiding of verkoop en verspreiding deur vervaardigers (met inbegrip van graanmeulenaars) van die goedere wat hulle vervaardig: Met dien verstande dat hierdie uitsluiting nie van toepassing is nie—

(aa) ten opsigte van die verkoop of verspreiding of verkoop en verspreiding van goedere vanuit persele weg van die fabriekpersele geleë en ten opsigte waarvan een of albei van die lisensies gespesifiseer in die onderstaande items van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), gehou moet word—

(i) Item 10.—Handelaar in Vars Produkte;

(ii) Item 11.—Algemene Handelaar, en

(bb) op ’n vervaardigersvertegenwoordiger deur wie se aktiwiteite goedere van ’n vervaardiger verkoop of versprei of verkoop en versprei word;

(b) die verkoop of verspreiding of verkoop en verspreiding van die produkte van ’n bakkerij vanuit die perseel daarvan;

(c) die verkoop of verspreiding of verkoop en verspreiding van klip, gruis, sand, padmateriaal of ander soortgelyke produkte; of

(d) die besigheid van ’n steengroefbaas;

(ii) die besigheid wat kragtens ’n wyn- en bierlisensie of die buiteverbruikvoorregte van ’n hotelranklisensie gedryf word;

(iii) die Verversingsbedryf;

(iv) die Steenkoolbedryf;

(v) die Suiwelbedryf;

(vi) die Vloeibare Brandstof- en Oliebedryf;

(vii) die Vleisbedryf;

(viii) die Motorgaragebedryf;

(ix) die Nuusbladuitgewersbedryf;

(x) die Eethuishouerbedryf;

(xi) die Timmerhoutbedryf; en

(xii) die Wol-, Angorahaar-, Huid- en Velbedryf; (21)

(30) „kommissiewerk” ’n stelsel waarvolgens ’n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkgewer voorleë en wat laasgenoemde aanvaar; (22)

(31) „lewende hawe” enige bul, jong bul, koei, vers, os, tollie, kalf, skaap, lam, bok, vark, perd, donkie, wildsbok of enige ander viervoetige dier bedoel vir menslike verbruik, en sluit pluimvee in; (47)

and further includes all work incidental thereto; (51)

(25) “delivery employee, Grade A,” means an employee who is engaged in delivering or conveying letters, messages or goods by means of a motor-driven or assisted bicycle with an engine of a capacity not exceeding 50 cc; (1)

(26) “delivery employee, Grade B,” means an employee who is engaged in delivering or conveying letters, messages or goods on foot or by means of a bicycle, tricycle or other hand or foot propelled vehicle; (2)

(27) “despatch clerk” means an employee who is responsible for receiving goods into or from a store or warehouse or from departments for despatch, and who may supervise and check the duties of a store assistant or an unqualified shop assistant employed in despatch work; (63)

(28) “displayer” means an employee who is wholly or mainly engaged in drawing, painting, making or preparing posters, placards, backgrounds, set-pieces or window, interior or exterior displays; (55)

(29) “displayer, female, qualified,” means a female displayer who has had not less than four years’ experience; (56)

(30) “displayer, female, unqualified,” means a female displayer who has had less than four years’ experience; (57)

(31) “displayer, male, qualified,” means a male displayer who has had not less than 5 years’ experience; (58)

(32) “displayer, male, unqualified,” means a male displayer who has had less than 5 years’ experience; (59)

(33) “displayer’s assistant” means an employee who, under the direction and in accordance with the specific detailed instructions of a displayer, is engaged in any one or more of the following activities:—

(a) ground painting to outlines or other demarcated limits indicated by a displayer on posters, placards or other displays;

(b) cutting out or assembling posters, placards or other materials comprising set pieces or other displays designed by the displayer; (60)

(34) “driver of a motor vehicle” means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition “driving a motor vehicle” includes all periods of driving and any time spent by the driver on work connected with the motor vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (8)

(35) “Eating-house Keeper Trade” means the trade in which employers and employees are associated for the purpose of carrying on the trade in respect of which the licence specified in item 9 of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), is required to be held and includes all activities incidental thereto or consequent thereon; (13)

(36) “emergency work” means—

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

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

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

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

(c) any work in connection with the provisioning of ships; or

(d) any work in connection with the guarding of premises or property for security reasons during building operations or structural alterations; (39)

(37) “establishment” means any premises in or in connection with which one or more employees are employed in the Commercial Distributive Trade; (6)

(38) “experience” means—

(a) in relation to an alteration hand, the total period or periods of employment which an employee has had in any trade as an alteration hand, dressmaker, tailor or invisible mender;

(b) in relation to an alteration milliner, the total period or periods of employment which an employee has had in any trade as an alteration milliner or milliner;

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

(i) dat, as ’n werkgewer ’n werknemer ten opsigte van sodanige gewone werkure 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; (84)

(33) „los werknemer” ’n werknemer wat hoogstens 3 dae in ’n week by dieselfde werkgewer in diens is, behalwe in ’n week waarin die einde van ’n maand op ’n werkdag val, in welke geval so ’n werknemer in daardie week vir dieselfde werkgewer vir soveel as 3 dae tot en met die laaste dag van daardie maand en vir soveel as 3 dae in die volgende maand kan werk, maar so dat sodanige werknemer nie meer as 5 dae in sodanige week vir dieselfde werkgewer werk nie; (11)

(34) „maandelikse werknemer” ’n werknemer wat by die maand besoldig word; (53)

(35) „magasynman” ’n werknemer wat beheer het oor voorrade en wat daarvoor verantwoordelik is om goedere in ’n magasyn of pakhuis te ontvang, op te berg, te versamel, te verpak of uit te pak en om goedere uit ’n magasyn of pakhuis aan afdelings of vir versending te lewer; (73)

(36) „monteur” ’n werknemer, uitgesonderd ’n fietsmonteur of ’n assistent-fietsmonteur wat meganiese of elektriese toestelle of apparate of enige onderdele daarvan in die geheel of gedeeltelik van klaarvervaardigde onderdele inmeekaarsit; (7)

(37) „Motorgaragebedryf” die besigheid wat beoefen word deur ’n werkgewer in ’n winkel—

(a) ten opsigte waarvan daar van hom vereis word om ’n motorgaragelisenis ingevolge item 15 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), te hou, of ’n algemene handelaarslisenis ingevolge item II van Deel I van die Tweede Bylae van gemelde Wet te hou, en waarin die werkgewer uitsluitlik of hoofsaaklik een of meer van of al die volgende artikels of ware verkoop, naamlik motorvoertuie, bybehore vir motorvoertuie, onderdele en reserwedele vir motorvoertuie, of dit nuut is of nie, of petrol of olie;

(b) wat uitsluitlik of hoofsaaklik gebruik word vir die kleinhandelverkope van petrol of olie of albei;

(c) waarin of waaruit hy gebruikte reserwedele verkoop wat verkry is van gebruikte voertuie wat hy uitmekaar gehaal het, afgesien daarvan of sulke gebruikte reserwedele alleen verkoop word of saam met nuwe reserwedele of bybehore; (54)

(38) „motorvoertuig” uitgesonderd in die woordomskrif van „chauffeur” en „handelsreisiger se assistent”, enige kragaangedrewe voertuig met ’n masjienvermoë van meer as 50 c.c. wat gebruik word vir die vervoer van goedere en omvat dit ook ’n voorhaker maar nie ’n mobiele hystoestel nie; (55)

(39) „noodwerk”—

(a) enige werk wat weens onvoorsiene omstandighede soos ’n brand, storm, ongeluk, epidemie, gewelddaad, diefstal, of ’n onklaarraking van installasie, motorvoertuie of masjinerie sonder versuim gedoen moet word;

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

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

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

(c) enige werk in verband met die proviandering van skepe; of

(d) enige werk in verband met die bewaking van persele of eiendom vir veiligheidsredes tydens bouwerkzaamhede of verbouings; (36)

(e) in relation to a clerk, displayer or shop assistant, the total period or periods of employment which an employee has had in any trade or in the service of the State as a clerk, displayer or a shop assistant: Provided—

(i) that any period or periods of employment in excess of 3 years in any 1 or 2 of these occupations in the aggregate shall not be reckoned as employment in any other of these occupations;

(ii) that any period or periods of employment which an employee has had as a supervisor shall be deemed as employment as a shop assistant;

(iii) that any period or periods of employment not exceeding 2 years which an employee has had as a store assistant shall be deemed as employment as a shop assistant; and

(iv) that only one half of the period or periods of employment which an employee has had as a part-time employee shall be reckoned as employment as an alteration hand, alteration milliner, clerk, displayer or shop assistant, as the case may be;

(d) in relation to a service supply salesman or traveller the total period or periods of employment which an employee has had in any trade as a service supply salesman or traveller, respectively;

and includes in the case of an employee of any of the classes mentioned in (a) to (d), who as an employer performed the work of such class, the total period or periods during which such employee as an employer performed the work of such class: Provided that for the purpose of this definition the expression “employment” shall be deemed to include any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice and also any period or periods during which an employee is absent—

(i) on leave in terms of clause 6;

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

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

(iv) with the consent or condonation of his employer;

(v) for any other reason not being in breach of the contract of employment;

(vi) undergoing military training in pursuance of the Defence Act, 1957;

amounting in the aggregate in any period of 12 months to not more than 10 weeks in respect of items, (i), (ii), (iii), (iv) and (v), plus up to 4 months of any military training undergone in that period of 12 months; (42)

(39) “general worker” means an employee who is engaged in any one or more of the following activities or capacities:—

(a) Affixing postage stamps on letters, parcels or other articles for posting or using a manually operated franking machine;

(b) affixing printed or ready addressed labels onto bottles, bales, boxes or other packages;

(c) assembling boxes from shooks by hand;

(d) assisting on delivery vehicles;

(e) breaking up scrap metal, including cutting scrap metal by any means;

(f) carrying, moving or stacking goods, other than by mobile hoist, or unpacking goods;

(g) changing wheels or repairing punctures;

(h) cleaning premises or vehicles, furniture, utensils, filter presses, machinery, implements, tools or other articles, on his employer's premises;

(i) cleaning or plucking poultry;

(j) cleaning, scaling, filleting, cutting or slicing fish;

(k) collecting cash in the case of C.O.D. sales or accepting written orders;

(l) cutting, by hand to predetermined mark in relation to goods sold in the establishment, paper, samples, linoleum, curtain rods, netting wire, wire or other articles or commodities;

(m) delivery employee, Grade B;

(n) feeding into or drawing off from vats, tanks or other containers;

(40) „Nuusbladuitgewersbedryf” die bedryf ten opsigte waarvan ’n werkgewer ’n nuusbladuitgewerslisensie moet hou ingevolge item 5 van die Eerste Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962); (36)

(41) „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 driewielige motorfiets, bromponie of bromfiets of trapfiets met hulpmotor waarvan die enjinvermoë hoogstens 50 c.c. is, die onbelaste gewig geag word hoogstens 1,000 lb. te wees; (83)

(42) „ondervinding” —

(a) met betrekking tot ’n versteller, ’n werknemer se totale dienstydperk of -tydperke in enige bedryf as ’n versteller, kleremaakster, kleremaker, of fynstopper;

(b) met betrekking tot ’n hoedeversteller, ’n werknemer se totale dienstydperk of -tydperke in enige bedryf as ’n hoedeversteller of hoedemaker;

(c) met betrekking tot ’n klerk, uitstaller, of winklassistent, ’n werknemer se totale dienstydperk of -tydperke in enige bedryf of in diens van die Staat as ’n klerk, uitstaller of ’n winklassistent. Met dien verstande dat—

(i) enige dienstydperk of -tydperke van langer as 3 jaar altesaam in 1 of 2 van hierdie beroepe nie as diens in enige ander van hierdie beroepe gereken word nie;

(ii) ’n werknemer se dienstydperk of -tydperke as opsigter, as diens as ’n winklassistent geag word;

(iii) hoogstens 2 jaar van ’n werknemer se dienstydperk of -tydperke as pakhuisassistent, as diens as ’n winklassistent geag word; en

(iv) slegs 1 helfte van ’n werknemer se dienstydperk of -tydperke as deeltydse werknemer as ’n versteller, hoedeversteller, klerk, uitstaller of winklassistent, na gelang van die geval, as diens gereken word.

(d) met betrekking tot ’n versorger-bestellingnemer of handelsreisiger, ’n werknemer se totale dienstydperk of -tydperke in enige bedryf onderskeidelik as versorger-bestellingnemer of as handelsreisiger;

en omvat dit ook in die geval van ’n werknemer in enigen van die klasse in (a) tot (d) genoem, wat as ’n werkgewer die werk van sodanige klas verrig het, die totale tydperk of tydperke waarin sodanige werknemer as ’n werkgewer die werk van sodanige klas verrig het: Met dien verstande dat by die toepassing van hierdie woordskrywing die uitdrukking „diens” geag word enige tydperk in te sluit ten opsigte waarvan ’n werkgewer, ingevolge klousule 12, ’n werknemer betaal in plaas van kennis te gee, en ook enige tydperk of tydperke waarin ’n werknemer afwesig is—

(i) met verlof ingevolge klousule 6;

(ii) met siekteverlof ingevolge klousule 7;

(iii) op las of op versoek van sy werkgewer;

(iv) met die toestemming of kondonering van sy werkgewer;

(v) om enige ander rede wat nie ’n verbreking van die dienskontrak meebring nie;

(vi) terwyl hy militêre opleiding ondergaan ingevolge die Verdedigingswet, 1957;

en wat in enige tydperk van 12 maande altesaam hoogstens 10 weke ten opsigte van items (i), (ii), (iii), (iv) en (v) beloop, plus hoogstens 4 maande militêre opleiding wat gedurende daardie tydperk van 12 maande ondergaan is; (38)

(43) „opsigter” ’n werknemer wat toesighoudende beheer uitoefen oor minstens 6 winklassistente en wat daarvoor verantwoordelik is dat hulle hul pligte behoorlik nakom; (75)

(44) „pakhuisassistent” ’n werknemer wat onder toesig van en onderworpe aan nagaan deur ’n winklassistent of versendingsklerk voorrade aanvul en merk of goedere versamel of versend, en wat goedere vir versending of aflewering kan verpak of weeg of pakke merk of adresseer of goedere ontvang wat by die bedryfsinrigting afgelewer word, en by die toepassing van hierdie woordskrywing beteken die uitdrukking „goedere versamel” om goedere ooreenkomstig ’n skriftelike bestelling, lys of opdrag byeen te bring en kan die gee van mondelinge bevels aan ’n algemene werker om sulke goedere te gaan haal, te dra, te laai of op te stapel, insluit; (71)

(o) feeding or taking off from automatic or semi-automatic machines, moving belt or platform;

(p) filling, capping, corking or labelling bottles or other containers by hand or non-power-driven machines;

(q) folding or enveloping mail;

(r) grading eggs according to size;

(s) guarding movable property during the business hours of an establishment;

(t) loading or unloading vehicles;

(u) making or maintaining fires or removing refuse or ashes;

(v) making tea or similar beverages for, or serving tea or similar beverages to, employees or his employer or guests;

(w) marking, branding or stencilling bales, tins, boxes or other packages by hand;

(x) melting scrap lead;

(y) mending bags or sacks by hand;

(z) mixing previously weighed or otherwise determined ingredients of animal or poultry foods by hand;

(aa) nailing boxes by hand or repairing boxes or crates;

(ab) oiling or greasing machinery or vehicles, other than motor vehicles;

(ac) opening or closing doors or windows or bales, boxes or other packages;

(ad) operating a goods lift or hoist, other than a mobile hoist;

(ae) packing articles of uniform size and number into containers specially designed to contain such articles, or packing articles or specific groups of articles into containers specially designed to contain such articles or groups of articles, or packing articles into open containers for local delivery, or packing fish;

(af) repetition weighing to predetermined weight or repetition measuring to predetermined measure;

(ag) setting-up or dismantling, by hand, corrugated or fibre board boxes or similar containers;

(ah) sorting empty bags, bottles or other containers;

(ai) sorting packages, parcels or stencils or wrapping parcels;

(aj) strapping or wiring boxes;

(ak) tending, cleaning, feeding, harnessing or unharnessing animals;

(al) using rubber or other stamps, involving no discretion;

(am) washing overalls, uniforms or protective clothing; (3)

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

(a) Bicycle assembler;

(b) cask testing;

(c) driving, only, hoops onto casks;

(d) entering tanks or vats to clean them;

(e) lift attendant;

(f) mending or altering, by hand or machine, second-hand clothing for sale;

(g) mobile hoist operator;

(h) operating a portable pump;

(i) operating any power-driven machine not specifically otherwise mentioned in this clause;

(j) pulp filter attendant;

(k) repetitive marking of uniform prices on goods by means of a rubber stamp or other marking device, under supervision;

(l) sighting or light testing in the liquor trade;

(m) shortening hoops; (77)

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

(a) addressograph operator;

(b) assembler;

(c) assistant bicycle assembler;

(d) bag mender;

(45) „sakheelmaker” ’n werknemer wat sakke met ’n masjien heelmaak waar sodanige heelmaak deel is van die verkoop van die sakke of goedere wat daarin verpak word; (9)

(46) „sleepwa” ’n vervoermiddel wat deur ’n motorvoertuig getrek word; (77)

(47) „steenkool” ook kooks en houtskool; (19)

(48) „Steenkoolbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die verkoop, verspreiding en voorbereiding vir verkoop van steenkool of brandhout of albei, of vir een of meer van hierdie werksaamhede; (20)

(49) „stryker” ’n werknemer wat strykwerk verrig; (43)

(50) „stukwerk” ’n stelsel waarvolgens ’n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (61)

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

(a) volmelk; en

(b) enigeen 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; (24)

(52) „suiwelprodukte” sonder om die gewone betekenis van die uitdrukking te beperk, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjmelk, suurmilk, eiers, heuning en roomys; (23)

(53) „Timmerhoutbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir een of meer van of vir al die volgende doeleindes, naamlik die verkoop, verspreiding en voorbereiding vir verkoop van een of meer of van al die volgende artikels, naamlik timmerhout, hout en afvalprodukte van die bewerking van timmerhout of hout, of albei; (76)

(54) „uniform” ’n kledingstuk of kledingstukke van bepaalde kleur of ontwerp; (82)

(55) „uitstaller” ’n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die teken, verf, maak of voorbereiding van aanplakbiljette, plakkate, agtergrond, décorstukke of venster-, binne- of buite-uitstallings; (28)

(56) „uitstaller, vrou, gekwalifiseerd,” ’n vroulike uitstaller met minstens 4 jaar ondervinding; (29)

(57) „uitstaller, vrou, ongekwalifiseerd,” ’n vroulike uitstaller met minder as 4 jaar ondervinding; (30)

(58) „uitstaller, man, gekwalifiseerd,” ’n manlike uitstaller met minstens 5 jaar ondervinding; (31)

(59) „uitstaller, man, ongekwalifiseerd,” ’n manlike uitstaller met minder as 5 jaar ondervinding; (32)

(60) „uitstaller se assistent” ’n werknemer wat, onder die leiding en ooreenkomstig die spesifieke gedetailleerde opdragte van ’n uitstaller, een of meer van die volgende werksaamhede verrig:—

(a) grondverf aansit volgens buitelyne of ander afgebakende perke wat ’n uitstaller op aanplakbiljette, plakkate of ander uitstallings aangedui het;

(b) die uitsny van aanmeakaarsit van aanplakbiljette, plakkate of ander stof wat décorstukke omvat of ander uitstallings uitmaak wat deur ’n uitstaller ontwerp is; (33)

(61) „verblyftoelae” ’n toelae wat bedoel is om die addisionele lewensonkoste te bestry wat ’n werknemer vanweë sy afwesigheid van sy huis of woonplek aangaan; (74)

(62) „verpakker” ’n werknemer wat goedere vir vervoer of aflewering verpak, uitgesonderd die verpakking in die woord-omskrywing „algemene werker” vermeld; (58)

(63) „versendingsklerk” ’n werknemer wat verantwoordelik is vir die ontvangs van goedere in of vanuit ’n magasyn of pakhuys of van afdelings vir versending, en wat oor die pligte van ’n pakhuysassistent of ’n ongekwalifiseerde winklassistent in diens in versendingswerk toesig kan hou en dit kan nagaan; (27)

(e) delivery employee, grade A;

(f) driver of an animal-drawn vehicle;

(g) duplicating machine operator;

(h) packer;

(i) watchman;

(j) weighing up for stock, other than a general worker; (78)

(42) “handyman” means an employee who is engaged in making minor repairs or adjustments to machinery, plant or other equipment being the property of his employer, other than goods dealt in by him, and who may effect minor repairs or renovations to or maintenance work on buildings occupied by his employer but who does not do work normally performed by an artisan; (14)

(43) “ironer” means an employee who is engaged in ironing; (49)

(44) “law” includes the common law; (79)

(45) “lift attendant” means an employee who is engaged in operating a passenger lift; (23)

(46) “Liquid Fuel and Oil Trade” means the trade in which employers and employees are associated for the purpose of receiving, packing, filling, storing, delivering, distributing or selling by wholesale or in bulk, as the case may be, of—

(a) any form of liquid fuel used for the purpose of driving internal combustion engines;

(b) any form of lubricating oil or grease;

(c) any form of oil, grease or product derived from oil if distributed by an employer engaged in (a);

and includes all operations incidental to or consequent on any of the aforesaid activities but does not include any of the activities specified if carried on on the same premises by an employer in conjunction with some other trade or trades in which his employees on such premises, taken collectively, are mainly engaged; (74)

(47) “livestock” means any bull, bullock, cow, heifer, steer, tollie, calf, sheep, lamb, goat, pig, horse, donkey game or other quadruped intended for human consumption and includes poultry; (31)

(48) “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; (7)

(49) “manufacturer’s representative” means any person, other than an employee of a manufacturer, who as the agent of, or otherwise on behalf of, a manufacturer—

(a) stores, displays or keeps for sale, goods manufactured by the manufacturer, or stores, displays or keeps samples of such goods;

(b) obtains or receives, in any manner whatsoever, orders from persons for the purchase by them of the manufacturer’s goods;

(c) executes the orders referred to in paragraph (b) or transmits such orders to the manufacturer for acceptance or otherwise; (70)

(50) “meat” means meat intended for human consumption and includes game, horse meat, donkey meat, rabbit meat and poultry; (72)

(51) “Meat Trade” means—

(a) the slaughtering of livestock;

(b) the handling, preparation, preservation, sale or distribution of meat by any person who, in terms of a proclamation published in terms of section 22 of the Marketing Act, 1937 (Act No. 26 of 1937), is required to be registered with the Livestock and Meat Industries Control Board or who is required to hold a wholesale or retail butcher’s licence in terms of item 6 of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962);

(64) „versorger-bestellingnemer” ’n werknemer wat uitsluitlik of hoofsaaklik implemente, masjinerie, uitrusting of toestelle van sy werkgever se klante olie, smeer, skoonmaak of stel, en wat daarbenewens—

(a) bestellings kan neem vir die verskaffing van sodanige implemente, masjinerie, uitrusting of toestelle of bybehore of materiaal wat gebruik word in verband met sodanige implemente, masjinerie, uitrusting of toestelle;

(b) sodanige implemente, masjinerie, uitrusting of toestelle op die klant se perseel kan heelmaak; of

(c) geld kan invorder; (62)

(65) „versorger-bestellingnemer, gekwalifiseerd,” ’n versorger-bestellingnemer met minstens 4 jaar ondervinding; (63)

(66) „versorger-bestellingnemer, ongekwalifiseerd,” ’n versorger-bestellingnemer met minder as 4 jaar ondervinding; (64)

(67) „versteller” ’n werknemer wat enige mans-, vroue- of kinderkledingstukke, uitgesonderd gebruikte kledingstukke, verstel of heelmaak as deel van die verkoop van sodanige artikels vanuit ’n bedryfsinrigting; (1)

(68) „versteller, gekwalifiseerd,” ’n versteller met minstens 4 jaar ondervinding; (2)

(69) „versteller, ongekwalifiseerd,” ’n versteller met minder as 4 jaar ondervinding; (3)

(70) „vervaardigersverteenvoorder” enige persoon, uitgesonderd ’n werknemer van ’n vervaardiger, wat as die agent van of andersins namens ’n vervaardiger—

(a) goedere wat deur die vervaardiger vervaardig is, bêre, uitstal of hou vir verkoop, of monsters van sodanige goedere bêre, uitstal of hou;

(b) op enige wyse hoegenaamd bestellings van persone verkry of ontvang vir die koop deur hulle van die vervaardiger se goedere;

(c) die bestellings in paragraaf (b) genoem uitvoer, of sodanige bestellings aan die vervaardiger oordra vir aanname of andersins; (49)

(71) „Verversingsbedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om etes of verversings (hetsy in die vorm van vloeiistowwe of in ander vorms), of beide sodanige etes en verversings volgens bestelling te berei of te bedien in of vanuit enige bedryfsinrigting of gedeelte daarvan, hetsy permanent, tydelik, binnens- of buitenshuis, en dit sluit sodanige bedrywighede in wanneer uitgeoefen in of vanuit een of meer klasse persele of gedeeltes daarvan—

(a) wat as openbare restaurants, kafees of teekamers gebruik word;

(b) waar etes of nie-alkoholiese drankie of beide sodanige etes en drankie bedien word;

(c) waar spuit- of mineraalwaterdranke in drinkglase of ander houers vir gebruik op die perseel verskaf word;

(d) waarin bogenoemde bedrywighede uitgeoefen word in of in verband met enige teater, bioskoop, bioskoopteekamer of ander onthaal of funksie;

en sluit ook in die verskaffing van alkoholiese drank in al sulke bedryfsinrigtings of op al sulke persele ooreenkomstig ’n drank-lisensie wat ingevolge die Drankwet, 1928, deur sulke werkgewers gehou word, maar dit sluit nie hotelle, inrigtings wat uitsluitlik kragtens ’n wyn- en bierlisensie handel dryf, losieshuise of persele of gedeeltes van persele waar etes of verversings of beide sodanige etes en verversings verskaf word vir gebruik weg van die persele, in nie; en omvat dit alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspruit; (12)

(72) „vleis” vleis wat vir menslike verbruik bedoel is, en sluit in wilds-, perde-, donkie- en konynvleis asook pluimvee; (50)

(73) „Vleisbedryf”—

(a) die slag van lewende hawe;

(b) die hantering voorbereiding, preservering, verkoop of verspreiding van vleis deur enige persoon van wie ingevolge ’n proklamasie gepubliseer ingevolge artikel 22 van die Bemarkingswet, 1937 (Wet No. 26 van 1937) vereis

and includes all operations incidental to or consequent on any of the aforesaid activities; (73)

(52) “mobile hoist operator” means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading, moving or stacking of goods; (5)

(53) “monthly employee” means an employee who is paid by the month; (34)

(54) “Motor Garage Trade” means the business carried on by an employer in a shop—

(a) in respect of which he is required to hold a motor garage licence under item 15 of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), or a general dealer’s licence under item 11 of Part I of the Second Schedule to the said Act and in which business the employer is wholly or mainly engaged in selling one or more or all of the following articles or commodities, namely, motor vehicles, motor vehicle accessories, parts or spares, whether new or not, or petrol or oil;

(b) which is used wholly or mainly for the retail sale of petrol or oil or both;

(c) in which or from which he sells used spare parts obtained from used motor vehicles broken up by him, whether or not such used spare parts are sold alone or in conjunction with new spare parts or accessories; (37)

(55) “motor vehicle” except in the definitions “chauffeur” and “traveller’s assistant”, means any power-driven vehicle with an engine capacity exceeding 50 cc used for conveying goods and includes a mechanical horse but does not include a mobile hoist; (38)

(56) “Newspaper Publishing Trade” means the trade carried on by an employer in respect of which he is required to hold a newspaper publisher’s licence under item 5 of the First Schedule to the Licences Act, 1962 (Act No. 44 of 1962); (40)

(57) “outside shop assistant” means an employee who, for and on behalf of a retail establishment, is engaged, during the ordinary hours of work prescribed for a shop assistant in clause 5, in an office-to-office or private house-to-house round, inviting, soliciting or canvassing orders from persons for the supply of goods for their own use or consumption and who may collect money on behalf of his establishment; (9)

(58) “packer” means an employee who is engaged in packing goods for transport or delivery, other than the packing referred to in the definition “general worker”; (62)

(59) “part-time employee” means an alteration hand, alteration milliner, cleaner of premises, clerk, displayer or a shop assistant who is employed as such by the week or month for not more than 25 ordinary hours of work in any week; (12)

(60) “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; (11)

(61) “piece-work” means any system under which an employee’s remuneration is based on the quantity of work done; (50)

(62) “service supply salesman” means an employee who is wholly or mainly engaged in oiling, greasing, cleaning or adjusting implements, machinery, equipment or appliances of his employers’ customers, and who may in addition—

(a) take orders for the supply of any such implements, machinery, equipment or appliances or accessories or material for use in connection with such implements, machinery, equipment or appliances;

(b) repair any such implements, machinery, equipment or appliances on the customer’s premises; or

(c) collect money; (64)

(63) “service supply salesman, qualified,” means a service supply salesman who has had not less than 4 years’ experience; (65)

word om by die Raad van Beheer oor die Vee- en Vleis-nywerhede geregistreer te wees of van wie dit vereis word om 'n groothandel- of kleinhandelslagterslisensie ingevolge item 6 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962) te hou;

en omvat dit alle werksaamhede wat met enigene van voormelde bedrywighede in verband staan of daaruit voortspruit; (51)

(74) „Vloeibare Brandstof- en Oliebedryf” die bedryf waarin werkgewers en werknemers met mekaar geassosieer is vir die ontvangs, verpakking, vul, opberging, aflewering, verspreiding of verkoop in die groothandel of by die groot maat, na gelang van die geval, van—

(a) enige vorm van vloeibare brandstof wat gebruik word vir die aandrywing van binnebrandmotore;

(b) enige vorm van smeerolie of ghries;

(c) enige vorm van olie, ghries of 'n produk wat uit olie verkry word, indien versprei deur 'n werkgewer betrokke by (a);

en omvat dit alle werksaamhede wat met enigene van voormelde bedrywighede in verband staan of daaruit voortspruit, maar omvat dit nie enigene van genoemde werksaamhede nie, indien deur 'n werkgewer op dieselfde perseel uitgeoefen saam met enige ander bedryf of bedrywe waarin sy werknemer op sodanige persele, as geheel geneem, hoofsaaklik werksaam is; (46)

(75) „wag” 'n werknemer, uitgesonderd 'n algemene werker, wat persele of ander vaste of roerende eiendom bewaak; (85)

(76) „weeklikse werknemer” 'n werknemer wat by die week betaal word; (86)

(77) „werknemer, graad I,” 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede in diens is:—

(a) Fietsmonteur;

(b) vate toets;

(c) slegs hoepels om vate sit;

(d) tenks of vate binnegaan om hulle skoon te maak;

(e) hyserbediende;

(f) heelmaak of verstel van gebruikte klere met die hand of masjien;

(g) bediener van 'n mobiele hystoestel;

(h) 'n draagbare pomp bedien;

(i) enige kragangedrewe masjien bedien wat nie andersins spesifiek in hierdie klousule vermeld word nie;

(j) pulpfilterbediener;

(k) onder toetsig, met 'n rubberstempel of ander toestel een-vormige pryse herhaaldelik op goedere aanbring;

(l) in die drankbedryf met die oog of met lig toets;

(m) hoepels korter maak; (40)

(78) „werknemer, graad II,” 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede in diens is:—

(a) Adresseermasjienbediener;

(b) monteur;

(c) assistent-fietsmonteur;

(d) sakheelmaker;

(e) afleweringswerknemer, graad A;

(f) drywer van 'n diervoertuig;

(g) dupliseermasjienbediener;

(h) verpakker;

(i) wag;

(j) vir voorraad afweeg, uitgesonderd 'n algemene werker; (41)

(79) „Wet” ook die gemene reg; (44)

(80) „winkel”—

(a) enige perseel of enige gedeelte van 'n perseel waarheen persone uitgenooi of waarin persone toegelaat word vir die koop, uitgesonderd per openbare veiling, van die goedere wat daarin of daarop vir verkoop uitgestal of aangebied word, of goedere van die soort wat aldus vir verkoop uitgestal of aangebied word;

(b) enige perseel of gedeelte daarvan waarin of vanwaar die goedere in paragraaf (a), genoem gebêre, uit- of ingepak, afgelewer of versend word aan die persone in paragraaf (a) bedoel wat sulke goedere koop;

(64) “service supply salesman, unqualified,” means a service supply salesman who has had less than 4 years' experience; (66)

(65) “shop” means—

(a) any premises or any portion of any premises to which persons are invited or admitted for the purpose of purchasing, otherwise than by public auction, the goods displayed or offered therein or thereon for sale, or goods of the type so displayed or offered for sale;

(b) any premises or portion thereof in which or from which the goods referred to in paragraph (a) are stored, unpacked or packed, delivered or despatched to persons referred to in paragraph (a) purchasing such goods;

(c) any premises in which goods are stocked and from which wholesale orders are executed for the supply of such goods to customers whether for re-sale or otherwise;

(d) any premises in which goods are stocked and from which retail orders for the supply of such goods are executed;

(e) any immovable premises in or on which a manufacturer's representative carries on his business as such and in which the goods for sale or samples of such goods are stored, displayed or kept;

but it does not include the business of a hawker or pedlar as carried on by persons who are required to hold a licence in terms of items 12 and 19, respectively, of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962); (80)

(66) “shop assistant” means an employee who is engaged in one or more of the following duties, namely:—

(a) Attending to customers in an establishment;

(b) displaying goods;

(c) keeping and controlling stock; or

(d) assembling orders;

and who may supervise a store assistant and includes a demonstrator, a despatch clerk, an outside shop assistant, a storeman, a store detective and a ticket writer and it further includes an employee in a self-service establishment who is responsible for the stocking of gondolas and for requisitioning for stocks for such stocking; and for the purpose of this definition the expression “assembling orders” means the bringing together of goods in the execution of a customer's order where this involves a discretion in the selection of the goods according to quality or the customer's description; (81)

(67) “shop assistant, female, qualified,” means a female shop assistant who has had not less than 4 years' experience; (82)

(68) “shop assistant, female, unqualified,” means a female shop assistant who has had less than 4 years' experience; (83)

(69) shop assistant, male, qualified,” means a male shop assistant who has had not less than 5 years' experience; (84)

(70) “shop assistant, male, qualified,” means a male shop assistant who has had less than 5 years' experience; (85)

(71) “store assistant” means an employee who, under the supervision of and subject to checking by a shop assistant or despatch clerk, replenishes and marks stocks or assembles or despatches goods, and who may pack or weigh goods for despatch or delivery or mark or address packages or receive goods on delivery to the establishment, and for the purpose of this definition the expression “assembles goods” means the bringing together of goods in accordance with a written order, list or instruction and may include the giving of verbal orders to a general worker to fetch, carry, load or stack such goods; (44)

(72) “store detective” means an employee who during hours of business keeps watch on the goods within an establishment for pilfering, who follows the movements of any suspected persons, who detains and interrogates such persons and who investigates the circumstances; (86)

(73) “storeman” means an employee who is in charge of stores and who is responsible for receiving, storing, assembling, packing or unpacking goods in a store or warehouse and for delivering goods from a store or warehouse to departments or for despatch; (35)

(74) “subsistence allowance” means an allowance which is intended to defray the additional living expenses incurred by an employee by reason of his absence from his home or place of residence; (61)

(c) enige perseel waarin goedere in voorraad gehou word en vanwaar groothandelbestellings uitgevoer word vir die lewering van sulke goedere aan klante vir herverkoop of andersins;

(d) enige perseel waarin goedere in voorraad gehou word en vanwaar kleinhandelbestellings vir die lewering van sulke goedere uitgevoer word;

(e) enige vaste perseel waarin of waarop 'n vervaardigers-vertegenwoordiger sy besigheid as sodanig beoefen en waarin die goedere vir verkoop of monsters daarvan gebêre, uitgestal of gehou word;

saam dit sluit nie die besigheid van 'n marskramer of venter soos uitgeoefen deur persone van wie dit verci word om 'n lisensie ingevolge items 12 en 19, onderskeidelik, van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), te hou, in nie; (65)

(81) „winkelassistent” 'n werknemer wat een of meer van die volgende pligte vervul, naamlik:—

- (a) Klante in 'n bedryfsinrigting bedien;
- (b) goedere uitstal;
- (c) voorraad hou en beheer; of
- (d) bestellings opmaak;

en wat toesig oor 'n winkelassistent kan hou, en omvat 'n demonstrateur, 'n versendingsklerk, 'n buitewinkelassistent, 'n magasynman, 'n winkelspeurder en 'n kaartjieskrywer, en dit sluit verder ook 'n werknemer in 'n selfbedieningsbedryfsinrigting in wat verantwoordelik is vir die aanva en plasing van voorrade in eilandrakke („gondolas”); en by die toepassing van hierdie woordomskriving beteken die uitdrukking „bestellings opmaak” die byeenbring van goedere deur 'n werknemer wat klante se bestellings uitvoer waar dit 'n onderskeidingsvermoë insluit by die uitsoek van die goedere volgens die gehalte of die klant se beskrywing; (66)

(82) „winkelassistent, vrou, gekwalifiseerd,” 'n vroulike winkelassistent met minstens 4 jaar ondervinding; (67)

(83) „winkelassistent, vrou, ongekwalifiseerd,” 'n vroulike winkelassistent met minder as 4 jaar ondervinding; (68)

(84) „winkelassistent, man, gekwalifiseerd,” 'n manlike winkelassistent met minstens 5 jaar ondervinding; (69)

(85) „winkelassistent, man, ongekwalifiseerd,” 'n manlike winkelassistent met minder as 5 jaar ondervinding; (70)

(86) „winkelspeurder” 'n werknemer wat gedurende besigheidsure oog hou oor die goedere binne 'n bedryfsinrigting om stelery te voorkom, wat die bewegings van verdagte persone volg, wat sulke persone aanhou en ondervra en wat die omstandighede ondersoek; (72)

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

Die ontvangs, sortering, gradering, weeg, katalogisering, bemarking, toemaak, pers, berging of verskeping van wol, huide, velle of angorahaar; die droogmaak of preserving van huide of velle; die skeer of aftrek van wol, hare of angorahaar van huide of velle;

en omvat dit verder alle werksaamhede wat met enigeen van voormelde bedrywighede in verband staan of daaruit voortspuit; (87)

(2) By die toepassing van hierdie Vastelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. BESOLDIGING.

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

- (a) Werknemers uitgesonderd dié in (b) en (c) genoem.

(75) “supervisor” means an employee who is in supervisory control of at least 6 shop assistants and who is responsible for the efficient performance by them of their duties; (43)

(76) “Timber Trade” means the trade in which employees and employers are associated for any one or more or all of the following purposes, namely the sale, distribution and preparation for sale of any one or more or all of the following articles, namely, timber, wood and waste products from the processing of timber or wood, or both; (53)

(77) “trailer” means any conveyance drawn by a motor vehicle; (46)

(78) “traveller” means an employee, other than an outside shop assistant or a service supply salesman, who as a travelling representative of an establishment invites, canvases or solicits orders on behalf of such establishment and who may collect money; (16)

(79) “traveller, qualified,” means a traveller who has had not less than 4 years' experience; (17)

(80) “traveller, unqualified,” means a traveller who has had less than 4 years' experience; (18)

(81) “traveller's assistant,” means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples and who may drive the motor vehicle used by the traveller in the performance of his duties; (19)

(82) “uniform” means any article or articles of wearing apparel of specified colour or design; (54)

(83) “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 motorcycle or cycle fitted with an auxiliary engine with an engine capacity exceeding 50 cc the unladen weight shall be deemed not to exceed 1,000 lb; (41)

(84) “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; (32)

(85) “watchman” means an employee, other than a general worker, who is engaged in guarding premises or other immovable or movable property; (75)

(86) “weekly employee” means an employee who is paid by the week; (76)

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

Receiving, sorting, grading, weighing, cataloguing, marketing, closing, pressing, storing or shipping of wool, hides, skins or mohair; curing or preserving of hides or skins; shearing or pulling off wool, hair or mohair from hides or skins; and further includes all operations incidental to or consequent on any of the aforesaid activities. (87)

(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 those referred to in (b) and (c)

(i)

	In alle gebiede.	
	Per maand.	Per week.
	R	R
Versteller..... } gekwalifiseerd.....	82.00	18.92
Hoedeversteller... }		
Versteller..... } ongekwalifiseerd—		
Hoedeversteller... }		
gedurende eerste jaar ondervinding.....	48.00	11.08
gedurende tweede jaar ondervinding.....	56.50	13.04
gedurende derde jaar ondervinding.....	65.00	15.00
gedurende vierde jaar ondervinding.....	73.50	16.96
gedurende vyfde jaar ondervinding.....	52.00	12.00
Chaufeur.....	82.00	18.92
Klerk, vrou..... } gekwalifiseerd.....		
Winkelassistent, vrou..... }		
Klerk, vrou..... } ongekwalifiseerd—		
Winkelassistent, vrou..... }		
gedurende eerste jaar ondervinding.....	48.00	11.08
gedurende tweede jaar ondervinding.....	56.50	13.04
gedurende derde jaar ondervinding.....	65.00	15.00
gedurende vierde jaar ondervinding.....	73.50	16.96
gedurende vyfde jaar ondervinding.....	128.00	29.54
Klerk, man..... } gekwalifiseerd.....		
Winkelassistent, man..... }		
Klerk, man..... } ongekwalifiseerd—		
Winkelassistent, man..... }		
gedurende eerste jaar ondervinding.....	52.00	12.00
gedurende tweede jaar ondervinding.....	67.00	15.46
gedurende derde jaar ondervinding.....	82.00	18.92
gedurende vierde jaar ondervinding.....	97.00	22.38
gedurende vyfde jaar ondervinding.....	112.00	25.85
gedurende vyfde jaar ondervinding.....	86.00	19.85
Uitstaller, vrou, gekwalifiseerd.....		
Uitstaller, vrou, ongekwalifiseerd—		
gedurende eerste jaar ondervinding.....	52.00	12.00
gedurende tweede jaar ondervinding.....	60.50	13.96
gedurende derde jaar ondervinding.....	69.00	15.92
gedurende vierde jaar ondervinding.....	77.50	17.88
gedurende vyfde jaar ondervinding.....	133.00	30.69
Uitstaller, man, gekwalifiseerd.....		
Uitstaller, man, ongekwalifiseerd—		
gedurende eerste jaar ondervinding.....	57.00	13.15
gedurende tweede jaar ondervinding.....	72.00	16.62
gedurende derde jaar ondervinding.....	87.00	20.08
gedurende vierde jaar ondervinding.....	102.00	23.54
gedurende vyfde jaar ondervinding.....	117.00	27.00
Bestuurder van 'n motorvoertuig, uitgesonderd 'n stoomwa, waarvan die onbelaste gewig tesame met die onbelaste gewig van enige sleepwa of sleepwaens deur sodanige voertuig getrek—		
(i) hoogstens 1,000 lb is.....	49.84	11.50
(ii) meer as 1,000 lb maar hoogstens 6,000 lb is.....	69.76	16.10
(iii) meer as 6,000 lb maar hoogstens 10,000 lb is.....	86.67	20.00
(iv) meer as 10,000 lb is.....	104.00	24.00
Stoomwadywer.....	104.00	24.00
Faktotum.....	91.00	21.00
Bestuurder, man.....	150.00	34.62
Bestuurder, vrou.....	110.00	25.38
Deeltydse bestuurder van 'n motorvoertuig.....	49.84	11.50
Versorger-bestellingnemer, gekwalifiseerd.....	150.00	34.62
Versorger-bestellingnemer, ongekwalifiseerd—		
gedurende eerste jaar ondervinding.....	100.00	23.08
gedurende tweede jaar ondervinding.....	112.50	25.96
gedurende derde jaar ondervinding.....	125.00	28.85
gedurende vierde jaar ondervinding.....	137.50	31.73
gedurende vyfde jaar ondervinding.....	95.00	21.92
Opsigter, vrou.....	138.00	31.85
Opsigter, man.....	138.00	31.85
Handelsreisiger, vrou, gekwalifiseerd.....		
Handelsreisiger, vrou, ongekwalifiseerd—		
gedurende eerste jaar ondervinding.....	85.00	19.62
gedurende tweede jaar ondervinding.....	97.00	22.38
gedurende derde jaar ondervinding.....	111.00	25.62
gedurende vierde jaar ondervinding.....	124.00	28.62
gedurende vyfde jaar ondervinding.....	175.00	40.38
Handelsreisiger, man, gekwalifiseerd.....		
Handelsreisiger, man, ongekwalifiseerd—		
gedurende eerste jaar ondervinding.....	130.00	30.00
gedurende tweede jaar ondervinding.....	141.00	32.54
gedurende derde jaar ondervinding.....	152.00	35.08
gedurende vierde jaar ondervinding.....	163.00	37.62
Handelsreisiger se hulp—		
Indien die onbelaste gewig van die motorvoertuig gebruik deur die handelsreisiger wat deur die handelsreisiger se hulp vergesel word—		
Onder 4,000 lb is.....	52.00	12.00
4,000 lb of meer is.....	56.33	13.00

(i)

	In all areas	
	Per month R	Per week R
Alteration hand.....		
Alteration milliner.....		
Alteration hand.....		
Alteration milliner.....		
during first year of experience.....	48.00	11.08
during second year of experience.....	56.50	13.04
during third year of experience.....	65.00	15.00
during fourth year of experience.....	73.50	16.96
Chauffeur.....	52.00	12.00
Clerk, female.....		
Shop assistant, female.....		
Clerk, female.....		
Shop assistant, female.....		
during first year of experience.....	48.00	11.08
during second year of experience.....	56.50	13.04
during third year of experience.....	65.00	15.00
during fourth year of experience.....	73.50	16.96
Clerk, male.....		
Shop assistant, male.....		
Clerk, male.....		
Shop assistant, male.....		
during first year of experience.....	52.00	12.00
during second year of experience.....	67.00	15.46
during third year of experience.....	82.00	18.92
during fourth year of experience.....	97.00	22.38
during fifth year of experience.....	112.00	25.85
Displayer, female, qualified.....	86.00	19.85
Displayer, female, unqualified—		
during first year of experience.....	52.00	12.00
during second year of experience.....	60.50	13.96
during third year of experience.....	69.00	15.92
during fourth year of experience.....	77.50	17.88
Displayer, male, qualified.....	133.00	30.69
Displayer, male, unqualified—		
during first year of experience.....	57.00	13.15
during second year of experience.....	72.00	16.62
during third year of experience.....	87.00	20.08
during fourth year of experience.....	102.00	23.54
during fifth year of experience.....	117.00	27.00
Driver of a motor vehicle, other than a steam wagon, 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.....	49.84	11.50
(ii) exceeds 1,000 lb but not 6,000 lb.....	69.76	16.10
(iii) exceeds 6,000 lb but not 10,000 lb.....	86.67	20.00
(iv) exceeds 10,000 lb.....	104.00	24.00
Driver of a steam wagon.....	104.00	24.00
Handyman.....	91.00	21.00
Manager, male.....	150.00	34.62
Manager, female.....	110.00	25.38
Part-time driver of a motor vehicle.....	49.84	11.50
Service supply salesman, qualified.....	150.00	34.62
Service supply salesman, unqualified—		
during first year of experience.....	100.00	23.08
during second year of experience.....	112.50	25.96
during third year of experience.....	125.00	28.85
during fourth year of experience.....	137.50	31.73
Supervisor, female.....	95.00	21.92
Supervisor, male.....	138.00	31.85
Traveller, female, qualified.....	138.00	31.85
Traveller, female, unqualified—		
during first year of experience.....	85.00	19.62
during second year of experience.....	97.00	22.38
during third year of experience.....	111.00	25.62
during fourth year of experience.....	124.00	28.62
Traveller, male, qualified.....	175.00	40.38
Traveller, male, unqualified—		
during first year of experience.....	130.00	30.00
during second year of experience.....	141.00	32.54
during third year of experience.....	152.00	35.08
during fourth year of experience.....	163.00	37.62
Traveller's assistant—		
Where the motor vehicle used by the traveller whom the traveller's assistant accompanies has an unladen weight of—		
Under 4,000 lb.....	52.00	12.00
4,000 lb or more.....	56.33	13.00

(ii)

	In die landdrosdistrikte Bellville, Die Kaap, Simonstad en Wynberg		In die landdrosdistrik Johannesburg		In die munisipale gebiede van Bloemfontein en Oos-Londen en die landdrosdistrik Pinetown		In die landdrosdistrik Pietermaritzburg		In die munisipale gebiede van Klerksdorp, Orkney, Stilfontein en Welkom en die dorpsbestuursraadgebied van Sasolburg		In alle ander gebiede	
	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week	Per maand	Per week
Uitstaller se assistent.....	R 46.58	R 10.75	R 45.50	R 10.50	R 39.00	R 9.00	R 37.70	R 8.70	R 36.62	R 8.45	R 42.25	R 9.75
Algemene werker, vrou.....	36.40	8.40	35.53	8.20	30.33	7.00	29.25	6.75	28.38	6.55	32.93	7.60
Algemene werker, man—												
Onder die ouderdom van 18 jaar.....	34.23	7.90	33.37	7.70	28.38	6.55	27.52	6.35	26.65	6.15	30.98	7.15
18 jaar of ouer.....	45.50	10.50	44.42	10.25	37.92	8.75	36.62	8.45	35.53	8.20	41.17	9.50
Werknemer graad I.....	50.92	11.75	50.27	11.60	43.77	10.10	42.47	9.80	41.38	9.55	47.02	10.85
Werknemer graad II.....	47.67	11.00	47.02	10.85	40.52	9.35	39.22	9.05	38.13	8.80	43.77	10.10
Stryker.....	46.58	10.75	45.50	10.50	39.00	9.00	37.70	8.70	36.62	8.45	42.25	9.75
Pakhuisassistent.....	58.50	13.50	58.50	13.50	52.00	12.00	50.70	11.70	49.62	11.45	55.25	12.75
Werknemer wat nie elders in hierdie subklousule vermeld word nie.....	47.67	11.00	47.02	10.85	40.52	9.35	39.22	9.05	38.13	8.80	43.77	10.10

(ii)

	In the Magisterial Districts of Bellville, the Cape, Simons-town, and Wynberg		In the Magisterial District of Johannesburg		In the Municipal Areas of Bloemfontein and East London and the Magisterial District of Pinetown		In the Magisterial District of Pietermaritzburg		In the Municipal Areas of Klerksdorp, Orkney, Stilfontein and Welkom and the Village Management Board Area of Sasolburg		In all other areas	
	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week	Per month	Per week
Displayer's assistant.....	R 46.58	R 10.75	R 45.50	R 10.50	R 39.00	R 9.00	R 37.70	R 8.70	R 36.62	R 8.45	R 42.25	R 9.75
General worker, female.....	36.40	8.40	35.53	8.20	30.33	7.00	29.25	6.75	28.38	6.55	32.93	7.60
General worker, male—												
Under 18 years of age.....	34.23	7.90	33.37	7.70	28.38	6.55	27.52	6.35	26.65	6.15	30.98	7.15
18 years of age or over.....	45.50	10.50	44.42	10.25	37.92	8.75	36.62	8.45	35.53	8.20	41.17	9.50
Grade I employee.....	50.92	11.75	50.27	11.60	43.77	10.10	42.47	9.80	41.38	9.55	47.02	10.85
Grade II employee.....	47.67	11.00	47.02	10.85	40.52	9.35	39.22	9.05	38.13	8.80	43.77	10.10
Ironer.....	46.58	10.75	45.50	10.50	39.00	9.00	37.70	8.70	36.62	8.45	42.25	9.75
Store assistant.....	58.50	13.50	58.50	13.50	52.00	12.00	50.70	11.70	49.62	11.45	55.25	12.75
Employee not elsewhere in this subclause specifically mentioned.....	47.67	11.00	47.02	10.85	40.52	9.35	39.22	9.05	38.13	8.80	43.77	10.10

(b) *Los werknemer.*—'n Los werknemer moet ten opsigte van die totale tydperk gewerk op 'n dag minstens $1\frac{1}{2}$ maal betaal word van die uurloon voorgeskryf in subklousule (1) (a), gelees met subklousule (4) (d), vir 'n werknemer in dieselfde gebied en van dieselfde geslag, wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word: Met dien verstande dat—

(i) waar die 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 „uurloon” die uurloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word;

(ii) waar van 'n los werknemer vereis word om vir minder as 4 uur op 'n dag te werk, hy geag word vir 4 uur te gewerk het.

(c) *Deeltydse werknemer.*—'n Deeltydse werknemer moet minstens 66 $\frac{2}{3}$ persent van die loon voorgeskryf vir 'n werknemer in dieselfde gebied, van dieselfde klas en geslag en met dieselfde ondervinding, betaal word, met die nodige inagneming van die woordskrywing „ondervinding”.

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

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

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

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

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

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

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

Met dien verstande dat—

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

(ii) hierdie subklousule nie van toepassing is op 'n winkel-assistent wat die werk van 'n uitstaller verrig nie;

(iii) indien daar van 'n deeltydse werknemer vereis word om die werk van sodanige ander klas aldus te verrig, hy op minstens 66 $\frac{2}{3}$ persent van die loon van 'n voltydse werknemer van sodanige ander klas geregtig is.

(4) *Berekening van lone.*—(a) Die dagloon van 'n 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 $4\frac{1}{3}$ maal sy weekloon.

(c) Die weekloon van 'n werknemer is sy maandloon gedeel deur $4\frac{1}{3}$.

(d) Die uurloon van 'n werknemer is sy weekloon gedeel deur die getal weeklikse gewone werkure wat in klousule 5 (1) vir so 'n werknemer voorgeskryf word.

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

(a) aan 'n handelsreisiger of 'n versorger-bestellingnemer wat van sy werkgever se motorvoertuig gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgever hom alle redelike uitgawes vergoed wat hy in die uitvoering van sy pligte in verband met sodanige vervoer aangegaan het, en by die toepassing van hierdie subklousule word die koste verbonde aan die stalling van 'n motorvoertuig oornag, geag 'n vervoeruitgawe te wees;

(b) *Casual employee.*—A casual employee shall be paid in respect of the total period worked on any day at a rate of not less than $1\frac{1}{2}$ times the hourly wage prescribed in subclause (1) (a), read with subclause (4) (d), for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that—

(i) where an 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 “hourly wage” shall mean the hourly wage prescribed for a qualified employee of that class;

(ii) where a casual employee is required to work for less than 4 hours on any day, he shall be deemed to have worked for 4 hours.

(c) *Part-time employee.*—A part-time employee shall be paid not less than 66 $\frac{2}{3}$ per cent of the wage prescribed for an employee in the same area of the same class and sex and with the same experience, having due regard to the definition “experience”.

(2) *Basis of contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in 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—

(i) that 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) that this subclause shall not apply to a shop assistant who does the work of a displayer;

(iii) that if a part-time employee is required so to do the work of such another class, his entitlement shall be not less than 66 $\frac{2}{3}$ per cent of that of a full-time employee of such other class.

(4) *Calculation of wages.*—(a) The daily wage of an 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 any other employee.

(b) The monthly wage of an employee shall be $4\frac{1}{3}$ times his weekly wage.

(c) The weekly wage of an employee shall be his monthly wage divided by $4\frac{1}{3}$.

(d) The hourly wage of an employee shall be his weekly wage divided by the number of the weekly ordinary hours of work prescribed for such an employee in clause 5 (1).

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

(a) a traveller or a service supply salesman who uses his employer's motor transport or who is required to travel by train or any other means of conveyance than his own, his employer shall reimburse him all the reasonable expenses incurred by him in connection with such transport in the performance of his duties, and for the purpose of this subclause the cost of overnight garaging of motor transport shall be deemed to be a transport expense;

(b) aan 'n handelsreisiger of 'n versorger-bestellingnemer van wie vereis word om 'n motorvoertuig vir die uitvoering van sy pligte te verskaf, moet sy werkgever hom vir elke myl wat hy in die uitvoering van sy pligte afgelê het, 'n vervoer-toelae betaal van minstens die volgende—

- (i) waar die enjinvermoë van die voertuig waarin die werknemer aldus gereis het hoogstens 200 c.c. is..... 2-00 sent;
 - (ii) waar die enjinvermoë van die voertuig waarin die werknemer aldus gereis het meer as 200 c.c. maar hoogstens 1,250 c.c. is..... 7-25 sent;
 - (iii) waar die enjinvermoë van sodanige voertuig meer as 1,250 c.c. maar hoogstens 2,500 c.c. is..... 8-50 sent;
 - (iv) waar die enjinvermoë van sodanige voertuig meer as 2,500 c.c. is..... 11-00 sent.
- (6) *Onderhoudstoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig—

(a) aan 'n handelsreisiger of 'n versorger-bestellingnemer wat op enige reis wat hy in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as 6 agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in iedere sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R4-50 vir iedere nag betaal as so 'n afwesigheid oor een of meer nagte strek;

(b) aan 'n handelsreisiger se hulp of 'n algemene werker wat, wanneer hy 'n handelsreisiger of 'n versorger-bestellingnemer vergesel op enige reis wat die handelsreisiger of versorger-bestellingnemer in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as 6 agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in iedere sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R1,20 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

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

(7) (a) 'n Werkgever moet alle toelae en uitgawes wat ingevolge subklousules (5) en (6) aan 'n werknemer betaalbaar is, aan hom betaal binne 7 dae nadat die werknemer dit skriftelik geëis het: Met dien verstande dat 'n werknemer iedere sodanige eis binne 1 maand vanaf die tydperk waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as 1 eis in 'n week mag indien nie.

(b) 'n Werkgever kan van sy handelsreisiger of versorger-bestellingnemer vereis om iedere eis so op te stel dat dit weer-gee—

(i) in die geval van 'n eis ingevolge subklousule (5) (a), die soort vervoer en die vervoerkoste aangegaan of die aard van alle ander uitgawes waarvoor hy vergoeding eis;

(ii) in die geval van 'n eis ingevolge subklousule (5) (b), die mylafstand wat hy elke dag afgelê het, die plekke wat besoek is en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;

(iii) in die geval van 'n eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het,

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

(8) Die bepalinge van subklousules (5) (b) en (7) is *mutatis mutandis* van toepassing op 'n buitewinkelassistent en sy werkgever indien en wanneer die werkgever van so 'n assistent vereis of hom toelaat om sy eie motorvervoer te gebruik in die uitvoering van sy pligte.

(9) *Fietstoelae.*—'n Werkgever wat van 'n werknemer vereis of hom toelaat om in die uitvoering van sy pligte sy eie fiets te gebruik, moet hom, benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens 50 sent per week of, as hy 'n los werknemer is, minstens 10 sent per dag betaal.

(10) *Verhogingsdatum.*—Indien 'n werknemer ingevolge subklousule (1) voor of op die vyftiende dag van die maand op 'n verhoging geregtig word, word daar geag dat sodanige verhoging hom toeval op die eerste dag van daardie maand, maar as hy na die vyftiende dag van die maand op die verhoging geregtig word, word daar geag dat dit hom op die eerste dag

(b) a traveller or a service supply salesman who is required to provide motor transport for the performance of his duties, his employer shall pay him a transport allowance for each mile travelled in the performance of his duties of not less than—

- (i) where the engine capacity of the vehicle in which the employee so travelled does not exceed 200 cc..... 2-00 cents;
- (ii) where the engine capacity of such vehicle exceeds 200 cc but not 1,250 cc..... 7-25 cents;
- (iii) where the engine capacity of such vehicle exceeds 1,250 cc but not 2,500 cc..... 8-50 cents;
- (iv) where the engine capacity of such vehicle exceeds 2,500 cc..... 11-00 cents.

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

(a) a traveller or a service supply salesman who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of 6 consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;

(ii) pay him a subsistence allowance of not less than R4.50 for each night where such absence extends over one or more nights;

(b) a traveller's assistant or a general worker who, accompanying a traveller or a service supply salesman on any journey undertaken by the traveller or the service supply salesman in the performance of his duties, is absent from the place of his residence and his employer's establishment for any period in excess of 6 consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night,

(ii) pay him a subsistence allowance of not less than R1.20 for each night where such absence extends over one or more nights;

Provided that for the purpose of this subclause the expression “night” means the period between 11 o'clock p.m. and 4 o'clock a.m.

(7) (a) Any allowances and expenses payable to an employee in terms of subclauses (5) and (6) shall be paid by an employer within 7 days of the employee's written claim therefor: Provided that an employee shall submit any such claims within 1 month of entitlement but shall not submit more than 1 claim in any 1 week.

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

(i) in respect of any claim in terms of subclause (5) (a), the mode of travel employed and the transport expenses incurred or the nature of any other expense for which reimbursement is claimed;

(ii) in respect of any claim in terms of subclause (5) (b), the mileage travelled each day, the points of call and, except in municipal areas, the route followed;

(iii) in respect of any claim in terms of subclause (6), the times of commencement and ending of each period of absence;

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

(8) The provisions of subclauses (5) (b) and (7) shall *mutatis mutandis* apply to an outside shop assistant and his employer if and when the employer requires or permits such assistant to use his own motor transport in the performance of his duties.

(9) *Bicycle allowance.*—An employer who requires or permits an employee to use his own bicycle in the performance of his duties shall pay him, in addition to any other remuneration due to him, an allowance of not less than 50c per week, or, if he is a casual employee, not less than 10c per day.

(10) *Incremental date.*—Where an employee in terms of subclause (1) becomes entitled to an increment on or before the fifteenth day of the month such increment shall be deemed to accrue on the first day of that month, but if such entitlement arises after the fifteenth day of the month the increment shall be deemed to accrue on the first day of the next succeeding

van die eersvolgende maand toeval: Met dien verstande dat in enige bedryfsinrigting waarin verspreide betaaldag nagekom word, enige verhoging wat betaalbaar is binne 15 dae onmiddellik na 'n aangewese betaaldag, geag word toegeval te wees op sodanige aangewese betaaldag en enige verhoging wat betaalbaar is ná sodanige 15 dae geag word toegeval te wees op die eersvolgende betaaldag.

(11) Indien 'n werknemer as 'n ongekwalifiseerde werknemer in diens geneem word vir enige klas werk waarvoor lone voorgeskryf word ooreenkomstig 'n stygende skaal wat volgens ondervinding bereken word, en hy versuim om binne 3 maande na die datum waarop hy diens aanvaar het aan sy werkgever bewys te lewer van enige diens wat hy in daardie klas by 'n ander werkgever gelewer het, word daar geag dat hy nie sodanige dienstydperk in daardie klas by die ander werkgever gehad het nie, en die uitdrukking "daardie klas" omvat enige klas waarin diens bereken kan word as ondervinding vir die klas werk wat hy verrig.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalinge van klousules 3 (7) en 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks of maandeliks in kontant, of as die werknemer daartoe instem, per tjek betaal word gedurende die werkure op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal, of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verselde kovert of houer wees waarop of wat vergesel gaan van 'n staat waarop gemeld word—

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

en sodanige kovert of houer waarop hierdie inligting aangegeven is of sodanige staat word die eiendom van die werknemer. Met dien verstande dat inligting in verband met tyd wat daar gewerk is nie verstrek hoef te word in die geval van werknemers wat uit hoofde van klousule 5 (9) (a) of (f) van die werkure bepalinge uitgesluit is nie.

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

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

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

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

(6) *Aftekings.*—'n Werkgever mag sy werknemer geen boetes ople 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-, siektebystand, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegelde van 'n vakvereniging of van 'n welsynsorganisasie geregistreer ingevolge die Wet op Welsynsorganisasies, 1947, of vir bydraes aan 'n personeel sosiale klub of presentasiefonds;

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

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

month: Provided that, in any establishment in which staggered pay days are observed, any increment falling due within 15 days immediately following a designated pay day shall be deemed to accrue on such designated pay day and any increment falling due after such 15 days shall be deemed to accrue on the next succeeding pay day.

(11) An employee, who is employed as an unqualified employee in any class for which wages on a rising scale calculated on experience are prescribed and who fails to provide his employer within 3 months from the date of commencement of his employment with proof of any period of employment in that class which he has had with another employer, shall be deemed not to have had such period of employment in that class with the other employer and the expression "that class" shall include any class in which employment is reckonable as experience in the class in which he is employed.

4. PAYMENT OF REMUNERATION.

(1) *Employees other than casual employees.*—Save as provided in clauses 3 (7) and 6 (4), any amount due to an employee, other than a casual employee, shall be paid weekly or monthly in cash or, with the consent of the employee, by cheque during the hours of work on the usual pay day of the establishment for such employee or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing—

- (a) the employer's name;
- (b) the employee's name or his number on the pay roll and his occupation;
- (c) the number of overtime hours worked by the employee;
- (d) the number of hours worked by the employee on a Sunday or a public holiday;
- (e) the employee's wage;
- (f) the details of any other remuneration arising out of the employee's employment;
- (g) the details of any deductions made;
- (h) the actual amount paid to the employee; and
- (i) 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 information in respect of time worked need not be furnished in the case of employees who are excluded from the hours of work provisions by virtue of clause 5 (9) (a) or (f).

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

(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 employees' 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 a trade union or to a welfare organisation registered in terms of the Welfare Organisation Act, 1947 or for contributions to a staff social club or presentation fund;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instruction 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 any law or order of any competent court is required or permitted to make;

(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) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgewer aan 'n munisipale raad of ander plaaslike owerheid betaal het aan die huur van 'n huis of aan huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantoe-dorp 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 vereis of hom toelaat om meer gewone werkure te werk nie as—

(a) in die geval van 'n algemene werker en 'n werknemer wat uitsluitlik of hoofsaaklik goedere ontvang, versend of aflewer—

(i) 46 in 'n week, uitgesonderd Sondag, en

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, 9 uur en 12 minute op 'n dag, in die geval van 'n werknemer wat 5 dae per week werk of, in die geval van 'n werknemer wat 6 dae per week werk, 8 uur op 'n dag, tensy die ure op 1 dag hoogstens 5 is, wanneer die ure op die ander dae hoogstens 8½ op 'n dag mag wees;

(b) in die geval van 'n deeltydse werknemer—

(i) 25 in 'n week, uitgesonderd Sondag; en

(ii) behoudens paragraaf (i) hiervan, 5 op 'n dag;

(c) in die geval van 'n los werknemer, 8 op 'n dag;

(d) in die geval van alle ander werknemers—

(i) 45 in 'n week uitgesonderd Sondag; en

(ii) 9 uur op 'n dag, in die geval van 'n werknemer wat 5 dae per week werk of, 8 uur op 5 dae in 'n week en 5 uur op 1 dag in sodanige week, in die geval van 'n werknemer wat 6 dae per week werk;

Met dien verstande dat ingeval van 'n werknemer vereis word om 'n klant te bedien na die voltooiing van die gewone werkure in subparagrafe (b) (ii), (c) of (d) (ii) genoem, genoemde gewone werkure met hoogstens 15 minute op 'n dag en met hoogstens 1 uur in 'n week oorskry mag word.

(2) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as 5 uur aaneen 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—

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

(ii) werktydperke wat onderbreek word deur pouses van minder as 1 uur, uitgesonderd waar voorbehoedsbepaling (i) of (vii) van toepassing is, geag word aaneenlopend te wees;

(iii) in die geval van 'n chauffeur of 'n hyserbediende, indien sodanige pouse langer as 2 uur is, enige tydperk bo en behalwe 2 uur geag word gewone werkure of oortyd te wees;

(iv) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik persele skoonmaak of winkels oop- of toesluit, indien sodanige pouse langer as 3 uur is enige tydperk bo en behalwe 3 uur geag word deel van die gewone werkure of oortyd te wees;

(v) as sodanige pouse langer as 1 uur is, behalwe waar voorbehoedsbepaling (iii) of (iv) van toepassing is, enige tyd wat 1½ uur te bowe gaan, geag word werktyd te wees;

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

(vii) 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 30 minute verkort mag word;

(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) with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Bantu village under the control of such council or other local authority.

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

(1) *Ordinary hours of work.*—An employer shall not require or permit an employee to work more ordinary hours of work than—

(a) in the case of a general worker and an employee wholly or mainly engaged in the receipt, despatch or delivery of goods—

(i) 46 in any week, excluding Sunday, and

(ii) subject to subparagraph (i) hereof, 9 hours and 12 minutes on any day, in the case of an employee who works a 5-day week, or, in the case of an employee who works a 6-day week, 8 hours on any day, unless the hours on 1 day do not exceed 5, in which case the hours on the other days shall not exceed 8½ on any day;

(b) in the case of a part-time employee—

(i) 25 in any week, excluding Sunday, and

(ii) subject to subparagraph (i) hereof, 5 on any day;

(c) in the case of a casual employee, 8 on any day;

(d) in the case of every other employee—

(i) 45 in any week, excluding Sunday, and

(ii) 9 hours on any day, in the case of an employee who works a 5-day week, or, 8 hours on 5 days in any week and 5 hours on 1 day in such week, in the case of an employee who works a 6-day week;

Provided that where an employee is required to attend to a customer after the completion of the ordinary hours of work referred to in subparagraphs (b) (ii), (c) or (d) (ii) the said ordinary hours of work may be exceeded by not more than 15 minutes on any day and by not more than 1 hour in any week.

(2) *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—

(i) an employer may agree with his employee to reduce the period of such interval to not less than half-an-hour, and in that event, and after the employer has informed the Divisional Inspector, Department of Labour, for his area, in writing of such agreement, the interval may be so reduced;

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

(iii) in the case of a chauffeur or a lift attendant, if such interval be longer than 2 hours any period in excess of 2 hours shall be deemed to be ordinary hours of work or overtime;

(iv) in the case of an employee who is wholly or mainly engaged in cleaning premises or opening or closing shops, if such interval be longer than 3 hours, any period in excess of 3 hours shall be deemed to form part of the ordinary hours of work or overtime;

(v) if such interval be longer than 1 hour, except when proviso (iii) or (iv) applies, any period in excess of 1½ hours shall be deemed to be time worked;

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

(vii) 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 30 minutes;

(viii) '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.

(3) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke werkdag in die voor- en die namiddag, aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan 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. Met dien verstande dat 'n deeltydse werknemer slegs op een sodanige ruspouse op enige dag geregtig sal wees en so 'n pouse moet so na as doenlik aan die middel van sy werkdag toegestaan word.

(4) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalings van subklousule (2), moet alle werkure van 'n werknemer op iedere dag agtereenvolgend wees.

(5) *Oortydwerk.*—Alle tyd, uitgesonderd dié op 'n Sondag, wat 'n werknemer langer werk as die getal gewone werkure wat in subklousule (1) voorgeskryf word, is oortydwerk.

(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 werknemer wat uitsluitlik of hoofsaaklik goedere aflewer, versend of ontvang—

- (i) 3 uur op 'n dag;
- (ii) 6 uur in 'n week;

(b) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik goedere aflewer, ses uur in 'n week: Met dien verstande dat gedurende die tydperk 1 tot en met 24 Desember, agt uur in 'n week gewerk mag word;

(c) in die geval van alle ander werknemers—

- (i) 3 uur op 'n dag;
- (ii) 6 uur in 'n week;
- (iii) 30 uur in 'n jaar:

Met dien verstande dat vir doeleindes van voorraadopname die daaglikse beperking voorgeskryf in paragraaf (c) (i) met hoogstens 1 uur op hoogstens 2 dae per week oorskry kan word en die weeklikse beperking voorgeskryf in paragraaf (c) (ii) met hoogstens 2 uur oorskry kan word: en voorts met dien verstande dat gedurende die tydperk 1 tot en met 31 Desember, ten opsigte van die bedryf wat uitgeoefen word deur die houer van bottel-dransensies, en gedurende die tydperk 1 tot en met 24 Desember ten opsigte van alle ander bedrywe, die beperkings van oortyd in hierdie subklousule voorgeskryf met 'n totaal van hoogstens 15 uur oorskry kan word maar op so 'n wyse dat die daaglikse beperkings wat voorgeskryf is nie te bowe gegaan word nie.

(7) *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 deeltydse werknemer, 1½ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dae in enige week gewerk;

(c) in die geval van 'n ander werknemer, 1½ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dae in enige week gewerk.

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

(a) op meer as vyf dae in 'n week na 1-uur n.m. te werk nie:

Met dien verstande dat vir die doel van voorraadopname, voorbereidings vir uitverkopies of enige ander werk wat redelikerwys nie op 'n Saterdag voor 1 uur n.m. gedoen kan word nie, 'n vroulike werknemer verplig of toegelaat mag word om na 1 uur n.m. op nie meer as ses Saterdae per jaar te werk nie;

(b) op enige dag na 6.30 n.m. te werk indien sy onder die ouderdom van 18 jaar is nie;

(c) na voltooiing van haar gewone werkure meer as 1 uur op 'n dag oortyd te werk nie tensy hy sodanige werknemer minstens 35 sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin, en sodanige betaling moet geskied benewens betaling vir oortydwerk ingevolge subklousule (7).

Met dien verstande dat waar daar van 'n vroulike werknemer vereis word om 'n klant te bedien ná die tye genoem in paragrawe (a) en (b) hiervan, sodanige werknemer verplig of toegelaat mag word om vir hoogstens 15 minute na gemelde tye sodanige klant te bedien, maar in die geval van paragraaf (b) genoem nie meer as altesaam een uur in 'n week nie.

(viii) 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.

(3) *Rest intervals.*—An employer shall grant to each of his employees a rest interval of not less than 10 minutes as near as practicable in the middle of each morning and afternoon work period, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee: Provided that a part-time employee shall only be entitled to 1 such rest interval on any day, which shall be granted as near as practicable in the middle of his work period.

(4) *Hours of work to be consecutive.*—Save as provided in subclause (2), all hours of work of an employee on any day shall be consecutive.

(5) *Overtime.*—All time worked, other than on a Sunday, in excess of the number of ordinary hours of work prescribed in subclause (1) shall be overtime.

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

(a) in the case of an employee who is wholly or mainly engaged in the despatch or receipt of goods—

- (i) 3 hours on any day;
- (ii) 6 hours in any week;

(b) in the case of an employee who is wholly or mainly engaged in the delivery of goods, 6 hours in any week: Provided that during the period first to 24 December, inclusive, 8 hours may be worked in any week;

(c) in the case of every other employee—

- (i) 3 hours on any day;
- (ii) 6 hours in any week;
- (iii) 30 hours in any year:

Provided that for the purpose of stocktaking the daily limitation prescribed in paragraph (c) (i) may be exceeded by not more than 1 hour on not more than 2 days per week and the weekly limitation prescribed in paragraph (c) (ii) may be exceeded by not more than 2 hours, and provided further that during the period eighth to thirty-first December, inclusive, in respect of the trade carried on by the holder of bottle liquor licences, and during the period first to twenty-fourth December, inclusive, in respect of all other trades, the limitation of overtime prescribed in this subclause may be exceeded by not more than a total of 15 hours but so that any prescribed daily limitations are not exceeded.

(7) *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 a part-time employee, 1½ times his ordinary wage in respect of the total period so worked by such employee on any days in any week.

(c) in the case of any other employee, 1½ times his ordinary wage in respect of the total period so worked by such employee on any days in any week.

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

(a) to work after 1 o'clock p.m. on more than 5 days in any week: Provided that for the purposes of stock-taking, preparations for sales or any other work which cannot reasonably be done before 1 o'clock p.m. on a Saturday, a female employee may be required or permitted to work after 1 o'clock p.m. on not more than 6 Saturdays in any year;

(b) under the age of 18 years to work after 6.30 o'clock p.m. on any day;

(c) to work overtime after completion of her ordinary hours of work for more than 1 hour on any day unless he has paid such employee not less than 35 cents in sufficient time to enable her to obtain and have a meal before the overtime work is due to commence and such payment shall be in addition to payment for overtime work in terms of subclause (7):

Provided that where a female employee is required to attend to a customer after the time stipulated in paragraph (a) or (b) hereof, such an employee may be required or permitted to attend to such customer for up to 15 minutes after the said stipulated time, but in the case of paragraph (b) by not more than a total of 1 hour in any week.

(9) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule is nie op 'n werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R200 per maand ontvang of op 'n versorger-bestellingnemer, 'n handelsreisiger of 'n handelsreisiger se hulp of op 'n algemene werker wat 'n versorger-bestellingnemer versel indien en solank so 'n algemene werker gereeld 'n loon teen minstens R11.15 per week ontvang.

(b) Die bepalinge van subklousule (2), (3), (4) en (6) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Die bepalinge van subklousule (2), (3) en (4) is nie van toepassing nie op 'n werknemer wat radio's, koelkaste, brei- of naaimasjiene, stofsuikers, poleerders of enige ander soortgelyke elektriese toestelle of nie-elektriese brei- of naaimasjiene verkoop, installeer, herstel of demonstreer.

(d) Die bepalinge van subklousule (3) is nie op 'n chauffeur of op 'n werknemer wat goedere aflewer of wat op 'n afleweringsvoertuig help, of op 'n buitewinkelassistent van toepassing nie.

(e) Die bepalinge van subklousule (6) is nie op 'n werknemer wat diere oppas, skoonmaak, voer, inspan of uitspan van toepassing nie.

(f) Die bepalinge van hierdie klousule is nie op 'n wag wie se werkgever 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 werkgever, 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 2 maal sy dagloon ten opsigte van sodanige dag wat nie toegestaan is nie.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgever 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 handelsreisiger, 'n handelsreisiger se hulp of 'n wag, 21 agtereenvolgende werkdag;

(b) in die geval van 'n werknemer wat 'n vyfdag-week werk vyftien agtereenvolgende werkdag;

(c) in die geval van iedere ander werknemer, 18 agtereenvolgende werkdag;

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 $3\frac{1}{2}$ maal die weekloon wat hy onmiddellik voor die aanvang van die verlof ontvang het;

(ii) in die geval van 'n werknemer in paragraaf (b) of (c) bedoel, 'n bedrag van minstens 3 maal die weekloon wat hy onmiddellik voor die aanvang van die verlof ontvang het:

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat in diens is ooreenkomstig die bepalinge van klousule 9, bereken word deur die totale besoldiging wat uit hoofde van klousule 9 aan hom betaalbaar is ten opsigte van die 12 maande onmiddellik voor die datum waarop die verlof hom toekom, deur 52 te deel of, indien hy minder as 12 maande aldus gewerk het, deur die totale besoldiging wat aldus vir sodanige dienstrydperk aan hom betaalbaar is, deur die getal voltooide weke in sodanige tydperk te deel.

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

(i) as sodanige verlof nie eerder verleen is nie, dit behoudens die bepalinge van subklousule (3) so verleen moet word dat dit begin binne 4 maande na voltooiing van die 12 maande diens waarop dit betrekking het, of dat, as die werkgever en sy werknemer voor die verstryking van genoemde tydperk van 4 maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik 2 maande na die verstryking van genoemde tydperk van 4 maande;

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

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

(9) *Savings.*—(a) The provisions of this clause shall not apply to any employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R200 per month or to a service supply salesman, a traveller or a traveller's assistant, or to a general worker who accompanies a service supply salesman, if and for so long as such general worker is in receipt of a regular wage at a rate of not less than R11.15 per week.

(b) The provisions of subclauses (2), (3), (4) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of subclauses (2), (3) and (4) shall not apply to an employee who is engaged in the sale, installation, repair or demonstration of radio's, refrigerators, knitting or sewing machines, vacuum cleaners, floor polishers or other similar electrical appliances or non-electrical knitting or sewing machines.

(d) The provisions of subclause (3) shall not apply to a chauffeur or to an employee engaged in delivering goods or in assisting on delivery vehicles, or to an outside shop assistant.

(e) The provisions of subclause (6) shall not apply to an employee engaged in tending, cleaning, feeding, harnessing or unharnessing animals.

(f) 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 double his daily wage in respect of such day not granted.

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 traveller, traveller's assistant or watchman, 21 work days' leave,

(b) in the case of an employee who works a 5 day week, 15 consecutive work days' leave;

(c) in the case of every other employee, 18 consecutive work 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 $3\frac{1}{2}$ times the weekly wage which he was receiving immediately before the commencement of the leave;

(ii) in the case of an employee referred to in paragraph (b) or (c), an amount of not less than 3 times the weekly wage which he was receiving immediately before the commencement of the leave:

Provided that for the purpose of this clause the weekly wage of an employee who is employed on any basis provided for in clause 9 shall be calculated by dividing the total remuneration payable to him by virtue of clause 9 in respect of the 12 months immediately preceding the date of the accrual of his leave by 52 or if he has had less than 12 months of such employment, by dividing the total remuneration so payable to him during his period of such employment by the number of completed weeks in such period.

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

(i) if such leave has not been granted earlier, it shall, save as provided in subclause (3), be granted so as to commence within 4 months after the completion of the 12 months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of 4 months, the employer may 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;

(ii) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training under the Defence Act, 1957;

(iii) 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;

(iv) wanneer 'n werkgewer van sy werknemer vereis om verlof te neem voor die verstryking van die 12 maande diens waarop dit betrekking het, die werkgewer aan sodanige werknemer die volle verloftydperk ooploopbaar vir 12 maande diens, moet toestaan, en, met behoorlike inagneming van die toeval van enige verhogings ingevolge klousule 3, sodanige werknemer ten opsigte van sodanige verlof 'n bedrag betaal van minstens dié waarop die werknemer geregtig sou gewees het op die datum waarop die verlof in gewone omstandighede sou toeval: Met dien verstande dat waar 'n werknemer se diens eindig voor die verstryking van die 12 maande ten opsigte waarvan die verlof ingevolge hierdie voorbehoudsbepaling toegestaan is die werkgewer die verskil tussen die bedrag aan die werknemer betaal ingevolge hiervan, en die bedrag waarop hy geregtig sou gewees het by diensbeëindiging ingevolge subklousule (5), indien die verlof nie aan hom toegestaan was nie, van die besoldiging aan die werknemer verskuldig by die diensbeëindiging 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 tot minstens na die verstryking van die tydperk van verlof bewaar.

(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 of, op die skriftelike versoek van die werknemer uiterlik op die eerste betaaldag van sodanige werknemer na die verstryking van die verlof.

(5) Aan 'n werknemer wie se diens gedurende enige diensstermyn 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 diensstermyn 'n bedrag betaal word van minstens—

(a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) bedoel, sewe vier-en-twintigstes van die weekloon; en

(b) in die geval van enige ander werknemer, een kwart van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat—

(i) as 'n werknemer se dienskontrak eindig nadat hy minstens 6 maande diens gedurende enige sodanige tydperk van 12 maande gehad het op 'n tyd wanneer hy meer as 2 weke diens maar nie 'n voltooide maand gehad het nie, so 'n onvoltooide maand by die toepassing van hierdie subklousule geag word 'n voltooide maand te wees;

(ii) 'n werknemer wie se dienskontrak eindig voordat hy 12 maande diens by sy werkgewer voltooi het, nie geregtig is op meer as een kwart van genoemde weekloon nie, in die geval van 'n werknemer in paragraaf (a) van subklousule (1) genoem, en vyf vier-en-twintigstes van genoemde weekloon in die geval van alle ander werknemers, ten opsigte van elke voltooide maand diens;

(iii) 'n werknemer wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy hy by versuim om sodanige kennis te gee of om gedurende sodanige kennisgewingstermyn te werk, regtens handel, op geen betaling uit hoofde van hierdie subklousule geregtig is nie;

(iv) 'n werkgewer 'n eweredige aftrekking kan maak ten opsigte van enige verloftydperk aan 'n werknemer toegestaan ingevolge die derde voorbehoudsbepaling van subklousule (2).

(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.

(iv) when an employer requires his employee to take leave before the expiry of the 12 months of employment to which it relates, the employer shall grant such employee the full period of leave accruable for 12 months of employment and, with due regard to the accrual of any increments in terms of clause 3, shall pay such employee in respect of such leave an amount not less than that which the employee would be entitled to at the date on which the leave would normally accrue: Provided that where an employee's employment terminates before the expiration of the 12 months in respect of which the leave was granted in terms of this proviso, the employer may set-off, against any remuneration due to the employee at the termination of employment, the difference between the amount paid to the employee in terms hereof and the amount to which he would have been entitled at termination in terms of subclause (5), if the leave had not been granted to him.

(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 until at least after the expiration of the period of leave.

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

(4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (3), shall be paid not later than the last work day before the date of commencement of the leave or, upon the written request of an employee, not later than the first pay day for such employee after the expiration 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), seven twenty-fourths; and

(b) in the case of every other employee, one-fourth, of the weekly wage he was receiving immediately before the date of such termination: Provided that—

(i) if an employee's contract of employment terminates after he has had not less than 6 months' employment during any such period of 12 months at a time when he has had more than 2 weeks of employment but not a completed month such uncompleted month shall be deemed for the purpose of this subclause to be a completed month;

(ii) an employee whose contract of employment terminates before he has completed 12 months employment with his employer shall not be entitled to more than one-fourth of the said weekly wage, in the case of an employee mentioned in paragraph (a) of subclause (1), and five twenty-fourths of the said weekly wage, in the case of any other employee, in respect of each completed month of employment;

(iii) an employee, who leaves his employment without having given and served the period of notice prescribed in clause 12, unless in failing to give such notice or to work during such period he was acting within his legal rights, shall not be entitled to any payment by virtue of this subclause;

(iv) an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the third proviso to subclause (2).

(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) 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;

(iv) met die toestemming of kondonering van sy werkgewer;

(v) om enige ander rede wat nie 'n verbreking van die dienskontrak is nie,

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 wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;

(iii) in die geval van 'n ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum van inwerkingtreding van hierdie Vasstelling, en wel op die jongste van die 2 datums.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgewer 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 30 werkdae, en

(b) in die geval van iedere ander werknemer, altesaam minstens 36 werkdae,

gedurende elke tydkring van 36 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 12 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, een werkdag ten opsigte van elke voltooide tydperk van 5 weke diens en, in die geval van alle ander werknemers, een werkdag ten opsigte van elke voltooide maand diens;

(ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, betaal aan 'n fonds of organisasie wat die werknemer aanvaar 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 30 of 36 werkdae, na gelang van die geval, in elke tydkring van 36 maande diens aan hom betaal sal word;

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

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

(2) 'n Werkgewer mag, as 'n opskortende voorwaarde vir die betaling deur hom, van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk vir 'n tydperk van langer as 2 agtereenvolgende dae, van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n

(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;

(iv) with the consent or condonation of his employer;

(v) for any other reason not being in breach of the contract of employment;

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 30 work days, and

(b) in the case of every other employee, not less than 36 work days,

sick leave in the aggregate during each cycle of 36 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 12 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 every 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 30 or 36 work days, as the case may be, in each cycle of 36 months of employment;

(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 in respect of any incapacity the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

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

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work for a period covering more than 2 consecutive days, require the employee to produce a certificate signed by a registered medical practitioner

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 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 weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid van werk voor te lê.

(3) 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);

(dd) met die toestemming of kondonering van sy werkgever;

(ee) om enige rede wat nie 'n verbreking van die dienskontrak is nie;

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 vasstelling by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie Vasstelling verleen te wees;

(b) beteken „ongeskiktheid” onvermoë om te werk weens siekte of 'n besering, uitgesonderd siekte of besering veroorsaak deur 'n werknemer se eie wangedrag: Met dien verstande dat werkonvermoë wat veroorsaak is deur 'n ongeluk waarvoor vergoeding ingevolge die Ongevallewet, 1941, betaalbaar is, 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 bepalinge van klousule 4 (6), moet 'n werkgever aan sy werknemer, indien die werknemer nie op 'n openbare vakansiedag werk nie, vir die week waarin so 'n openbare vakansiedag val, minstens sy weekloon betaal.

(2) Wanneer 'n werknemer op 'n openbare vakansiedag werk, moet sy werkgever hom, behoudens die bepalinge van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal en moet hy hom daarbenewens betaal—

(a) 'n bedrag bereken teen minstens sy gewone loon ten opsigte van die totale tydperk deur hom op so 'n openbare vakansiedag gewerk, of sy dagloon, watter ook al die grootste is; of

(b) 'n bedrag bereken teen minstens een-derde van sy gewone loon vir die totale tydperk deur hom op so 'n openbare vakansiedag gewerk en hom binne 14 dae na so 'n openbare vakansiedag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal.

(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 2 maal sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk of minstens 2 maal 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 14 dae vanaf sodanige Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van sodanige werknemer vereis of hy toegelaat word om minder as 4 uur op sodanige Sondag te werk, hy geag word 4 uur te gewerk het.

(4) Hierdie klousule is nie van toepassing nie—

(a) op 'n werknemer, 'n handelsreisiger, 'n handelsreisiger se hulp of 'n wag.

(b) op enige werknemer indien en solank sodanige werknemer gereeld 'n loon teen minstens R200 per maand ontvang.

stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to 8 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 weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work.

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

(a) “employment” shall be deemed to include—

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

(aa) on leave in terms of clause 6;

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

(cc) on sick leave in terms of sub-clause (1);

(dd) with the consent or condonation of his employer;

(ee) for any reason not being in breach of the contract of employment;

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 1 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 sickness or injury caused by an employee's own misconduct: Provided that any such inability to work caused by an accident for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) Subject to the provisions of clause 4 (6), if an employee does not work on a public holiday, 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 a public holiday his employer shall, save as provided for in clause 4 (6), pay him for the week in which such public holiday falls not less than his weekly wage and pay him—

(a) an amount calculated at a rate of not less than his ordinary wage in respect of the total period worked by him on such holiday or his daily wage, whichever is the greater; or

(b) an amount calculated at a rate of not less than one-third of his ordinary wage for the total period worked by him on such public holiday, and grant him within 14 days of such public holiday 1 day's leave and pay him in respect thereof not less than his daily wage.

(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 14 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) This clause shall not apply—

(a) to a casual employee, a traveller, a traveller's assistant or a watchman;

(b) to any employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R200 per month.

9. STUKWERK, KOMMISSIEWERK EN KOMMISSIE OP VERKOPE.

(1) 'n Werkgewer mag, nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, 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 of hy kan in plaas daarvan alle werknemers wat stukwerk verrig, voorsien van 'n brief deur of namens hom onderteken waarin genoemde besoldiging aangegee word.

(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 een 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.

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

(a) die week- of maandloon aan die handelsreisiger betaalbaar, indien sodanige loon hoër is as dié wat in klousule 3 (1) vir so 'n handelsreisiger voorgeskryf word, asook die kommissietarif of -tariewe en die voorwaardes waarop hy die reg daarop verkry;

(b) die dag van die week of maand waarop die verdiende kommissie verskuldig en betaalbaar is;

(c) die gebied waarin daar van die handelsreisiger vereis word of hy toegelaat word om te werk;

(d) die tipe, beskrywing, getal, hoeveelheid of waarde van die bestellings (individueel, weekliks, maandeliks of hoe ook al) wat die werkgewer van tyd tot tyd bereid is om te aanvaar; en

(e) die dag waarop die kommissie op bestellings wat die werkgewer voor die beëindiging van die dienskontrak aanvaar het, betaal moet word: Met dien verstande dat sodanige betaaldag uiterlik die laaste werkdag moet wees van die maand wat volg op die maand waarin die diens beëindig is.

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

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

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

(9) 'n Werkgewer kan met sy werknemer, uitgesonderd 'n handelsreisiger, ooreenkoms om sodanige werknemer benewens die loon vir sodanige werknemer in klousule 3 (1), geles met klousule 5 (7), voorgeskryf, kommissie te betaal op verkope deur

9. PIECE-WORK, COMMISSION WORK AND COMMISSION ON SALES.

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

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

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

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in subclause (1) or he may in lieu thereof supply every employee engaged on piece-work with a letter signed by himself, or on his behalf, setting out the said rates.

(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 not less than the period of notice agreed upon.

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

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

(a) the weekly or monthly wage payable to the traveller, where such wage is higher than that prescribed in clause 3 (1) for such traveller, and the rate or rates of the commission and the conditions of entitlement thereto;

(b) the day of the week or month on which commission earned is due and payable;

(c) the area in which the traveller is required or permitted to work

(d) the type, description, number, quantity or value of orders (individual, weekly, monthly or otherwise) which the employer is from time to time prepared to accept; and

(e) the day of payment of commission in respect of orders accepted by the employer before termination of the contract of employment: Provided that such day of payment shall be not later than the last work-day of the month succeeding the month during which employment was terminated.

(6) The terms of the agreement referred to in subclause (5) shall be financially not less favourable to the traveller than this Determination: Provided that the due date of payment of remuneration to a traveller on commission work shall be in accordance with the agreement and in this respect the provisions of clause 4 (1) shall not apply to such payment.

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

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

(9) An employer may agree with his employee, other than a traveller, to pay to such employee, in addition to the wage prescribed for such employee in clause 3 (1), read with clause 5 (7), commission on sales effected by such employee: Provided that the

sodanige werknemer gedoen: Met dien verstande dat die werkgewer die werknemer, voordat die ooreenkoms in werking tree, moet voorsien van 'n kopie van die ooreenkoms wat die volgende moet omvat—

(a) Die kommissietarief of -tariewe en die voorwaardes waarop hy daarop geregtig word;

(b) die dag van die week of maand waarop kommissie wat verdien is, verskuldig en betaalbaar is;

(c) die tydperk wat die werkgewer of sy werknemer vooraf kennis moet gee wat minstens solank moet wees as dié vir die beëindiging van die dienskontrak van sodanige werknemer ingevolge klousule 12 en wat skriftelik moet geskied, om die ooreenkoms te kanselleer, of om oor 'n wysiging daarvan te onderhandel.

(10) Die bepalings van klousule 4 (1) is nie van toepassing op kommissie verskuldig ingevolge subklousule (9) nie, maar die betaling van sodanige kommissie moet ooreenkomstig die ooreenkoms geskied.

10. GETALSVIRHOUDINGS.

(1) *Versteller en hoedeversteller.*—'n Werkgewer mag nie 'n ongekwalifiseerde versteller of hoedeversteller in diens neem nie tensy hy onderskeidelik 'n gekwalifiseerde versteller of hoedeversteller in sy diens het, en vir elke gekwalifiseerde versteller of hoedeversteller in sy diens mag hy hoogstens onderskeidelik een ongekwalifiseerde versteller of hoedeversteller in diens neem.

(2) *Vroulike winkelassistent.*—'n Werkgewer mag nie 'n ongekwalifiseerde vroulike winkelassistent in diens neem nie tensy hy 'n gekwalifiseerde vroulike of manlike winkelassistent in sy diens het en vir elke gekwalifiseerde vroulike of manlike winkelassistent of opsigter in sy diens mag hy hoogstens 1 ongekwalifiseerde vroulike winkelassistent in diens neem.

(3) *Manlike winkelassistent.*—'n Werkgewer mag nie 'n ongekwalifiseerde manlike winkelassistent in diens neem nie tensy hy 'n gekwalifiseerde manlike winkelassistent in sy diens het, en vir elke gekwalifiseerde manlike winkelassistent of manlike opsigter in sy diens mag hy hoogstens 1 ongekwalifiseerde manlike winkelassistent in diens neem.

(4) *Deeltydse werknemer.*—(a) 'n Werkgewer mag nie 'n deeltydse werknemer as 'n winkelassistent in diens neem nie tensy hy minstens 2 voltydse winkelassistenten in sy diens het, en vir elke 3 of gedeelte van 3 voltydse winkelassistenten benewens die eerste 3 in sy diens mag hy hoogstens 1 deeltydse werknemer as winkelassistent in diens neem.

(b) 'n Werkgewer mag nie 'n deeltydse werknemer as 'n versteller of hoedeversteller in diens neem nie tensy hy minstens onderskeidelik 2 voltydse verstellers of hoedeverstellers in diens het, en vir elke 3 of gedeelte van 3 voltydse verstellers of hoedeverstellers benewens die eerste 3 in sy diens, mag hy hoogstens 1 deeltydse versteller of hoedeversteller, na gelang van die geval, in diens neem.

(5) Subklousules (2) en (3) is *mutatis mutandis* op deeltydse werknemers van toepassing, maar deeltydse werknemers word nie ingereken by die berekening van die getal voltydse ongekwalifiseerde winkelassistenten wat in diens geneem mag word nie.

(6) By die toepassing van hierdie klousule—

(a) kan 'n werkgewer of 'n bestuurder wat uitsluitlik of hoofsaaklik die werk van enige besondere klas werknemer verrig, as 'n gekwalifiseerde werknemer in so 'n klas geag word: Met dien verstande dat 'n werkgewer of bestuurder nie in meer as 1 bedryfsinrigting aldus geag kan word nie;

(b) word die uitdrukking „winkelassistent” geag 'n klerk en 'n uitstaller in te sluit, en hierdie 3 klasse werknemers mag onder mekaar uitgeruil word;

(c) kan 'n ongekwalifiseerde werknemer wat 'n loon ontvang van minstens die loon voorgeskryf vir 'n gekwalifiseerde werknemer van sy klas as 'n gekwalifiseerde werknemer in dié klas geag word;

(d) kan 'n vroulike winkelassistent of 'n vroulike opsigter wat 'n loon van minstens die loon voorgeskryf vir 'n gekwalifiseerde manlike winkelassistent ontvang, as 'n gekwalifiseerde manlike winkelassistent geag word.

(7) Niks in hierdie klousule moet so vertolk word dat dit die indiensneming van sowel 'n ongekwalifiseerde vrou ingevolge subklousule (2) en 'n ongekwalifiseerde man ingevolge subklousule (3) vir dieselfde gekwalifiseerde werknemer toelaat nie.

(8) Hierdie klousule is afsonderlik op elke bedryfsinrigting van 'n werkgewer van toepassing.

(9) Gedurende die tydperk 1 Desember tot en met 31 Desember is die bepalings van subklousules (1), (2), (3) en (4) nie op skoliere of universiteitsstudente wat as ongekwalifiseerde werknemers in diens is van toepassing nie.

employer shall, before the agreement comes into operation, supply the employee with a copy of the agreement, which agreement shall include—

(a) the rate or rates of the commission and the conditions of entitlement;

(b) the day of the week or month when commission earned is due and payable;

(c) the period of notice, which shall be not less than that required to terminate the contract of employment of such employee in terms of clause 12 and which notice shall be in writing, to be given by the employer or his employee to cancel, or to negotiate for an alteration of, the agreement.

(10) The provisions of clause 4 (1) shall not apply to commission due in terms of subclause (9), but the payment of such commission shall be made in accordance with the agreement.

10. RATIO.

(1) *Alteration hand and alteration milliner.*—An employer shall not employ an unqualified alteration hand or alteration milliner unless he has in his employ a qualified alteration hand or alteration milliner, respectively, and for each qualified alteration hand or alteration milliner in his employ he shall not employ more than 1 unqualified alteration hand or alteration milliner, respectively.

(2) *Female shop assistant.*—An employer shall not employ an unqualified female shop assistant unless he has in his employ a qualified female or male shop assistant and for each qualified female or male shop assistant or supervisor in his employ he shall not employ more than 1 unqualified female shop assistant.

(3) *Male shop assistant.*—An employer shall not employ an unqualified male shop assistant unless he has in his employ a qualified male shop assistant and for each qualified male shop assistant or male supervisor in his employ he shall not employ more than 1 unqualified male shop assistant.

(4) *Part-time employee.*—(a) An employer shall not employ a part-time employee as a shop assistant unless he has at least 2 full-time shop assistants in his employ and for each 3 or part of 3 full-time shop assistants additional to the first 3 in his employ he shall not employ more than 1 part-time employee as a shop assistant.

(b) An employer shall not employ a part-time employee as an alteration hand or alteration milliner unless he has at least 2 full-time alteration hands or alteration milliners, respectively, in his employ and for each 3 or part of 3 full-time alteration hands or alteration milliners additional to the first 3 in his employ he shall not employ more than 1 part-time alteration hand or alteration milliner, as the case may be.

(5) Subclauses (2) and (3) shall apply *mutatis mutandis* to part-time employees but part-time employees shall not be reckoned in computing the number of full-time unqualified shop assistants who may be employed.

(6) For the purpose of this clause—

(a) an employer or a manager who is wholly or mainly engaged in the work of any particular class of employee may be deemed to be a qualified employee in such class: Provided that an employer or a manager may not be so deemed in more than 1 establishment;

(b) the expression “shop assistant” shall be deemed to include a clerk and a displayer and these 3 classes of employees shall be interchangeable with one another;

(c) an unqualified employee who is receiving a wage of not less than the wage prescribed for a qualified employee of his class may be deemed to be a qualified employee in that class;

(d) a female shop assistant or a female supervisor who is receiving a wage of not less than the wage prescribed for a qualified male shop assistant may be deemed to be a qualified male shop assistant.

(7) Nothing in this clause shall be construed so as to permit of the employment of both an unqualified female in terms of subclause (2) and an unqualified male in terms of subclause (3) for the same qualified employee.

(8) This clause shall apply separately to each establishment of an employer.

(9) During the period 1 to 31 December, inclusive, the provisions of subclauses (1), (2), (3) and (4) shall not apply in respect of scholars or university students employed as unqualified employees.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

(1) 'n Werkgewer moet minstens 2 oorpakke of wasbare jasse per jaar kosteloos verskaf aan sy werknemer wat voedsel, lekkergoed of kruideniersware regstreeks aan die publiek verkoop, en dit kosteloos skoon en in goeie toestand hou.

(2) In reënweer moet 'n werkgewer sy werknemer wat in die uitvoering van sy pligte gereed aan die weer blootgestel is, kosteloos voorsien van diensbare waterdigte beskerming vir die kop en bene en 'n waterdigte mantel, en sulke artikels bly die eiendom van die werkgewer. Met dien verstande dat 'n werkgewer in plaas van sulke artikels aan so 'n werknemer te verskaf, benewens enige ander besoldiging aan sodanige werknemer verskuldig aan hom 'n toelae van minstens R0.35 per maand kan betaal.

(3) 'n Werkgewer moet sy handelsreisiger se hulp kosteloos van minstens 1 diensbare stofjas per jaar voorsien.

(4) 'n Werkgewer moet sy algemene werker wat vloere met die hand skrop of was gratis van diensbare kniekussings voorsien.

(5) 'n Werkgewer wat van sy werknemer vereis om enige vorm van nie-wasbare beskermende kleres soos bv. waterdigte mantels, oorpakke of beskermende stewels of voorskote te dra, moet sodanige beskermende kleres kosteloos verskaf en in 'n skoon en diensbare toestand hou.

(6) Behoudens die bepalinge van subklousule (8) moet 'n werkgewer wat van sy werknemer vereis om 'n uniform, oorpak, wasbare jas, voorskoot of pet of mus te dra, sodanige kledingstuk of artikel gratis verskaf en was en stryk of skoonmaak en dit in 'n behoorlike toestand hou, en sodanige kledingstuk of artikel bly die eiendom van die werkgewer.

(7) Behoudens die bepalinge van subklousule (8), kan 'n werkgewer en sy werknemer ooreenkom dat in plaas van die versorging en was en stryk of skoonmaak van enige kledingstuk of artikel in subklousules (1) en (6) genoem, die werkgewer aan sy werknemer, benewens enige ander besoldiging aan 'n werknemer verskuldig, 'n toelae van minstens R0.15 per kledingstuk of artikel per week moet betaal, en die werknemer is dan verantwoordelik vir die versorging uitgesonderd groot herstelwerk, en die was en stryk of skoonmaak van die kledingstuk of artikel.

(8) (a) 'n Werkgewer kan aanbied om sy vroulike werknemer van een of meer bepaalde uitrustings per jaar te voorsien op voorwaardes wat vir die werknemer nie minder gunstig is nie as die volgende:—

(i) die prys wat die werknemer vir sodanige uitrusting moet betaal, mag nie hoër wees as die prys wat die werkgewer daarvoor betaal het nie;

(ii) die werkgewer mag van die werknemer vereis om te eniger tyd solank sy op diens is so 'n uitrusting te dra: Met dien verstande dat, indien slegs 1 uitrusting verskaf word, hierdie vereiste nie sal geld solank die uitrusting skoongemaak of herstel word nie;

(iii) die werkgewer mag nie die werknemer belet om enige sodanige uitrusting te dra wanneer sy van diens af is nie;

(iv) die werkgewer moet die werknemer toelaat om vir elke sodanige uitrusting te betaal by wyse van minstens 4 gelyke maandelikse aftrekkings van haar besoldiging: Met dien verstande dat 'n werkgewer, vir geval die dienskontrak beëindig word voordat die volle bedrag deur 'n werknemer vir sodanige uitrusting verskuldig betaal is, die saldo aan hom verskuldig in een bedrag kan aftrek van enige besoldiging wat by sodanige beëindiging aan die werknemer verskuldig is;

(v) die werknemer is daarvoor verantwoordelik om so 'n uitrusting wat aan haar verskaf word, te laat skoonmaak en in goeie en behoorlike toestand te hou.

(b) Nadat 'n werknemer 'n aanbod aanvaar het wat ooreenkomstig paragraaf (a) hierbo aan haar gemaak is, word enige sodanige uitrusting by aflewering aan haar, haar eiendom.

(c) Die bepalinge van subklousules (6) en (7) is nie van toepassing ten opsigte van enige sodanige uitrustings wat verskaf word nie.

(9) By die toepassing van subklousule (8), beteken „bepaalde uitrusting” of „uitrusting” enige buitekledingstuk of -kledingstukke (uitgesonderd skoene, pette, hoede, kouse, voorskote, oorpakke en wasbare jasse) van bepaalde kleur, skakering, ontwerp of styl of enige kombinasie van bepaalde kleure, skakerings, ontwerpe of style.

12. BEEÏNDIGING 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) in die geval van 'n weeklikse werknemer, 1 week na die eerste 4 weke diens,

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

(1) An employer shall supply and maintain in clean and good condition free of charge at least 2 overalls or washing coats per year to his employee who is directly engaged in the selling of foodstuffs, confectionery or groceries to the public.

(2) An employer shall in wet weather provide his employee, who in the performance of his duties is regularly exposed to the weather, free of charge with serviceable waterproof protection for the head and legs and a waterproof cape and such articles shall remain the property of the employer: Provided that an employer may in lieu of providing such articles pay to such employee, in addition to any other remuneration due to such employee, an allowance of not less than R0.35 per month.

(3) An employer shall supply his traveller's assistant free of charge with at least 1 serviceable dust coat per year.

(4) An employer shall provide his general worker, who scrubs or washes floors by hand, with serviceable kneepads free of charge.

(5) An employer who requires an employee to wear any form of non-washable protective clothing such as waterproof capes, overalls or protective boots or aprons, shall supply and maintain in clean and serviceable condition such protective clothing free of charge.

(6) Save as provided in subclause (8), an employer who requires his employee to wear a uniform, overall, washing coat, apron or cap shall provide and launder or clean such garment or article free of charge and maintain it in proper condition and such garment or article shall remain the property of the employer.

(7) Save as provided in subclause (8), an employer and his employee may agree that, in lieu of maintaining and laundering or cleaning any garment or article referred to in subclauses (1) and (6), the employer shall pay to his employee, in addition to any other remuneration due to the employee, an allowance of not less than 15 cents per week per garment or article in which event the employee shall be responsible for the maintenance, other than major repairs, and the laundering or cleaning of the garment or article.

(8) (a) An employer may offer to supply his female employee with 1 or more specified outfits per annum on conditions not less favourable to the employee than the following:—

(i) the price to be paid by the employee for any such outfit shall not exceed the cost thereof to the employer;

(ii) the employer may require the employee to wear any such outfit at all times while on duty: Provided that if only 1 outfit has been supplied this requirement shall not apply while the outfit is being cleaned or repaired;

(iii) the employer shall not restrict the employee from wearing any such outfit when she is off duty;

(iv) the employer shall permit the employee to pay for each outfit supplied to her by way of at least 4 equal monthly deductions from her remuneration: Provided that the employer may, in the event of termination of employment before the full amount due by the employee for any such outfit has been paid, deduct in 1 sum the balance due to him from any remuneration due to the employee at such termination;

(v) the employee shall be responsible for the cleaning and maintenance in good order and proper condition of any such outfit supplied.

(b) After acceptance by an employee of an offer made to her in terms of paragraph (a) hereof, any such outfit shall on delivery thereof to her, become her property.

(c) The provisions of subclauses (6) and (7) shall not apply in respect of any such outfits supplied.

(9) For the purpose of subclause (8), "specified outfit" or "outfit" means any outer garment or garments (excluding shoes, caps, hats, stockings, aprons, overalls and washing coats) of specified colour, shade, design or style or any combination of specified colours, shades, designs or styles.

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 notice;

(b) in the case of a weekly employee, 1 week's notice after the first 4 weeks of employment;

(c) in die geval van 'n maandelikse werknemer, 2 weke na die eerste 4 weke diens, vooraf kennis van die beëindiging van die kontrak gee of 'n werkgever of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgever, na gelang van die geval, te betaal—

(i) in die geval van 1 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;

(iii) in die geval van 2 weke kennisgewing, 2 maal die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

(i) (a) die reg van 'n werkgever of 'n werknemer om die kontrak op 'n regsgeëide grond sonder kennisgewing te beëindig;

(b) 'n skriftelike ooreenkoms tussen 'n werkgever 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;

(c) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros; nie hierdeur geraak word nie;

(ii) betaling in plaas van kennis nie mag geskied nie gedurende 'n werknemer se afwesigheid—

(a) met verlof ingevolge klousule 6;

(b) met siekteverlof ingevolge klousule 7; of

(c) terwyl hy ingevolge die Verdedigingswet, 1957, militêre opleiding ondergaan;

(iii) waar 'n werknemer, ingeval hy kennisgewing van diensbeëindiging ontvang het in plaas van betaling in die plek van kennisgewing, gedurende sodanige tydperk van kennisgewing geregtig sou geword het op 'n verhoging ingevolge klousule 3 of op 'n ekstra verloftydperk ingevolge klousule 6, sy werkgever hom benewens alle ander bedrae aan hom verskuldig, die bedrag moet betaal wat hom sou toeval ten opsigte van sodanige verhoging of verlof as hy sodanige kennisgewing sou ontvang het.

(2) Indien daar 'n ooreenkoms ingevolge die eerste 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, moet geskied—

(a) in die geval van 'n weeklikse werknemer, voor of op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer, en dit loop vanaf die dag na sodanige betaaldag;

(b) in die geval van 'n maandelikse werknemer, voor of op die eerste of die vyftiende dag van 'n kalendermaand en dit loop vanaf sodanige eerste of vyftiende dag of, in die geval van 'n bedryfsinrigting waarin verspreide betaaldae nagekom word, op of vóór 'n aangewese betaaldag of op of vóór 'n datum sodat die twee weke kennis op 'n aangewese betaaldag eindig, en die kennisgewingstermyn loop vanaf sodanige aangewese betaaldag of datum;

Met dien verstande dat—

(i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;

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

(iii) waar slegs 1 werkdag se kennisgewing vereis word, sodanige kennisgewing op enige werkdag kan geskied.

(iv) waar die eerste of vyftiende dag van 'n maand op 'n Sondag of 'n openbare vakansiedag val, kennisgewing op die eerste werkdag onmiddellik na sodanige Sondag, of openbare vakansiedag mag geskied.

(4) Die kennisgewing in subklousule (1) voorgeskryf, moet skriftelik geskied, behalwe in die geval van 'n werknemer wat nie kan lees en skryf nie.

(5) Ondanks andersluidende bepalings in hierdie Vasstelling, mag 'n werkgever, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te

(c) in the case of a monthly employee, 2 weeks' notice after the first 4 weeks of employment;

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 a week's notice, the weekly wage which the employee is receiving at the time of such termination;

(iii) in the case of 2 weeks' notice, double the weekly wage which the employee is receiving at the time of such termination: Provided—

(i) that this shall not affect—

(a) the right of an employer or an employee to terminate the contract without notice for any cause recognised by law as sufficient;

(b) 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;

(c) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts;

(ii) that payment in lieu of notice shall not be permitted during an employee's absence—

(a) on leave in terms of clause 6;

(b) on sick leave in terms of clause 7; or

(c) undergoing military training in pursuance of the Defence Act, 1957.

(iii) that where an employee, had he been given notice of termination of employment instead of being paid in lieu of notice, would have become entitled during such period of notice to an increment in terms of clause 3 or to an extra period of leave in terms of clause 6, his employer shall pay him in addition to all other amounts due to him, the amount which would have accrued to him in respect of such increment or leave, had he been given such notice.

(2) Where there is an agreement in terms of the first 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) shall be given—

(a) in the case of a weekly employee, on or before the usual pay day of the establishment for such employee and shall run from the day after such pay day;

(b) in the case of a monthly employee, on or before the first or the fifteenth day of a month and shall run from such first or fifteenth day or, in an establishment in which staggered pay days are observed, on or before a designated pay day or on or before a date such that the 2 weeks' notice terminates on a designated pay day and notice shall run from such designated pay day or date:

Provided—

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

(ii) that notice shall not be given during an employee's absence on sick leave granted in terms of clause 7; and

(iii) that where only 1 work day's notice is required to be given such notice may be given on any work day; and

(iv) that where the first or fifteenth day of the month falls on a Sunday or a public holiday notice may be given on the first work day succeeding such Sunday or public holiday.

(4) The notice prescribed in subclause (1) shall be in writing, except in the case of an employee who is unable to read and write.

(5) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and

gee en sonder om die vereiste 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 bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogsens 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 of maandloon van die werknemer op die datum van sodanige beëindiging vermeld.

14. VERBOD OP INDIENSNEMING.

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

15. LOGBOEK.

(1) 'n Werkgever moet sy bestuurder van 'n motorvoertuig of sy deelydse bestuurder van 'n motorvoertuig voorsien van 'n logboek wat sover doenlik die volgende vorm het:—

DAAGLIKSE LOG.

Naam van werkgever _____
 Naam van bestuurder van motorvoertuig _____
 Datum _____ Registrasienommer van die voertuig _____
 Tyd waarop werk begin het _____ vm./nm.
 Tyd waarop werk opgehou het _____ vm./nm.
 Getal ure gewerk _____
 Etsure van _____ vm./nm. tot _____ vm./nm.
 Besonderhede omtrent enige ongeluk of vertraging _____
 Naam/Name van werknemer(s) wat motorvoertuigbestuurder ver-
 gesel _____

Handtekening van bestuurder van motorvoertuig _____

Datum _____ 19 _____

(2) Iedere bestuurder van 'n motorvoertuig of deelydse bestuurder van 'n motorvoertuig moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne 24 uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgever indien, en by die toepassing van hierdie klousule slaan die uitdrukking „werk” ten opsigte van 'n deelydse bestuurder van 'n motorvoertuig slegs op „'n motorvoertuig bestuur” soos dit in die woordomskeywing van hierdie klas werknemer omskryf word.

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

(4) Die bepalinge van subklousules (1), (2) en (3) is nie van toepassing nie ten opsigte van 'n motorvoertuig wat toegerus is met 'n meganiese toestel wat outomaties die aanvangs- en die ophoutye vir die hele tydperk wat die voertuig bestuur word en die getal myle afgeleë, aanteken: Met dien verstande dat—

(i) die werkgever 'n register hou wat sonder onderbreking die name van die bestuurders of deelydse bestuurders van sodanige voertuig en die tyd waarop elke bestuurder of deelydse bestuurder vir die voertuig verantwoordelik was, meld;

(ii) genoemde register die registrasienommer van die voertuig meld; en

(iii) genoemde register deur elke bestuurder of deelydse bestuurder onderteken word om die tyd te bevestig waarop hy verantwoordelikheid vir die voertuig oorneem en waarop hy ophou om vir die voertuig verantwoordelik te wees.

(5) 'n Werkgever moet elke register soos in subklousule (4) vermeld, bewaar vir 'n tydperk van minstens 3 jaar na die datum van die laaste inskrywing daarin of daarop.

16. BYWONINGSREGISTER.

(1) Elke werkgever moet in sy bedryfsinrigting een of meer bywoningsregisters verskaf waarin voorsiening gemaak word vir die inskrywings wat 'n werknemer ingevolge subklousule (3)

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 or monthly wage of the employee on the date of such termination.

14. PROHIBITION OF EMPLOYMENT.

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

15. LOG-BOOK.

(1) An employer shall provide his driver of a motor vehicle or his part-time driver of a motor vehicle with a log-book as nearly as practicable in the following form:—

DAILY LOG.

Name of employer _____
 Name of driver _____
 Date _____ Registration number of the vehicle _____
 Time of starting work _____ a.m./p.m.
 Time of finishing work _____ a.m./p.m.
 Number of hours worked _____
 Meal hours from _____ a.m./p.m. to _____ a.m./p.m.
 Particulars of any accident or delay _____
 Name(s) of employee(s) accompanying driver _____

Signature of Driver. _____

Date _____ 19 _____

(2) Every driver of a motor vehicle or part-time driver of a motor vehicle shall, in the log-book referred to in subclause (1), keep a daily log in duplicate in respect of each day's work and shall within 24 hours of the completion of the day's work to which it relates deliver a copy thereof to his employer, and for the purpose of this clause the expression “work” in relation to a part-time driver of a motor vehicle shall refer only to “driving a motor vehicle” as defined in the definition of this class of employee.

(3) Every employer shall retain the copy of the daily log, which in terms of subclause (2) has been delivered to him, for a period of not less than 3 years subsequent to such delivery.

(4) The provisions of subclauses (1), (2) and (3) shall not apply in respect of a motor vehicle which is fitted with a mechanical device which automatically records the starting and stopping times for the whole period during which the vehicle is being driven and the mileages performed; Provided—

(i) that the employer keeps a record showing, with full continuity, the names of the drivers or part-time drivers of such vehicle and the times during which each driver or part-time driver was in charge of the vehicle;

(ii) that the said record shows the registration number of the vehicle; and

(iii) that the said record is signed by each driver or part-time driver confirming the time when he takes charge of the vehicle and the time when he ceases to be in charge of the vehicle.

(5) An employer shall retain every record referred to in subclause (4) for a period of not less than 3 years after the date of the last entry therein or thereon.

16. ATTENDANCE REGISTER.

(1) Every employer shall provide in his establishment 1 or more attendance registers in which provision is made for the entries which an employee is, in terms of subclause (3), required

vereis word om te doen: Met dien verstande dat 'n werkgewer in plaas van sodanige bywoningsregister, 'n halfoutomatiese tydregistreerder kan verskaf met die nodige kaarte so na as doenlik in die volgende vorm:—

No. _____ Naam _____
Week geëindig _____ 19 _____

Dag.		In.	Uit.	In.	Uit.	Totaal.
Sondag	vm.					
	nm.					
Maandag	vm.					
	nm.					
Dinsdag	vm.					
	nm.					
Woensdag	vm.					
	nm.					
Donderdag	vm.					
	nm.					
Vrydag	vm.					
	nm.					
Saterdag	vm.					
	nm.					

(2) 'n Werkgewer moet daaglik in sodanige bywoningsregister aantekeninge hou van die naam en beroep van elke werknemer, of, waar hy 'n halfoutomatiese tydregistreerder verskaf het, moet hy aan elke werknemer 'n kaart verskaf in die vorm voorgeskryf in die voorbehoudsbepaling van subklousule (1), en hierdie kaart moet die naam van die werknemer en die datum van die einde van die week ten opsigte waarvan dit gebruik moet word, aandui.

(3) Tensy hy deur 'n onvermydelike oorsaak verhinder word om dit te doen, moet elke werknemer ten opsigte van elke dag wat hy gewerk het en op dié dag—

(a) in sodanige bywoningsregister—

- (i) sy handtekening;
- (ii) die tydstop waarop hy begin werk het;
- (iii) die aanvangstyd en ophoutyd van elke etens- of ander pouse, wat nie as gewone werkure gereken kan word nie; en
- (iv) die aflooptyd van die werk vir die dag aanteken; of

(b) in 'n bedryfsinrigting waarin 'n halfoutomatiese tydregistreerder verskaf word, inskrywings deur middel van sodanige registreerder op 'n kaart maak wat ingevolge subklousule (2) verskaf word om die volgende aan te toon:—

- (i) die tydstop waarop hy begin werk het;
- (ii) die tydstop waarop elke etens- of ander pouse wat nie as gewone werkure gereken kan word nie, 'n aanvang neem en eindig; en
- (iii) die aflooptyd van die werk vir die dag;

Met dien verstande dat, indien 'n werknemer nie kan lees en skryf nie, sy werkgewer namens hom die nodige inskrywings ten opsigte van items (a) (ii) tot en met (a) (iv) moet maak en onderteken.

(4) 'n Werkgewer moet so 'n bywoningsregister of kaarte, na gelang van die geval, vir 'n tydperk van minstens 3 jaar na die datum van die laaste inskrywing daarin of daarop bewaar.

(5) Alle inskrywings in 'n bywoningsregister moet in ink of inktlood geskied.

(6) Die bepalings van hierdie klousule is nie op werknemers in klousule 5 (9) (a) bedoel of op 'n chauffeur, 'n bestuurder van 'n motorvoertuig of 'n deeltydse bestuurder van 'n motorvoertuig van toepassing nie.

to make: Provided that in lieu of such attendance register an employer may provide a semi-automatic time recorder with the necessary cards as nearly as practicable in the following form:—

No. _____ Name _____
Week ending _____ 19 _____

Day.		In.	Out.	In.	Out.	Total.
Sunday	a.m.					
	p.m.					
Monday	a.m.					
	p.m.					
Tuesday	a.m.					
	p.m.					
Wednesday	a.m.					
	p.m.					
Thursday	a.m.					
	p.m.					
Friday	a.m.					
	p.m.					
Saturday	a.m.					
	p.m.					

(2) An employer shall day by day keep a record in such attendance register of the name and occupation of every employee, or, where he has provided a semi-automatic time recorder, he shall provide every employee with a card, in the form prescribed in the proviso to subclause (1), which card shall reflect the name of the employee and the date of the termination of the week in respect of which it should be used.

(3) Unless precluded from doing so by unavoidable cause, every employee shall in respect of each day worked by him and on that day—

(a) record in such attendance register—

- (i) his signature;
- (ii) the time he commenced work;
- (iii) the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work; and
- (iv) the time of finishing work for the day; or

(b) in an establishment in which a semi-automatic time recorder is provided, make entries by means of such recorder on a card provided in terms of subclause (2) to show—

- (i) the time he commenced work;
- (ii) the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work; and
- (iii) the time of finishing work for the day;

Provided that if an employee is unable to read and write, his employer shall on his behalf make and sign the necessary entries in respect of items (a) (ii) to (a) (iv), inclusive.

(4) An employer shall retain such attendance register or cards, as the case may be, for a period of not less than 3 years after the date of the last entry therein or thereon.

(5) Every entry in an attendance register shall be made in ink or indelible pencil.

(6) The provisions of this clause shall not apply to employees referred to in clause 5 (9) (a) or to a chauffeur, a driver of a motor vehicle or a part-time driver of a motor vehicle.

BYLAE.

Ek/Ons (a).....
 wat die (b).....
 bedryf beoefen te.....
 verklaar hierby dat mnr./mev./mej. (a).....
 in my/ons (a) diens was van die.....dag van
 19.....tot die.....
 dag van.....19.....in die beroep van
 (c).....By diensbeëindiging
 was sy/haar (a) loon.....rand.....sent
 per week/maand (a).

Handtekening van werkgever of gemagtigde
 verteenwoordiger.

Datum.....19.....

- (a) Skrap wat nie van toepassing is nie.
 (b) Vermeld aard van die bedryf, bv. juwelier, ysterwarehandelaar, drankwinkelbestuurder, algemene handelaar.
 (c) Vermeld beroep waarin 'n werknemer uitsluitlik of hoofsaaklik in diens was, bv. klerk, winklassistent, algemene werker.

SCHEDULE.

I/We (a).....carrying
 on trade as (b).....
 at.....

hereby certify that Mr/Mrs/Miss (a)

was employed by me/us (a) from the.....day
 of.....19.....to the.....day
 of.....19.....in the occupation of
 (c).....At the termination
 of employment his/her (a) wage was.....rand
cents per week/month (a).

Signature of Employer or
 Authorised Representative.

Date.....

- (a) Delete whichever inapplicable.
 (b) State nature of the trade, e.g. jeweller, hardware merchant, bottle store keeper, general dealer.
 (c) State occupation in which employee was wholly or mainly engaged, e.g., clerk, shop assistant, general worker.

INHOUD.

No.	BLADSY
Arbeid, Departement van GOEWERMENTSKENNISGEWING	
R.1695. Loonwet, 1957: Loonvasstelling No. 302, Kommersiële Distribusiebedryf: Ver- naamste gebiede	1

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