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GOVERNMENT GAZETTE

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KENNISGEWING 551 VAN 1981

DEPARTEMENT VAN MANNEKRAG

WETSONTWERP OP DIENSVoorWAARDES

Die volgende Konsepwetsontwerp op Diensvoorwaardes word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoë daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal: Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word.

KONSEPWETSONTWERP

Om die werkure en diensvoorwaardes van werknemers te reël en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

Om deur die Minister van Mannekrag ingedien te word

Woordbepalings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "amptenaar" 'n persoon op die vaste diensstaat van die staatsdiens; (xvix)

(ii) "artikel" ook enige solied, vloeistof, damp of gas of kombinasie daarvan; (ii)

(iii) "assuransie-agent" 'n werknemer wat uitsluitlik of hoofsaaklik weg van sy werkgewer se perseel in diens is om versekeringsbesigheid te werf of premies ten opsigte van versekeringspolisse in te vorder; (x)

(iv) "bedrywigheid" ook enige bewerking, handwerk of bedryf; (i)

(v) "beloning" 'n betaling in kontant of in natura of sowel in kontant as in natura gedoen of verskuldig aan enige persoon, en wat op enige wyse hoegenaamd uit diens ontstaan; en het "beloon" 'n ooreenstemmende betekenis; (xxiv)

GENERAL NOTICE

NOTICE 551 OF 1981

DEPARTMENT OF MANPOWER

CONDITIONS OF EMPLOYMENT BILL

The following Draft Conditions of Employment Bill is hereby published for general information and comment. Any comment or representations thereanent should be lodged in writing and in duplicate with the Director-General: Manpower, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice.

DRAFT BILL

To regulate the hours of work and conditions of employment of employees and to provide for matters incidental thereto

To be introduced by the Minister of Manpower

Definitions

1. In this Act, unless the context otherwise indicates—

(i) "activity" includes any process, handicraft or occupation; (iv)

(ii) "article" includes any solid, liquid, vapour or gas, or combination thereof; (ii)

(iii) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (xvii)

(iv) "demonstrator-salesman" means an employee who is wholly or mainly engaged away from his employer's premises in demonstrating any article, whether or not he also sells any such article; (vii)

(v) "emergency work" means any work which, owing to fire, accident, storm, epidemic, act of violence, theft, breakdown of plant or machinery or other unforeseen circumstances, is required to be done without delay or work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; (xx)

(vi) "buiterverkoopsassistent" 'n werknemer wat vir en namens 'n kleinhandelbedryfsinrigting 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; (xviii)

(vii) "demonstrateur-verkoper" 'n werknemer wat uitsluitlik of hoofsaaklik weg van sy werkgever se perseel wys hoe enige artikel werk, hetsy hy ook sodanige artikel verkoop al dan nie; (iv)

(viii) "eiendomsverkoper" 'n werknemer wat homself uitsluitlik of hoofsaaklik weg van sy werkgever se perseel besig hou met die aanbied vir verkoop van onroerende goed of besighede, of klante werf vir die koop daarvan; (xxii)

(ix) "fabriek" enige perseel waarop of waarin enige werkgever en sy werknemers uitsluitlik of hoofsaaklik geassosieer is vir die doel om enigeen of meer van die volgende bedrywighede uit te oefen, met inbegrip van enige bedrywigheid wat noodsaaklikerwys of gewoonlik bykomend is by enige sodanige bedrywigheid:

(a) Die maak van enige artikel of gedeelte van 'n artikel;
(b) die verander, repareer, herstel, opsier, verf, versproei, politoer, afwerk, skoonmaak, kleur, was of opbreek van 'n artikel;

(c) die bewerking vir verkoop of gebruik van 'n artikel;
(d) die sorteer, versamel of inpak, wat ook die was of opvol van bottels of ander houers insluit, van enige artikels;

(e) die bou, herbou, saamstel, repareer of opbreek van voertuie of gedeeltes daarvan, maar met uitsluiting van 'n perseel wat as staanplek vir voertuie gebruik word waar slegs klein verstellings gemaak word;

(f) die druk deur kopieerders, litografie, fotogravure of op ander dergelike wyse, en ook enige bedrywigheid met die drukkersnywerheid verbonde;

(g) die voortbreng en opberging van gas;
(h) die bevries, verkoel of opberging in koelkamers van enige artikel;

(i) die slag van lewende hawe;
(j) die voortbrenging van elektrisiteit;
(k) fotografiese werk; (viii)

(x) "gewone werkure" die werkure in artikel 3 (1) (a), (b), (c) of (d) voorgeskryf of genoemde ure soos verleng uit hoofde van die bepalinge van artikel 3 (3), na gelang die omstandighede vereis; (xvii)

(xi) "handelsreisiger" 'n werknemer wat as reisende verteenwoordiger van 'n bedryfsinrigting en namens die bedryfsinrigting, uitsluitlik of hoofsaaklik bestellings vra, werf of opneem van fabrikante of gelisensieerde handelaars vir die verskaffing aan hulle van artikels wat vir gebruik in of in verband met hulle onderskeie besighede of vir herverkoop bedoel is, hetsy hy ook bestellings van ander persone aanneem vir die lewering aan hulle van artikels vir hulle eie gebruik of verbruik of geld invorder al dan nie; (xxxii)

(xii) "handelsreisiger se assistent" 'n werknemer wat 'n handelsreisiger vergesel en hom help met die inpak, uitpak of uitstal van sy monsters hetsy hy ook die motorvoertuig wat die handelsreisiger gebruik in die uitvoering van sy pligte bestuur al dan nie; (xxxii)

(xiii) "hierdie Wet" ook enige regulasie daaronder uitgevaardig; (xxix)

(xiv) "inspekteur" 'n inspekteur wat kragtens artikel 19 aangestel is of wat geag word daarkragtens aangestel te gewees het; (ix)

(vi) "employee" means any person who is employed by or working for any employer and receiving or entitled to receive any remuneration or who works under the direction or supervision of an employer and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer; an "employed" and "employment" have corresponding meanings; (xxxiii)

(vii) "employer" means any person whatsoever who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business; and "employ" and "employment" have corresponding meanings; (xxxii)

(viii) "factory" means any premises on or in which any employer and his employees are associated wholly or mainly for the purpose of carrying on any one or more of the following activities, including any activity which is necessarily or ordinarily incidental to any such activity:

(a) The making of any article or part of any article;
(b) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;

(c) the adaptation for sale or use of any article;
(d) the sorting, assembling or packing, including washing or filling bottles or other containers, of any articles;

(e) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof, but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out;

(f) printing by letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;

(g) the production and storage of gas;
(h) the freezing, chilling or storage in cold storage of any article;

(i) the slaughtering of livestock;
(j) the generation of electricity;
(k) photographic work; (ix)

(ix) "inspector" means an inspector appointed or deemed to have been appointed under section 19; (xiv)

(x) "insurance agent" means an employee who is wholly or mainly engaged away from his employer's premises in canvassing for insurance business or collecting premiums in respect of insurance policies; (iii)

(xi) "law" includes the common law; (xxxv)

(xii) "licence of exemption" means a licence issued or deemed to have been issued under section 12; (xxix)

(xiii) "military training" means any training undergone in pursuance of the Defence Act, 1957 (Act 44 of 1957); (xviii)

(xiv) "Minister" means the Minister of Manpower; (xix)

(xv) "office" means any premises in which bookkeeping, typing, writing or any other form of clerical work whatsoever, including the work of a cashier or a telephone attendant or switchboard operator, is performed, but shall not include premises on which such activities are performed in or in connection with a factory; (xv)

(xvi) "officer" means a person on the fixed establishment of the public service; (i)

(xv) "kantoor" 'n perseel waarin boekhou, tikwerk, skryfwerk of enige ander vorm van klerklike werk hoegenaamd, met inbegrip van die werk van 'n kassier of telefoon- of skakelbordbediener, gedoen word, maar sluit nie in nie persele waarop sodanige bedrywighede in of in verband met 'n fabriek uitgevoer word; (xv)

(xvi) "loon" die bedrag geld betaal of betaalbaar aan 'n werknemer ten opsigte van die voorgeskrewe maksimum gewone werkure: Met dien verstande dat as 'n werknemer gewoonlik minder dan die voorgeskrewe maksimum gewone werkure werk dit die bedrag beteken wat betaal word of betaalbaar is ten opsigte van die ure wat aldus gewoonlik deur hom gewerk word; (xxxiv)

(xvii) "los werknemer" 'n werknemer wat vir hoogstens drie dae in 'n week by dieselfde werkgever in diens is; (iii)

(xviii) "militêre opleiding" enige opleiding ondergaan uit hoofde van die Verdedigingswet, 1957 (Wet 44 van 1957); (xiii)

(xix) "Minister" die Minister van Mannekrag; (xiv)

(xx) "noodwerk" enige werk wat weens brand, ongeluk, storm, epidemie, gewelddaad, diefstal, staking van uitrusting of masjinerie of ander onvoorsiene gebeurtenis sonder versuim verrig moet word of werk in verband met die herstel of repareer van uitrusting of masjinerie wat nie gedurende gewone werkure verrig kan word nie; (v)

(xxi) "onderneming, nywerheid, bedryf of beroep" ook enige afdeling of gedeelte van 'n onderneming, nywerheid, bedryf of beroep; (xxxiii)

(xxii) "oortyd" daardie gedeelte van enige tydperk waartydens 'n werknemer vir sy werkgever werk gedurende enige week of op enige dag, na gelang van die geval, wat die gewone werkure oorskry, maar nie ook 'n tydperk nie gedurende welke 'n ander werknemer as 'n werknemer vermeld in artikel 3 (2) (a) vir sy werkgever op 'n Sondag werk; (xix)

(xxiii) "perseel" enige grond en enige gebou of struktuur of gedeelte daarvan, bo of onder die oppervlakte van enige grond en ook enige voertuig, vliegtuig of vaartuig; (xx)

(xxiv) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xxiii)

(xxv) "sekuriteitswag" 'n werknemer wat betrokke is by toesighouding oor en kontrolering van 'n wag; kontrolering van of verslagdoening oor die beweging van persone of voertuie deur kontrolepunte of hekke en van wie vereis kan word om die pligte van 'n wag of sodanige ander pligte verbonde aan sekuriteit as wat aan hom toegewys mag word, te verrig; (xxv)

(xxvi) "vakvereniging" 'n vakvereniging soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956); (xxx)

(xxvii) "versorger" 'n werknemer wat uitsluitlik of hoofsaaklik enige artikel van sy werkgever se klante versorg hetsy, al dan nie, hy ook—

(a) bestellings neem vir die verskaffing van enige sodanige artikel of deel daarvan;

(b) enige sodanige artikel op die klant se perseel herstel; of

(c) geld invorder; (xxvi)

(xxviii) "voorgeskrewe" of "voorgeskryf" by of kragtens hierdie Wet of regulasie voorgeskryf; (xxi)

(xxix) "vrystellingsertifikaat" 'n sertifikaat wat kragtens artikel 12 uitgereik is of geag word daarkragtens uitgereik te gewees het; (xii)

(xxx) "wag" 'n werknemer wat enige eiendom of artikel bewaak; (xxxv)

(xvii) "ordinary working hours" means the hours of work prescribed in section 3 (1) (a), (b), (c) or (d) or the said hours as extended by virtue of the provisions of section 3 (3) as circumstances may require; (x)

(xviii) "outside sales assistant" means an employee who for and on behalf of a retail establishment goes from office to office or from one private house to another to invite, solicit or canvass orders from persons for the supply of goods for their own use or consumption and who may collect money on behalf of his establishment; (vi)

(xix) "overtime" means that portion of any period during which any employee works for his employer during any one week or on any one day, as the case may be, which is in excess of the ordinary working hours, but does not include any period during which an employee, other than an employee referred to in section 3 (2) (a), works for his employer on a Sunday; (xxii)

(xx) "premises" means any land and any building or structure, or part thereof, above or below the surface of any land and includes any vehicle, aircraft or vessel; (xxiii)

(xxi) "prescribed" means prescribed by this Act or by regulation; (xxviii)

(xxii) "property salesman" means an employee who is wholly or mainly engaged away from his employer's premises in offering for sale or canvassing for the sale of immovable property or businesses; (viii)

(xxiii) "regulation" means a regulation made under this Act; (xxiv)

(xxiv) "remuneration" means any payment in money or in kind or both in money and in kind, made or owing to any person, which arises in any manner whatsoever out of employment; and "remunerate" has a corresponding meaning; (v)

(xxv) "security guard" means an employee who is engaged in supervising or controlling a watchman; controlling or reporting on the movement of persons or vehicles through check-points or gates and who may be required to search persons and to perform the duties of a watchman or such other duties related to security as may be allocated to him; (xxv)

(xxvi) "serviceman" means an employee who is wholly or mainly engaged in servicing any article of his employer's customers whether or not he also—

(a) takes orders for the supply of any such article or part thereof;

(b) repairs any such article on the customer's premises; or

(c) collects money; (xxvii)

(xxvii) "shop" means—

(a) any premises or any portion of any premises to which persons are invited for the purpose of purchasing articles displayed for sale therein or thereon, or articles of the type so displayed for sale;

(b) any premises or portion thereof in which—

(i) the articles referred to in paragraph (a) are stored, unpacked or packed, or from which such articles are delivered or despatched to persons referred to in the said paragraph purchasing such articles;

(ii) articles intended for sale are stocked and from which wholesale or retail orders are executed for the supply of such articles to customers;

(xxxix) "week", met betrekking tot 'n werknemer, die tydperk van sewe dae waarin die werkweek van daardie werknemer gewoonlik val; (xxxvi)

(xxxii) "werkgever" enige persoon hoegenaamd wat enige persoon in diens het of aan hom werk verskaf, en wat daardie persoon beloon, of uitdruklik of stilswyend onderneem om hom te beloon of wat enige persoon hoegenaamd toelaat om hom op enige wyse te help om sy besigheid voort te sit of te drywe; en het "in diens" en "diens" ooreenstemmende betekenis; (vii)

(xxxiii) "werknemer" enige persoon wat in diens is by of werk verrig vir enige werkgever en beloning ontvang of geregtig is om dit te ontvang of wat onder die aanwysing of toesig van 'n werkgever werk, en enige ander persoon hoegenaamd wat op enige wyse help om die besigheid van 'n werkgever voort te sit of te drywe; en het "in diens" en "diens" ooreenstemmende betekenis; (vi)

(xxxiv) "werkskof", met betrekking tot enige werknemer, die tydperk op enige dag, bereken vanaf die tydstop waarop die werknemer die eerste maal begin werk totdat hy sy werk vir daardie dag staak, en by die toepassing van hierdie omskrywing beteken "dag", 'n tydperk van 24 opeenvolgende ure bereken vanaf bedoelde begin van werk; (xxviii)

(xxxv) "wet" of "wetsbepaling" ook die gemene reg; (xi)

(xxxvi) "winkel"—

(a) enige perseel of enige gedeelte van 'n perseel waarheen persone uitgenooi word om artikels wat daarin of daarop vir verkoop vertoon word, of artikels van die tipe wat aldus vir verkoop vertoon word, te koop;

(b) enige perseel of gedeelte daarvan waarin—

(i) die in paragraaf (a) bedoelde artikels gebêre, uitgepak of gepak word of waarvandaan sodanige artikels afgelewer of versend word aan in genoemde paragraaf bedoelde persone wat sodanige artikels koop;

(ii) artikels wat vir verkoop bestem is in voorraad gehou word en waarvandaan groothandel- of kleinhandelbestellings vir die verskaffing aan klante van sodanige artikels uitgevoer word;

(c) enige perseel wat gebruik word as 'n—

(i) restaurant, verversings- of teekamer of eetlokaal;

(ii) haarkappers- of barbierswinkel;

(iii) ontvangslokaal vir—

(aa) kledingstukke of ander weefstowwe wat gewas, skoongemaak of gekleur moet word; of

(bb) skoene, stewels of kledingstukke wat heelgemaak moet word. (xxvii).

Toepassing van Wet

2. (1) Behoudens die bepalings van subartikel (2), is hierdie Wet van toepassing op elke onderneming, nywerheid, bedryf of beroep.

(2) Hierdie Wet is nie van toepassing nie—

(a) ten opsigte van 'n werknemer—

(i) wat in of by 'n liefdadigheidsinrigting in diens is in werk waarvoor hy nie beloning ontvang nie en nie daarop geregtig is nie;

(ii) wat in of in verband met boerderybedrywighede in diens is;

(iii) wat in huishoudelike diens in private huishoudings in diens is;

(iv) in diens van die Staat ten opsigte van sy diens as sodanig;

(v) wat as 'n amptenaar van die Parlement in diens is ten opsigte van sy diens as sodanig;

(c) any premises used as a—

(i) restaurant, refreshment or tea room or eating house;

(ii) hairdresser's or barber's salon;

(iii) receiving depot for—

(aa) articles of clothing or other soft goods which are to be laundered, cleaned or dyed; or

(bb) shoes, boots or articles or clothing which are to be repaired; (xxxvi)

(xxviii) "spread-over", in relation to any employee, means the period in any day reckoned from the time when such employee first commences work until he ceases work for that day, and for the purposes of this definition "day" means a period of 24 consecutive hours reckoned from the time of the said commencement of work; (xxxiv)

(xxix) "this Act" includes any regulation made thereunder; (xiii)

(xxx) "trade union" means a trade union as defined in section 1 of the Labour Relations Act, 1956 (Act 28 of 1956); (xxvi)

(xxxi) "traveller" means any employee who, as a travelling representative of an establishment and on behalf of such establishment, is wholly or mainly engaged in inviting, canvassing or soliciting orders from manufacturers or licensed traders for the supply to them of articles intended for use in or in connection with their respective businesses or for resale whether or not he also takes orders from other persons for the supply to them of articles for their own use or consumption or collects money; (xi)

(xxxii) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples whether or not he also drives the motor vehicle used by the traveller in the performance of his duties; (xii)

(xxxiii) "undertaking, industry, trade or occupation" includes a section or a portion of an undertaking, industry, trade or occupation; (xxi)

(xxxiv) "wage" means the amount of money paid or payable to an employee in respect of the prescribed maximum ordinary working hours: Provided that if an employee ordinarily works less than the prescribed maximum ordinary working hours it means the amount paid or payable in respect of the hours so ordinarily worked by him; (xvi)

(xxxv) "watchman" means an employee who is engaged in guarding any property or article; (xxx)

(xxxvi) "week", in relation to any employee, means the period of seven days within which the working week of that employee ordinarily falls. (xxxi)

Application of Act

2. (1) This Act shall, subject to the provisions of subsection (2) apply to every undertaking, industry, trade or occupation.

(2) This Act shall not apply—

(a) in respect of any person—

(i) employed in or by any charitable institution on work for which he does not and is not entitled to receive any remuneration;

(ii) employed in or in connection with farming operations;

(iii) employed in domestic service in private households;

(iv) employed by the State in respect of his employment as such;

(v) engaged as an officer of Parliament in respect of his employment as such;

(vi) wat in werk in diens is wat in of in verband met enige universiteit, kollege, skool of ander opvoedkundige inrigting wat uitsluitlik of gedeeltelik uit openbare fondse in stand gehou word, verrig word as deel van die opvoeding of opleiding van die persoon wat dit verrig;

(vii) wat 'n universiteitstudent is en in enige onderneming, nywerheid, bedryf of beroep in diens is as deel van sy universiteitsopleiding as daardie diens vereis word vir die voltooiing van sy leergang;

(viii) wat in diens is van enige organisasie wat ingevolge artikel 13 van die Nasionale Welsynwet, 1978 (Wet 100 van 1978), as 'n welsynsorganisasie geregistreer is of geag word as 'n welsynsorganisasie geregistreer te wees en wat geldelike hulp van die Staat ontvang, ten opsigte van sy diens as sodanig;

(ix) wat tydelik by, en slegs vir die duur van, 'n landbou-, tuinbou-, nywerheids- of soortgelyke tentoonstelling in diens is; of

(b) op 'n werknemer ten opsigte van enige aangeleentheid wat ingevolge die Wet op Myne en Bedrywe, 1956 (Wet 27 van 1956), gereël word; of

(c) op 'n persoon ten opsigte van enige aangeleentheid wat gereël word deur of ingevolge—

(i) enige bepaling van die Wet op Mannekragopleiding, 1981 (Wet van 1981);

(ii) enige kennisgewing gepubliseer ingevolge artikel 13, of bestel ingevolge artikel 30 (3) of 30 (3) saamgelees met 30 (4), van genoemde Wet, of enige kennisgewing wat geag word aldus gepubliseer of bestel te gewees het, en wat op so 'n persoon van toepassing is; of

(iii) enige kontrak van vakleerlingskap deur so 'n persoon aangegaan is ooreenkomstig die bepalings van genoemde Wet of 'n wet wat daardeur herroep is, en wat geregistreer is of geag word geregistreer te wees ingevolge die bepalings daarvan.

(3) (a) Die bepalings van artikels 3, 4, 5, 8, 9 en 22 is nie van toepassing nie ten opsigte van 'n werknemer wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae gereël word deur—

(i) 'n ooreenkoms, kennisgewing, vasstelling, order of toekenning kragtens die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956); of

(ii) 'n vasstelling kragtens die Loonwet, 1957 (Wet 5 van 1957),

indien die Minister by kennisgewing in die *Staatskoerant* verklaar het dat die bepalings daarvan oor die algemeen nie minder gunstig vir die betrokke werknemers is nie as die desbetreffende bepalings van hierdie Wet.

(b) 'n Kennisgewing wat ingevolge artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), gepubliseer is, sal geag word ingevolge hierdie Wet gepubliseer te gewees het.

(c) Die bepalings van artikels 3, 4, 5, 8, 9 en 22 is nie van toepassing nie ten opsigte van 'n werknemer wie se diensvoorwaardes gereël word deur 'n maatreël waarna in paragraaf (a) (i) of (ii) verwys word en wat op die datum van inwerkingtreding van hierdie Wet van krag was, en ten opsigte waarvan 'n kennisgewing waarna in paragraaf (b) verwys word nie gepubliseer was nie.

(4) Die bepalings van artikels 6 en 7 is nie van toepassing nie ten opsigte van 'n werknemer wat ingevolge enige ooreenkoms, kennisgewing, toekenning, vasstelling of order waarna in subartikel (3) (a) verwys word, of ingevolge enige voorwaardes waarna in subartikel (2) (c) verwys word, op jaarlikse verlof met volle besoldiging of siekteverlof met volle besoldiging geregtig is.

(vi) employed on work in or in connection with any university, college, school or other educational institution which is maintained wholly or partly from public funds, as part of the education or training of the person performing it;

(vii) who is a university student in respect of his employment in any undertaking, industry, trade or occupation as part of his university training if such employment is required for the completion of his curriculum;

(viii) employed by any organisation registered or deemed to be registered as a welfare organisation in terms of section 13 of the National Welfare Act, 1978 (Act 100 of 1978), which receives financial aid from the State, in respect of his employment as such;

(ix) who is temporarily employed at, and only for the duration of, any agricultural, horticultural, industrial or similar show; or

(b) to any employee in respect of any matter regulated in terms of the Mines and Works Act, 1956 (Act 27 of 1956); or

(c) to any person in respect of any matter regulated by or in terms of—

(i) any provision of the Manpower Training Act, 1981 (Act of 1981);

(ii) any notice published in terms of section 13, or served in terms of section 30 (3) or 30 (3) read with 30 (4), of the said Act, or any notice deemed to have been so published or served, and which is applicable to such person; or

(iii) any contract of apprenticeship entered into by such person in accordance with the provisions of the said Act or any law repealed thereby, and which is registered or deemed to be registered in terms of the provisions thereof.

(3) (a) The provisions of sections 3, 4, 5, 8, 9 and 22 shall not apply in respect of any employee whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays are regulated by—

(i) an agreement, notice, determination, order or award under the Labour Relations Act, 1956 (Act 28 of 1956); or

(ii) a determination under the Wage Act, 1957 (Act 5 of 1957),

if the Minister has by notice in the *Gazette* declared the provisions thereof to be, on the whole, not less favourable to the employees in question than the relative provisions of this Act.

(b) Any notice published in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), shall be deemed to have been published in terms of this section.

(c) The provisions of sections 3, 4, 5, 8, 9 and 22 shall not apply in respect of an employee whose conditions of employment are regulated by a measure referred to in paragraph (a) (i) or (ii) which is binding as at the date of coming into operation of this Act and in respect of which no notice referred to in paragraph (b) had been published.

(4) The provisions of sections 6 and 7 shall not apply in respect of any employee who is, in terms of any agreement, notice, award, determination or order referred to in subsection 3 (a) or conditions referred to in subsection (2) (c) entitled to annual leave of absence on full pay or sick leave on full pay, as the case may be.

Gewone werkure en oortyd

3. (1) Behoudens andersluidende bepalings in hierdie Wet, mag geen werkgewer vereis of toelaat nie dat 'n werknemer—

(a) meer as 46 uur in enige week werk: Met dien verstande dat 'n tydperk gedurende welke 'n werknemer op 'n Sondag werk, nie in aanmerking geneem word nie by die berekening, by die toepassing van hierdie paragraaf, van die aantal ure wat hy gewerk het;

(b) in die geval van 'n los werknemer, meer as nege uur en 15 minute op enige dag werk;

(c) in die geval van 'n werknemer wat gewoonlik 'n vyfdagweek werk, meer as nege uur en 15 minute op enige dag werk;

(d) in die geval van 'n ander werknemer as 'n in paragraaf (b) of (c) bedoelde werknemer, meer as agt uur op enige dag werk, tensy die ure op een dag in die week hoogstens vyf is, in watter geval die ure op die ander dae hoogstens agt en 'n half op enige sodanige dag mag wees;

(e) 'n werkskof van meer as 12 uur werk: Met dien verstande dat as oortyd gewerk word, gemelde werkskof oorskry kan word in die mate waarin die gewone werkure plus die oortyd en enige etenspouse voorgeskryf by paragraaf (f) 12 uur op enige dag oorskry;

(f) meer as vyf uur ononderbroke werk sonder 'n etenspouse van minstens een uur waartydens daar nie van sodanige werknemer vereis of hy nie toegelaat mag word om enige werk te verrig nie, en sodanige pouse word geag nie deel van die gewone werkure van die werknemer uit te maak nie: Met dien verstande dat—

(i) 'n werkgewer met sy werknemer ooreen kan kom om die duur van sodanige pouse tot minstens 'n halfuur te verkort, en in dié geval en nadat die werkgewer die by regulasie bepaalde inspekteur skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;

(ii) 'n motorvoertuigbestuurder wat gedurende sodanige pouse nie werk nie behalwe dat hy in bevel is of bly van die voertuig en sy vrag, indien enige, by die toepassing van hierdie paragraaf geag word gedurende sodanige pouse nie te werk nie;

(iii) behoudens enige ooreenkoms ingevolge subparagraaf (i), 'n werktidperk wat deur pouses van minder as een uur onderbreek word, geag word ononderbroke te wees.

(2) (a) Die bepalings van subartikel (1) (a) en (f) en artikel 5 (1) is nie van toepassing nie ten opsigte van 'n werknemer wat werksaam is in 'n bedrywigheid, deur die Minister of deur 'n amptenaar vir dié doel deur hom aangewys, by kennisgewing in die *Staatskoerant* as 'n bedrywigheid verklaar is waarin onafgebroke werk deur drie skofte per dag noodsaaklik is en daar kan van so 'n werknemer vereis word of hy kan toegelaat word om 48 uur in een week te werk onderworpe aan die voorwaardes wat die Minister of die amptenaar deur hom aangewys in sodanige kennisgewing, of in enige ander kennisgewing, mag oplê.

(b) 'n Verklaring wat ingevolge die eerste voorbehoudsbepaling by artikel 19 (1) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), gepubliseer is en Goewermentskennisgewings R. 1019 van 9 Julie 1965 en R. 1855 van 26 November 1965 word vir die doeleindes van hierdie Wet geag ingevolge hierdie subartikel gepubliseer te gewees het.

(3) Waar 'n werknemer wat in of in verband met 'n winkel in diens is, verplig is om 'n klant te bedien na die voltooiing van die in paragraaf (b), (c) of (d) bedoelde werkure die gewone werkure met hoogstens vyftien minute op 'n dag en met hoogstens een uur in 'n week verleng kan word.

Ordinary hours of work and overtime

3. (1) Save as otherwise provided in this Act, no employer shall require or permit an employee—

(a) to work for more than 46 hours in any week: Provided that any period during which an employee works on a Sunday, shall not be taken into account in calculating, for the purposes of this paragraph, the number of hours worked by him;

(b) to work, in the case of a casual employee, for more than nine hours and 15 minutes on any day;

(c) to work, in the case of an employee who ordinarily works a five-day week, for more than nine hours and 15 minutes on any day;

(d) to work, in the case of an employee other than an employee referred to in paragraph (b) or (c), for more than eight hours on any day, unless the hours on one day in the week do not exceed five in which case the hours on the other days shall not exceed eight and a half on any such day;

(e) to work for a spread-over of more than 12 hours: Provided that if overtime is worked the said spread-over may be exceeded to the extent by which the ordinary working hours plus the overtime and any meal interval prescribed by paragraph (f) exceed 12 hours on any day;

(f) to work for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work and such interval shall be deemed not to be part of the ordinary working hours of the employee: 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 inspector defined by regulation in writing of such agreement, the interval may be so reduced;

(ii) a driver of a motor vehicle, who during such interval does no work other than being or remaining in charge of the vehicle and its load, if any, shall for the purpose of this paragraph be deemed not to be working during such interval; and

(iii) subject to any agreement in terms of subparagraph (i), a period of work interrupted by intervals of less than one hour shall be deemed to be continuous.

(2) (a) The provisions of subsection (1) (a) and (f) and section 5 (1) shall not apply in respect of an employee who is engaged in an activity declared by the Minister or an officer designated by him for that purpose, by notice in the *Gazette*, to be an activity in which continuous working by means of three shifts per day is necessary and such an employee may subject to such conditions as the Minister or the officer designated by him may impose in such notice or in any other notice be required or permitted to work 48 hours in any one week.

(b) A declaration published in terms of the first proviso to section 19 (1) (a) of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), and Government Notices R. 1019 of 9 July 1965, and R. 1855 of 26 November 1965, shall for the purposes of this Act be deemed to have been published in terms of this subsection.

(3) Where an employee employed in or in connection with a shop is required to attend to a customer after completion of the hours of work referred to in subsection (1) (b), (c) or (d) the ordinary working hours may be extended by not more than 15 minutes on any day and by not more than one hour in any week.

(4) (a) Ondanks die bepalings van subartikel (1) (a), (b), (c) en (d), kan 'n werkgewer vereis of toelaat dat 'n werknemer oortyd werk vir nie langer nie as—

(i) 10 uur in enige week;

(ii) drie uur op enige dag;

Met dien verstande dat 'n inspekteur op aansoek en na oorlegpleging met 'n inspekteur aangestel ingevolge die Wet op Masjinerie en Beroepsveiligheid, 1982 (Wet van 1982), by skriftelike kennisgewing aan die werkgewer 'n aantal ure wat die beperkings voorgeskryf in subparagraaf (i) of (ii) oorskry, kan vasstel, wat die werknemer of die klas werknemer ten opsigte waarvan die kennisgewing van toepassing is en die tydperk waarvoor en die voorwaardes waaronder dit geldig is, spesifiseer.

(b) (i) Iemand wat hom veronreg voel deur 'n beslissing van 'n inspekteur kragtens die voorbehoudsbepaling by paragraaf (a), kan binne 14 dae na die datum van so beslissing na die Direkteur-generaal: Mannekrag op die voorgeskrewe wyse appelleer.

(ii) Die Direkteur-generaal: Mannekrag moet die beslissing van die inspekteur bekragtig, of sodanige ander beslissing gee as wat syns insiens, die inspekteur behoort te gee het, en vir die doeleindes van hierdie subartikel word die Direkteur-generaal: Mannekrag se beslissing geag te wees 'n beslissing van die inspekteur gegee op die datum waarop die Direkteur-generaal: Mannekrag sy beslissing gee.

(iii) 'n Beslissing deur die Direkteur-generaal: Mannekrag kragtens subparagraaf (ii) gegee, is finaal.

(5) (a) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van—

(i) 'n demonstrateur-verkoper, 'n versorger, 'n eiendomsverkoper, 'n wag, 'n handelsreisiger, 'n handelsreisiger se assistent, 'n assuransië-agent, 'n sekuriteitswag of 'n buiteverkoopassistent;

(ii) 'n werknemer wat in of in verband met 'n winkel of kantoor in diens is en wie se jaarlikse skaal van beloning, uitgesonderd enige toelae, nie minder is nie as die bedrag by regulasie voorgeskryf.

(b) Die bepalings van subartikel (1) (e) en (f), en die beperkings voorgeskryf by subartikel (4) is nie van toepassing ten opsigte van 'n werknemer terwyl hy noodwerk verrig nie of terwyl hy enige werk verrig in verband met die aankoms, vertrek, proviandering, laai of aflaai van skepe of vliegtuie of die laai of aflaai van trokke of voertuie van die Suid-Afrikaanse Spoorweg- en Hawe-administrasie of van voertuie gebruik deur 'n vervoerkontraakteur in die uitvoering van sy kontrak as sodanig met genoemde Administrasie.

(6) Iemand wat enige van die bepalings van hierdie artikel of 'n voorwaarde opgelê of gespesifiseer kragtens subartikel (2) (a) of die voorbehoudsbepaling by subartikel (4) (a), oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Betaling vir oortyd

4. (1) 'n Werkgewer moet aan 'n werknemer wat oortyd werk 'n bedrag betaal, bereken teen 'n skaal van minstens een en een derde maal sy loon per uur ten opsigte van alle oortyd aldus deur hom gewerk.

(2) Die bepalings van subartikel (1) is nie ten opsigte van 'n werknemer waarna in artikel 3 (5) (a) verwys word, van toepassing nie.

(3) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(4) (a) Notwithstanding the provisions of subsection (1) (a), (b), (c) and (d), an employer may require or permit an employee to work overtime not exceeding—

(i) 10 hours in any week;

(ii) three hours on any day;

Provided that an inspector may on application, after consultation with an inspector appointed in terms of the Machinery and Occupational Safety Act, 1982 (Act of 1982), by notice in writing to the employer fix a number of hours in excess of the limitations prescribed in subparagraph (i) or (ii) specifying the employee, or the class of employee in respect of whom the notice is applicable, and the period for which and the conditions under which it shall be valid.

(b) (i) Any person who considers himself aggrieved by a decision of an inspector made in terms of the proviso to paragraph (a) may, within 14 days after the date of such decision, appeal in the prescribed manner to the Director-General: Manpower.

(ii) The Director-General: Manpower shall confirm the decision of the inspector or give such other decision as in his opinion the inspector ought to have given and, for the purpose of this subsection, the decision of the Director-General: Manpower shall be deemed to be the decision of the inspector, given on the date on which the Director-General: Manpower gives such decision.

(iii) A decision given by the Director-General: Manpower in terms of subparagraph (ii) shall be final.

(5) (a) The provisions of this section shall not apply in respect of—

(i) a demonstrator salesman, a serviceman, a property salesman, a watchman, a traveller, a traveller's assistant, an insurance agent, a security guard or an outside sales assistant;

(ii) any employee who is employed in or in connection with a shop or office and whose annual rate of remuneration, excluding any allowance, is not less than the amount prescribed by regulation.

(b) The provisions of subsection (1) (e) and (f) and the limitations prescribed by subsection (4) shall not apply in respect of an employee while he is engaged on emergency work, or while he is engaged on any work connected with the arrival, departure, provisioning, loading or unloading of ships or aircraft or the loading, or unloading of trucks or vehicles of the South African Railways and Harbours Administration or of vehicles used by any cartage contractor in the fulfilment of his contract as such with the said Administration.

(6) Any person who contravenes or fails to comply with any of the provisions of this section or any conditions imposed or specified under subsection (2) (a) or the proviso to subsection (4) (a) shall be guilty of an offence.

Payment for overtime

4. (1) An employer shall pay to an employee who works overtime an amount calculated at a rate not less than one and one-third times his hourly wage in respect of all overtime so worked by him.

(2) The provisions of subsection (1) shall not apply in respect of an employee referred to in section 3 (5) (a).

(3) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Sondae en openbare feesdae

5. (1) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever—

(a) aan die werknemer—

(i) indien hy vir 'n tydperk van hoogstens vier uur aldus werk, 'n bedrag betaal wat nie minder is nie as die loon betaalbaar ten opsigte van die tydperk wat gewoonlik deur hom op 'n weekdag gewerk word; en

(ii) indien hy vir 'n langer tydperk as vier uur aldus werk, 'n bedrag betaal, bereken teen 'n skaal van minstens dubbel sy loonskaal, ten opsigte van die hele tydperk op die Sondag gewerk, of 'n bedrag wat nie minder is nie as dubbel die loon betaalbaar ten opsigte van die tydperk wat gewoonlik deur hom op 'n weekdag gewerk word, watter ook die grootste is; of

(b) aan die werknemer 'n bedrag betaal, bereken teen 'n skaal van minstens een en een derde maal sy loonskaal ten opsigte van die hele tydperk op die Sondag gewerk en aan hom, binne sewe dae vanaf die Sondag, een dag verlof toestaan en ten opsigte daarvan 'n bedrag aan hom betaal wat nie minder is nie as sy daaglikse loon asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het.

(2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van 'n werkgever wat besigheid dryf in 'n winkel of in 'n kantoor waarin werk verrig word as deel van die besigheid wat in 'n winkel gedryf word, ten opsigte van enige Sondag waarop hy volgens wet bedoelde winkel mag open: Met dien verstande dat hy nie kan vereis of toelaat dat 'n werknemer van wie hy vereis het dat hy gedurende enige week op so 'n Sondag werk of wat hy toegelaat het om aldus te werk, op meer as ses dae gedurende daardie week werk nie.

(3) (a) 'n Werknemer wat in of in verband met 'n winkel of kantoor in diens is, is geregtig op verlof op alle openbare feesdae en dit moet toegestaan word en daar moet aan hom deur sy werkgever 'n bedrag betaal word wat nie minder is nie as sy daaglikse loon ten opsigte van elke sodanige feesdag asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het: Met dien verstande dat sodanige werknemer behoudens die bepalings van paragraaf (b) deur sy werkgever vereis of toegelaat kan word om op enige sodanige feesdag te werk.

(b) Wanneer van 'n werknemer, waarna in paragraaf (a) verwys word, vereis of toegelaat word om op 'n openbare feesdag te werk, moet sy werkgever, benewens betaling aan die werknemer van die bedrag waarop hy geregtig sou gewees het as hy nie aldus gewerk het nie—

(i) aan die werknemer 'n bedrag betaal bereken teen 'n skaal van minstens sy gewone loonskaal ten opsigte van die hele tydperk op sodanige feesdag gewerk, of 'n bedrag van minstens die loon betaalbaar ten opsigte van die tydperk wat hy gewoonlik op 'n weekdag werk, watter ook die grootste is; of

(ii) aan die werknemer 'n bedrag betaal, bereken teen 'n skaal van minstens een derde van sy gewone loonskaal ten opsigte van die hele tydperk op sodanige feesdag gewerk en aan hom, binne sewe dae vanaf die openbare feesdag, een dag verlof toestaan en ten opsigte daarvan 'n bedrag aan hom betaal wat nie minder is nie as sy daaglikse loon asof hy op daardie dag sy gewone ure vir daardie dag van die week gewerk het.

(c) Indien 'n werknemer, uitgesonderd 'n werknemer in paragraaf (a) genoem, nie op Goeie Vrydag, Hemelvaartdag, Republiekdag, Gelofte-dag, Kersdag of Nuwejaarsdag werk nie, moet sy werkgever hom ten opsigte van bedoelde dag besoldig teen minstens sy dagloon, asof hy op bedoelde dag sy gemiddelde gewone werkure vir daardie dag van die week gewerk het.

Sundays and public holidays

5. (1) Whenever an employee works on a Sunday, his employer shall—

(a) pay to the employee—

(i) if he so works for a period not exceeding four hours, an amount of not less than the wage payable in respect of the period ordinarily worked by him on a week-day; and

(ii) if he so works for a period exceeding four hours, an amount calculated at a rate of not less than double his wage rate in respect of the total period worked on such Sunday, or an amount of not less than double the wage payable in respect of the period ordinarily worked by him on a week-day, whichever is the greater; or

(b) pay to the employee an amount calculated at a rate of not less than one and one-third times his wage rate in respect of the total period worked on such Sunday and grant to him within seven days of such Sunday one day's leave and pay to him in respect thereof an amount of not less than his daily wage as if he had on such day worked his ordinary hours for that day of the week.

(2) The provisions of subsection (1) shall not apply in respect of any employer who carries on business in a shop or in an office in which work is performed as part of the business carried on in a shop, in respect of any Sunday upon which he is by law allowed to open such shop: Provided that he shall not require or permit any employee whom he has during any week required or permitted to work on such Sunday, to work on more than six days during that week.

(3) (a) An employee who is employed in or in connection with a shop or an office shall be entitled to and shall be granted leave on all public holidays and shall be paid by his employer an amount of not less than his daily wage in respect of each such holiday as if he had on such day worked his ordinary hours for that day of the week: Provided that such employee may, subject to the provisions of paragraph (b), be required or permitted by his employer to work on any such holiday.

(b) Whenever an employee referred to in paragraph (a) is required or permitted to work on a public holiday his employer shall, in addition to paying to the employee the amount to which the employee would have been entitled had he not so worked—

(i) pay to the employee an amount calculated at a rate of not less than his ordinary wage rate in respect of the total period worked on such public holiday, or an amount of not less than the wage payable in respect of the period ordinarily worked by him on a week-day, whichever is the greater; or

(ii) pay to the employee an amount calculated at a rate of not less than one-third of his ordinary wage rate in respect of the total period worked on such public holiday and grant to him within seven days of such public holiday one day's leave and pay to him in respect thereof an amount of not less than his daily wage as if he had on such day worked his ordinary hours for that day of the week.

(c) If an employee, other than an employee referred to in paragraph (a), does not work on Good Friday, Ascension Day, Republic Day, Day of the Vow, Christmas Day or New Year's Day, his employer shall pay him in respect of such day an amount of not less than his daily wage as if he had on such day worked his average ordinary working hours for that day of the week.

(d) Wanneer 'n werknemer in paragraaf (c) genoem op Goeie Vrydag, Hemelvaartdag, Republiekdag, Gelofte-dag, Kersdag of Nuwerjaarsdag werk, moet sy werkgever hom besoldig teen 'n skaal van minstens sy gewone loonskaal ten opsigte van die hele tydperk gedurende welke hy op bedoelde dag gewerk het, tesame met die besoldiging waarop hy geregtig sou gewees het indien hy nie aldus gewerk het nie.

(4) Wanneer 'n skofwerker 'n skof werk wat gedeeltelik op 'n openbare feesdag in subartikel (3) (d) genoem of op 'n Sondag en gedeeltelik op 'n ander dag val, word daar geag dat die hele skof gewerk is op die dag waarop die grootste gedeelte van sodanige skof val; en vir die doeleindes van hierdie subartikel beteken "skofwerker" 'n werknemer wat skofwerk doen in 'n bedrywigheid in 'n bedryfsinrigting waarin twee of drie opeenvolgende skofte per dag op nie meer as ses dae in 'n week gewerk word nie.

(5) Beloning ingevolge enige bepaling van hierdie artikel betaalbaar moet aan die betrokke werknemer uitbetaal word nie later nie as die eersvolgende betaaldag na die tydperk ten opsigte waarvan die beloning betaalbaar word.

(6) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n werknemer in artikel 3 (5) (a) genoem.

(7) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Jaarlikse verlof

6. (1) (a) 'n Werkgever moet, ooreenkomstig die bepalings van paragrawe (b), (c) en (d), aan elke werknemer, behalwe 'n los werknemer, wat hy in diens het, ten opsigte van elke tydperk van 12 maande diens by hom—

(i) in die geval van 'n sekuriteitswag, 'n versorger, 'n buiteverkoopassistent, 'n handelsreisiger, 'n handelsreisiger se assistent of 'n wag, minstens 21 opeenvolgende dae; en

(ii) in die geval van 'n ander werknemer minstens 14 opeenvolgende dae;

verlof met volle besoldiging toestaan: Met dien verstande dat die tydperk van verlof verminder kan word met enige aantal dae waarop daar aan die werknemer, gedurende die toepaslike dienстыdperk, op sy skriftelike versoek geleentheidsverlof met volle besoldiging toegestaan is.

(b) 'n Werkgever moet sodanige verlof toestaan vanaf 'n datum wat hy bepaal, maar wat nie later is nie as vier maande na verstryking van genoemde tydperk van 12 maande diens: Met dien verstande dat indien 'n werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daarmee ingestem het, sy werkgever sodanige verlof aan hom kan toestaan vanaf 'n datum wat nie later is nie as twee maande na verstryking van genoemde tydperk van vier maande.

(c) 'n Werkgever mag sodanige verlof nie so toestaan nie dat dit saamval met enige tydperk van siekteverlof toegestaan ingevolge artikel 7 of met 'n tydperk van kennisgewing van diensbeëindiging of, tensy die werknemer aldus versoek en die werkgever skriftelik instem, met enige tydperk van militêre opleiding.

(d) Die werkgever moet vir elke openbare feesdag wat binne die tydperk van sodanige verlof val en ten opsigte waarvan die werknemer ingevolge artikel 5 (3) geregtig is op verlof met volle besoldiging, 'n werkdag by genoemde tydperk as 'n verdere verloftydperk met volle besoldiging byvoeg.

(2) Die werkgever moet aan 'n werknemer aan wie verlof kragtens subartikel (1) toegestaan word, sy besoldiging ten opsigte van die verloftydperk nie later nie as die laaste werkdag van die werknemer voor die aanvang van genoemde tydperk, of, op die skriftelike versoek van 'n werknemer, nie later nie as die eerste betaaldag vir sodanige werknemer na verstryking van sy verloftydperk, betaal.

(d) Whenever an employee referred to in paragraph (c) works on Good Friday, Ascension Day, Republic Day, Day of the Vow, Christmas Day or New Year's Day, his employer shall pay him an amount of not less than his ordinary wage rate in respect of the total period worked on such day, in addition to the remuneration to which he would have been entitled had he not so worked.

(4) Whenever a shift worker works a shift which falls partly on any public holiday mentioned in subsection (3) (d) or on a Sunday and partly on any other day, the whole shift shall be deemed to have been worked on the day on which the major part of such shift falls; and for the purposes of this subsection "shift worker" means an employee who is engaged in shift work in an activity in an establishment in which two or three consecutive shifts per day are worked on not more than six days per week.

(5) Remuneration payable in terms of any provision of this section shall be paid to the employee concerned not later than the pay day next succeeding the period in respect of which such remuneration became payable.

(6) The provisions of this section shall not apply in respect of an employee referred to in section 3 (5) (a).

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Annual leave

6. (1) (a) An employer shall grant, in accordance with the provisions of paragraphs (b), (c) and (d), to every employee, other than a casual employee, employed by him in respect of each period of 12 months' employment with him—

(i) in the case of a security guard, a serviceman, an outside sales assistant, a traveller, a traveller's assistant or a watchman, not less than 21 consecutive days; and

(ii) in the case of any other employee, not less than 14 consecutive days;

leave of absence on full pay: Provided that the period of leave may be reduced by any number of days on which the employee was, during the relevant period of employment, granted occasional leave on full pay at his written request.

(b) An employer shall grant such leave as from a date fixed by him but not later than four months after the termination of the said period of 12 months' employment: Provided that if an employee has agreed thereto in writing before the expiration of the said period of four months, his employer may grant such leave to him as from a date not later than two months after the expiration of the said period of four months.

(c) An employer shall not grant such leave to be concurrent with any period of sick leave granted in terms of section 7 or with a period of notice of termination of employment, or, unless the employee so requests and the employer agrees in writing, with any period of military training.

(d) For every public holiday that falls within the period of such leave and in respect of which the employee is in terms of section 5 (3) entitled to be granted leave on full pay, the employer shall add a work day to the said period as a further period of leave of absence on full pay.

(2) An employer shall pay to an employee to whom leave is granted under subsection (1) his pay in respect of the period of leave, not later than the last work day of the employee before the commencement of the said period or, at the written request of an employee, not later than the first pay day for such employee after expiration of his period of leave.

(3) By beëindiging van 'n werknemer se diens moet sy werkgever aan hom—

(a) sy volle besoldiging betaal ten opsigte van enige verloftydperk wat aan hom toegeval het, maar nie voor die datum van beëindiging van die diens aan hom toegestaan is nie; en

(b) 'n bedrag nie minder nie as—

(i) in die geval van 'n werknemer in subartikel (1) (a) genoem, een kwart; en

(ii) in die geval van 'n werknemer in subartikel (1) (a) genoem, een sesde;

van sy loon vir een week betaal ten opsigte van elke voltooide maand van diens by die werkgever na die datum waarop hy laas ingevolge subartikel (1) op verlof geregtig geword het, of, in die geval van 'n werknemer wat vir minder as 12 maande in diens was, na die aanvangsdatum van sy diens: Met dien verstande dat 'n werkgever nie verplig is nie om sodanige bedrag ingevolge hierdie paragraaf te betaal aan 'n werknemer wat sy diens verlaat sonder dat hy die toepaslike kennis van beëindiging van diens in artikel 8 bedoel, gegee en gedurende die tydperk van sodanige kennisgewing gewerk het, tensy hy, toe hy versuim het om sodanige kennis te gee of gedurende die tydperk te werk, binne sy wettige regte gehandel het:

Met dien verstande dat 'n werkgever van enige bedrag wat ingevolge hierdie subartikel betaalbaar is enige bedrag kan aftrek wat aan die betrokke werknemer betaal is ten opsigte van enige dag waarop daar aan hom geleentheidsverlof op sy skriftelike versoek toegestaan is.

(4) Enige bedrag wat ingevolge subartikel (1) of (3) aan 'n werknemer betaal word, word bereken teen die skaal van die loon wat die werknemer ontvang het onmiddellik voor die datum waarop sy verlof 'n aanvang geneem het of sy diens geëindig het, na gelang van die geval, en die bepalinge van artikel 10 is *mutatis mutandis* van toepassing.

(5) Enige tydperk waartydens 'n werknemer—

(a) ingevolge subartikel (1) met verlof is; of

(b) ingevolge artikel 7 (1) met siekteverlof is; of

(c) op las of versoek van die werkgever van sy werk afwesig is; of

(d) militêre opleiding ondergaan;

wat altesaam in enige jaar hoogstens 10 weke ten opsigte van die in paragrafe (a), (b) en (c) bedoelde tydperke plus tot vier maande van enige tydperk van in paragraaf (d) bedoelde militêre opleiding in daardie jaar ondergaan, beloop, word by die toepassing van subartikels (1) en (3) geag diens te wees.

(6) In hierdie artikel beteken "werkgever" ook—

(a) in die geval van die dood van 'n werkgever, die eksekuteur van sy boedel, of sy erfgenaam of legataris; en

(b) in die geval van die insolvensie van 'n werkgever of die likwidasie van sy boedel, of die oordrag of verkoop van sy besigheid, die kurator of likwidateur of die nuwe eienaar van die besigheid, indien sodanige eksekuteur, erfgenaam, legataris, kurator, likwidateur of nuwe eienaar daardie werknemer in sy diens aanhou.

(7) By die toepassing van hierdie artikel word diens geag 'n aanvang te neem vanaf—

(a) die datum waarop die werknemer by die werkgever in diens getree het; of

(b) 'n datum een jaar voor die datum van inwerking-treding van hierdie Wet; of

(c) die datum waarop 'n werknemer aan wie verlof met volle besoldiging ingevolge enige wet en binne die in paragraaf (b) bedoelde tydperk toegestaan was, op sodanige verlof ingevolge bedoelde wet geregtig geword het; of

(3) Upon termination of an employee's employment his employer shall pay to him—

(a) his full pay in respect of any period of leave which has accrued to him but was not granted to him before the date of termination of the employment; and

(b) an amount not less than—

(i) in the case of an employee referred to in subsection (1) (a) (i) one-fourth; and

(ii) in the case of an employee referred to in subsection (1) (a) (ii) one-sixth;

of the weekly wage in respect of each completed month of employment with the employer after the date on which he last became entitled to leave in terms of subsection (1) or, in the case of an employee who has been employed for less than 12 months, after the date of commencement of his employment: Provided that an employer shall not be obliged to pay, in terms of this paragraph, such amount to an employee who leaves his employment without having given, and worked during the period of the appropriate notice of termination of employment referred to in section 8, unless in failing to give such notice or to work during such period he was acting within his legal rights:

Provided that an employer may deduct from any amount payable in terms of this subsection any amount paid to the employee concerned in respect of any day on which he was granted occasional leave at his written request.

(4) Any amount paid to an employee in terms of subsection (1) or (3) shall be calculated at the rate of the wage which the employee was receiving immediately prior to the date upon which the leave commenced or his employment terminated, as the case may be, and the provisions of section 10 shall *mutatis mutandis* apply.

(5) Any period during which an employee—

(a) is on leave in terms of subsection (1); or

(b) is on sick leave in terms of section 7 (1); or

(c) is absent from work on the instructions or at the request of the employer; or

(d) is undergoing military training;

amounting in the aggregate in any year to not more than 10 weeks in respect of the periods referred to in paragraphs (a), (b) and (c) plus up to four months of any period of military training referred to in paragraph (d) undergone in that year, shall, for the purposes of subsections (1) and (3), be deemed to be employment.

(6) In this section "employer" includes—

(a) in the case of the death of an employer, the executor of his estate or his heir or legatee; and

(b) in the case of the insolvency of an employer or the liquidation of his estate, or the transfer or sale of his business, the trustee or liquidator or the new owner of the business, if such executor, heir, legatee, trustee, liquidator or new owner continues to employ that employee.

(7) For the purposes of this section employment shall be deemed to commence from—

(a) the date on which the employee entered the employer's service; or

(b) a date one year prior to the date of commencement of this Act; or

(c) the date upon which an employee who had, in terms of any law and within the period referred to in paragraph (b), been granted leave of absence on full pay, became entitled to such leave in terms of such law; or

(d) die datum waarop 'n werknemer vir wie geen in artikel 2 (2) (b) of (c) of (3) bedoelde maatreël bindend is nie en aan wie ingevolge so 'n maatreël wat opgehou het om bindend te wees en binne die in paragraaf (b) bedoelde tydperk, verlof met volle besoldiging toegestaan was, op sodanige verlof ingevolge enige sodanige maatreël geregtig geword het; of

(e) die datum waarop 'n werknemer aan wie na die datum van inwerkingtreding van hierdie Wet verlof met volle besoldiging toegestaan is ingevolge enige in artikel 2 (2) (b) of (c) of (3) bedoelde maatreël wat opgehou het om ten opsigte van hom bindend te wees, laas op sodanige verlof ingevolge enige sodanige maatreël geregtig geword het;

watter ook die laatste datum is.

(8) Behoudens die bepalinge van subartikel (3), mag geen werkgever met 'n werknemer ooreenkom om enige bedrag, in plaas van verlof waarop hy ingevolge subartikel (1) geregtig is, aan hom te betaal, of dit aan hom betaal nie.

(9) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Betaalde siekteverlof

7. (1) 'n Werkgever moet aan enige werknemer, behalwe 'n los werknemer, wat hy in diens het en wat van sy werk afwesig is weens ongeskiktheid—

(a) in die geval van 'n werknemer wat 'n vyfdagweek werk, minstens 30 werkdag; en

(b) in die geval van elke ander werknemer, minstens 36 werkdag;

siekteverlof altesaam toestaan gedurende enige tydperk van 36 agtereenvolgende maande diens by hom, en moet aan sodanige werknemer ten opsigte van die tydperk van afwesigheid ingevolge hierdie subartikel 'n bedrag betaal wat nie minder is nie as die loon wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) 'n werknemer gedurende die eerste 12 agtereenvolgende maande diens nie geregtig is nie op siekteverlof met volle besoldiging teen 'n skaal van meer as, in die geval van 'n werknemer wat 'n vyfdagweek werk, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van elke ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;

(ii) voordat 'n werkgever enige bedrag betaal wat 'n werknemer kragtens hierdie subartikel eis ten opsigte van enige afwesigheid uit sy werk gedurende 'n tydperk wat strek oor meer as twee opeenvolgende dae, kan hy vereis dat die werknemer 'n sertifikaat voorlê wat deur 'n mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid vermeld, en indien 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie subartikel ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van agt weke onmiddellik ná die jongste sodanige geleentheid kan vereis dat hy ten opsigte van enige afwesigheid uit sy werk so 'n sertifikaat voorlê;

(iii) waar van 'n werkgever by enige wet vereis word om gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer te betaal en hy sodanige gelde ten opsigte van enige ongeskiktheid betaal, die bedrag aldus betaal, verreken kan word teen die besoldiging verskuldig ingevolge hierdie subartikel ten opsigte van afwesigheid met siekteverlof weens sodanige ongeskiktheid;

(d) the date upon which an employee upon whom a measure referred to in section 2 (2) (b) or (c) or (3) does not apply who had, in terms of any such measure which have ceased to be binding, and within the period referred to in paragraph (b), been granted leave of absence on full pay, became entitled to such leave in terms of any such measure; or

(e) the date upon which an employee, who has after the date of commencement of this Act been granted leave of absence on full pay in terms of any measure referred to in section 2 (2) (b) or (c) or (3) which have ceased to be binding in respect of him, last became entitled to such leave in terms of any such measure;

whichever may be the later date.

(8) Subject to the provisions of subsection (3), no employer shall agree with an employee to pay, or pay to him any amount in lieu of leave, to which he is entitled in terms of subsection (1).

(9) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Paid sick leave

7. (1) An employer shall grant to any employee, other than a casual employee, employed by him and who is absent from work through incapacity—

(a) in the case of an employee who works a five-day week, not less than 30 working days; and

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

sick leave in the aggregate during any period of 36 consecutive months of employment with him and shall pay to such employee in respect of the period of absence in terms of this subsection an amount of not less than the wage he would have received had he worked during such period: Provided that—

(i) during 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 five-day week, one working day in respect of each completed period of five weeks of employment and, in the case of every other employee, one working day in respect of each completed month of employment;

(ii) an employer may, as a condition precedent to the payment by him of any amount claimed in terms of this subsection by an employee in respect of any absence from work for a period covering more than two consecutive days, require the employee to produce a certificate signed by a medical practitioner stating the nature and duration of the employee's incapacity, and if an employee has during any period of up to eight weeks received payment in terms of this subsection on two or more occasions without producing such a certificate, his employer may during the period of eight weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work;

(iii) where an employer is by 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 terms of this subsection in respect of absence on sick leave because of such incapacity;

(iv) die bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van—

(aa) 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes maak, wat minstens gelyk is aan dié deur die werknemer gemaak, tot enige fonds of organisasie deur die werknemer aangewys, en dié fonds of organisasie aan die werknemer in geval van sy ongeskiktheid in die omstandighede in hierdie subartikel vermeld, die betaling aan hom waarborg van minstens altesaam 'n bedrag gelyk aan sy loon vir 30 of 36 werkdade, na gelang van die geval, in elke tydperk van 36 maande diens;

(bb) enige tydperk van ongeskiktheid van 'n werknemer ten opsigte waarvan die werkgewer by enige ander wet verplig word om aan die werknemer 'n bedrag wat nie minder as sy loon is nie, te betaal.

(2) By die toepassing van hierdie artikel beteken—

(a) "diens" ook—

(i) enige tydperk waartydens 'n werknemer—

(aa) ingevolge artikel 6 (1) met verlof is; of

(bb) ingevolge subartikel (1) met siekteverlof is; of

(cc) op las of versoek van die werkgewer van sy werk afwesig is; of

(dd) militêre opleiding ondergaan;

wat altesaam in enige jaar hoogstens 10 weke ten opsigte van die in subparagrafe (aa), (bb) en (cc) bedoelde tydperke plus tot vier maande van enige tydperk van in subparagraaf (dd) bedoelde militêre opleiding in daardie jaar ondergaan, behoort;

(ii) enige ononderbroke diens wat 'n werknemer onmiddellik voor die datum van inwerkingtreding van hierdie Wet by dieselfde werkgewer gehad het, word, by die toepassing van hierdie artikel, geag diens te wees, en enige siekteverlof met volle besoldiging wat aan so 'n werknemer gedurende sodanige tydperk toegestaan is, word, by die toepassing van hierdie artikel, geag kragtens hierdie Wet toegestaan te gewees het; en

(b) "ongeskiktheid" onvermoë om te werk weens enige siekte of besering behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat enige sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk of 'n geskeduleerde siekte waarvoor vergoeding kragtens die Ongevallewet, 1941 (Wet 30 van 1941), betaalbaar is, slegs as ongeskiktheid beskou word gedurende enige tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(3) Die bepalings van artikel 10 is *mutatis mutandis* van toepassing vir die doeleindes van hierdie artikel.

(4) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Dienskontrak en ontbinding daarvan

8. (1) 'n Werknemer, behalwe 'n los werknemer, word by die toepassing van hierdie artikel geag—

(a) 'n weeklikse werknemer te wees, as sy loon weekliks betaal word; en

(b) 'n maandelikse werknemer te wees, as sy loon anders as weekliks betaal word.

(2) Behoudends die bepalings van hierdie artikel, moet 'n werkgewer of sy werknemer, behalwe 'n los werknemer of sy werkgewer, wat die dienskontrak wil beëindig—

(a) gedurende die eerste vier weke diens, een werkdag kennis gee; en

(iv) the provisions of this subsection shall not apply in respect of—

(aa) 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 subsection the payment to him of not less than in the aggregate the equivalent of his wage for 30 or 36 working days, as the case may be, in each period of 36 months of employment;

(bb) any period of incapacity of an employee in respect of which the employer is by any other law required to pay to the employee an amount of not less than his wage.

(2) For the purposes of this section—

(a) "employment" includes—

(i) any period during which an employee—

(aa) is on leave in terms of section 6 (1); or

(bb) is on sick leave in terms of subsection (1); or

(cc) is absent from work on the instructions or at the request of his employer; or

(dd) is undergoing military training;

amounting in the aggregate in any year to not more than 10 weeks in respect of the periods referred to in subparagraphs (aa), (bb) and (cc) plus up to four months of any period of military training referred to in subparagraph (dd) undergone in that year;

(ii) any continuous employment which an employee has had with the same employer immediately before the date of commencement of this Act, and any sick leave on full pay granted to such an employee during such period shall for the purposes of this section be deemed to have been granted under this Act; and

(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 or a scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941 (Act 30 of 1941), shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

(3) The provisions of section 10 shall *mutatis mutandis* apply for the purposes of this section.

(4) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Contract of employment and termination thereof

8. (1) An employee, other than a casual employee, shall, for the purposes of this section, be deemed to be—

(a) a weekly employee, if his wages are paid weekly; and

(b) a monthly employee, if his wages are paid otherwise than weekly.

(2) Subject to the provisions of this section, an employer or his employee, other than a casual employee or his employer, who desires to terminate the contract of employment, shall give—

(a) during the first four weeks of employment, one work day's notice; and

(b) na die eerste vier weke diens, in die geval van 'n weeklikse werknemer, een week kennis en, in die geval van 'n maandelikse werknemer, twee weke kennis gee; van beëindiging van die kontrak en by sodanige beëindiging van die kontrak moet die werkgever aan die werknemer minstens—

(i) in die geval van een werkdag kennis, die daaglikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van 'n week kennis, die weeklikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang;

(iii) in die geval van twee weke kennis, dubbel die weeklikse loon betaal wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat 'n werkgever of werknemer die dienskontrak te eniger tyd sonder kennisgewing kan beëindig deur in plaas van sodanige kennisgewing 'n bedrag wat nie minder is nie as die in paragraaf (i), (ii) of (iii) bedoelde toepaslike loon aan die werknemer te betaal of aan die werkgever te betaal of te verbeur, na gelang van die geval.

(3) Die bepalinge van subartikel (2) raak nie—

(a) die reg van 'n werkgever of 'n werknemer om die kontrak sonder kennisgewing te beëindig om enige rede regtens as voldoende erken nie;

(b) enige skriftelike ooreenkoms tussen 'n werkgever en sy werknemer wat voorsiening maak vir 'n tydperk van kennisgewing van gelyke duur aan albei kante en vir langer as dié wat in subartikel (2) voorgeskryf word nie; of

(c) die werking van enige verbeurings of boetes wat regtens van toepassing is ten opsigte van 'n werknemer wat sy diens verlaat nie.

(4) Waar 'n ooreenkoms soos dié in subartikel (3) (b) bedoel, bestaan, moet die in subartikel (2) bedoelde betaling of verbeuring ooreenstem met die tydperk van kennisgewing waarvoor tussen die werkgever en werknemer ooreengekom is.

(5) Die in subartikel (2) voorgeskrewe kennis moet—

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

(b) in die geval van 'n maandelikse werknemer, op of voor die eerste of die 15de dag van 'n maand gegee word en dit loop vanaf sodanige eerste of 15de dag;

Met dien verstande dat—

(i) 'n tydperk van kennisgewing nie mag saamval met, en kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met verlof toegestaan ingevolge artikel 6 of enige tydperk van sy militêre opleiding nie;

(ii) kennis nie gedurende 'n werknemer se afwesigheid met siekteverlof toegestaan ingevolge artikel 7 gegee mag word nie;

(iii) waar slegs een werkdag se kennisgewing nodig is sodanige kennisgewing op enige werkdag kan geskied.

(6) 'n Werkgever of sy werknemer, behalwe 'n ongeletterde werknemer, moet die in hierdie artikel bedoelde kennis skriftelik gee.

(7) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Dienssertifikaat

9. (1) 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 die volle name van die werkgever en die werknemer, die beroep van die werknemer, die aan-

(b) after the first four weeks of employment, in the case of a weekly employee, one week's notice, and, in the case of a monthly employee, two weeks' notice; of termination of the contract and upon such termination of the contract the employer shall pay to the employee not less than—

(i) in the case of one work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination;

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

Provided that an employer or employee may at any time terminate the contract of employment without notice by paying to the employee or paying or forfeiting to the employer, as the case may be, in lieu of such notice an amount of not less than the appropriate wage referred to in paragraph (i), (ii) or (iii).

(3) The provisions of subsection (2) 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 subsection (2); or

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

(4) Where there is in existence such an agreement as is referred to in subsection (3) (b), the payment or forfeiture referred to in subsection (2) shall be commensurate with the period of notice agreed upon between the employer and the employee.

(5) The notice prescribed in subsection (2) shall—

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

(b) in the case of a monthly employee, be given on or before the first or the 15th day of a month and shall run from such first or 15th day;

Provided that—

(i) a period of notice shall not run concurrently with, and notice shall not be given during an employee's absence on leave granted in terms of section 6 or any period of his military training;

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

(iii) where only one work day's notice is required to be given, such notice may be given on any work day.

(6) An employer or his employee, except an illiterate employee, shall give the notice referred to in this section in writing.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Certificate of service

9. (1) 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, showing the full names of the employer and of the employee, the occupation of the

vangsdatum en die datum van beëindiging van die kontrak en die loonskaal van die werknemer op die datum van sodanige beëindiging, vermeld.

(2) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Berekening van loon

10. (1) By die toepassing van hierdie Wet word die loon van 'n werknemer, behalwe 'n in subartikel (2) vermelde werknemer, vir—

(a) een uur bereken op die grondslag van die getal ure wat hy gewoonlik in 'n week werk maar nie meer nie as die gewone weeklikse werkure, en die loon wat hy gewoonlik in 'n week ontvang;

(b) 'n dag bereken—

(i) in die geval van 'n werknemer wat 'n vyfdagweek werk, deur die loon wat hy gewoonlik in 'n week ontvang deur vyf te deel, en, in die geval van 'n werknemer wat 'n sesdagweek werk, deur die loon wat hy gewoonlik in 'n week ontvang deur ses te deel; en

(ii) in die geval van 'n ander werknemer dan 'n in subparagraaf (i) bedoelde werknemer, deur sy loon vir een uur met die getal ure wat hy gewoonlik op so 'n dag werk, maar hoogstens die gewone daaglikse werkure, te vermenigvuldig;

(c) die weeklikse loon van 'n werknemer, behalwe 'n in subartikel (2) vermelde werknemer, wat sy loon maandeliks ontvang, bereken deur die loon wat hy aldus gewoonlik ontvang, deur vier en 'n derde te deel; en

(d) die maandelikse loon van 'n werknemer, behalwe 'n in subartikel (2) vermelde werknemer, wat sy loon weekliks ontvang, bereken deur die loon wat hy aldus gewoonlik ontvang, met vier en 'n derde te vermenigvuldig.

(2) By die toepassing van hierdie Wet word, wanneer 'n werknemer op 'n ander grondslag betaal word as ooreenkomstig die tyd werklik deur hom gewerk—

(a) sy weeklikse loon op enige datum geag te wees die gemiddelde weeklikse loon vir die voorafgaande 13 weke, of, indien 'n korter tydperk gewerk is, vir die getal voltooide weke aldus gewerk;

(b) die loon van sodanige werknemer vir een uur bereken deur die weeklikse loon, soos ingevolge paragraaf (a) bereken, deur 46 te deel; en

(c) die daaglikse loon van sodanige werknemer bereken—

(i) in die geval van 'n werknemer wat 'n vyfdagweek werk, deur die loon vir een uur, soos ingevolge paragraaf (b) bereken, met nege en 'n vyfde te vermenigvuldig; en

(ii) in die geval van 'n werknemer wat 'n sesdagweek werk, deur die loon vir een uur, soos ingevolge paragraaf (b) bereken, met sewe en twee derdes te vermenigvuldig.

Verbod op diens

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

(2) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig.

Vrystellings

12. (1) (a) Wanneer aansoek gedoen word om die vrystelling van enige persoon of klas persone van een of meer van of al die bepalings van hierdie Wet of van enige regulasie, of wanneer daar omstandighede bestaan wat, na die mening van die Minister, sodanige vrystelling regverdig, kan die Minister, as hy dit raadsaam ag om dit te doen, vrystelling verleen van een of meer van of al sodanige bepalings aan of ten opsigte van daardie persoon of klas persone vir die tydperk en onderworpe aan die bedinge en voorwaardes wat hy bepaal.

employee, the date of commencement and the date of termination of the contract and the wage rate of the employee on the date of such termination.

(2) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Calculation of wages

10. (1) For the purposes of this Act the wage of an employee, other than an employee referred to in subsection (2), for—

(a) one hour shall be calculated on the basis of the number of hours ordinarily worked by him during a week, but not exceeding the weekly ordinary working hours, and the wage ordinarily received by him during a week;

(b) a day shall be calculated—

(i) in the case of an employee who works a five-day week, by dividing the wage ordinarily received by him during a week, by five, and, in the case of an employee who works a six-day week, by dividing the wage ordinarily received by him during a week, by six; and

(ii) in the case of an employee other than an employee referred to in subparagraph (i), by multiplying his wage for one hour by the number of hours which he ordinarily works on such a day, but not exceeding the daily ordinary working hours;

(c) the weekly wage of an employee, other than an employee referred to in subsection (2), who receives his wage monthly, shall be calculated by dividing the wage so ordinarily received by him, by four and one-third; and

(d) the monthly wage of an employee, other than an employee referred to in subsection (2), who receives his wage weekly, shall be calculated by multiplying the wage so ordinarily received by him by four and one-third.

(2) For the purposes of this Act, whenever an employee is paid on a basis other than in accordance with the time actually worked by him—

(a) his weekly wage at any date shall be deemed to be the average weekly wage for the preceding 13 weeks or, if a lesser period has been worked, for the number of completed weeks so worked;

(b) the wage of such employee for one hour shall be calculated by dividing the weekly wage, as calculated in terms of paragraph (a), by 46; and

(c) the daily wage of such employee shall be calculated—

(i) in the case of an employee who works a five-day week, by multiplying the hourly wage, as calculated in terms of paragraph (b), by nine and one-fifth; and

(ii) in the case of an employee who works a six-day week, by multiplying the hourly wage, as calculated in terms of paragraph (b), by seven and two-thirds.

Prohibition of employment

11. (1) An employer shall not employ any person under the age of 15 years.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Exemptions

12. (1) (a) Whenever application is made for, or whenever circumstances exist which, in the opinion of the Minister, justify the exemption of any person or class of persons from one or more or all of the provisions of this Act or of any regulation, the Minister may if he deems it expedient to do so, grant exemption from one or more or all of such provisions to or in respect of that person or class of persons, for such period and subject to such terms and conditions as he may determine.

(b) Die tydperk waarvoor enige sodanige vrystelling verleen word, kan op 'n vroeër datum begin as dié waarop vrystelling verleen word, maar nie vroeër nie as die datum waarop aansoek gedoen is of bedoelde omstandighede onder die Minister se aandag gebring is, na gelang van die geval.

(2) Die Minister kan, na goeddunke, deur 'n deur hom ondertekende geskrif die bevoegdheid wat subartikel (1) aan hom verleen aan enige amptenaar deleger, en hy kan te eniger tyd so 'n delegasie terugtrek.

(3) Die bedinge en voorwaardes van 'n vrystelling wat kragtens subartikel (1) verleen word, moet in 'n vrystellingsertifikaat, onderteken deur 'n amptenaar, ingelyf word en 'n afskrif daarvan moet aan die persoon of persone gestuur word wat die amptenaar nodig ag. Met dien verstande dat in plaas van so 'n sertifikaat die Minister die publikasie in die *Staatskoerant* kan magtig van 'n kennisgewing waarin die bedinge en voorwaardes van so 'n vrystelling ingelyf word, en in daardie geval moet die persoon of klas persone aan of ten opsigte van wie, die tydperk waarvoor en die datum met ingang waarvan die vrystelling verleen word, vermeld word in bedoelde kennisgewing, wat by die toepassing van hierdie Wet geag word 'n vrystellingsertifikaat te wees wat ingevolge hierdie subartikel uitgereik is.

(4) 'n Vrystelling wat kragtens hierdie artikel aan of ten opsigte van 'n persoon of klas persone verleen word, stel 'n werkgever wat daardie persoon of 'n lid van daardie klas persone in diens het, vry van die toepaslike bepalings van hierdie Wet in die mate in die vrystellingsertifikaat vermeld, en die bedinge en voorwaardes ingelyf in die vrystellingsertifikaat is bindend vir die persoon of elke lid van die klas persone aan of ten opsigte van wie vrystelling verleen is, en indien daardie persoon of 'n lid van daardie klas 'n werknemer is, vir elke persoon wat hom in diens het.

(5) (a) 'n Vrystelling verleen of geag word verleen te gewees het—

(i) deur die Minister of deur 'n amptenaar aan wie bevoegdheid kragtens subartikel (2) gedelegeer is, kan te eniger tyd deur die Minister teruggetrek of gewysig word; of

(ii) deur 'n amptenaar aan wie bevoegdheid aldus gedelegeer is, kan te eniger tyd teruggetrek of gewysig word deur daardie amptenaar of deur enige ander amptenaar aan wie bevoegdheid aldus gedelegeer is.

(b) (i) Iemand wat hom veronreg voel deur 'n beslissing van 'n amptenaar, aan wie magte kragtens subartikel (2) gedelegeer is, op 'n aansoek om vrystelling mag te eniger tyd na die Minister teen daardie beslissing appelleer.

(ii) Die Minister moet die beslissing van die amptenaar bekragtig, of sodanige ander beslissing gee as wat syns insiens, die amptenaar behoort te gee het, en vir die doeleindes van hierdie paragraaf word die Minister se beslissing geag te wees 'n beslissing van die amptenaar gegee op die datum waarop die Minister sy beslissing gee.

(iii) 'n Beslissing deur die Minister kragtens subparagraaf (ii) gegee, is finaal.

(6) By die toepassing van hierdie artikel beteken "klas persone" ook die groep of afdeling of soort persone wat in die vrystellingsertifikaat vermeld of omskrywe word en by die maak van so 'n vermelding of omskrywing kan enige metode van differensiasie wat raadsaam geag word, toegepas word: Met dien verstande dat geen differensiasie op grond van geslag, ras of kleur gemaak mag word nie.

(7) Enige vrystelling verleen ingevolge artikel 14 van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), of artikel 54 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), vir sover dit vrystelling verleen van bepalings soortgelyk aan dié ten opsigte waarvan

(b) The period for which any such exemption is granted may commence on a date prior to that on which exemption is granted but not earlier than the date on which the application was made or the said circumstances were brought to the Minister's notice, as the case may be.

(2) The Minister may, in his discretion, by writing under his hand delegate the powers conferred upon him by subsection (1) to any officer, and he may at any time withdraw any such delegation.

(3) The terms and conditions of an exemption granted under subsection (1) shall be incorporated in a licence of exemption, signed by an officer and a copy thereof shall be transmitted to such person or persons as the officer considers necessary: Provided that in lieu of such licence, the Minister may authorise the publication in the *Gazette* of a notice incorporating the terms and conditions of such exemption, and in that event the person or class of persons to or in respect of whom, the period for and the date from which the exemption is granted, shall be specified in such notice, which for the purposes of this Act shall be deemed to be a licence of exemption issued in terms of this subsection.

(4) Any exemption granted to or in respect of any person or class of persons under this section, shall exempt any employer who employs such person or a member of such class of persons from the relevant provisions of this Act to the extent specified in the licence of exemption, and the terms and conditions incorporated in the licence of exemption shall be binding upon the person or every member of the class of persons to or in respect of whom the exemption was granted, and, if that person or any member of that class is an employee, upon every person who employs him.

(5) (a) Any exemption granted or deemed to have been granted—

(i) by the Minister or by an officer to whom powers have been delegated under subsection (2), may at any time be withdrawn or amended by the Minister; or

(ii) by an officer to whom powers have been so delegated may at any time be withdrawn or amended by that officer or by any other officer to whom powers have been so delegated.

(b) (i) Any person who feels aggrieved by any decision of an officer to whom powers have been delegated under subsection (2) on an application for exemption may appeal at any time to the Minister from that decision.

(ii) The Minister shall confirm the decision of the officer or give such other decision as in his opinion the officer ought to have given and, for the purposes of this paragraph, the Minister's decision shall be deemed to be the decision of the officer, given on the date on which the Minister gives such decision.

(iii) A decision given by the Minister in terms of subparagraph (ii) shall be final.

(6) For the purposes of this section "class of persons" includes such group or section or type of persons as may be specified or defined in the licence of exemption, and in the making of any such specification or definition any method of differentiation which is deemed to be advisable, may be applied: Provided that no differentiation on the basis of sex, race or colour shall be made.

(7) Any exemption granted in terms of section 14 of the Shops and Offices Act, 1964 (Act 75 of 1964), or section 54 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), in so far as it grants exemption from provisions similar to those in respect of which exemption

vrystelling ingevolge subartikel (1) verleen kan word, en enige sertifikaat uitgereik of kennisgewing gepubliseer ten opsigte daarvan, word geag ingevolge hierdie artikel verleen, uitgereik of gepubliseer te gewees het.

(8) Iemand wat enige bepaling van 'n vrystellingsertifikaat oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Versuim om aan bepalings van Wet of vrystellingsertifikaat te voldoen

13. (1) (a) Wanneer 'n werkgewer skuldig bevind word aan 'n oortreding van of versuim om te voldoen aan enige bepaling van artikels 4 (1), 5 (1) of (3), 6 (1) of (3), 7 (1) of artikel 8 (2) of artikel 8 (2) saamgelees met artikel 8 (4) of van enige vrystellingsertifikaat met betrekking tot enige betaling verskuldig aan 'n werknemer ingevolge daarvan, moet die hof wat hom skuldig bevind, ondersoek instel na en vasstel wat die verskil is tussen die bedrag wat hy betaal het en die bedrag wat hy sou betaal het as die oortreding of versuim waaraan hy skuldig bevind is nie plaasgevind het nie, en of die betrokke werknemer ingestem het of nie ingestem het nie om minder te ontvang as die beloning wat hy kragtens die bepalings van hierdie Wet of 'n vrystellingsertifikaat geregtig was om te ontvang, en, indien hy aldus ingestem het, of hy bewus was of nie bewus was nie van sy regte kragtens daardie bepalings, en, indien hy van daardie regte bewus was, die omstandighede waarin hy aldus ingestem het: Met dien verstande dat as die hof uit al die getuënis, hetsy dit voor skuldigbevinding afgelê is of daarna, nie in staat is om die verskil presies vas te stel nie, hy die verskil na die beste van sy vermoë moet beraam.

(b) As geen bedrag betaal is nie, word die bedrag wat betaal sou gewees het as die oortreding of versuim nie plaasgevind het nie, by die toepassing van hierdie subartikel geag die verskil te wees.

(c) Die verskil aldus vasgestel of die bedrag waarop dit aldus beraam is, word in hierdie artikel en in artikels 14 en 16 die onderbetaalde bedrag genoem.

(2) (a) Wanneer 'n werknemer skuldig bevind word aan 'n oortreding van of versuim om te voldoen aan enige bepaling van artikel 8 (2) gelees met artikel 8 (4) of van enige vrystellingsertifikaat met betrekking tot enige aangeleentheid bedoel in daardie artikel, moet die hof wat hom skuldig bevind, ondersoek instel na en vasstel wat die verskil is tussen enige bedrag wat hy betaal of verbeur het en die bedrag wat hy ingevolge die toepaslike bepaling van hierdie Wet of van die vrystellingsertifikaat moes betaal of verbeur het: Met dien verstande dat as die hof uit al die getuënis, hetsy dit voor skuldigbevinding afgelê is of daarna, nie in staat is om die verskil presies vas te stel nie, hy die verskil na die beste van sy vermoë moet beraam.

(b) As geen bedrag betaal of verbeur is nie, word die bedrag wat die betrokke werknemer ingevolge die toepaslike bepaling van hierdie Wet of van die vrystellingsertifikaat moes betaal of verbeur het, by die toepassing van hierdie subartikel geag die verskil te wees.

(c) Die verskil aldus vasgestel, of die bedrag waarop dit aldus beraam is, word in artikels 14 en 16 die bedrag wat betaal moet word, genoem.

(3) Die hof moet, wanneer hy kragtens subartikel (1) oortree, aan die werkgewer en aan die werknemer 'n geleentheid gee om getuënis voor te lê aangaande die onderbetaalde bedrag en die omstandighede waarin die onderbetaling plaasgevind het.

(4) Die verrigtinge van die hof kragtens subartikels (1), (2) en (3) moet plaasvind voordat die vonnis uitgespreek word en word geag deel van die verhoor uit te maak.

may be granted in terms of subsection (1), and any licence issued or notice published in terms of that section in respect thereof, shall be deemed to have been granted, issued or published in terms of this section.

(8) Any person who contravenes or fails to comply with any provision of a licence of exemption shall be guilty of an offence.

Failure to observe provisions of Act or licence of exemption

13. (1) (a) Whenever an employer is convicted of contravening or failing to comply with any provision of sections 4 (1), 5 (1) or (3), 6 (1) or (3), 7 (1) or section 8 (2) or section 8 (2) read with section 8 (4) or of any licence of exemption relating to any payment due to an employee in terms thereof, the court convicting him shall enquire into and determine the difference between the amount which he paid and the amount which he would have paid if the contravention or failure of which he has been convicted had not occurred and whether the employee concerned did or did not agree to accept less than the remuneration which under the provisions of this Act or a licence of exemption he was entitled to receive, and whether, if he did so agree, he did or did not know of his rights under those provisions, and if he did know of those rights, the circumstances under which he so agreed: Provided that if the court is unable on all the evidence, whether given before or after conviction, to determine the difference exactly, it shall, to the best of its ability, estimate the difference.

(b) If no amount has been paid the amount which would have been paid if the contravention or failure had not occurred, shall, for the purposes of this subsection, be deemed to be the difference.

(c) The difference so determined or the amount at which it is so estimated is in this section and in sections 14 and 16 referred to as the amount underpaid.

(2) (a) Whenever an employee is convicted of contravening or failing to comply with any provision of section 8 (2) or section 8 (2) read with section 8 (4) or of any licence of exemption relating to any matter referred to in that section, the court convicting him shall enquire into and determine the differences between any amount which he paid or forfeited and the amount which he was required to pay or forfeit in terms of the relevant provision of this Act or of the licence of exemption: Provided that if the court is unable on all the evidence, whether given before or after conviction, to determine the difference exactly, it shall to the best of its ability estimate the difference.

(b) If no amount has been paid or forfeited, the amount which the employee concerned was required to pay or forfeit in terms of the relevant provision of this Act or of the licence of exemption shall for the purposes of this subsection be deemed to be the difference.

(c) The difference so determined or the amount at which it is so estimated is in sections 14 and 16 referred to as the amount to be paid.

(3) The court shall, when acting under subsection (1) give to the employer and to the employee an opportunity of submitting evidence regarding the amount underpaid and the circumstances in which the underpayment took place.

(4) The proceedings of the court under the provisions of subsections (1), (2) and (3) shall take place before sentence is passed, and shall be deemed to form part of the trial.

(5) As die misdryf bestaan het uit 'n in subartikel (1) bedoelde oortreding of versuim, en die onderbetalde bedrag groter is as die maksimum bedrag van die geldboete voorgeskryf by artikel 28, word die maksimum bedrag van die geldboete waarmee die veroordeelde persoon volgens daardie artikel strafbaar is, verhoog tot 'n bedrag wat gelykstaan met die onderbetalde bedrag.

(6) Dit is geen verweer teen 'n aanklag weens 'n oortreding of versuim in subartikel (1) of (2) bedoel om te bewys dat die handeling of versuim waarvan die beskuldigde aangekla word, aan gebrek aan middele te wyte was nie.

(7) (a) 'n Werkgewer wat deur die by regulasie bepaalde inspekteur skriftelik in kennis gestel word dat enige gelde soos deur bedoelde inspekteur vasgestel deur daardie werk-gewer aan 'n persoon betaalbaar is ingevolge hierdie Wet of enige vrystellingsertifikaat wat kragtens hierdie Wet bindend is of was en wat erken dat die gelde aldus vasgestel aldus betaalbaar is, kan daardie gelde aan bedoelde inspekteur betaal vir betaling aan die persoon wat daarop geregtig is.

(b) Indien enige gelde aldus betaal aan die by regulasie bepaalde inspekteur na verloop van 'n tydperk van ses maande vanaf die datum van ontvangs daarvan nie aan die persoon wat daarop geregtig is, betaal is nie, moet die inspekteur onverwyld daardie gelde aan die Direkteur-generaal: Mannekrag deurstuur vir inbetaling in die Staatsinkomstefonds.

(c) Op aansoek van die Direkteur-generaal: Mannekrag gedoen te eniger tyd binne 'n tydperk van drie jaar vanaf die datum van inbetaling in die Staatsinkomstefonds kragtens paragraaf (b), moet die betrokke gelde terugbetaal word aan die Direkteur-generaal: Mannekrag vir betaling aan die persoon wat daarop geregtig is.

Bevel aan werkgewer of werkmener om onderbetalde bedrag of bedrag wat betaal moet word aan aangewese amptenaar te betaal

14. (1) Wanneer iemand skuldig bevind word aan 'n misdryf kragtens hierdie Wet en die misdryf bestaan uit 'n oortreding of versuim in artikel 13 (1) of (2) bedoel, moet die hof wat hom skuldig bevind, nadat die hof ingevolge daardie artikel die onderbetalde bedrag of die bedrag wat betaal moet word, na gelang van die geval, vasgestel het, so iemand beveel om binne 'n tydperk deur die hof bepaal 'n bedrag wat gelykstaan met die aldus vasgestelde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) te betaal by wyse van paalemente of andersins, soos deur die hof bepaal.

(2) Die hof kan te eniger tyd op aansoek van 'n amptenaar, of van 'n werkmener of werkgewer aan wie 'n bedrag ingevolge artikel 15 (1) of (2) betaalbaar is, of van die veroordeelde persoon, indien goeie redes aangevoer word, die tydperk waarin so 'n bedrag aan die aangewese amptenaar betaal moet word, verkort of verleng, of die bedrae van die paalemente verander, of beveel dat enige onbetaalde balans in een enkele bedrag betaal moet word.

(3) 'n Bevel wat kragtens die bepaling van hierdie artikel uitgevaardig word, het in alle opsigte die uitwerking van en kan uitgevoer word asof dit 'n siviele vonnis, ten gunste van die Regering van die Republiek was.

(4) 'n Bevel uitgevaardig kragtens die bepaling van artikel 18 van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), of artikel 50 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), word vir die doeleindes van hierdie Wet geag ingevolge hierdie artikel uitgevaardig te gewees het.

(5) If the offence consisted of a contravention or failure referred to in subsection (1), and the amount underpaid is greater than the maximum amount of the fine prescribed by section 28, the maximum amount of the fine to which the person convicted shall be liable in terms of that section shall be increased to an amount equal to the amount underpaid.

(6) It shall not be a defence to any charge of a contravention or failure referred to in subsection (1) or (2) to prove that the act or omission with which the accused is charged was due to lack of means.

(7) (a) Any employer who is notified in writing by the inspector defined by regulation that any moneys as determined by such inspector are payable to any person by such employer in terms of this Act or of any licence of exemption which is or was binding in terms of this Act and who admits that the moneys so determined are so payable, may pay such moneys to the said inspector for payment to the person entitled thereto.

(b) If any moneys so paid to the inspector defined by regulation have at the expiry of a period of six months as from the date of receipt thereof not been paid to the person entitled thereto, the inspector shall forthwith transmit such moneys to the Director General: Manpower for payment into the State Revenue Fund.

(c) On the application of the Director General: Manpower made at any time within a period of three years from the date of payment into the State Revenue Fund under paragraph (b), the moneys concerned shall be refunded to the Director General: Manpower for payment to the person entitled thereto.

Order upon employer or employee to pay specified officer amount underpaid or to be paid

14. (1) Whenever any person is convicted of an offence under this Act and the offence consists of a contravention or failure referred to in section 13 (1) or (2), the court convicting him shall, after it has, in terms of that section, determined the amount underpaid, or to be paid, as the case may be, order him to pay an amount equal to the amount so determined to an officer specified by the court (hereinafter referred to as the specified officer) within a period fixed by the court, in instalments or otherwise, as fixed by the court.

(2) The court may at any time upon the application of an officer or of any employee or employer to whom any amount is payable in terms of section 15 (1) or (2) or of the person convicted, if good cause is shown, reduce or extend the period within which any such amount must be paid to the specified officer or vary the amounts of the instalments or order that any balance outstanding be paid in one lump sum.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the Republic.

(4) An order made under the provisions of section 18 of the Shops and Offices Act, 1964 (Act 75 of 1964) or section 50 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), shall for the purposes of this Act be deemed to have been made under this section.

Beskikking oor bedrae aan aangewese amptenaar betaal

15. (1) Wanneer 'n bevel kragtens artikel 14 ten opsigte van 'n in artikel 13 (1) bedoelde oortreding of versuim teen 'n werkgewer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal moet word aan die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het. Met dien verstande dat—

(a) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die beloning wat hy kragtens die bepalinge van hierdie Wet of die betrokke vrystellingsertifikaat geregtig was om te ontvang nie, of, as hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte kragtens daardie bepalinge, die hof moet gelas dat die hele bedrag aldus aan die aangewese amptenaar betaal, aan daardie werknemer betaal moet word;

(b) as die hof, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, dit billik ag om dit te doen, die hof, behalwe in die in paragraaf (a) bedoelde omstandighede, kan gelas dat geen gedeelte van die bedrag aldus aan die aangewese amptenaar betaal aan die betrokke werknemer betaal moet word nie;

(c) as die hof gelas dat 'n gedeelte van die bedrag aldus aan die aangewese amptenaar betaal, aan die betrokke werknemer betaal moet word, daardie gedeelte minstens een vierde daarvan moet wees.

(2) Wanneer 'n bevel kragtens artikel 14 ten opsigte van 'n in artikel 13 (2) bedoelde oortreding of versuim teen 'n werknemer uitgevaardig word, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word as wat die hof billik ag, met inagneming van die omstandighede waarin die oortreding of versuim plaasgevind het, betaal moet word aan die werkgewer ten opsigte van wie die oortreding of versuim plaasgevind het.

(3) Daardie gedeelte van die bedrag aldus aan die aangewese amptenaar betaal wat nie ingevolge subartikel (1) of (2) aan die betrokke werknemer of werkgewer betaalbaar is nie moet in die Staatsinkomstefonds inbetaal word.

(4) Die bepalinge van artikel 13 (7) (b) en (c) is *mutatis mutandis* van toepassing ten opsigte van enige gelde aan 'n aangewese amptenaar betaal en wat ingevolge subartikel (1) of (2) van hierdie artikel aan 'n werknemer of werkgewer betaalbaar is.

Reg van werknemer of werkgewer om deur siviele stappe te verhaal: In hoeverre deur Wet geraak

16. (1) Indien iemand skuldig bevind word aan 'n misdryf kragtens hierdie Wet en die misdryf bestaan uit 'n in artikel 13 (1) of (2) bedoelde oortreding of versuim, is die werknemer of werkgewer (na gelang van die geval) ten opsigte van wie die oortreding of versuim plaasgevind het, nie geregtig om deur siviele geregtelike stappe enige gedeelte van die onderbetaalde bedrag of die bedrag wat betaal moet word op sy werkgewer of werknemer te verhaal nie, maar is hy geregtig om ten opsigte van bedoelde bedrag slegs die gelde te ontvang wat na die hof ingevolge artikel 15 (1) of (2) gelas aan hom betaal moet word uit die gelde aan die aangewese amptenaar betaal ingevolge 'n bevel kragtens artikel 14 uitgevaardig.

Disposal of amounts paid to specified officer

15. (1) Whenever an order is made under section 14 against an employer in respect of a contravention or failure referred to in section 13 (1), the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

(a) if the court finds that the employee concerned did not agree to accept less than the remuneration which under the provisions of this Act or the relative licence of exemption he was entitled to receive, or that, if he did so agree, he so agreed not knowing of his rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer shall be paid to that employee;

(b) if the court, having regard to the circumstances in which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (a), direct that no portion of the amount so paid to the specified officer shall be paid to the employee concerned;

(c) if the court directs that any portion of the amount so paid to the specified officer shall be paid to the employee concerned, that portion shall not be less than one-fourth thereof.

(2) Whenever an order is made under section 14 against an employee in respect of a contravention or failure referred to in section 13 (2), the court making the order shall direct that so much of the amount which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances in which the contravention or failure occurred, deems equitable, shall be paid to the employer in respect of whom the contravention or failure occurred.

(3) So much of the amount so paid to the specified officer as is not, in terms of subsection (1) or (2), payable to the employee or employer concerned, shall be paid into the State Revenue Fund.

(4) The provisions of section 13 (7) (b) and (c) shall *mutatis mutandis* apply in respect of any moneys paid to a specified officer which in terms of subsection (1) or (2) of this section are payable to any employee or employer.

Right of employee or employer to recover by civil proceedings: How far affected by Act

16. (1) If any person is convicted of an offence under this Act and the offence consists of a contravention or failure referred to in section 13 (1) or (2), the employee or employer (as the case may be) in respect of whom the contravention or failure occurred shall not be entitled by civil legal proceedings to recover from his employer or employee any portion of the amount underpaid or to be paid, but he shall be entitled to receive in respect of such amount only the moneys which the court in terms of section 15 (1) or (2) directs shall be paid to him out of the moneys paid to the specified officer in terms of an order made under section 14.

(2) Behoudens die bepalinge van subartikel (3), maak die bepalinge van artikel 13, 14 of 15 of van subartikel (1) van hierdie artikel geen inbreuk nie op enige reg wat 'n werknemer besit om deur siviele geregtelike stappe op sy werkgever te verhaal—

(a) waar sy werkgever, of die bestuurder, agent of werknemer van sy werkgever, skuldig bevind is aan 'n misdryf bestaande uit 'n in artikel 13 (1) bedoelde oortreding of versuim wat ten opsigte van daardie werknemer plaasgevind het, enige bedrag wat bo die onderbetaalde bedrag kragtens 'n ooreenkoms tussen hom en sy werkgever aan hom verskuldig is;

(b) waar nog sy werkgever nog die bestuurder, agent of werknemer van sy werkgever aldus skuldig bevind is, enige bedrag wat sy werkgever kragtens die bepalinge van hierdie Wet of van enige vrystellingstifikaat wat ingevolge hierdie Wet vir sy werkgever bindend is of was, of kragtens 'n ooreenkoms tussen hom en sy werkgever, verplig is om aan hom te betaal.

(3) 'n Werknemer aan wie sy werkgever nie die volle beloning wat hy behoort te betaal het ingevolge hierdie Wet of enige vrystellingstifikaat wat ingevolge hierdie Wet vir hom bindend is of was, betaal het nie, is nie geregtig om deur siviele geregtelike stappe die aan hom onderbetaalde bedrag of 'n gedeelte van daardie bedrag op sy werkgever te verhaal nie, tensy—

(a) die werknemer aan die hof 'n stifikaat voorlê, onderteken deur die Prokureur-generaal van die gebied ten opsigte waarvan die hof met regsbevoegdheid bekleed is, waarin gemeld word dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om sy eisoorzaak te baseer; of

(b) die werkgever of die bestuurder, agent of werknemer van die werkgever op 'n aanklag weens daardie oortreding of versuim vrygespreek is.

(4) Die bepalinge van subartikel (2) (a) en (3) is *mutatis mutandis* van toepassing ten opsigte van die reg van 'n werkgever om deur siviele geregtelike stappe enige bedrag wat die werknemer ingevolge hierdie Wet of enige vrystellingstifikaat wat ingevolge hierdie Wet vir hom bindend is of was, of ingevolge 'n ooreenkoms tussen hom en sy werkgever, aan sy werkgever behoort te betaal het in plaas van kennisgewing van diensbeëindiging, of enige gedeelte van daardie bedrag, op sy werknemer te verhaal.

Bepalinge van Wet of vrystellingstifikaat kan nie deur ooreenkoms verander word nie, nog kan daarvan afstand gedoen word

17. (1) Geen ooreenkoms, uitdruklik of stilswyend, met inbegrip van 'n dienskontrak, hetsy dit aangegaan is voordat of nadat hierdie Wet in werking getree het of 'n vrystellingstifikaat uitgereik is, het die uitwerking dat dit die betaling aan 'n werknemer van minder beloning as dié wat deur hierdie Wet of deur daardie vrystellingstifikaat voorgeskryf word, of die toepassing op 'n werknemer van enige behandeling of die toekenning aan hom van enige voordele wat vir hom minder gunstig is as die aldus voorgeskrewe behandeling of voordele, veroorloof nie, nog bewerkstellig dit 'n afstand deur enige werknemer van die toepassing van enige bepaling van hierdie Wet of van enige vrystellingstifikaat op hom en iemand wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekennig heet te veroorloof of om so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en so 'n ooreenkoms is nietig.

(2) 'n Werkgever wat vereis of toelaat dat 'n werknemer enige beloning aan hom betaal of terugbetaal wat kragtens hierdie Wet of kragtens enige vrystellingstifikaat, of ooreenkomstig 'n lasgewing wat kragtens artikel 15 (1) gegee is, aan daardie werknemer betaalbaar of betaal is, of enige handeling verrig of toelaat dat enige handeling verrig

(2) Subject to the provisions of subsection (3), nothing contained in section 13, 14 or 15 or in subsection (1) of this section shall affect any right which any employee may have to recover by civil legal proceedings from his employer—

(a) where his employer, or the manager, agent or employee of his employer, has been convicted of an offence consisting of a contravention or failure referred to in section 13 (1), which occurred in respect of that employee, any amount owing to him under any agreement between himself and his employer in excess of the amount underpaid;

(b) where neither his employer nor the manager, agent or employee of his employer has been so convicted, any amount which his employer is bound to pay to him under the provisions of this Act or of any licence of exemption which is or was binding upon his employer in terms of this Act or under any agreement between himself and his employer.

(3) An employee to whom his employer has not paid the full remuneration which he ought to have paid in terms of this Act or of any licence of exemption which is or was binding upon him in terms of this Act, shall not be entitled to recover from his employer by civil legal proceedings the amount he has been underpaid or any portion of that amount unless—

(a) the employee produces to the court a certificate signed by the Attorney-General of the area in respect of which the court has jurisdiction, stating that he declines to prosecute in respect of the contravention or failure upon which the employee proposes to base his cause of action; or

(b) the employer or the manager, agent or employee of the employer has been acquitted on a charge in respect of that contravention or failure.

(4) The provisions of subsection (2) (a) and (3) shall *mutatis mutandis* apply in respect of the right of an employer to recover from his employee by civil legal proceedings any amount which the employee ought to have paid to him in lieu of notice of termination of employment in terms of this Act or of any licence of exemption which is or was binding upon the employee in terms of this Act or in terms of any agreement between himself and the employee, or any portion of such amount.

Provisions of Act or licence of exemption may not be varied by agreement or waived

17. (1) No agreement, express or implied, including any service contract, whether entered into before or after the commencement of this Act or the grant of any licence of exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by this Act or by that licence of exemption, or the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall it affect any waiver by an employee of the application to him of any provision of this Act or of any licence of exemption, and any person who enters into any agreement purporting to permit of any such payment, application or grant or to affect any such waiver shall be guilty of an offence, and every such agreement shall be void.

(2) An employer who requires or permits any employee to pay or re-pay to him any remuneration payable or paid to that employee under this Act or under any licence of exemption, or pursuant to any direction given in terms of section 15 (1) or does any act or permits any act to be done as a

word waarvan 'n regstreekse of onregstreekse gevolg is dat daardie werknemer die voordeel of 'n gedeelte van die voordeel van 'n aldus betaalbare of betaalde beloning ontnem word, is aan 'n misdryf skuldig.

(3) 'n Werkgewer wat vereis of toelaat dat 'n werknemer 'n kwitansie uitreik vir meer as wat hy werklik by wyse van beloning ontvang het of andersins voorgee dat hy dit ontvang het, is aan 'n misdryf skuldig.

Viktimisasie verbied

18. (1) 'n Werkgewer wat 'n werknemer wat by hom in diens is, uit sy diens ontslaan, of die skaal van sy beloning verminder, of die bedinge of voorwaardes van sy diens verander na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers in sy diens tot sy nadeel verander as gevolg van die feit, of omrede hy vermoed of glo, hetsy die vermoede of geloof geregverdig of juis is al dan nie, dat—

(a) daardie werknemer aan die Minister of aan 'n amptenaar inligting verstrek het wat hy by of kragtens hierdie Wet verplig is om te verstrek of wat betrekking het op die bedinge of voorwaardes van sy diens of op dié van ander werknemers van sy werkgewer, of 'n wettige vereiste van 'n inspekteur nagekom het, of voor 'n geregshof getuie-nis afgelê het; of

(b) daardie werknemer geweier of nagelaat het om 'n handeling te verrig wat 'n werkgewer ingevolge artikel 17 (2) of (3) nie mag vereis of toelaat dat 'n werknemer verrig nie; of

(c) daardie werknemer behoort of behoort het aan 'n vakvereniging of enige ander organisasie van werknemers waarvan die oogmerk is of was om die belange van werknemers teenoor hul werkgewers te beskerm of te bevorder, of buite gewone werkure, of, met die goedkeuring van die werkgewer, binne werkure deelneem of deelgeneem het aan die stigting of wettige bedrywighede van so 'n vereniging of organisasie;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(2) Die hof wat iemand skuldig bevind aan 'n misdryf kragtens subartikel (1) kan, benewens enige vonnis wat hy opleë—

(a) in die geval van 'n werknemer wie se ontslag of die vermindering van wie se skaal van beloning of die verandering van wie se posisie die onderwerp van die aanklag was, die werkgewer gelas om die werknemer in sy vorige posisie te herstel vir die tydperk en onderworpe aan die voorwaardes wat die hof bepaal; en

(b) in die geval van 'n werknemer wie se ontslag die onderwerp van die aanklag was, die werkgewer gelas om aan die werknemer as skadevergoeding die bedrag, wat nie meer mag wees nie as drie maande se beloning bereken teen die skaal van die beloning wat die werknemer tydens sy ontslag ontvang het, te betaal wat die hof bepaal.

(3) Enige sodanige bevel het die uitwerking van 'n siviele vonnis ten gunste van die betrokke werknemer.

Aanstelling van inspekteurs

19. (1) Die Minister of 'n amptenaar deur hom vir dié doel aangewys kan met inagneming van die wetsbepalings op die staatsdiens enige persoon as 'n inspekteur ingevolge hierdie Wet aanstel.

(2) Aan elke inspekteur word 'n identiteitsdokument verskaf wat onderteken is deur 'n amptenaar wat deur die Minister daartoe aangewys is, en waarin gemeld word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

direct or indirect result of which that employee is deprived of the benefit or of any portion of the benefit of any remuneration so payable or paid, shall be guilty of an offence.

(3) An employer who requires or permits any employee to give a receipt for, or otherwise to represent that he has received, more than he actually received by way of remuneration, shall be guilty of an offence.

Victimization forbidden

18. (1) Any employer who dismisses any employee employed by him or reduces the rate of his remuneration or alters the terms or conditions of his employment to terms or conditions less favourable to him or alters his position relatively to other employees employed by him to his disadvantage, by reason of the fact, or because he suspects or believes, whether or not the suspicion or belief is justified or correct, that—

(a) that employee has given information which by or under this Act he is required to give, or which relates to the terms or conditions of his employment, or those of other employees of his employer, to the Minister or to an officer, or has complied with any lawful requirement of an inspector or has given evidence before a court of law; or

(b) that employee has refused or omitted to do any act which an employer may not require or permit an employee to do in terms of section 17 (2) or (3); or

(c) that employee belongs or has belonged to any trade union or any other organisation of employees the object of which is or was to protect or further the interests of employees in relation to their employers, or takes, or has taken part outside ordinary working hours, or, with the consent of the employer, within working hours, in the formation or lawful activities of any such union or organisation;

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) The court which convicts any person of an offence under subsection (1) may, in addition to any sentence which it may impose—

(a) in the case of an employee whose dismissal or the reduction of the rate of whose remuneration or the alteration of whose position was the subject of the charge order the employer to reinstate the employee in his former position for such period and subject to such conditions as it may determine; and

(b) in the case of an employee whose dismissal was the subject of the charge, order the employer to pay to the employee as compensation such amount, not exceeding three months' remuneration calculated at the rate of the remuneration which he was receiving at the time of his dismissal, as it may determine.

(3) Any such order shall have the effect of a civil judgment in favour of the employee concerned.

Appointment of inspectors

19. (1) The Minister or an officer designated by him for that purpose may, subject to the laws governing the public service, appoint any person as an inspector under this Act.

(2) Every inspector shall be furnished with an identifying document signed by an officer thereto designated by the Minister and stating that he has been appointed as an inspector under this Act.

(3) Elke persoon wat kragtens artikel 13 van die Wet op Winkels en Kantore, 1939 (Wet 41 van 1939), artikel 4 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), of artikel 23 van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), as 'n inspekteur aangestel is en by die inwerkingtreding van hierdie Wet sy amp as sodanige beklee, word geag kragtens hierdie artikel as 'n inspekteur aangestel te gewees het en enige sertifikaat wat ingevolge genoemde Wette aan enige sodanige persoon verskaf is, word geag ingevolge hierdie artikel verskaf te gewees het.

Bevoegdheid van inspekteurs

20. (1) (a) 'n Inspekteur kan te eniger tyd, sonder voorafgaande kennisgewing, enige perseel hoegenaamd betree, en kan, terwyl hy op of in die perseel is of te eniger ander tyd, enige persoon wat op of in die perseel is of was, in die teenwoordigheid of afgesonderd van andere ondervra, en kan eis dat daardie persoon dadelik, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke en stukke voorlê wat op of in die perseel of in besit of bewaring of onder beheer van enige werkgewer deur wie die perseel geokkupeer of gebruik word, of van enige werknemer van daardie werkgewer is of was, of kan te eniger tyd en te eniger plek van iemand wat 'n boek of stuk betreffende die besigheid van iemand wat 'n werkgewer is of was, in sy besit of bewaring of onder sy beheer het, dadelik of op 'n tyd en plek deur die inspekteur bepaal, die voorlegging van daardie boek of stuk eis, en kan al sodanige boeke en stukke ondersoek en uittreksels daaruit en afskrifte daarvan maak, en kan 'n uitleg vorder van enige inskrywings in sodanige boeke of stukke en kan beslag lê op enige sodanige boeke of stukke wat na sy oordeel moontlik bewys kan lewer van 'n misdryf ingevolge hierdie Wet.

(b) 'n Inspekteur kan 'n tolk of ander assistent of enige lid van die polisiemag met hom saamneem wanneer hy enige perseel betree.

(2) 'n Werkgewer in verband met wie se besigheid 'n perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye die fasiliteite verskaf wat deur die inspekteur vereis word om die perseel te betree, of om die boeke en stukke op of in die perseel te besigtig of te ondersoek, of om enige navraag daaromtrent te doen.

(3) 'n Inspekteur kan eis dat 'n werknemer enige houer waarin geld wat by wyse van beloning aan hom betaal is of betaal moet word, gehou is of word, en enige staat wat aan hom aangaande die betaling deur sy werkgewer verstrekkend is of verstrekkend moet word, aan die inspekteur voorlê, en kan die inhoud van die houer ondersoek en die houer en staat behou.

(4) 'n Inspekteur kan eis dat 'n werknemer op 'n deur die inspekteur bepaalde tyd en plek voor hom verskyn, en kan daardie werknemer dan en daar ondervra.

(5) 'n Inspekteur kan eis dat 'n werkgewer alle betalings wat aan enigeen van sy werknemers verskuldig is, in die teenwoordigheid van 'n inspekteur doen.

(6) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig verrig wat by hierdie Wet aan hom verleen of opgelê word, moet, op versoek, die sertifikaat toon wat ingevolge artikel 19 aan hom verskaf is of geag word aldus verskaf te gewees het.

(7) Iemand wat valslik voorgee dat hy 'n inspekteur is, is aan 'n misdryf skuldig.

(8) Iemand wat—

(a) weier of versuim om enige vraag wat 'n inspekteur by die uitoefening van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of

(b) weier of versuim om na sy beste vermoë te voldoen aan 'n vereiste wat 'n inspekteur by die uitoefening van sy werksaamhede gestel het; of

(c) 'n inspekteur by die uitoefening van sy werksaamhede hinder;

(3) Every person appointed as an inspector under section 13 of the Shops and Offices Act, 1939 (Act 41 of 1939), section 4 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941) or section 23 of the Shops and Offices Act, 1964 (Act 75 of 1964), who holds office as such at the commencement of this Act, shall be deemed to have been appointed as an inspector under this section and any certificate furnished to any such person in terms of the said Acts shall be deemed to have been furnished in terms of this section.

Powers of inspectors

20. (1) (a) Any inspector may, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production there and then, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer, the production there and then, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act.

(b) An inspector may take with him into or on to any premises any interpreter or other assistant or any member of the police force.

(2) Any employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any enquiry in relation thereto.

(3) Any inspector may require any employee to produce to him any container in which any money paid or to be paid to him by way of remuneration was or is contained, and any statement furnished or to be furnished to him by his employer concerning the payment, and may examine the contents of the container and retain the container and statement.

(4) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee.

(5) Any inspector may require any employer to make all payments due to any of his employees in the presence of an inspector.

(6) Any inspector exercising any power or performing any duty conferred or imposed upon him by this Act, shall on demand, produce the certificate furnished or deemed to have been furnished to him in terms of section 19.

(7) Any person who falsely holds himself out to be an inspector shall be guilty of an offence.

(8) Any person who—

(a) refuses or fails to answer to the best of his ability any question which an inspector in the exercise of his functions has put to him; or

(b) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his functions; or

(c) hinders an inspector in the exercise of his functions;

is aan 'n misdryf skuldig.

(9) By die toepassing van hierdie artikel word 'n tolk, terwyl hy optree kragtens die wettige bevel van die inspekteur wat hy vergesel, geag 'n inspekteur te wees en enige vraag gestel deur, antwoord gegee aan, vereiste gestel deur of hindering van 'n tolk terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of hindering van 'n inspekteur te wees.

Geheimhouding bewaar te word

21. Enige amptenaar of enige in artikel 20 (1) bedoelde tolk of assistent wat, behalwe aan die Minister of aan 'n amptenaar of aan die Loonraad ingestel kragtens die Loonwet, 1957 (Wet 5 van 1957), of aan die Raad van Handel en Nywerheid of aan die nywerheidshof ingestel kragtens die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), of enige soortgelyke liggaam wat by die aangeleentheid betrokke is of aan 'n geregshof, of, behalwe vir die doeleindes van hierdie Wet of enige ander wetsbepaling, aan enige ander persoon enige inligting openbaar wat hy by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet verkry het met betrekking tot die sake van enige persoon, firma of besigheid, is aan 'n misdryf skuldig.

Aantekeninge deur werkgewers gehou te word

22. (1) Elke werkgewer moet te alle tye ten opsigte van alle persone by hom in diens aantekeninge in die voorgeskrewe vorm en op die voorgeskrewe wyse hou van die beloning wat betaal is, die tyd wat gewerk is en van die ander voorgeskrewe besonderhede: Met dien verstande dat 'n inspekteur skriftelik onder sy handtekening so 'n werkgewer kan magtig om aantekeninge in 'n ander vorm te hou mits die aantekeninge wat in daardie vorm gehou word na die mening van die inspekteur hom in staat sal stel om daaruit die vereiste besonderhede te wete te kom.

(2) Elke werknemer van wie dit ingevolge enige regulasie vereis word, moet in sodanige aantekeninge die inskrywings doen wat voorgeskryf word.

(3) Elke werkgewer moet alle aantekeninge ingevolge hierdie artikel gehou, of 'n mikrofilm- of ander mikroformreproduksie daarvan, vir 'n tydperk van drie jaar na die datum van die aantekeninge behou, en moet op versoek van 'n inspekteur te eniger tyd binne genoemde tydperk van drie jaar, enige sodanige aantekening of sodanige reproduksie daarvan ter insae toon.

(4) By die toepassing van subartikel (3), word enige aantekening wat ingevolge artikel 26 van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), of artikel 9 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), gehou is, geag 'n aantekening te wees wat ingevolge hierdie artikel gehou is.

(5) Iemand wat hom veronreg voel deur 'n beslissing van 'n inspekteur kragtens subartikel (1), kan te eniger tyd binne 30 dae daarna, op die voorgeskrewe wyse na die Direkteur-generaal: Mannekrag appelleer, en die Direkteur-generaal: Mannekrag kan die beslissing van die inspekteur bekrachtig of sodanige ander beslissing gee as wat die inspekteur na sy mening behoort te gegee het; en die beslissing van die Direkteur-generaal: Mannekrag word by die toepassing van hierdie Wet geag die beslissing van die inspekteur te wees.

(6) Iemand wat versuim om aan 'n bepaling van hierdie artikel wat op hom van toepassing is, te voldoen, of wat in so 'n aantekening 'n valse inskrywing maak wetende dat dit vals is, is aan 'n misdryf skuldig.

(7) Die bepalings van subartikel (1), vir sover hulle betrekking het op die hou van aantekeninge van die tyd wat gewerk is, en die bepalings van subartikel (2) is nie van toepassing nie ten opsigte van 'n werknemer in artikel 3 (5) (a) genoem.

shall be guilty of an offence.

(9) For the purposes of this section an interpreter shall, while acting under the lawful directions of the inspector he accompanies, be deemed to be an inspector and any questions put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector.

Secrecy to be observed

21. Any officer or any interpreter or assistant referred to in section 20 (1) who discloses, except to the Minister or to an officer or to the Wage Board established under the Wage Act, 1957 (Act 5 of 1957), or to the Board of Trade and Industries or to the industrial court established under the Labour Relations Act, 1956 (Act 28 of 1956), or any similar body which is concerned with the matter or to a court of law, or, save for the purposes of this Act or any other law, to any other person, any information in regard to the affairs of any person, firm or business acquired in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence.

Records to be kept by employers

22. (1) Every employer shall at all times keep in the prescribed form and manner, in respect of all persons employed by him, records of the remuneration paid, of the time worked and of such other particulars as may be prescribed: Provided that an inspector may in writing signed by him authorise any such employer to keep records in some other form if the records kept in such form will in the opinion of the inspector enable him to ascertain therefrom the required particulars.

(2) Every employee who is required to do so in terms of any regulation shall make in such records such entries as may be prescribed.

(3) Every employer shall retain any record kept in terms of this section or a microfilm or other microform reproduction thereof, for a period of three years subsequent to the date of the record and shall on demand by an inspector made at any time during the said period of three years produce any such record or such reproduction thereof for inspection.

(4) For the purposes of subsection (3), any record kept in terms of section 26 of the Shops and Offices Act, 1964 (Act 75 of 1964), or section 9 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), shall be deemed to be a record kept in terms of this section.

(5) Any person who feels aggrieved by any decision of an inspector under subsection (1) may, at any time within 30 days thereafter, appeal, in the manner prescribed, to the Director-General: Manpower who may confirm the inspector's decision or give such other decision as in his opinion the inspector ought to have given; and the decision of the Director-General: Manpower shall for the purposes of this Act be deemed to be the decision of the inspector.

(6) Any person who fails to comply with any provision of this section applicable to him or who makes any false entry in any such record knowing the same to be false, shall be guilty of an offence.

(7) The provisions of subsection (1), in so far as they relate to the keeping of records of the time worked, and the provisions of subsection (2) shall not apply in respect of an employee referred to in section 3 (5) (a).

Opsommings van Wet deur werkgewer gehou te word

23. (1) Elke werkgewer moet te alle tye sodanige opsommings van of uittreksels uit die bepalinge van hierdie Wet wat voorgeskryf word op sy perseel beskikbaar hê en moet op versoek van 'n werknemer die opsommings of uittreksels aan sodanige werknemer beskikbaar stel.

(2) Iemand wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Handelinge of versuim van bestuurders, agente of werknemers

24. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, dan, tensy bewys word dat—

(a) by die verrigting van daardie handeling of versuim om dit te verrig, die bestuurder, agent of werknemer sonder die oogluikende toelating of toestemming van die werkgewer gehandel het; en

(b) die werkgewer alle redelike stappe gedoen het om 'n handeling of versuim van die onderhawige soort te voorkom; en

(c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaarde of in geen omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie, word vermoed dat die werkgewer self daardie handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gevonnissen word; en die feit dat die werkgewer bevele uitgereik het wat 'n handeling of versuim van die onderhawige aard verbied het, word op sigself nie aanneem as voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan skuldig bevind en gevonnissen word asof hy die werkgewer was.

(3) Of die werkgewer of die bestuurder, agent of werknemer, of albei van hulle kan aldus skuldig bevind en gevonnissen word.

(4) Wanneer die bestuurder, agent of werknemer van 'n werkgewer skuldig bevind word aan 'n in artikel 13 (1) bedoelde misdryf, moet die hof kragtens artikel 14 teen die werkgewer 'n bevel uitvaardig, en die bepalinge van hierdie Wet met betrekking tot sodanige bevele is *mutatis mutandis* van toepassing; maar so 'n bevel mag nie teen so 'n bestuurder, agent of werknemer uitgevaardig word nie.

Valse verklarings

25. Iemand wat enige opgawe of verklaring, hetsy skriftelik of andersins, ingevolge 'n bepaling van hierdie Wet of vir die doeleindes van of in verband met enige aansoek, versoek, appél of verrigtinge kragtens hierdie Wet, verstrek of maak, of laat verstrek of maak, wat na sy wete in 'n wesenlike besonderheid vals is, is aan 'n misdryf skuldig.

Bewyslewing

26. (1) By onstentenis van bevredigende bewys van ouderdom, word die ouderdom van 'n persoon, by enige verrigtinge ingevolge hierdie Wet, vermoed dié te wees wat deur 'n inspekteur verklaar word na sy mening die waarskynlike ouderdom van daardie persoon te wees; maar enige belanghebbende persoon wat ontevrede is met daardie

Summaries of Act to be kept by employer

23. (1) Every employer shall at all times keep such summaries of or extracts from the provisions of this Act as may be prescribed available on his premises and shall upon request of an employee make the summaries or extracts available to such employee.

(2) Any employer who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Acts or omissions by managers, agents or employees

24. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

(a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and

(b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and

(c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do an act, whether lawful or unlawful, of the character of the act or omission charged;

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer or the manager, agent or employee or both of them, may be so convicted and sentenced.

(4) Whenever the manager, agent or employee of an employer is convicted of an offence referred to in section 13 (1), the court shall make an order against the employer under section 14 and the provisions of this Act relating to such orders shall *mutatis mutandis* be applicable; but no such order shall be made against any such manager, agent or employee.

False statements

25. Any person who furnishes or makes or causes to be furnished or made any return or statement, written or otherwise, in terms of any provision of this Act or for the purposes of or in connection with any application, request, appeal or proceedings under this Act, which is to his knowledge false in any material particular, shall be guilty of an offence.

Evidence

26. (1) In the absence of satisfactory proof of age, the age of any person shall, in any proceedings under this Act, be presumed to be that stated by an inspector to be in his opinion the probable age of that person; but any interested person who is dissatisfied with that statement of opinion may, at his own expense, require that the person whose age

verklaring van mening, kan, op eie koste, vereis dat die persoon wie se ouderdom ter sprake is, voor 'n distriksgeneesheer verskyn en deur hom ondersoek word, en 'n verklaring vervat in 'n sertifikaat deur die distriksgeneesheer wat daardie persoon ondersoek het, aangaande wat volgens sy mening die waarskynlike ouderdom van daardie persoon is, is afdoende bewys van die ouderdom van daardie persoon, dog slegs vir die doel van bedoelde verrigtinge.

(2) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n persoon teenwoordig was op of in enige perseel waarop of waarin 'n onderneming, nywerheid, bedryf of beroep gedryf of bestuur was of in beheer was van enige voertuig wat in verband met sodanige onderneming, nywerheid, bedryf of beroep gebruik word, hetsy daardie voertuig op daardie tydperk bestuur was al dan nie, word daardie persoon, tensy die teendeel bewys word, vermoed 'n werknemer te wees.

(3) Benewens enige tydperk waarin hy werklik aldus werksaam is, word 'n werknemer geag in die diens van 'n werkgever werksaam te wees—

(a) gedurende enige tydperk waarin hy ooreenkomstig die vereistes van sy werkgever aanwesig is op of in enige perseel waarop of waarin 'n onderneming, nywerheid, bedryf of beroep, gedryf of bestuur word;

(b) gedurende enige ander tydperk waarin hy op of in so 'n perseel aanwesig is; en

(c) gedurende enige tydperk waarin hy in beheer is van 'n voertuig wat gebruik word in die onderneming, nywerheid, bedryf of beroep waarin hy in diens is, hetsy die voertuig bestuur word al dan nie:

Met dien verstande dat as bewys word gedurende watter gedeelte van 'n in paragraaf (b) of (c) bedoelde tydperk so 'n werknemer werklik in sy diens gewerk het, die vermoede wat by hierdie subartikel geskep word, nie ten opsigte van daardie werknemer met betrekking tot daardie tydperk van toepassing is nie.

(4) By enige verrigtinge ingevolge hierdie Wet, is 'n verklaring of inskrywing wat voorkom in enige boek of stuk wat deur 'n werkgever, of deur sy bestuurder, agent of werknemer gehou word, of wat gevind word op of in 'n perseel wat deur daardie werkgever geokkupeer word, of op of in 'n voertuig wat in die besigheid van daardie werkgever gebruik word, en enige afskrif of reproduksie (hetsy deur middel van mikroverfilming of 'n ander proses verkry) van sodanige verklaring of inskrywing, toelaatbaar by wyse van getuieis teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgever, of deur 'n bestuurder, agent of werknemer van daardie werkgever in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(5) As 'n werkgever versuim het om ten opsigte van die een of ander tydperk die aantekeninge te hou wat hy ingevolge artikel 22 moet hou, of om sodanige aantekeninge vir die in subartikel (3) van daardie artikel vermelde tydperk te behou, of sodanige aantekeninge vervals of laat vervals het, dan word by verrigtinge ingevolge hierdie Wet vermoed dat 'n werknemer wat by hom in diens was gedurende die tydperk ten opsigte waarvan die versuim of vervalsing plaasgevind het, elke week dwarsdeur sy dienstyd wat binne die tydperk val ten opsigte waarvan die versuim of vervalsing plaasgevind het, in sy diens nie minder gewerk het nie as die gewone werkure wat ten opsigte van daardie werknemer ingevolge hierdie Wet voorgeskryf is: Met dien verstande dat as bewys word watter ure so 'n werknemer werklik gedurende enige besondere week in sy diens gewerk het, die vermoede wat by hierdie subartikel geskep word nie ten opsigte van daardie werknemer met betrekking tot daardie week van toepassing is nie.

is in question appear before and be examined by a district surgeon, and a statement contained in a certificate by the district surgeon who examined that person as to what in his opinion is the probable age of that person shall, but only for the purpose of the said proceedings, be conclusive proof of the age of that person.

(2) Whenever in any proceedings under this Act it is proved that any person was present upon or in any premises on or in which any undertaking, industry, trade or occupation was being carried on or conducted, or was in charge of any vehicle used in connection with such undertaking, industry, trade or occupation whether or not it was being driven at the time, that person shall, unless the contrary is proved, be presumed to be an employee.

(3) An employee shall be deemed to be working in the employment of an employer, in addition to any period during which he is actually so working—

(a) during any period during which in accordance with the requirements of his employer he is present upon or in any premises on or in which any undertaking, industry, trade or occupation is being carried on or conducted;

(b) during any other period during which he is present upon or in any such premises; and

(c) during any period during which he is in charge of any vehicle used in the undertaking, industry, trade or occupation in which he is employed, whether or not it is being driven:

Provided that if it is proved during what portion of any period referred to in paragraph (b) or (c) any such employee actually worked in his employment, the presumption established by this subsection shall not apply in respect of that employee in relation to that period.

(4) If any proceedings under this Act, any statement or entry contained in any book or document kept by any employer, or by his manager, agent or employee, or found upon or in any premises occupied by, or upon or in any vehicle used in the business of that employer, and any copy or reproduction (whether obtained by microfilming or any other process) of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(5) If an employer has, in respect of any period, failed to keep the records which in terms of section 22 he is required to keep, or to retain such records for the period specified in subsection (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure of the falsification has occurred shall be presumed to have worked in his employment each week throughout the period of his employment falling within the period in respect of which the failure or the falsification occurred, not less than the ordinary hours of work prescribed in respect of that employee in terms of this Act: Provided that if it is proved what hours any such employee actually worked in his employment during any particular week, the presumption established by this subsection shall not apply in respect of that employee in relation to that week.

(6) Wanneer by enige verrigtinge ingevolge hierdie Wet bewys word dat 'n onware verklaring of inskrywing voorkom in 'n aantekening wat deur iemand gehou is, word vermoed, totdat die teendeel bewys word, dat hy daardie aantekening opsetlik vervals het.

(7) Wanneer iemand ingevolge die bepalings van hierdie Wet aangekla word weens versuim om 'n persoon wat gedurende enige tydperk by hom in diens was, teen die skaal van beloning te betaal waarteen hy daardie persoon, ingevolge die bepalings van hierdie Wet of van enige vrystellingsertifikaat wat ingevolge hierdie Wet vir hom bindend is, ten opsigte van daardie tydperk moes betaal het, en bewys word dat daardie persoon gedurende enige tydperk wat deur die aanklag gedek word, by die beskuldigde in diens was, en dat die beskuldigde ingevolge hierdie Wet of daardie vrystellingsertifikaat ten opsigte van daardie tydperk 'n sekere bedrag aan daardie persoon as minimumskaal van beloning moes betaal het, word vermoed, totdat die teendeel bewys word, dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

(8) Wanneer iemand ingevolge artikel 18 (1) daarvan aangekla word dat hy 'n persoon uit sy diens ontslaan het of die skaal van sy beloning verminder het, of die bedinge of voorwaardes van sy diens verander het na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers tot sy nadeel verander het, as gevolg van 'n in paragraaf (a), (b) of (c) van daardie artikel bedoelde en in die aanklag vermelde feit, of as gevolg van sy vermoede aangaande of geloof in die bestaan van so 'n feit in die aanklag vermeld, en bewys word dat die beskuldigde daardie persoon ontslaan het, of die skaal van sy beloning verminder het, of die bedinge of voorwaardes van sy diens verander het na bedinge of voorwaardes wat vir hom minder gunstig is, of sy posisie in vergelyking met ander werknemers tot sy nadeel verander het, word vermoed, totdat die teendeel bewys word, dat die beskuldigde dit gedoen het as gevolg van die feit of vermoede of geloof, na gelang van die geval, in die aanklag vermeld.

(9) Wanneer 'n persoon ingevolge artikel 25 daarvan aangekla word dat hy 'n opgawe of verklaring, wat na sy wete in 'n wesenlike besonderheid vals is, verstrek of gemaak het of laat verstrek of maak het en bewys word dat bedoelde opgawe of verklaring in 'n wesenlike besonderheid in die aanklag vermeld vals is, word vermoed, totdat die teendeel bewys word, dat die beskuldigde te alle toepasslike tye geweet het dat bedoelde opgawe of verklaring in die besonderheid in die aanklag vermeld vals was.

Regulasies

27. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

(a) alle aangeleenthede wat ingevolge hierdie Wet moet of kan voorgeskryf word; en

(b) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Enige regulasie kragtens subartikel (1) uitgevaardig, kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf van hoogstens 'n boete van R500 of gevangenisstraf vir 'n tydperk van ses maande.

(3) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende klasse persone en by die uitvaardiging van sodanige regulasies kan die Minister van die metode van differensiasie wat hy raadsaam ag, gebruik maak: Met dien verstande dat geen differensiasie op grond van geslag, ras of kleur gemaak mag word nie.

(6) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record.

(7) Whenever any person is charged under the provisions of this Act with having failed to pay any person employed by him during any period at the rate of remuneration at which in respect of that period he was required to pay that person under the provisions of this Act or of any licence of exemption binding upon him in terms of this Act, and it is proved that that person was employed by the accused during any period covered by the charge and that under this Act or that licence of exemption the accused was required to pay to that person as minimum rate of remuneration a certain amount in respect of that period, the accused shall be presumed, until the contrary is proved, not to have paid that amount to that person.

(8) Whenever any person is charged under section 18 (1) with having dismissed any person employed by him or reduced the rate of his remuneration, or altered the terms or conditions of his employment to terms or conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, by reason of any fact referred to in paragraph (a), (b) or (c) of that section and stated in the charge, or by reason of his suspicion or of belief in the existence of any such fact stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration or altered the terms or conditions of his employment to terms or conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the fact or suspicion or belief, as the case may be, stated in the charge.

(9) Whenever any person is charged under section 25 with having furnished, made or caused to be furnished or made any return or statement which to his knowledge is false in any material particular and it is proved that such return or statement is false in the material particular stated in the charge, the accused shall be presumed, until the contrary is proved, at all relevant times to have known that such return or statement was false in the particular stated in the charge.

Regulations

27. (1) The Minister may make regulations as to—

(a) all matters which by this Act are required or permitted to be prescribed; and

(b) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulation made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of R500 or imprisonment for a period of six months.

(3) Different regulations may be made under subsection (1) in respect of different classes of persons and in making such regulations the Minister may apply such method of differentiation as he may deem advisable: Provided that no differentiation on the basis of sex, race or colour shall be made.

Strafbepalings

28. Iemand wat skuldig bevind word aan 'n misdryf ingevolge die bepalinge van hierdie Wet waarvoor geen spesiale straf voorgeskryf word nie, is behoudens die bepalinge van artikel 13 (5) strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sowel sodanige boete as sodanige gevangenisstraf.

Regsbevoegdheid van landdroshoue

29. Ondanks andersluidende wetsbepalinge, besit 'n landdroshof regsbevoegdheid om enige straf op te lê wat hierdie Wet voorskryf of om enige bevel uit te vaardig waarvoor hierdie Wet voorsiening maak.

Artikel 57 van Wet 51 van 1977 nie van toepassing op sekere oortredings ingevolge hierdie Wet nie

30. Die bepalinge van artikel 57 van die Strafproseswet, 1977 (Wet 51 van 1977), is nie ten opsigte van 'n misdryf wat bestaan uit 'n in artikel 13 (1) of (2) bedoelde oortreding of versuim van toepassing nie.

Herroeping van wette

31. (1) Die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), word hierby herroep.

(2) Artikels 9, 19, 20, 21, 21A, 22, 50 en 52 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), word hierby herroep.

Kort titel en inwerkingtreding

32. Hierdie Wet heet die Wet op Diensvoorwaardes, 1982, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Penalties

28. Any person who is convicted of any offence under the provisions of this Act for which no special penalty is prescribed, shall, subject to the provisions of section 13 (5), be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Jurisdiction of magistrates' courts

29. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or make any order provided for in this Act.

Section 57 of Act 51 of 1977 not to apply to certain offences under this Act

30. The provisions of section 57 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall not apply in respect of any offence which consists of a contravention or failure referred to in section 13 (1) or (2).

Repeal of laws

31. (1) The Shops and Offices Act, 1964 (Act 75 of 1964), is hereby repealed.

(2) Sections 9, 19, 20, 21, 21A, 22, 50 and 52 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), are hereby repealed.

Short title and commencement

32. This Act shall be called the Conditions of Employment Act, 1982, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante inrigtings.

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