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[No. 528.]

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 888.]

[21 June 1963.]

WAGE ACT, No. 5 of 1957.

WAGE DETERMINATION No. 239.

RUBBER AND RUBBER PRODUCTS MANUFACTURING INDUSTRY, CERTAIN AREAS.

By direction of the Deputy-Minister of Labour it is hereby notified, in terms of sub-section (2) of section *fourteen* of the Wage Act, 1957, that he, acting on behalf of and under the powers vested in the Minister of Labour, by sub-section (1) of section *fourteen* of the said Act, has made the Determination in the Schedule hereto in respect of the Rubber and Rubber Products Manufacturing Industry and has fixed the 15th day of July, 1963, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the Rubber and Rubber Products Manufacturing Industry and to the employers of such employees in the following areas:—

Cape Province.—The Magisterial Districts of Bellville, the Cape, Port Elizabeth, Simonstown, Uitenhage and Wynberg.

Natal.—The Magisterial Districts of Durban (excluding the area occupied by Dunlop South Africa, Ltd., in the Magisterial District of Durban), Inanda and Pinetown and the municipal area of Howick.

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

2. DEFINITIONS.

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

(a) *In All Sections of the Industry*—

“artisan” means an employee who is engaged in work normally performed by a skilled artisan and for the purpose of this definition the expression “skilled artisan” means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section *six* of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section *two* (7) or section *seven* (3) of the said Act;

“assistant foreman” means an employee who, under the general supervision of a foreman, performs any of the duties

GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 888.]

[21 Junie 1963.]

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 239.

RUBBER EN RUBBERPRODUKTENYWERHEID, SEKERE GEBIEDE.

In opdrag van die Adjunk-minister van Arbeid word hierby, ingevolge subartikel (2) van artikel *veertien* van die Loonwet, 1957, bekendgemaak dat hy, handelende namens en kragtens die bevoegdheid verleen aan die Minister van Arbeid, by subartikel (1) van artikel *veertien* van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn ten opsigte van die Rubber en Rubberproduktenywerheid gemaak het en die 15de dag van Julie 1963 bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

BYLAE.

1. GEBIED EN BESTEK VAN VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Rubber en Rubberproduktenywerheid en op die werkgewers van sodanige werknemers in die volgende gebiede:—

Kaapprovinsie.—Die landdrosdistrikte Bellville, die Kaap, Port Elizabeth, Simonstad, Uitenhage en Wynberg.

Natal.—Die landdrosdistrikte Durban (uitgesonderd die gebied geokkupeer deur Dunlop South Africa, Ltd., in die landdrosdistrik Durban), Inanda en Pinetown en die munisipale gebied van Howick.

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

2. WOORDOMSKRYWING.

(1) Tensy uit die samehang anders blyk, het iedere uitdrukking wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in dié Wet en, tensy strydig met die samehang, beteken—

(A) *In alle afdelings van die nywerheid*—

„ambagsman” ’n werknemer wat werk doen wat in die reël deur ’n geskoolde ambagsman verrig word en by die toepassing van hierdie woordomskriving beteken die uitdrukking „geskoolde ambagsman” iemand wat sy leertyd uitgedien het in ’n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van ’n vaardigheidsertifikaat deur die Registrateur van Vakleerlinge aan hom uitgereik ingevolge artikel *ses* van die Wet op Opleiding van Ambagsmanne, 1951, of ’n Sertifikaat deur bedoelde Registrateur aan hom uitgereik ingevolge of artikel *twee* (7) of artikel *sewe* (3) van gemelde Wet;

„assistent-voorman” ’n werknemer wat onder die algemene toezicht van ’n voorman enigeen van die pligte van ’n voorman uitvoer en wat gedurende sy afwesigheid in sy plek kan waarkom.

"chargehand" means an employee who, under the supervision of a foreman, is in charge of a group of employees;
 "chauffeur" means an employee who is engaged in driving a motor vehicle which is intended to carry passengers and used for the conveyance of his employer or of staff, clients or visitors and which may be used for the conveyance of documents or parcels not containing the products of the establishment, except where such products are used or intended for use as samples;

"clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, despatch clerk, and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work;

"clerk, female, qualified," means a female clerk who has had not less than four years' experience;

"clerk, female, unqualified," means a female clerk who has had less than four years' experience;

"clerk, male, qualified," means a male clerk who has had not less than five years' experience;

"clerk, male, unqualified," means a male clerk who has had less than five years' experience;

"commission work" means any system under which a traveller's remuneration is based on the value or number of orders submitted by him to, and accepted by, his employer;

"day", in relation to a shift worker, means the period of twenty-four hours calculated from the time the employee commences work;

"despatch clerk" means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, weighing, packing, marking, addressing or despatching of such goods or packages;

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

"emergency work" means—

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

(2) any work connected with the loading or unloading of—
 (i) trucks or vehicles of the South African Railways and Harbours; or

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

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

"establishment" means any premises in or in connection with which one or more employees are employed in the Rubber and Rubber Products Manufacturing Industry;

"experience" means, in relation to—

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

(b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Rubber and Rubber Products Manufacturing Industry: Provided—

(i) that any employment which a grade III employee, grade IV employee, grade V employee, grade VI employee, or grade VII employee has had with the same employer in any lower of these grades or as a grade II employee, shall be deemed to be employment in the higher grade in which he is employed to the extent that his wage in the higher grade shall be not less than the wage which he received in the lower grade immediately before being employed in the higher grade;

(ii) that no period of employment which an employee has had as a grade II employee or a grade III employee before he attained the age of eighteen years shall be reckoned as employment for the purpose of experience after he has attained that age;

"factory clerk" means an employee who, under the supervision of a foreman or a qualified male clerk, is engaged in any one or more of the following activities:—

„onderbaas" 'n werknemer wat onder die toesig van 'n voor-man in beheer van 'n groep werknemers is;

„chauffeur" 'n werknemer wat 'n motorvoertuig bestuur wat bedoel is om passasiers te vervoer en wat gebruik word vir die vervoer van sy werkgever of personeel, klante of besoekers en wat gebruik mag word vir die vervoer van dokumente of pakkette wat nie die produkte van die bedryfsinrigting bevat nie uitgesonderd waar sodanige produkte gebruik word of bedoel is om as monsters gebruik te word;

„klerk" 'n werknemer wat skryf-, tik- of enige ander vorm van klerklike werk verrig en omvat 'n kassier, magasynman, versendingsklerk en 'n telefonis, maar omvat nie enige ander klas werknemer wat elders in hierdie klousule omskryf word nie, ondanks die feit dat klerklike werk deel van sodanige werknemer se werk mag uitmaak;

„klerk, vrou, gekwalifiseer," 'n vroulike klerk met minstens vier jaar ondervinding;

„klerk, vrou, ongekwalifiseer," 'n vroulike klerk met minder as vier jaar ondervinding;

„klerk, man, gekwalifiseer," 'n manlike klerk met minstens vyf jaar ondervinding;

„klerk, man, ongekwalifiseer," 'n manlike klerk met minder as vyf jaar ondervinding;

„kommissiewerk" enige stelsel waarvolgens 'n handelsreisiger se besoldiging gebaseer is op die waarde of getal bestelling wat hy by sy werkgever indien en deur hom aangeneem word;

„dag" met betrekking tot 'n skofwerker, die tydperk van vier en-twintig uur bereken vanaf die tydstop waarop die werknemer begin werk;

„versendingsklerk" 'n werknemer wat verantwoordelik is vir die versending of die verpakking van goedere vir vervoer of aflowering en wat mag toesig hou oor die versameling, na gaan, weeg, verpakking, merk, adresseer of versending van sulke goedere of pakkies;

„motorvoertuigbestuurder" 'n werknemer wat 'n motorvoertuig bestuur, en vir die toepassing van hierdie woordskrywing omvat die uitdrukking „'n motorvoertuig bestuur" alle tydperke wat daar bestuur word en alle tyd wat die bestuurder bestee aan werk in verband met die voertuig of die vraag en alle tydperke waartydens hy verplig is om op sy pos te bly gereed om te bestuur;

„noodwerk"—

(1) enige werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, epidemie, gewelddaad, diefstof of onklaarraking van installasie of masjinerie sonder versuim gedoen moet word;

(2) enige werk verbonde aan die laai of aflaai van—

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

(ii) voertuie wat deur 'n vervoerkontraakteur in die uitvoering van sy kontrak as sulks met die Suid-Afrikaanse Spoorweë en Hawens gebruik word;

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

„bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Rubber en Rubberproduktenywerheid in diens is;

„ondervinding" in verband met—

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

(b) enige ander klas werknemer, die totale tydperk of tydperke diens wat 'n werknemer in sy klas gehad het in die Rubber en Rubberproduktenywerheid: Met die verstande—

(i) dat enige diens wat 'n werknemer graad III, 'n werknemer graad IV, 'n werknemer graad V, 'n werknemer graad VI of 'n werknemer graad VII by dieselfde werkgever in enige van die laer grade gehad het of as 'n graad II werknemer sal diens geag word in die hoër graad waarin geëmployeer is in dié mate dat sy loon in die hoër graad nie minder mag wees nie as die loon wat hy in die laer graad ontvang het onmiddellik voor hy in die hoër graad in diens geneem is;

(ii) dat geen tydperk van diens wat 'n werknemer as 'n werknemer graad II of as 'n werknemer graad III gehad het voor hy die ouderdom van agt jaar bereik het, as diens vir die doeleindes van ondervinding beskou sal word nie na hy sodanige ouderdom bereik het;

„fabrieksklerk" 'n werknemer wat onder die toesig van 'n voorman of gekwalifiseerde manlike klerk in diens is en een of meer van die volgende werksaamhede:—

(1) Die kontrolering of aantekening van die tye wanneer werknemers 'n bedryfsinrigting of enige gedeelte van

"factory clerk, qualified," means a factory clerk who has had not less than twelve months' experience;
 "factory clerk, unqualified," means a factory clerk who has had less than twelve months' experience;
 "fireman" means an employee who is engaged in stoking, raking, slicing or drawing a fire of a boiler;
 "first-aid attendant" means an employee who holds a current certificate of competency in first-aid issued by any of the following organisations—

- (a) The Red Cross Society of South Africa;
- (b) The St. John Ambulance Association;
- (c) Die Suid-Afrikaanse Noodhulppliga;

who is engaged in rendering first-aid in an establishment and who may record employee attendances for treatment;

"foreman" means an employee who is in charge of the employees in an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties;

"gatemanager" means an employee who is in charge of a gate and who may record the entry or departure of persons or vehicles;

"handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment directly used in the manufacture of the products of an establishment, and who may effect minor repairs or renovations to buildings;

"laboratory assistant" means an employee who is engaged in taking and preparing samples, making initial or routine tests, including the operating of any power-driven machine in the course of such tests, and recording the results thereof;

"labourer" means an employee who is engaged in any one or more of the following activities:—

- (1) Assembling tins;
- (2) assisting on delivery vehicles, other than driving or effecting repairs;
- (3) baling or wrapping in hessian for transport;
- (4) binding or strapping bales, boxes or other containers by hand;
- (5) cleaning or washing, other than cleaning liners by machine;
- (6) cleaning, sponging or polishing moulded goods by hand;
- (7) cutting up rubber or rubber compounds from the bale by hand;
- (8) delivering or collecting messages, letters or documents solely within an establishment;
- (9) emptying tanks or containers by hand;
- (10) feeding or taking off from a machine for the dipping, drying or curing of dipped latex goods;
- (11) filling, levelling off, closing, stripping or spraying moulds or putting moulds into or removing them from curing ovens all in the production of latex foam products;
- (12) gardening work, i.e., planting, digging, raking, mowing, weeding, watering, trimming hedges or spreading or mixing gardening materials;
- (13) lifting, carrying, moving, unpacking or stacking goods or articles by hand or non-power-driven vehicle;
- (14) loading or unloading, other than loading or unloading presses;
- (15) making or maintaining fires (other than in a boiler) or burning waste or damaged materials;
- (16) making tea or similar beverages for employees;
- (17) opening or closing doors or boxes, drums, bales or other packages;
- (18) operating a non-power-driven hoist;
- (19) placing articles of uniform size and number into containers specially made to contain them;
- (20) placing foam into drying ovens or removing foam therefrom;
- (21) removing refuse or ashes;
- (22) setting up by hand ready-made cardboard or fibre board boxes or similar containers;
- (23) sieving latex;
- (24) sorting or baling scrap;
- (25) stripping dipped latex goods from formers or moulds or turning such goods inside out;
- (26) transferring latex foam from maturing tank to feeding tank;
- (27) trimming foam flash or moulds for foam by hand;
- (28) using rubber or other stamps where no discretion is involved;

"Latex Section" means that section of the Rubber and Rubber Products Manufacturing Industry which converts liquid rubber latex directly into rubber articles by means of dipping, casting, moulding, extruding or other like method;

"law" includes the common law;

"machine operator" means an employee who operates, attends

„fabrieksklerk, gekwalifiseer," 'n fabrieksklerk met minstens twaalf maande ondervinding;

„fabrieksklerk, ongekwalifiseer," 'n fabrieksklerk met minder as twaalf maande ondervinding;

„stoker" 'n werknemer wat die vuur van 'n stoomketel stook, hark, krap of trek;

„eerstehulpman" 'n werknemer wat 'n geldende sertifikaat van bekwaamheid in eerstehulp besit wat deur enige van ondergenoemde organisasies uitgereik is—

- (a) Die Suid-Afrikaanse Rooikruisvereniging;
- (b) St. John Ambulance Association;
- (c) Die Suid-Afrikaanse Noodhulppliga,

wat in diens is in die verskaffing van eerstehulp in 'n bedryfsinrigting en wat die bywoning vir behandeling van werknemers mag aanteken;

„voorman" 'n werknemer wat in bevel is van die werknemers in 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat verantwoordelik is dat hulle hul pligte doeltreffend verrig;

„hekwagter" 'n werknemer wat in beheer is van 'n hek en wat die binnekoms of vertrek van persone of voertuie mag aanteken;

„faktotum" 'n werknemer wat geringe herstelwerk of verstelings aan masjinerie of uitrusting doen, uitgesonderd masjinerie of uitrusting wat regstreeks by die vervaardiging van die produkte van 'n bedryfsinrigting gebruik word, en wat geringe herstel- of opknappingswerk aan geboue mag doen;

„laboratoriumassistent" 'n werknemer wat in diens is in die neem en bereiding van monsters, eerste of roetine-toetse maak, met inbegrip van die bediening van 'n kragaangedrewe masjien gedurende sodanige toetse, en wat die uitslag daarvan aanteken;

„arbeider" 'n werknemer wat een of meer van die volgende werksaamhede verrig:—

- (1) Blikke bymekaarsit;
- (2) op afleveringsvoertuie help, uitgesonderd bestuur of herstel;
- (3) baal of toedraai in goingsak vir vervoer;
- (4) draad of hoepels om bale, kiste, of ander houers met die hand draai;
- (5) skoonmaak of was uitgesonderd die skoonmaak van voerings deur 'n masjien;
- (6) skoonmaak, spons of polering van gevormde goedere met die hand;
- (7) opsky van rubber of rubbersamestellings van bale met die hand;
- (8) aflewering of afhaal van boodskappe, briewe of dokumente uitsluitlik binne 'n bedryfsinrigting;
- (9) tenks of houers met die hand leegmaak;
- (10) voer of afneem van 'n masjien vir die indoop, droogmaak of vulkanisering van ingedoopte latex goedere;
- (11) vorms vul, gelykmaak, toemaak, afstroop of spuit of vorms in vulkaniseeroonde plaas of verwyder alles in die produksie van latex skuimprodukte;
- (12) tuinmaak, d.w.s. plant, spit, hark, grassy, onkruid verwyder, water gee, heinings sny of verspreiding of vermenging van tuinmateriaal;
- (13) optel, dra, verplaas, uitpak of stapel van goedere met die hand of nie-kragaangedrewe voertuig;
- (14) laai of aflaai, uitgesonderd die laai of aflaai van perse;
- (15) vure maak of aan die brand hou (uitgesonderd in 'n stoomketel) of afvalmateriaal of beskadigde materiaal verbrand;
- (16) tee of soortgelyke drankie vir werknemers maak;
- (17) deure, kiste, tromme, bale of ander pakkette oop- of toemaak;
- (18) 'n nie-kragaangedrewe hystoestel bedien;
- (19) artikels van dieselfde grootte en getal in houers verpak wat spesiaal gemaak is om hulle te bevat;
- (20) skuim in droogoonde plaas of skuim daarvan verwyder;
- (21) vullis of as verwyder;
- (22) klaargemaakte kartonkiste of veselbordkiste of soortgelyke houers met die hand oprig;
- (23) latex sif;
- (24) afval sorteer of baal;
- (25) afstroop van ingedoopte latex goedere van vormers of vorms of om sodanige goedere om te keer;
- (26) verplasing van latex skuim van rypingstenk na voertenk;
- (27) met die hand skuimvliese of vorms vir skuim regsn;
- (28) rubber of ander stempels gebruik waar geen oordeel by betrokke is nie;

„Latex afdeling" daardie afdeling van die Rubber en Rubber-produktenywerheid wat vloeiende rubber latex regstreeks in rubberartikels omskep deur middel van dompel-, giet-, vorm-, uitdruk- of dergelyke metode;

„wet" ook die gemene reg;

„masjienbediener" 'n werknemer wat 'n kragaangedrewe masjien

"manager" means an employee who is charged by his employer with the overall—

- (a) supervision over;
- (b) responsibility for; and
- (c) direction of;

the activities of an establishment and the employees engaged therein;

"military training" means continuous training which an employee is required to undergo in terms of section *twenty-one*, read with sub-sections (1) and (2) of section *twenty-two*, of the Defence Act, 1957, but does not include any training he may elect to undergo in terms of section *twenty-three* of the said Act nor any other training or service for which he volunteers or which he elects to undergo;

"mobile hoist operator" means an employee who is engaged in operating a mobile power-driven vehicle used in the loading, unloading, moving or stacking of goods in an establishment and includes the driver of an industrial tractor towing one or more trailers within an establishment;

"mobile hoist operator, qualified," means a mobile hoist operator who has had not less than three months' experience;

"mobile hoist operator, unqualified," means a mobile hoist operator who has had less than three months' experience;

"motor vehicle" means any power-driven vehicle used for conveying goods, other than traveller's samples, and includes a mechanical horse and a tractor but does not include any vehicle used exclusively within an establishment;

"night shift" means any period of work the major portion of which falls between the hours of 7 p.m. and 5 a.m.;

"part-time driver of a motor vehicle" means an employee who is ordinarily engaged on duties other than driving a motor vehicle but who on more than two days in any week is engaged in driving a motor vehicle for not more than three hours in the aggregate on any such day, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver, while in charge of the vehicle, on work connected with the vehicle or the load;

"piece-work" means any system under which an employee's remuneration is based on the quantity of work done;

"rubber" includes synthetic rubber, reclaimed rubber, scrap rubber or compounded rubber but does not include ebonite, vulcanite or any other similar form of hard rubber;

"Rubber and Rubber Products Manufacturing Industry" or "the Industry" means the industry in which employers and employees are associated in establishments which are registered or liable for registration in terms of the Factories, Machinery and Building Work Act, 1941, for the purpose of carrying on any one or more of the following activities, namely:—

- (a) The manufacture of—
 - (i) rubber;
 - (ii) any article consisting wholly or mainly of rubber;
 - (iii) solution;
 - (iv) any one or more of the following articles of which at least one constituent is rubber:—

Tyres, tubes, conveyor or transmission belting, hose, tennis balls, golf balls, football bladders, covering for electric cables, mats, cushions, mattresses, covers for brake or clutch pedals and retreading material;

- (b) the retreading or rebuilding of rubber goods if carried on in conjunction with any one or more of the activities specified in paragraph (a);

- (c) the manufacture of rubber soles or heels other than in an establishment engaged in the manufacture of footwear;

and includes all operations incidental to or consequent on any of the aforesaid activities; but does not include the manufacture of footwear or the manufacture of covering for electric cables in an establishment in which such cables are manufactured;

"senior managerial, professional or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decisions of a professional or administrative character in the conduct of the activities of an establishment;

"shift worker" means an employee who is engaged on shift

"bestuurder" 'n werknemer wat deur sy werkgever gelas word met die algehele—

- (a) toesig oor;
- (b) verantwoordelijkheid vir; en
- (c) leiding van;

die werksaamhede van 'n bedryfsinrigting en die werknemers daarin in diens;

"militêre opleiding" die ononderbroke opleiding wat 'n werknemer ingevolge artikel *een-en-twintig*, gelees met sub-artikels (1) en (2) van artikel *twee-en-twintig* van die Verdedigingswet 1957, verplig word om te ondergaan, maar omvat nie enige opleiding wat hy ingevolge artikel *drie-en-twintig* van genoemde Wet mag verkies om te ondergaan of enige ander opleiding of diens waarvoor hy hom aanbied of wat hy verkies om te ondergaan nie;

"bediener van 'n mobiele hystoestel" 'n werknemer wat 'n mobiele kragaangedrewe voertuig bedien wat gebruik word by die laai, aflaai, verskuiving of opstapel van goedere in 'n bedryfsinrigting en omvat ook 'n industriële trekker wat een of meer sleepwaens binne 'n bedryfsinrigting trek;

"bediener van 'n mobiele hystoestel, gekwalifiseer," 'n bediener van 'n mobiele hystoestel met minstens drie maande ondervinding;

"bediener van 'n mobiele hystoestel, ongekwalifiseer," 'n bediener van 'n mobiele hystoestel met minder as drie maande ondervinding;

"motorvoertuig" enige kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere, uitgesonderd 'n handelsreisiger se monsters en omvat 'n voorhaker en 'n trekker maar omvat nie enige voertuig wat uitsluitlik binne 'n bedryfsinrigting gebruik word nie;

"nagskof" enige werktipe waarvan die grootste gedeelte tussen 7 nm. en 5 vm. val;

"deeltydse motorvoertuigbestuurder" 'n werknemer wat gewoonlik ander pligte verrig as om 'n motorvoertuig te bestuur maar wat op meer as twee dae in 'n week 'n motorvoertuig vir hoogstens drie uur altesaam op enige sodanige dag bestuur, en vir die toepassing van hierdie woord omskrywing omvat die uitdrukking "n motorvoertuig bestuur" alle tydperke wat daar bestuur word en alle tyd wat die bestuurder, terwyl hy in beheer is van die voertuig bestee aan werk in verband met die voertuig of vrag;

"stukwerk" enige stelsel waarvolgens 'n werknemer se besoldiging gebaseer is op die hoeveelheid werk wat gedoen is;

"rubber" ook sintetiese rubber, geregenereerde rubber, afval rubber of gemengde rubber, maar dit omvat nie ebonie vulkaniet of enige ander soortgelyke vorm van hard rubber nie;

"Rubber en Rubberproduktenywerheid" of "die nywerheid" die nywerheid waarin werkgevers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat geregistreer is of aan registrasie onderworpe is ingevolge die Wet op Fabriek Masjinerie en Bouwerk, 1941, met die doel om een of meer van die volgende werksaamhede te verrig, naamlik:—

- (a) Die vervaardiging van—
 - (i) rubber;
 - (ii) enige artikel wat geheel-en-al of hoofsaaklik uit rubber bestaan;
 - (iii) rubberlym;
 - (iv) enigeen of meer van die volgende artikels waarvan minstens een bestanddeel rubber is:—

Buitebande, binnebande, vervoer- of dryfband, tuinslange, tennisballe, gholfballe, voetballe, binnebande, bedekkings vir elektriese kabele, matrasse, stoelkussings, matrasse, bedekking vir rem- of koppelaarpedale en verspoelmateriaal;

- (b) die versool of herbou van rubbergoedere indien verband saam met een of meer van die werksaamhede genoem in paragraaf (a);

- (c) die vervaardiging van rubbersole of -hakke, uitgezonderd in 'n bedryfsinrigting wat skoel vervaardig;

en omvat dit ook alle werksaamhede wat met enigeen van die voornoemde bedrywighede in verband staan of daaruit voortvloei, maar omvat nie die vervaardiging van skoel of die vervaardiging van bedekking vir elektriese kabele in 'n bedryfsinrigting waarin sodanige kabele vervaardig word nie;

"senior besturende, professionele of administratiewe werknemer" 'n werknemer wat deur die werkgever belas is met werk wat die verantwoordelijkheid meebring om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van professionele of administratiewe aard te neem;

"skofwerker" 'n werknemer wat skofwerk verrig in

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

"trailer" means any conveyance drawn by a motor vehicle;

"traveller" means an employee who, as a travelling representative of an establishment and on behalf of such establishment, invites, canvasses or solicits orders;

"traveller, qualified," means a traveller who has had not less than four years' experience;

"traveller, unqualified," means a traveller who has had less than four years' experience;

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

"unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two- or three wheeled motor cycle, motor scooter or auticycle or cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb.;

"wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided—

(i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;

(ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee, who is employed on any basis provided for in clause 9, received over and above the amount which he would have received if he had not been employed on such a basis;

"watchman" means an employee who is engaged in guarding premises or other property;

3) In the Latex Section of the Industry—

"arbor press operator" means an employee who is engaged in operating a non-power-driven arbor press;

"assembler" means an employee who is engaged in fitting—

- (a) rubber teats to plastic parts to form baby soothers; or
- (b) hard rubber or plastic nozzles to rubber syringes;

"ball mill attendant" means an employee who is engaged in filling the containers of a ball mill, stopping and starting the mill and who may assemble measure and weigh ingredients for milling;

"beader" means an employee who is engaged in rolling the open end of dipped goods to form a ring of rubber;

"cast polisher" means an employee who is engaged in polishing cast articles by machine;

"casting machine operator" means an employee who is engaged in making cast latex articles;

"emblem marker" means an employee who is engaged in putting a trade mark or message on dipped goods by means of a printing machine or by rubber stamping or stencilling by spray gun;

"foam mould cleaner" means an employee who is engaged in cleaning moulds for foam products by sandblasting;

"foam sorter" means an employee who is engaged in sorting foam products and rejecting obviously defective products;

"grade I employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Arbor press operator;
- (2) assembler;
- (3) assisting an artisan, other than by the independent use of tools;
- (4) beader;
- (5) cast polisher;
- (6) casting machine operator;
- (7) cutting or perforating paper or cardboard;
- (8) delivering or collecting messages, letters or goods on foot or by means of a bicycle or other non-power-driven vehicle, other than solely within an establishment;
- (9) emblem marker;
- (10) fireman;
- (11) lifting, carrying, moving or stacking goods by means

„magasynman" 'n werknemer wat die algemene beheer het oor die voorrade inkomende goedere of afgewerkte of gedeeltelik afgewerkte produkte, en wie se plig dit is om in 'n magasyn of pakhuis goedere te ontvang, op te berg, te verpak of uit te pak of om uit 'n magasyn of pakhuis goedere, hetsy aan die verbruikende afdelings in 'n bedryfsinrigting, of ter versending, af te gee;

„sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word;

„handelsreisiger" 'n werknemer wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting en namens sodanige bedryfsinrigting bestellings vra, werf of aanvra;

„handelsreisiger, gekwalifiseer," 'n handelsreisiger met minstens vier jaar ondervinding;

„handelsreisiger, ongekwalifiseer," 'n handelsreisiger met minder as vier jaar ondervinding;

„handelsreisiger se assistent" 'n werknemer wat 'n handelsreisiger vergees en hom mag help met die inpak, uitpak of uitstal van sy monsters en wat die motorvoertuig wat deur die handelsreisiger in die uitvoering van sy pligte gebruik word, mag bestuur;

„onbelaste gewig" die gewig van enige motorvoertuig of sleepwa soos aangeteken in 'n lisensie of sertifikaat ten opsigte van sodanige motorvoertuig of sleepwa uitgereik deur enige owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat in die geval van 'n twee- of driewielmotorfiets, bromponie of bromfiets of fiets wat met 'n hulpmasjien uitgerus is, daar geag word dat die onbelaste gewig hoogstens 1,000 lb. is;

„loon" die geldbedrag aan 'n werknemer betaalbaar ingevolge klousule 3 (1) ten opsigte van sy gewone werkure soos in klousule 5 voorgeskryf: Met dien verstande—

(i) dat indien 'n werkgever 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;

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

„wag" 'n werknemer wat persele of ander eiendom bewaak;

(B) In die Latex afdeling van die Nywerheid—

„arbor-persbediener" 'n werknemer wat 'n nie-kragaangedrewe arbor-pers bedien;

„monteur" 'n werknemer wat—

- (a) rubbertepels aan plastiese dele aanbring ten einde babatroosters te maak; of
- (b) spuitpunte van harde rubber of plastiek aan rubber-spuite aanbring;

„balmeulbediener" 'n werknemer wat die houeers van 'n balmeul vul, wat die meul aansit en stopsit en wat bestanddele vir die meul mag bymekaarsit, meet en weeg;

„spanrandmaker" 'n werknemer wat die oop ente van ingedoopte goedere rol om 'n rubber ring te vorm;

„gietskulpoleerder" 'n werknemer wat gietstukartikels met 'n masjien poleer;

„gietskulpoleerder" 'n werknemer wat gietstuk latex artikels maak;

„embleemmerker" 'n werknemer wat 'n handelsmerk of boodskap op ingedoopte goedere deur middel van 'n drukkersmasjien of rubberstempels plaas of sjablonering met 'n sproeispuut;

„skuimvormskoonmaker" 'n werknemer wat vorms vir skuimprodukte skoonmaak deur sandblaas;

„skuimsorteerder" 'n werknemer wat skuimprodukte sorteer en skynbare defektiewe produkte van die hand wys;

„werknemer graad I" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Arbor-persbediener;
- (2) monteur;
- (3) 'n ambagsman behulpsaam wees uitgesonderd deur die selfstandige gebruik van gereedskap;
- (4) spanrandmaker;
- (5) gietstulpoleerder;
- (6) gietstulpoleerder;
- (7) sny of perforeer van papier of karton;
- (8) aflewering of versameling van boodskappe, briewe of goedere te voet of per fiets of ander nie-kragaangedrewe voertuig, uitgesonderd uitsluitlik binne 'n bedryfsinrigting;
- (9) embleemmerker;
- (10) stoker;

- (17) sorter;
- (18) stencilling, labelling or marking boxes, bales or other packages;
- (19) tester;
- (20) weighing to set scale or measuring to set measure;
- (21) wrapper;

"grade II employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Ball mill attendant;
- (2) assembling orders from written instructions or order forms;
- (3) cutting foam to template by power-driven hand directed machine;
- (4) foaming machine operator;
- (5) foam mould cleaner;
- (6) mould maker;

"grade II employee, qualified," means a grade II employee who has had not less than three months' experience;

"grade II employee, unqualified," means a grade II employee who has had less than three months' experience;

"grade III employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Closing foam mattresses or pillows;
- (2) foam sorter;
- (3) oiling or greasing machinery or vehicles;
- (4) products distributor;

"grade III employee, qualified," means a grade III employee who has had not less than six months' experience;

"grade III employee, unqualified," means a grade III employee who has had less than six months' experience;

"mould maker" means an employee who is engaged in making moulds by mixing plaster of paris and water and pouring the resultant paste into or onto forms;

"packer" means an employee, who is engaged in packing goods and who may count such goods;

"products distributor" means an employee who is engaged in receiving foam products from sections of an establishment and distributing such products within the establishment;

"sorter" means an employee who is engaged in classifying or sorting products, other than foam products;

"tester" means an employee who is engaged in testing products by means of low pressure compressed air or who examines products for defects;

"wrapper" means an employee who is engaged in wrapping products in precut paper or aluminium foil;

(C) *In the Pneumatic Tyre and Tube Section of the Industry—*

"grade I employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Applying solvents or rubber cements to articles by hand;
- (2) assisting an artisan, other than by the independent use of tools;
- (3) assisting a tyre bagger;
- (4) Banbury stock laydown or batching off;
- (5) bending tube valves or assembling tube valve parts;
- (6) changing fuse bulbs or fluorescent tubes;
- (7) delivering or collecting messages, letters or goods on foot or by means of a bicycle or other non-power-driven vehicle, other than solely within an establishment;
- (8) extruder machine booker;
- (9) feeding or taking off from machines or conveyor belts, other than feeding or taking off from mills or Banbury;
- (10) filling cured tubes with glycerine;
- (11) filling tubes with liquid rubber cement or closing tubes;
- (12) fireman;
- (13) lifting, carrying, moving or stacking goods by means of a power-driven but pedestrian controlled vehicle;
- (14) lining, searing or spray-painting uncured tyres;
- (15) operating an elevator for the conveyance of goods;
- (16) operating an office duplicating, addressing, franking or numbering machine;
- (17) stencilling, labelling or marking boxes, bales or other packages;
- (18) trimming rough edges of moulded goods by hand;
- (19) weighing to set scale or measuring to set measure;

"grade II employee" means an employee who is engaged in

- (17) sorteerder;
- (18) kiste, bale of ander pakkette sjabloneer, etiketteer of merk;
- (19) toetser;
- (20) op 'n voorafgestelde skaal weeg of na 'n vaste maat meet;
- (21) toedraaier;

"werknemer graad II" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Bediener van 'n balmeul;
- (2) bestellings van geskrewe instruksies of bestelvorms bymeakaarsit;
- (3) met 'n kragaangedrewe handbeheerde masjien skuim volgens leipatroon sny;
- (4) skuimmasjienbediener;
- (5) skuimvormskoonmaker;
- (6) vormmaker;

"werknemer graad II, gekwalifiseer," 'n werknemer graad II met minstens drie maande ondervinding;

"werknemer graad II, ongekwalifiseer," 'n werknemer graad II met minder as drie maande ondervinding;

"werknemer graad III" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Skuimmatrasse of kussings toemaak;
- (2) skuim sorteerder;
- (3) masjinerie of voertuie olie of smeer;
- (4) produkte distribueerder;

"werknemer graad III, gekwalifiseer," 'n werknemer graad III met minstens ses maande ondervinding;

"werknemer graad III, ongekwalifiseer," 'n werknemer graad III met minder as ses maande ondervinding;

"vormmaker" 'n werknemer wat vorms maak deur gips en water te meng en dié pasta in of op vorms te gooi;

"verpakker" 'n werknemer wat goedere verpak en wa sodanige goedere mag tel;

"produkte-distribueerder" 'n werknemer wat skuimprodukt van afdelings van 'n bedryfsinrigting ontvang en sodanige produkte binne 'n bedryfsinrigting distribueer;

"sorteerder" 'n werknemer wat produkte klassifiseer of sorteer uitgesonderd skuimprodukte;

"toetser" 'n werknemer wat produkte deur middel van saam geperste lug onder lae druk toets of wat produkte vir fout ondersoek;

"toedraaier" 'n werknemer wat produkte in vooraf gesnyd papier of bladaluimium toedraai;

(C) *In die lug-buite- en binnebandafdeling van die Nywerheid—*

"werknemer graad I" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Oplosmiddels of rubbersement aan artikels met die hand stryk;
- (2) 'n ambagsman behulpsaam wees uitgesonderd deur die selfstandige gebruik van gereedskap;
- (3) 'n buitebandsakinsitter help;
- (4) Banbury-voorraad neêrle of afneem;
- (5) binnebandventiele buig of binnebandventielede by meakaarsit;
- (6) sekeringsbuis of fluoressensiebuis vervang;
- (7) aflewering of versameling van boodskappe, briewe of goedere te voet of per fiets of ander nie-kragaangedrewe voertuig, uitgesonderd uitsluitlik binne bedryfsinrigting;
- (8) uitdrukmasjienboekter;
- (9) voer of afneem van masjiene of vervoerbande uitgesonderd voer of afneem van meule of Banbury;
- (10) ge vulkaniseerde binnebande met gliserien vul;
- (11) binnebande met vloeibare rubbersement vul of binnebande toemaak;
- (12) stoker;
- (13) optel, dra, verplaas of stapel van goedere met 'n kragaangedrewe maar voetgangerbeheerde voertuig;
- (14) ongevulkaniseerde buitebande voerings insit, sproeie of afskroei;
- (15) 'n hyser vir die vervoer van goedere bedien;
- (16) 'n kantoordupliseer-, adresseer-, frankeer- of nommer masjien bedien;
- (17) kiste, bale of ander pakkette sjabloneer, etiketteer of merk;
- (18) met die hand ru-kante van gevormde goedere afwerk;
- (19) op 'n gestelde skaal weeg of na 'n vaste maat meet;

"werknemer graad II" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer

- (6) awling tyres;
- (7) burning airbags;
- (8) cleaning tube airbag or tyre moulds;
- (9) cracker, grinder, wash or refiner mill helper;
- (10) curing miniature tyres;
- (11) debanding machine operator;
- (12) inserting valves and packing tubes;
- (13) instrument chart changer or ink replenisher;
- (14) machine pressing tread splice;
- (15) mould changer's helper;
- (16) off-loading tyres from conveyor into appropriate storage;
- (17) reclaiming or preparing tube valves;
- (18) repairing liners;
- (19) re-rolling liners under 12 inch wide;
- (20) side-twisting bead wires by machine;
- (21) sorting, cutting or assembling scrap fabric;
- (22) tyre building stock-serviceman's helper;
- (23) wrapping by machine;

grade II employee, qualified," means a grade II employee who has had not less than three months' experience;

grade II employee, unqualified," means a grade II employee who has had less than three months' experience;

grade III employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Applying gum to ply fabric;
- (2) band builder's helper;
- (3) bead builder;
- (4) building tread plies or breakers;
- (5) changing wheels or fittings tyres to his employers's cars;
- (6) de-watering airbags;
- (7) lime-blasting tyre, airbags or tube moulds;
- (8) operating a rubber bale splitting machine;
- (9) operating any power-driven machine not specifically mentioned in this clause;
- (10) painting, trimming or sponging tyres by machine;
- (11) preparing or curing flaps in universal moulds;
- (12) preparing tubes for curing;
- (13) re-rolling liners over 12 inches wide;
- (14) splicing or spooling chafer or reinforce;
- (15) tool room attendant;
- (16) tyre section cutter;
- (17) wrapping tyres for despatch by machine;

grade III employee, qualified," means a grade III employee who has had not less than six months' experience;

grade III employee, unqualified," means a grade III employee who has had less than six months' experience;

grade IV employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Airbag building helper;
- (2) balancing tyres;
- (3) band builder;
- (4) Banbury helper;
- (5) bias cutter helper;
- (6) buffing or repairing airbags, tubes or flaps;
- (7) buffing or rib-grinding tyres;
- (8) Cameron slitting machine helper;
- (9) dough-balancing tyres;
- (10) extruder machine, second helper;
- (11) oiling or greasing machinery or vehicles;
- (12) operating a cracker, grinder, wash or refiner mill;
- (13) operating an insulator or bead winding machine;
- (14) preparing or curing flaps in open steam or platen moulds;
- (15) sidewall assembly machine operator;
- (16) splicing tubes by hand;
- (17) stripping airbags from cured tyres;
- (18) tyre building stock serviceman;

grade IV employee, qualified," means a grade IV employee who has had not less than nine months' experience;

grade IV employee, unqualified," means a grade IV employee who has had less than nine months' experience;

grade V employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Airbag builder;
- (2) airbag utility man;
- (3) butt splicing machine operator;
- (4) calender machine, second helper;
- (5) camelback or tread checker;
- (6) Cameron slitting machine operator;
- (7) curing tubes;

- (6) buitebande met els bewerk;
- (7) lugsakke brand;
- (8) binnebande, lugsakke of buitebandvormers skoonmaak;
- (9) 'n kraker-, maler-, was- of raffineermeulhulp;
- (10) miniatuurbuitebande vulkaniseer;
- (11) bediener van spanrandverwyderingsmasjien;
- (12) ventiele insit en binnebande verpak;
- (13) instrumentkaart verander of inkaanvuller;
- (14) loopsplete met masjien pers;
- (15) vormveranderaar se hulp;
- (16) buitebande aflaai van vervoerders in korrekte stoorplek;
- (17) herwinning of voorbereiding van binneband ventiele;
- (18) voerings herstel;
- (19) herrol van voerings onder 12 duim wyd;
- (20) met masjien spanranddrade sywaarts draai;
- (21) sortering, sny of bymekaarsit van afvalweefsels;
- (22) voorraad-bediener se hulp by buitebandmakery;
- (23) met masjien toedraai;

„werknemer graad II, gekwalifiseer," 'n werknemer graad II met minstens drie maande ondervinding;

„werknemer graad II, ongekwalifiseer," 'n werknemer graad II met minder as drie maande ondervinding;

„werknemer graad III" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Gom aan laagweefsel stryk;
- (2) bandbouers hulp;
- (3) spanrandmaker;
- (4) loopvlakbestanddele of skokstroke bou;
- (5) wiele of buitebande aan sy werkgever se voertuie omruil of aansit;
- (6) ontwatering van lugsakke;
- (7) kalkinspuiting in vorms vir buitebande, lugsakke of binnebande;
- (8) bediener van 'n rubberbaalsplytmasjien;
- (9) bediener van enige kragaangedrewe masjien wat nie spesifiek in dié klousule genoem word nie;
- (10) verf, afwerk of buitebande met 'n masjien afspons;
- (11) klappe berei of vulkaniseer in universele vorms;
- (12) binnebande voorberei vir vulkanisering;
- (13) herrol van voerings oor 12 duim wyd;
- (14) skaafstroke las of opdraai of versterk;
- (15) gereedskapkamerbediende;
- (16) buitebandafdelingsnyer;
- (17) met masjien buitebande toedraai vir versending;

„werknemer graad III, gekwalifiseer," 'n werknemer graad III met minstens ses maande ondervinding;

„werknemer graad III, ongekwalifiseer," 'n werknemer graad III met minder as ses maande ondervinding;

„werknemer graad IV" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Hulp van lugsakbouer;
- (2) buitebande balanseer;
- (3) bandbouer;
- (4) Banbury-hulp;
- (5) skuinssnyerhulp;
- (6) afwerking of herstel van lugsakke, binnebande of klappe;
- (7) buitebande afskuur of ribbe daarin sny;
- (8) Cameron-splitmasjienhulp;
- (9) buitebande met rubberlym balanseer;
- (10) uitdrukmasjien se tweede hulp;
- (11) masjinerie of voertuie olie of smeer;
- (12) 'n kraakmeul-, maler-, was- of raffineermeul bedien;
- (13) bediener van 'n isoleer- of spanranddraaimasjien;
- (14) bereiding of vulkanisering van klappe in oopstoom- of plaatgietsvorms;
- (15) bediener van sywandmonteeremasjien;
- (16) binnebande met die hand las;
- (17) lugsakke afstroop van gevulkaniseerde buitebande;
- (18) voorraad-bediener by buitebandmakery;

„werknemer graad IV, gekwalifiseer," 'n werknemer graad IV met minstens nege maande ondervinding;

„werknemer graad IV, ongekwalifiseer," 'n werknemer graad IV met minder as nege maande ondervinding;

„werknemer graad V" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Lugsakbouer;
- (2) lugsakhandlanger;
- (3) stuiklas-masjienbediener;
- (4) mangelmassjienbediener, tweede hulp;
- (5) loopvlakrubber- of loopvlaknasiener;
- (6) Cameron-splitmasjienbediener;
- (7) binnebandvulkaniseer;

"grade V employee, qualified," means a grade V employee who has had not less than twelve months' experience;
 "grade V employee, unqualified," means a grade V employee who has had less than twelve months' experience;
 "grade VI employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Banbury mixer operator;
- (2) calender machine first helper;
- (3) compounder or batch assembler;
- (4) gum dip or dip mixing operator;
- (5) milled stock controller;
- (6) mixing cements by machine;
- (7) mixing mill operator;
- (8) operating an extruding machine;
- (9) tyre bagger;
- (10) tyre builder;
- (11) tyre layer;

"grade VI employee, qualified," means a grade VI employee who has had not less than fifteen months' experience;

"grade VI employee, unqualified," means a grade VI employee who has had less than fifteen months' experience;

"grade VII employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Calender operator;
- (2) drum or mould changer;
- (3) extruder die maker;
- (4) inspecting built or cured tyres;
- (5) quality or statistical control inspector;

"grade VII employee, qualified," means a grade VII employee who has had not less than eighteen months' experience;

"grade VII employee, unqualified," means a grade VII employee who has had less than eighteen months' experience;

(D) *In all Sections of the Industry, other than the Latex Section and the Pneumatic Tyre and Tube Section.*

"grade I employee" means an employee who is engaged in one or more of the following capacities or operations:—

- (1) Assisting an artisan, other than by the independent use of tools;
- (2) binding or strapping bales, boxes or other packages by machine;
- (3) blank cutting and weighing to fixed standard by hand;
- (4) coiling extrusions into trays;
- (5) cutting bales of rubber by machine;
- (6) cutting extruded sections by hand;
- (7) debanding by hand;
- (8) delivering or collecting letters, messages or goods on foot or by means of a bicycle or other non-power-driven vehicle, other than solely within an establishment;
- (9) feeding or taking off from machines or conveyor belts, other than feeding or taking off from mills or Banbury;
- (10) filling, weighing or labelling tins, cartons, drums or flasks by hand;
- (11) fireman;
- (12) lifting, carrying, moving or stacking goods by means of a power-driven but pedestrian controlled vehicle;
- (13) operating an electric hoist;
- (14) operating a mandrel straightening machine;
- (15) operating an office duplicating, addressing, franking or numbering machine;
- (16) sieving chemicals, buffings or grindings;
- (17) sorting articles other than scrap;
- (18) stencilling or marking bales, boxes or other packages;
- (19) stripping outer cloth from hose by machine;
- (20) transferring rubber or fabric into liners;
- (21) weighing to set scale or measuring to set measure;
- (22) winding yarn or wire on to bobbins;
- (23) winding, re-winding or cleaning liners;
- (24) withdrawing mandrels from hose or other products;

and includes an employee [other than a labourer or any class of employee specifically mentioned in Part (D) of this sub-clause] who assists in any operation classified in grades II to VII, inclusive;

"grade II employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Buffing goods by hand or on an abrasive wheel or belt;
- (2) buffing, covering or solutioning tennis ball cores;
- (3) buffing or punching out tennis ball cups;

"werknemer graad V, gekwalifiseer," 'n werknemer graad V met minstens twaalf maande ondervinding;
 "werknemer graad V, ongekwalifiseer," 'n werknemer graad V met minder as twaalf maande ondervinding;
 "werknemer graad VI" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Banbury-mengerbediener;
- (2) kalandermasjien, eerste hulp;
- (3) mengsel- of bondelversamelaar;
- (4) gom indoop of indoopmengerbediener;
- (5) gemaalde voorraad kontroleer;
- (6) sement met 'n masjien meng;
- (7) mengmeulbediener;
- (8) uitdrukmasjienbediener;
- (9) buitebandsakinsitter;
- (10) buitebandbouer;
- (11) buitebandlêer;

"werknemer graad VI, gekwalifiseer," 'n werknemer graad VI met minstens vyftien maande ondervinding;

"werknemer graad VI, ongekwalifiseer," 'n werknemer graad VI met minder as vyftien maande ondervinding;

"werknemer graad VII" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Kalandrbediener;
- (2) trommel- of vormomruiler;
- (3) uitdrukervormmaker;
- (4) opgeboude of gevulkaniseerde buitebande inspekteur;
- (5) kwaliteits- of statistiese kontrole-inspekteur;

"werknemer graad VII, gekwalifiseer," 'n werknemer graad VII met minstens agtien maande ondervinding;

"werknemer graad VII, ongekwalifiseer," 'n werknemer graad VII met minder as agtien maande ondervinding;

(D) *In alle afdelings van die Nywerheid, uitgesonderd die Latex afdeling en die lug-buite- en binnebandafdeling—*

"werknemer graad I" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) 'n Ambagsman behulpsaam wees uitgesonderd deur selfstandige gebruik van gereedskap;
- (2) met 'n masjien bale, kiste of ander houers vasbind vasknoop;
- (3) met die hand vormsny en weeg volgens 'n vasgeste standaard;
- (4) uitdruksels in panne oprol;
- (5) bale rubber met 'n masjien opsnij;
- (6) uitgedrukte stukke met die hand sny;
- (7) spanrande met die hand verwyder;
- (8) briewe, boodskappe of goedere te voet, per fiets of 'n nie-kragaangedrewe voertuig gaan haal of afleë uitgesonderd binne 'n bedryfsinrigting;
- (9) voer of afneem van masjiene of vervoerbande uitsonderd voer of afneem van meule of Banbury;
- (10) blikke, kartonne, trommels of vlesse per hand weeg of etiketteer;
- (11) stoker;
- (12) optel, dra, verplaas of opstapel van goedere met kragaangedrewe maar voetgangerbeheerde voertuig;
- (13) 'n elektriese hyser bedien;
- (14) bediener van 'n drewel reguitmaakmasjien;
- (15) 'n kantoordupliseer-, adresseer-, franker- of nommer masjien bedien;
- (16) chemikalieë, afwerksels of maalsels sif;
- (17) artikels, uitgesonderd afvalmateriaal, sorteer;
- (18) bale, kiste of ander houers sjabloneer of merk;
- (19) met masjien buitemateriaal van buise afstroop;
- (20) rubber of weefsels in voerings verplaas;
- (21) op 'n gestelde skaal weeg of met 'n gestelde maat met 'n draad op tolle opdraai;
- (22) gare of draad op tolle opdraai;
- (23) draai, heropdraai of skoonmaak van voerings;
- (24) drewels uit buise of ander produkte verwyder;

en omvat 'n werknemer (uitgesonderd 'n arbeider of 'n klas werknemer wat uitdruklik in Deel (D) van dié klousule genoem word) wat by enige werksaamheid ingesluit in graad II tot en met VII, behulpsaam is;

"werknemer graad II" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Goedere met die hand of op 'n stuurwiel of trol afwerk;
- (2) tennisbalkerns afwerk, oortrek of met rubber bestryk;
- (3) tennisbalhelftes afwerk of pons;
- (4) indoop, buitestroke aanbring of panwerk by die n...

- (10) operating a hose braiding machine;
- (11) operating a non-power-driven press;
- (12) outer cloth wrapping of hose by machine;
- (13) stripping lead from hose by machine;
- (14) tennis ball cup, core or cloth press operator;
- (15) trimming covered tennis balls;
- (16) trimming moulded goods by hand;

"grade II employee, qualified," means a grade II employee who has had not less than three months' experience;

"grade II employee, unqualified," means a grade II employee who has had less than three months' experience;

"grade III employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Bias cutting of fabric to template;
- (2) blending powders and rubber on mills;
- (3) building drum built belts;
- (4) building up vee belts;
- (5) buffing hose for splicing;
- (6) chalking and blowing on hose tubes;
- (7) counting articles;
- (8) cutting hose fabric or cover stock by hand;
- (9) cutting or grinding on a lathe;
- (10) cutting out cured units by hand;
- (11) dough or solution mixing machine operator;
- (12) feeding cloth into a calender for coating;
- (13) feeding hoppers of internal mixing mills;
- (14) hose jointing or splicing;
- (15) joining cured cord by hand;
- (16) making vacuum hose;
- (17) melton cloth spreading;
- (18) oiling or greasing machinery or vehicles;
- (19) operating a chalking machine;
- (20) operating a doubling machine;
- (21) operating a refiner;
- (22) operating a hydraulic press having platen under 10 feet long;
- (23) operating a fabric spreading machine for process work;
- (24) operating an extruding machine in making tennis balls;
- (25) operating any power-driven machine not specifically mentioned in this clause;
- (26) operating a repetition machine (including sole and heel punching, gasket punching, punching rubber discs, cutting washers and cutting with a guillotine machine);
- (27) patching or repairing finished vulcanised articles;
- (28) punching melton cloth on clicker;
- (29) repetition building-up work (including applying rubber or solution to metal parts preparatory to moulding or to roller spindles);
- (30) sand or shot blasting machine operator;
- (31) sanding sheet rubber by machine;
- (32) trimming rubber articles by machine;
- (33) vacuum moulding;
- (34) vulcaniser attendant;

"grade III employee, qualified," means a grade III employee who has had not less than six months' experience;

"grade III employee, unqualified," means a grade III employee who has less than six months' experience;

"grade IV employee" means an employee who is engaged in one or more of the following capacities or operations:—

- (1) Building bladders or five finger gloves by hand;
- (2) casting white metal moulds;
- (3) conveyor or transmission belt splicing;
- (4) operating a canvas cutting machine;
- (5) operating a machine for splitting cured sheet rubber;

"grade IV employee, qualified," means a grade IV employee who has had not less than nine months' experience;

"grade IV employee, unqualified," means a grade IV employee who has had less than nine months' experience;

"grade V employee" means an employee who is engaged in any one or more of the following capacities or operations:—

- (1) Batch weighing and assembling;
- (2) buffing or polishing printing or industrial rollers;
- (3) making reinforced hose by hand;
- (4) making truly endless flat transmission belts;
- (5) operating an extruding machine;
- (6) operating a machine for making, or applying rubber cover to, reinforced hose over 15 feet long;
- (7) operating a hydraulic press having platen between 10 feet and 20 feet long;
- (8) operating an open mixing mill;

- (10) buisweefselmasjienbediener;
- (11) nie-kragaangedrewe pers bedien;
- (12) met masjien buitekant van buise in doek toedraai;
- (13) met masjien lood van buise afstroop;
- (14) persoperateur vir tennisbalhelftes of -kerns of tennis-baldoek;
- (15) afwerk van oorgetrekte tennisballe;
- (16) gevormde goedere met die hand afwerk;

"werknemer graad II, gekwalifiseer," 'n werknemer graad II met minstens drie maande ondervinding;

"werknemer graad II, ongekwalifiseer," 'n werknemer graad II met minder as drie maande ondervinding;

"werknemer graad III" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Skuinssny van materiaal ooreenkomstig leipatroon;
- (2) poeiers en rubber op meule vermeng;
- (3) trommelgeboude bande opbou;
- (4) V-bande opbou;
- (5) afwerking van buise vir laswerk;
- (6) kalk- en blaaswerk aan buise;
- (7) artikels tel;
- (8) buisweefsel of oortrekmateriaal met die hand sny;
- (9) op 'n draaibank sny of maak;
- (10) gevulkaniseerde eenhede met die hand sny;
- (11) pap- of rubberlymmengmasjienbediener;
- (12) doek wat vir bedekking bestem is in 'n kalender voer;
- (13) tregeters van interne mengmeule voer;
- (14) verbinding of las van buise;
- (15) met die hand gevulkaniseerde koord verbind;
- (16) vakuumbuise maak;
- (17) meltondoek uitsprei;
- (18) masjinerie of voertuie olie of smeer;
- (19) 'n kalkmasjien bedien;
- (20) 'n verdubbelingsmasjien bedien;
- (21) 'n raffineermasjien bedien;
- (22) 'n hidrouliese pers met plate wat minder as 10 voet lank is, bedien;
- (23) 'n weefselpreimasjien vir proseswerk bedien;
- (24) 'n uitdrukmasjien by die maak van tennisballe bedien;
- (25) enige kragaangedrewe masjien wat nie spesifiek in hierdie klousule genoem word nie, bedien;
- (26) 'n herhalingswerkmasjien (met inbegrip van sole en hakke pons, pakking pons, rubberskywe pons, sny van ringe en sny met 'n guillotine masjien);
- (27) lap of herstel van klaar gevulkaniseerde artikels;
- (28) melton-doek op opmaker pons;
- (29) herhalingsopbouwerk (met inbegrip van aanbring van rubber of rubberlym op metaaldele voor vorming of aanbring op rolspile);
- (30) sand- of korrelblaasmasjienbediener;
- (31) met masjien plaatrubber met sand handel;
- (32) rubberartikels met 'n masjien afwerk;
- (33) vakuumborming;
- (34) vulkaniseermasjienoppasser;

"werknemer graad III, gekwalifiseer," 'n graad III werknemer met minstens ses maande ondervinding;

"werknemer graad III, ongekwalifiseer," 'n graad III-werknemer met minder as ses maande ondervinding;

"werknemer graad IV" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Blase of handskoene met vyf fingers met die hand maak;
- (2) giet van witmetaalvorms;
- (3) vervoer- en dryfbandlaswerk;
- (4) 'n seildoeksnymasjien bedien;
- (5) bediener van 'n masjien om gevulkaniseerde plaat-rubber te splyt;

"werknemer graad IV, gekwalifiseer," 'n werknemer graad IV met minstens nege maande ondervinding;

"werknemer graad IV, ongekwalifiseer," 'n werknemer graad IV met minder as nege maande ondervinding;

"werknemer graad V" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Bondels weeg en bymekaarsit;
- (2) druk- of nywerheidsrollers afskuur of poleer;
- (3) versterkte buise met die hand maak;
- (4) plat dryfbande sonder ente maak;
- (5) bediener van 'n uitdrukmasjien;
- (6) 'n masjien bedien vir die maak of aanbring van rubber-bedekking aan versterkte buise wat langer as 15 voet is;
- (7) bediener van 'n hidrouliese pers met plate tussen 10 voet en 20 voet lengte;
- (8) bediener van 'n oop mengmeul;

"grade VI employee" means an employee who is engaged in any one or more of the following operations:—

- (1) Cutting or slitting cured transmission belting;
- (2) operating a conveyor belt building machine;
- (3) operating a drum wrapping machine for vulcanising;

"grade VI employee, qualified," means a grade VI employee who has had not less than fifteen months' experience;

"grade VI employee, unqualified," means a grade VI employee who has had less than fifteen months' experience;

"grade VII employee" means an employee who is engaged in any one or more of the following operations:—

- (1) Operating a calender machine;
- (2) operating a lead press;
- (3) operating a hydraulic press having platen over 20 feet long;

"grade VII employee, qualified," means a grade VII employee who has not less than eighteen months' experience;

"grade VII employee, unqualified," means a grade VII employee who has had less than eighteen months' experience;

"rubber to metal worker" means an employee who is engaged in coating or lining metal with rubber by hand, other than applying rubber or solution to metal parts preparatory to moulding or to roller spindles.

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

3. REMUNERATION.

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

(a) To all employees, other than casual employees:—

(i) In all Sections of the Industry—

"werknemer graad VI" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) Sny of splits van gevulkaniseerde dryfbande;
- (2) bediener van 'n vervoerbandopboumasjien;
- (3) bediener van 'n trommeltoedraaimasjien vir vulkanisering;

"werknemer graad VI, gekwalifiseer," 'n werknemer graad VI met minstens vyftien maande ondervinding;

"werknemer graad VI, ongekwalifiseer," 'n werknemer graad VI met minder as vyftien maande ondervinding;

"werknemer graad VII" 'n werknemer wat in een of meer van die volgende hoedanighede in diens is of wat een of meer van die volgende werksaamhede verrig:—

- (1) 'n Kalandermasjien bedien;
- (2) 'n loodpers bedien;
- (3) hidrouliese pers met plate van langer as 20 voet bedien;

"werknemer graad VII, gekwalifiseer," 'n werknemer graad VII met minstens agtien maande ondervinding;

"werknemer graad VII, ongekwalifiseer," 'n werknemer graad VII met minder as agtien maande ondervinding;

"rubber-op-metaalwerker" 'n werknemer wat met die hand binne- of buitevlakke met rubber beklee uitgesonderd die aanbring van rubber of rubberlym op metaaldele voor vorming, of op rolspille;

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

3. BESOLDIGING.

(1) Die minimum loon wat 'n werkgever aan elkeen van sy werknemers in die ondergenoemde klasse moet betaal, word hieronder uiteengesit:—

(a) Aan alle werknemers, uitgesonderd los werknemers:—

	In the Municipal Area of Howick.	In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.	In all other Areas
	Per Week.	Per Week.	Per Week.
	R	R	R
Artisan.....	26.45	26.45	26.45
Assistant foreman.....	24.60	24.60	24.60
Boiler attendant.....	7.25	8.25	7.75
Chauffeur.....	9.50	9.50	9.50
Clerk, female, qualified.....	15.69	15.69	15.69
Clerk, female, unqualified—			
during the first year of experience.....	8.54	8.54	8.54
during the second year of experience.....	10.15	10.15	10.15
during the third year of experience.....	12.00	12.00	12.00
during the fourth year of experience.....	13.90	13.90	13.90
Clerk, male, qualified.....	23.07	23.07	23.07
Clerk, male unqualified—			
during the first year of experience.....	9.23	9.23	9.23
during the second year of experience.....	12.00	12.00	12.00
during the third year of experience.....	14.77	14.77	14.77
during the fourth year of experience.....	17.54	17.54	17.54
during the fifth year of experience.....	20.31	20.31	20.31
Driver of a motor vehicle, the unladen weight of which together with any trailer or trailers drawn by it—			
(i) does not exceed 1,000 lb.....	9.00	9.00	9.00
(ii) exceeds 1,000 lb. but not 6,000 lb.....	14.70	14.70	14.70
(iii) exceeds 6,000 lb. but not 10,000 lb.....	17.65	17.65	17.65
(iv) exceeds 10,000 lb.....	20.80	20.80	20.80
Factory clerk, qualified.....	11.25	12.00	12.00
Factory clerk, unqualified—			
during the first six months of experience.....	7.25	8.00	8.00
during the second six months of experience.....	9.25	10.00	10.00
First-aid attendant.....	9.00	9.75	9.50
Foreman.....	28.00	28.00	28.00
Gateman.....	8.00	8.75	8.50
Handyman.....	13.00	14.00	14.00
Laboratory assistant.....	13.50	15.00	15.00
Labourer, female.....	5.00	5.80	5.25
Labourer, male, under the age of 18 years.....	4.70	5.45	5.10
Labourer, male, 18 years of age or over.....	6.30	7.25	6.80
Maintenance man.....	18.00	18.00	18.00
Mobile hoist operator, qualified.....	7.25	8.25	7.75
Mobile hoist operator, unqualified.....	6.50	7.50	7.00
Part-time driver of a motor vehicle.....	9.40	9.90	9.90
Traveller, qualified.....	32.30	32.30	32.30
Traveller, unqualified—			
during the first year of experience.....	23.07	23.07	23.07
during the second year of experience.....	25.38	25.38	25.38
during the third year of experience.....	27.69	27.69	27.69

(i) In alle afdelings van die nywerheid—

	In die munisipale gebied van Howick.	In die landdrosdistrikte Bellville, die Kaap, Simonstad en Wynberg.	In alle ander gebiede.
	Per week. R	Per week. R	Per week. R
mbagsman.....	26.45	26.45	26.45
ssistent-voorman.....	24.60	24.60	24.60
toomketelbediener.....	7.25	8.25	7.75
hauffeur.....	9.50	9.50	9.50
lerk, vrou, gekwalifiseer.....	15.69	15.69	15.69
lerk, vrou, ongekwalifiseer—			
Gedurende die eerste jaar ondervinding.....	8.54	8.54	8.54
Gedurende die tweede jaar ondervinding.....	10.15	10.15	10.15
Gedurende die derde jaar ondervinding.....	12.00	12.00	12.00
Gedurende die vierde jaar ondervinding.....	13.90	13.90	13.90
lerk, man, gekwalifiseer.....	23.07	23.07	23.07
lerk, man, ongekwalifiseer—			
Gedurende die eerste jaar ondervinding.....	9.23	9.23	9.23
Gedurende die tweede jaar ondervinding.....	12.00	12.00	12.00
Gedurende die derde jaar ondervinding.....	14.77	14.77	14.77
Gedurende die vierde jaar ondervinding.....	17.54	17.54	17.54
Gedurende die vyfde jaar ondervinding.....	20.31	20.31	20.31
estuuder van 'n motorvoertuig waar die motorvoertuig se eie gewig tesame met die gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—			
(i) nie meer as 1,000 lb is nie.....	9.00	9.00	9.00
(ii) meer as 1,000 lb. maar nie meer as 6,000 lb. is nie.....	14.70	14.70	14.70
(iii) meer as 6,000 lb. maar nie meer as 10,000 lb. is nie.....	17.65	17.65	17.65
(iv) meer as 10,000 lb. is.....	20.80	20.80	20.80
abrieksklerk, gekwalifiseer.....	11.25	12.00	12.00
abrieksklerk, ongekwalifiseer—			
Gedurende die eerste ses maande ondervinding.....	7.25	8.00	8.00
Gedurende die tweede ses maande ondervinding.....	9.25	10.00	10.00
erstehulpman.....	9.00	9.75	9.50
oorman.....	28.00	28.00	28.00
ekwagter.....	8.00	8.75	8.50
aktotum.....	13.00	14.00	14.00
aboratoriumassistent.....	13.50	15.00	15.00
rbeider, vrou.....	5.00	5.80	5.25
rbeider, man, onder die ouderdom van 18 jaar.....	4.70	5.45	5.10
rbeider, man, 18 jaar en ouer.....	6.30	7.25	6.80
nderhoudsman.....	18.00	18.00	18.00
ediener van 'n mobiele hystoestel, gekwalifiseer.....	7.25	8.25	7.75
ediener van 'n mobiele hystoestel, ongekwalifiseer.....	6.50	7.50	7.00
eeltydse bestuurder van 'n motorvoertuig.....	9.40	9.90	9.90
andelsreisiger, gekwalifiseer.....	32.30	32.30	32.30
andelsreisiger, ongekwalifiseer—			
Gedurende die eerste jaar ondervinding.....	23.07	23.07	23.07
Gedurende die tweede jaar ondervinding.....	25.38	25.38	25.38
Gedurende die derde jaar ondervinding.....	27.69	27.69	27.69
Gedurende die vierde jaar ondervinding.....	30.00	30.00	30.00
andelsreisiger se assistent.....	9.50	9.50	9.50
ag.....	6.80	7.75	7.30
erknemer wat nie elders in hierdie klousule spesifiek genoem word nie, vrou... ..	5.25	6.20	5.85
erknemer wat nie elders in hierdie klousule spesifiek genoem word nie, man	6.80	7.75	7.30
nderbaas: Die hoogste loon wat in hierdie subklousule vir die hoogste klas werknemers voorgeskryf word onder sy beheer in die gebied waarin hy werk plus vyf persent.			

(ii) In the Latex Section of the Industry—

	In the Municipal Area of Howick.	In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.	In all other Areas.
	Per Week. R	Per Week. R	Per Week. R
rade I employee, female.....	5.40	6.20	5.80
rade I employee, male.....	6.75	7.75	7.25
rade II employee, qualified.....	7.25	8.25	7.75
rade II employee, unqualified.....	6.75	7.75	7.25
rade III employee, qualified.....	8.00	8.75	8.50
rade III employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75

(ii) In die Latex-afdeling van die Nywerheid—

	In die munisipale gebied van Howick.	In die landdrosdistrikte Bellville, die Kaap, Simonstad en Wynberg.	In alle ander gebiede.

(iii) <i>In the Pneumatic Tyre and Tube Section of the Industry in the Magisterial Districts of Port Elizabeth and Uitenhage.</i>		(iii) <i>In die lug buiteband en binneband afdeling van die nywerheid in die landdrostdistrikte Port Elizabeth en Uitenhage.</i>	
	<i>Per Week.</i>		<i>Per week.</i>
	R		R
Grade I employee.....	7.25	Werknemer, graad I.....	7.25
Grade II employee, qualified.....	8.00	Werknemer, graad II, gekwalifiseer.....	8.00
Grade II employee, unqualified.....	7.25	Werknemer, graad II, ongekwalifiseer.....	7.25
Grade III employee, qualified.....	9.00	Werknemer, graad III, gekwalifiseer.....	9.00
Grade III employee unqualified—		Werknemer, graad III, ongekwalifiseer—	
during the first three months of experience.....	7.25	gedurende die eerste drie maande ondervinding.....	7.25
during the second three months of experience.....	8.00	gedurende die tweede drie maande ondervinding.....	8.00
Grade IV employee, qualified.....	10.50	Werknemer, graad IV, gekwalifiseer.....	10.50
Grade IV employee, unqualified—		Werknemer, graad IV, ongekwalifiseer—	
during the first three months of experience.....	7.25	gedurende die eerste drie maande ondervinding.....	7.25
during the second three months of experience.....	8.00	gedurende die tweede drie maande ondervinding.....	8.00
during the third three months of experience.....	9.00	gedurende die derde drie maande ondervinding.....	9.00
Grade V employee, qualified.....	12.50	Werknemer, graad V, gekwalifiseer.....	12.50
Grade V employee, unqualified—		Werknemer, graad V, ongekwalifiseer—	
during the first three months of experience.....	7.25	gedurende die eerste drie maande ondervinding.....	7.25
during the second three months of experience.....	8.00	gedurende die tweede drie maande ondervinding.....	8.00
during the third three months of experience.....	9.00	gedurende die derde drie maande ondervinding.....	9.00
during the fourth three months of experience.....	10.50	gedurende die vierde drie maande ondervinding.....	10.50
Grade VI employee, qualified.....	15.00	Werknemer, graad VI, gekwalifiseer.....	15.00
Grade VI employee, unqualified—		Werknemer, graad VI, ongekwalifiseer—	
during the first three months of experience.....	7.25	gedurende die eerste drie maande ondervinding.....	7.25
during the second three months of experience.....	8.00	gedurende die tweede drie maande ondervinding.....	8.00
during the third three months of experience.....	9.00	gedurende die derde drie maande ondervinding.....	9.00
during the fourth three months of experience.....	10.50	gedurende die vierde drie maande ondervinding.....	10.50
during the fifth three months of experience.....	12.50	gedurende die vyfde drie maande ondervinding.....	12.50
Grade VII employee, qualified.....	18.00	Werknemer, graad VII, gekwalifiseer.....	18.00
Grade VII employee, unqualified—		Werknemer, graad VII, ongekwalifiseer—	
during the first three months of experience.....	7.25	gedurende die eerste drie maande ondervinding.....	7.25
during the second three months of experience.....	8.00	gedurende die tweede drie maande ondervinding.....	8.00
during the third three months of experience.....	9.00	gedurende die derde drie maande ondervinding.....	9.00
during the fourth three months of experience.....	10.50	gedurende die vierde drie maande ondervinding.....	10.50
during the fifth three months of experience.....	12.50	gedurende die vyfde drie maande ondervinding.....	12.50
during the sixth three months of experience.....	15.00	gedurende die sesde drie maande ondervinding.....	15.00
Test car driver.....	15.00	Bestuurder van 'n toetsmotor.....	15.00

(iv) *In all Sections of the Industry in all Areas, other than as provided for in Sub-paragraphs (ii) and (iii) hereof—*

	<i>In the Municipal Area of Howick.</i>	<i>In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.</i>	<i>In all other Areas</i>
	<i>Per Week.</i>	<i>Per Week.</i>	<i>Per Week.</i>
	R	R	R
Grade I employee.....	6.75	7.75	7.25
Grade II employee, qualified.....	7.25	8.25	7.75
Grade II employee, unqualified.....	6.75	7.75	7.25
Grade III employee, qualified.....	8.00	8.75	8.50
Grade III employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75
Grade IV employee, qualified.....	9.00	9.75	9.50
Grade IV employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75
during the third three months of experience.....	8.00	9.00	8.50
Grade V employee, qualified.....	10.50	11.25	11.00
Grade V employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75
during the third three months of experience.....	8.00	9.00	8.50
during the fourth three months of experience.....	9.00	9.75	9.50
Grade VI employee, qualified.....	12.50	13.00	13.00
Grade VI employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75
during the third three months of experience.....	8.00	9.00	8.50
during the fourth three months of experience.....	9.00	9.75	9.50
during the fifth three months of experience.....	10.50	11.25	11.00
Grade VII employee, qualified.....	14.50	15.00	15.00
Grade VII employee, unqualified—			
during the first three months of experience.....	6.75	7.75	7.25
during the second three months of experience.....	7.25	8.25	7.75
during the third three months of experience.....	8.00	9.00	8.50

(iv) In alle afdelings van die nywerheid, uitgesonderd soos bepaal in subparagrafe (ii) en (iii) hiervan.

	In die munisipale gebied van Howick.	In die landdrosdistrikte Bellville, die Kaap, Simonstad en Wynberg.	In alle ander gebiede.
	Per week. R	Per week. R	Per week. R
Werknemer, graad I.....	6.75	7.75	7.25
Werknemer, graad II, gekwalifiseer.....	7.25	8.25	7.75
Werknemer, graad II, ongekwalifiseer.....	6.75	7.75	7.25
Werknemer, graad III, gekwalifiseer.....	8.00	8.75	8.50
Werknemer, graad III, ongekwalifiseer—			
gedurende die eerste drie maande ondervinding.....	6.75	7.75	7.25
gedurende die tweede drie maande ondervinding.....	7.25	8.25	7.75
Werknemer, graad IV, gekwalifiseer.....	9.00	9.75	9.50
Werknemer, graad IV, ongekwalifiseer—			
gedurende die eerste drie maande ondervinding.....	6.75	7.75	7.25
gedurende die tweede drie maande ondervinding.....	7.25	8.25	7.75
gedurende die derde drie maande ondervinding.....	8.00	9.00	8.50
Werknemer, graad V, gekwalifiseer.....	10.50	11.25	11.00
Werknemer, graad V, ongekwalifiseer—			
gedurende die eerste drie maande ondervinding.....	6.75	7.75	7.25
gedurende die tweede drie maande ondervinding.....	7.25	8.25	7.75
gedurende die derde drie maande ondervinding.....	8.00	9.00	8.50
gedurende die vierde drie maande ondervinding.....	9.00	9.75	9.50
Werknemer, graad VI, gekwalifiseer.....	12.50	13.00	13.00
Werknemer, graad VI, ongekwalifiseer—			
gedurende die eerste drie maande ondervinding.....	6.75	7.75	7.25
gedurende die tweede drie maande ondervinding.....	7.25	8.25	7.75
gedurende die derde drie maande ondervinding.....	8.00	9.00	8.50
gedurende die vierde drie maande ondervinding.....	9.00	9.75	9.50
gedurende die vyfde drie maande ondervinding.....	10.50	11.25	11.00
Werknemer, graad VII, gekwalifiseer.....	14.50	15.00	15.00
Werknemer, graad VII, ongekwalifiseer—			
gedurende die eerste drie maande ondervinding.....	6.75	7.75	7.25
gedurende die tweede drie maande ondervinding.....	7.25	8.25	7.75
gedurende die derde drie maande ondervinding.....	8.00	9.00	8.50
gedurende die vierde drie maande ondervinding.....	9.00	9.75	9.50
gedurende die vyfde drie maande ondervinding.....	10.50	11.25	11.00
gedurende die sesde drie maande ondervinding.....	12.50	13.00	13.00

Provided that employees who are under the age of eighteen years and who are employed as grade I employees, grade II employees or grade I employees may be paid as set out below—

	In the Municipal Area of Howick.			In the Magisterial Districts of Bellville, the Cape, Simonstown and Wynberg.			In all other Areas.		
	Grade I Employee.	Grade II Employee.	Grade III Employee.	Grade I Employee.	Grade II Employee.	Grade III Employee.	Grade I Employee.	Grade II Employee.	Grade III Employee.
	Per Week. R	Per Week. R	Per Week. R	Per Week. R	Per Week. R	Per Week. R	Per Week. R	Per Week. R	Per Week. R
employee under the age of 16 years	3.25	3.65	4.00	3.75	4.15	4.40	3.50	3.90	4.25
employee under the age of 17 years	3.90	4.35	4.80	4.50	4.95	5.25	4.20	4.65	5.10
employee under the age of 18 years	4.90	5.45	6.00	5.60	6.20	6.55	5.25	5.80	6.40

Met dien verstande dat werknemers wat onder die ouderdom van 18 jaar is en wat werksaam is as werknemers graad I, werknemers graad II of werknemers graad III, soos hieronder uiteengesit, betaal mag word—

	In die munisipale gebied van Howick.			In die landdrosdistrikte Bellville, die Kaap, Simonstad en Wynberg.			In alle ander gebiede.		
	Werknemer, graad I.	Werknemer, graad II.	Werknemer, graad III.	Werknemer, graad I.	Werknemer, graad II.	Werknemer, graad III.	Werknemer, graad I.	Werknemer, graad II.	Werknemer, graad III.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Werknemer onder die ouderdom van 16 jaar.....	3.25	3.65	4.00	3.75	4.15	4.40	3.50	3.90	4.25
Werknemer onder die ouderdom van 17 jaar.....	3.90	4.35	4.80	4.50	4.95	5.25	4.20	4.65	5.10
Werknemer onder die ouderdom van 18 jaar.....	4.90	5.45	6.00	5.60	6.20	6.55	5.25	5.80	6.40

(b) Casual Employee.—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an

(b) Los werknemer.—'n Los werknemer moet vir elke dag of deel van 'n dag diens minstens een-vyfde betaal word van die

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

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

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

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

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

Provided—

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

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

- (i) five, in the case of an employee who works a five-day week;
- (ii) six, in the case of any other employee.

(b) The monthly wage of an employee shall be four and a third times his weekly wage.

(c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by forty-six.

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

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

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

- (i) a four cylinder vehicle the weight of which does not exceed 2,500 lb.: 6 cents;
- (ii) a four cylinder vehicle the weight of which exceeds 2,500 lb. but not 2,900 lb. or a six or eight cylinder vehicle the weight of which does not exceed 2,900 lb.: 7½ cents;
- (iii) a vehicle the weight of which exceeds 2,900 lb.: 10 cents;

and for the purpose of this sub-clause the expression "weight" means the weight as recorded in a licence or certificate issued in respect of such vehicle by an authority empowered by law to issue such licence or certificate.

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

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

- (i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;
- (ii) pay him a subsistence allowance of not less than three rand for each night where such absence extends over one or more nights;

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

(3) *Differensiële loon.*—'n Werkgewer wat vereis of toelaat dat 'n lid van een klas van sy werknemers langer as altesaam een uur op enige dag, hetsy benewens sy eie werk of in die plek daarvan, werk verrig van 'n ander klas waarvoor hetsy—

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

in subklousule (1) voorgeskryf word, moet vir dié dag aan so 'n werknemer as volg betaal:—

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

Met dien verstande—

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

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

- (i) vyf, as hy 'n werkweek van vyf dae het;
 - (ii) ses in die geval van enige ander werknemer.
- (b) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.
- (c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur ses-en-veertig.

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

(a) 'n handelsreisiger wat van sy werkgewer se motorvervoer gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgewer hom al die redelike onkoste deur hom aangegaan in verband met sodanige vervoer in die uitvoering van sy pligte, vergoed, en vir die toepassing van hierdie subklousule word die koste van die stalling van 'n motorvoertuig in 'n garage oornag vervoerkoste geag te wees.

(b) 'n handelsreisiger van wie vereis word om motorvervoer te verskaf vir die uitvoering van sy pligte, moet sy werkgewer hom vir elke myl in die uitvoering van sy pligte gereis 'n vervoertoelae betaal van minstens die volgende:—

- (i) In die geval van 'n viersilindervoertuig, die gewig waarvan nie 2,500 lb. te bowe gaan nie: 6 sent;
- (ii) in die geval van 'n viersilindervoertuig, waarvan die gewig 2,500 lb. te bowe gaan maar nie 2,900 lb. nie of 'n ses- of agtsilindervoertuig, waarvan die gewig nie 2,900 lb. te bowe gaan nie: 7½ sent;
- (iii) in die geval van 'n voertuig, waarvan die gewig 2,900 lb. te bowe gaan: 10 sent;

en vir die toepassing van hierdie subklousule beteken die uitdrukking „gewig” die gewig soos aangeteken in 'n lisensie sertifikaat uitgereik ten opsigte van sodanige voertuig deur owerheid wat kragtens wet gemagtig is om sodanige lisensie sertifikaat uit te reik.

(6) *Verblyftoelae en -koste.*—Benewens die betaling van enige ander besoldiging verskuldig aan—

(a) 'n handelsreisiger wat op enige reis wat onderneem word die uitvoering van sy pligte, 'n tydperk van langer as agtereenvolgende uur van sy woonplek en sy werkgewer se bedryfsinrigting afwesig is, moet sy werkgewer hom

- (i) vergoed vir alle onkoste redelikerwys deur hom aangegaan vir enige etes en tee vir homself gedurende elke sodanige tydperk van afwesigheid wat nie oor nag strek nie;
- (ii) 'n verblyftoelae betaal van minstens drie rand vir elke nag ingeval sodanige afwesigheid oor een of meer nagte strek;

(b) 'n handelsreisiger se assistent wat, wanneer hy 'n hand

- (ii) pay him a subsistence allowance of not less than eighty cents for each night where such absence extends over one or more nights:

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

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

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

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

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

(8) *Night Shift Allowance.*—(a) An employer who requires or permits his employee to work night shift shall pay such employee, in addition to his wage, an allowance of not less than ten per cent of his hourly wage for each hour or part of an hour worked by such employee on night shift within his ordinary hours of work.

(b) The provisions of paragraph (a) hereof, shall not apply—

- (i) to a canteen employee, a gateman or a watchman;
- (ii) to an employee whose attendance is necessary at night in connection with the generation of light or power; or
- (iii) to an employee who is regularly in receipt of a wage at a rate of not less than R180 per month.

4. PAYMENT OF REMUNERATION.

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

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

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee.

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

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

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

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

- (ii) hom 'n verblyftoelae betaal van minstens 80 sent vir elke nag waar sodanige afwesigheid oor een of meer nagte strek:

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

(7) (a) Enige toelaes en koste betaalbaar aan 'n werknemer ingevolge subklousules (5) en (6) moet deur 'n werkgewer binne sewe dae vanaf die werknemer se skriftelike eis daarvoor, betaal word: Met dien verstande dat 'n werknemer sodanige eise binne een maand vanaf die datum waarop hy daarop geregtig geword het, moet indien, maar dat hy hoogstens een eis in enige enkele week mag indien.

(b) 'n Werkgewer mag van sy handelsreisiger vereis om enige eis so op te stel dat dit die volgende sal weergee:—

- (i) Ten opsigte van enige eis ingevolge subklousule (5) (a), die wyse waarop daar gereis is en die vervoerkoste aangegaan of die aard van enige ander koste waarvoor terugbetaling geëis word;
- (ii) ten opsigte van enige eis ingevolge subklousule (5) (b), die mylafstand elke dag gereis, die aandoenplekke en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;
- (iii) ten opsigte van enige eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het;

en om sodanige werknemer in staat te stel om aan sodanige vereiste te voldoen, moet 'n werkgewer, voordat so 'n werknemer sodanige reis onderneem, hom van 'n geskikte boek of vorms voorsien waarin of waarop geskikte aantekeninge gehou kan word.

(8) *Nagskofftoelaag.*—(a) 'n Werkgewer wat vereis of toelaat dat sy werknemer nagskof werk, moet sodanige werknemer bo en behalwe sy loon 'n toelaag betaal van minstens tien persent van sy uurloon vir elke uur of gedeelte van 'n uur aldus deur sodanige werknemer op nagskof binne sy gewone werkure gewerk.

(b) Die bepalinge van paragraaf (a) hiervan is nie van toepassing nie—

- (i) op 'n eethuiswerker, 'n hekwaagter of 'n wag;
- (ii) op 'n werknemer wie se dienste snags in verband met die opwekking van lig of krag nodig is; of
- (iii) op 'n werknemer wat gereeld 'n loon teen 'n tarief van minstens R180 per maand ontvang.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers, uitgesonderd los werknemers.*—Behoudens soos in klousules 3 (7) en 6 (4) bepaal, moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, met die toestemming van die werknemer, maandeliks in kontant of per tjek betaal word gedurende die werkure of binne twintig minute nadat die werk gestaak word op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer (of in die geval van 'n skofwerker, op 'n tydstop waarvoor sodanige werknemer en sy werkgewer ooreenkom, en hierdie tydstop moet gedurende die gewone kantoorure van die bedryfsinrigting val maar nie later as vier-en-twintig uur na die gewone betaaldag nie), of by diensbeëindiging indien dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n koevert of houer wees waarop die volgende aangeteken moet word of wat vergesel moet gaan van 'n opgaaf wat die volgende aantoon:—

- (a) Die werkgewer se naam;
- (b) die werknemer se naam of betaalstaatsnommer en werk;
- (c) die getal gewone werkure deur die werknemer gewerk;
- (d) die getal oortydure deur die werknemer gewerk;
- (e) die werknemer se loon;
- (f) die besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspuit;
- (g) die besonderhede van enige bedrae wat afgetrek is;
- (h) die werklike bedrag aan die werknemer betaal; en
- (i) die tydperk ten opsigte waarvan betaling geskied;

en sodanige koevert of houer waarop die besonderhede aangeteken is of sodanige opgaaf sal die werknemer se eiendom wees.

(2) *Los werknemer.*—'n Werkgewer moet die besoldiging aan 'n los werknemer verskuldig in kontant by sy diensbeëindiging betaal.

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

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

(5) *Etes en huisvesting.*—Behoudens soos in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, bepaal, moet 'n werkgewer nie van sy werknemer vereis om etes of huisvesting of etes en huisvesting by hom of by enige persoon of by enige plek deur hom aangewys, aan te neem nie.

- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;
- (c) a deduction of any amount which an employer by any law or order of any competent court is required or permitted to make;
- (d) whenever an employee agrees or is required in terms of the Natives (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

	Per Week.	Per Month.
	R	R
(i) Board	0.80	3.47
(ii) Lodging	0.40	1.73
(iii) Board and lodging	1.20	5.20

- (e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction to the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided—
- (i) that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
- (ii) that no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- (iii) that no deduction shall be made in the case of short-time owing to a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;
- (f) with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Native village under the control of such council or other local authority.

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

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

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

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

(3) *Meal Intervals.*—An employer shall not require or permit an employee 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 hours of work or overtime: Provided—

- (i) that an employer may agree with his employee to reduce the period of such meal interval to not less than half-an-hour, and in that event and after the employer has lodged a statement of such agreement with the Divisional Inspector, Department of Labour, for his area, the meal interval may be so reduced;
- (ii) that periods of work interrupted by intervals of less than one hour, except when proviso (i) applies, shall be deemed to be continuous;
- (iii) that, if such interval be longer than one hour, any period in excess of one and one-quarter hours shall be deemed to

- (b) behalwe waar anders in hierdie Vasstelling bepaal, wanneer 'n werknemer van die werk afwesig is, uitgesonderd op las of op die versoek van sy werkgever, 'n bedrag in verhouding tot die tydperk van sy afwesigheid en bereken op die grondslag van die loon wat sodanige werknemer ontvang het ten opsigte van sy gewone werkure ten tyde van sodanige afwesigheid;
- (c) enige bedrag wat 'n werkgever by enige wet of bevel van 'n bevoegde hof moet of mag aftrek;
- (d) wanneer 'n werknemer toestem of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig is om etes of huisvesting of etes of huisvesting van sy werkgever aan te neem, 'n bedrag wat nie die bedrae hieronder vermeld te bowe gaan nie:—

	Per week.	Per maand
	R	R
(i) Etes	0.80	3.47
(ii) Huisvesting	0.40	1.73
(iii) Etes en huisvesting	1.20	5.20

- (e) wanneer die gewone werkure in klousule 5 voorgeskry weens korttyd verminder word, 'n bedrag gelykstaande met die bedrag van die werknemer (uitgesonderd 'n los werknemer) se uurloon ten opsigte van elke uur van sodanig vermindering: Met dien verstande—
- (i) dat sodanige bedrag nie een derde van die werknemer se weekloon te bowe gaan nie, ongeag die getal uur waarmee die gewone werkure aldus verminder word;
- (ii) dat geen bedrag afgetrek moet word in die geval van korttyd wat ontstaan uit 'n bedryfslapte of 'n tekort aan grondstowwe nie, tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;
- (iii) dat geen bedrag afgetrek moet word in die geval van korttyd weens 'n algemene onklaarraking van installasie of masjinerie of 'n werklike onklaarraking of dreigende onklaarraking van geboue, ten opsigte van die eerste uur wat daar nie gewerk is nie, tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk beskikbaar sal wees nie;
- (f) met die skriftelike toestemming van 'n werknemer, 'n bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike bestuur betaal het ten opsigte van die huur van 'n huis of akkommodasie in 'n hostel wat sodanige werknemer okkipeer in 'n lokasie of Naturelledorp onder die beheer van sodanige raad of ander plaaslike bestuur.

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

(1) *Gewone werkure.*—'n Werkgever moet nie van 'n werknemer, uitgesonderd 'n los werknemer, vereis of hom toelaat om meer gewone werkure as die volgende te werk nie:—

- (a) In die geval van 'n werknemer wat ses dae per week werk—
- (i) ses-en-veertig in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, agt op 'n da tensy die ure op een dag nie vyf te bowe gaan nie, en in dié geval die ure op enigen van die ander dae t agt en 'n half verleng mag word;
- (b) in die geval van 'n werknemer wat vyf dae per week werk—
- (i) ses-en-veertig in 'n week van Maandag tot en met Vrydag; en
- (ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag.

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

(3) *Etenspouses.*—'n Werkgever moet nie van 'n werknemer vereis of hom toelaat om ononderbroke te werk vir langer vyf uur sonder 'n etenspouse van minstens een uur nie, wat tydens van sodanige werknemer nie vereis moet word of hy toegelaat moet word om enige werk te verrig nie, en dit mag geag word dat sodanige pouse nie deel van die gewone of oortydwerkure uitmaak nie: Met dien verstande—

- (i) dat 'n werkgever met sy werknemer kan ooreenkom om oortydperk van sodanige etenspouse tot minstens 'n halfuur te verkort, en in dié geval en nadat die werkgever 'n verklaring ten opsigte van sodanige ooreenkomst by die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied ingedien het, kan die etenspouse aldus verkort word;
- (ii) dat werkdagte onderbreek deur pouses van korter as een uur, behalwe wanneer voorbehoedsbepaling (i) van toepassing is, as ononderbroke geag moet word;
- (iii) dat, indien sodanige pouse langer as een en 'n kwart uur as tydperk van langer as een en 'n kwart uur as tydperk van daer gewerk is, geag moet word;

- (vi) that when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to fifteen minutes so long as the total period worked by the employee after the first meal interval of the day does not exceed seven hours and such second interval may be deemed not to be part of the ordinary hours of work or overtime;
- (vii) that such interval need not be granted to a boiler attendant, a fireman or a member of the maintenance staff during his ordinary hours of work on any shift if he is given the opportunity during such hours of having a meal while at his post.

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

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

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

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

(6) *Overtime.*—All time worked by an employee in excess of the number of ordinary hours of work prescribed in sub-clauses (1) and (2) shall be deemed to be overtime.

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

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

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

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

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

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

(10) *Savings.*—(a) The provisions of this clause shall not apply to a traveller, a traveller's assistant or a watchman.

(b) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee or a foreman and for so long as such an employee is regularly in receipt of a wage at the rate of not less than R156 per month.

(c) The provisions of sub-clauses (3), (4), (5) and (7) shall not apply to an employee while he is engaged on emergency work or to a chauffeur.

(d) The provisions of sub-clause (4) shall not apply to a boiler attendant, fireman, first-aid attendant, driver of a motor vehicle or a labourer assisting on a delivery vehicle.

(vi) dat wanneer 'n werkgewer op enige dag weens oortydwerk verplig is om aan 'n werknemer 'n tweede etenspouse toe te staan, sodanige pouse op die versoek van die werknemer tot vyftien minute verkort mag word solank as die totale tydperk deur die werknemer na die eerste etenspouse van die dag gewerk, nie sewe uur te bowe gaan nie, en daar mag geag word dat sodanige tweede nie;

(vii) dat sodanige pouse nie toegestaan hoef te word nie aan 'n stoomketelbediener, 'n stoker of 'n lid van die onderhoudspersoneel gedurende sy gewone werkure op enige skof indien hy 'n geleentheid gebied word gedurende sodanige ure om 'n maaltyd op sy pos te nuttig.

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

- (a) aan die middel van elke eerste werktydperk in 'n dag;
- (b) aan die middel van elke tweede werktydperk in 'n dag waar sodanige tydperk langer as drie uur is;

en gedurende sodanige pouse moet van sodanige werknemer nie vereis of moet hy nie toegelaat word om enige werk te verrig nie, en dit moet geag word dat sodanige pouse deel van die gewone werkure van sodanige werknemer uitmaak.

(5) *Werkure moet opeenvolgend wees.*—Behoudens die bepalings van subklousule (3), moet alle werkure van 'n werknemer op enige dag opeenvolgend wees.

(6) *Oortyd.*—Alle tyd wat daar langer gewerk word as die getal gewone werkure in subklousules (1) en (2) voorgeskryf, moet geag word oortyd te wees.

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

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

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

- (a) tussen 6-uur nm. en 6-uur vm. te werk nie;
- (b) na 1-uur nm. op meer as vyf dae in 'n week te werk nie;
- (c) oortyd vir langer as twee uur op 'n dag te werk nie, uitgesonderd dat 'n werknemer wat vyf dae per week werk tot vier uur oortyd op 'n Saterdag mag werk;
- (d) oortyd op meer as drie opeenvolgende dae in 'n week te werk nie;
- (e) oortyd op meer as sestig dae in 'n jaar te werk nie;
- (f) na die voltooiing van haar gewone werkure, vir langer as een uur op 'n dag oortyd te werk nie, tensy hy—
 - (i) sodanige werknemer voor die middag daaryan in kennis gestel het; of
 - (ii) 'n toereikende ete aan sodanige werknemer verskaf het en haar genoegsaam tyd toegestaan het om dit te nuttig voordat sy met oortydwerk moet begin; of
 - (iii) sodanige werknemer betyds minstens vyf-en-twintig sent betaal het ten einde haar in staat te stel om 'n ete te verkry en dit te nuttig voordat oortydwerk 'n aanvang neem.

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

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

(10) *Voorbehoudsbepalings.*—(a) Die bepalings van hierdie klousule is nie op 'n handelsreisiger, 'n handelsreisiger se assistent of 'n wag van toepassing nie.

(b) Die bepalings van hierdie klousule is nie op 'n senior bestuurs-, professionele of administratiewe werknemer of 'n voorman van toepassing indien en solank as sodanige werknemer 'n gereelde besoldiging teen 'n tarief van minstens R156 per maand ontvang nie.

(c) Die bepalings van subklousules (3), (4), (5) en (7) is nie op 'n werknemer van toepassing terwyl hy noodwerk verrig nie of op 'n chauffeur.

(d) Die bepalings van subklousule (4) is nie op 'n stoomketelbediener, 'n stoker, 'n eerste hulpman, 'n bestuurder van 'n motorvoertuig of 'n arbeider wat op 'n afleweringsvoertuig behulpsaam is, van toepassing nie.

(b) in the case of every other employee, fourteen consecutive calendar days' leave, and shall pay such employee in respect of such leave—

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

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

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

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

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

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

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

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

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

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

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

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice or the employee has

(b) in die geval van enige ander werknemer veertien opeenvolgende kalenderdae verlof,

en moet sodanige werknemer ten opsigte van sodanige verlof soos volg betaal—

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

Met dien verstande dat vir die toepassing van hierdie klousule die weekloon van 'n handelsreisiger wat kommissiewerk verrig, bereken moet word deur die besoldiging aan hom betaalbaar ingevolge sy ooreenkoms ooreenkomstig klousule 9 (7) ten opsigte van die twaalf maande onmiddellik voor die datum waarop sy verlof hom toeval deur twee-en-veertig te deel, of as hy minder as twaalf maande van sodanige diens gehad het, deur die totale besoldiging aldus aan hom betaalbaar gedurende sy tydperk van sodanige diens deur die getal voltooië weke in sodanige tydperk te deel: Voorts met dien verstande dat vir die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig bereken moet word op die basis in artikel twintig (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, gemeld.

(2) Die verlof in subklousule (1) voorgeskryf, moet toegestaan word op 'n tydstip wat die werkgever vasstel: Met dien verstande—

- (i) dat indien sodanige verlof nie reeds toegestaan is nie, dit, behoudens die bepalings van subklousule (3), toegestaan moet word sodat dit binne vier maande na die voltooiing van die twaalf maande diens waarop dit betrekking het, 'n aanvang neem of, indien die werkgever en werknemer skriftelik daaroor ooreengekom het voor die verstryking van genoemde tydperk van vier maande, moet die werkgever sodanige verlof vanaf die datum nie later nie as twee maande na die afloop van genoemde tydperk van vier maande aan die werknemer toestaan;
- (ii) dat die verloftydperk nie saamval nie met siekteverlof toegestaan ooreenkomstig klousule 7 of, tensy die werknemer aldus versoek en die werkgever skriftelik toestem, met enige tydperk van militêre opleiding nie;
- (iii) dat indien Nuwejaarsdag, Goëie Vrydag, Hemelvaartdag, Geloftedag of Kersdag binne die tydperk van sodanige verlof val, nog 'n werkdag vir elke sodanige vakansiedag by genoemde tydperk bygetel moet word as 'n verdere verloftydperk en die werknemer 'n bedrag van minstens sy dagloon ten opsigte van elke sodanige dag wat bygetel is, betaal moet word;
- (iv) dat 'n werkgever enige dae geleentheidsverlof met volle besoldiging aan sy werknemer toegestaan op sy werknemer se skriftelike versoek gedurende die tydperk van twaalf maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van 'n werknemer, mag 'n werkgever toelaat dat die verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens oloop: Met dien verstande—

- (i) dat so 'n versoek nie later nie as vier maande na die afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, deur sodanige werknemer gerig word; en
- (ii) dat die werkgever die datum waarop sodanige versoek ontvang is, op die versoek, deur hom onderteken, moe endosseer, en hy moet sodanige versoek hou vir 'n tydperk van minstens drie jaar vanaf sodanige datum of die afloop datum van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, na gelang van die jongste

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

(4) Die besoldiging ten opsigte van die verlof voorgeskryf in subklousule (1), gelees met subklousule (3), moet voor of op die laaste werkdag voor die aanvangsdatum van die verlof betaal word.

(5) 'n Werknemer wie se dienskontrak beëindig word gedurende enige tydperk van twaalf maande diens voor die verloftydperk voorgeskryf in subklousule (1) ten opsigte van dié tydperk, hon toegeval het, moet by sodanige beëindiging en bo en behalwe enige ander besoldiging wat aan hom verskuldig mag wees, te opsigte van elke voltooië maand van sodanige diens tydperk 'n bedrag van minstens die volgende betaal word:—

- (a) In die geval van 'n werknemer in paragraaf (a) van subklousule (1) vermeld, een kwart; en
- (b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) vermeld, een sesde;

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

- (i) wat sy diens verlaat sonder dat hy die tydperk van kennigewing wat in klousule 12 voorgeskryf word gegee het en

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

(7) For the purpose of this clause the expression "employment" shall be deemed to include any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of office and also any period or periods during which an employee is absent—

- (a) on leave in terms of this clause;
- (b) on sick leave in terms of clause 7;
- (c) on the instructions or at the request of his employer;
- (d) undergoing any military training;

mounting in the aggregate in any year to not more than ten weeks in respect of items (a), (b) and (c), plus up to three months of any period of military training commenced and undergone in that year, and employment shall be deemed to commence—

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

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

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

(9) The provisions of paragraph (a) of sub-clause (1) shall not apply to a watchman who is regularly compensated by his employer for work on Sundays and public holidays as if clause were applicable to such watchman.

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, who, for one month's employment with him, is absent from work through incapacity—

- (a) in the case of an employee who works a five-day week, not less than fifteen work days; and
- (b) in the case of any other employee, not less than eighteen work days;

leave in the aggregate during each period of twelve months employment with him, and shall pay such employee in respect of any period of absence in terms of this sub-clause not less than seventy-five per cent of the wage he would have received had he worked during such period: Provided—

- (i) that this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of seventy-five per cent of his wage for fifteen or eighteen work days, as the case may be, in each period of twelve months of employment;
- (ii) that where an employer is by any law required to pay fees

(6) 'n Werknemer wat op 'n verloftydperk voorgeskryf in subklousule (1), gelees met subklousule (3), geregtig geword het en wie se dienskontrak eindig voor sodanige verlof toegestaan is, moet by sodanige beëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van die beëindiging toegestaan was.

(7) Vir die toepassing van hierdie klousule word daar geag dat die uitdrukking „diens" enige tydperk omvat ten opsigte waarvan 'n werknemer ingevolge klousule 12 betaal in plaas van kennisgewing en ook enige tydperk of tydperke wat 'n werknemer afwesig is—

- (a) met verlof kragtens hierdie klousule;
- (b) met siekteverlof kragtens klousule 7;
- (c) op las of op versoek van sy werkgever;
- (d) terwyl hy enige militêre opleiding ondergaan;

wat altesaam hoogstens tien weke ten opsigte van items (a), (b) en (c) in 'n jaar beloop, plus tot drie maande van enige tydperk van militêre opleiding in dié jaar ondergaan, en diens moet geag word soos volg te begin:—

- (i) In die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling op 'n tydperk van jaarlikse verlof geregtig geword het kragtens enige wet, op die datum waarop sodanige werknemer laaste op sodanige verlof kragtens sodanige wet geregtig geword het;
- (ii) in die geval van 'n werknemer wat in diens was voor die inwerking-treding van hierdie Vasstelling en op wie 'n wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nie diensooreenkomstig op 'n tydperk van jaarlikse verlof geregtig geword het nie, op die datum waarop sodanige diens begin het;
- (iii) in die geval van enige ander werknemer, vanaf die datum waarop sodanige werknemer by sy werkgever in diens getree het of op die datum van die inwerking-treding van hierdie Vasstelling, na gelang van die jongste datum.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule mag 'n werkgever vir die doel van jaarlikse verlof te eniger tyd, maar hoogstens een maal in 'n tydperk van twaalf maande, sy bedryfsinrigting of deel van sy bedryfsinrigting vir veertien agtereenvolgende kalenderdae sluit (of sodanige langer tydperk wat as betaalde verlof toegestaan mag word) plus enige addisionele dae wat bygetel moet word ingevolge die derde voorbehoudsbepaling van subklousule (2).

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

(9) Die bepalings van paragraaf (a) van subklousule (1) is nie op 'n wag van toepassing wat gereeld deur sy werkgever vir werk op Sondae en openbare vakansiedae vergoed word nie asof klousule 8 op sodanige wag van toepassing was.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2) moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, wat, na 'n maand se diens by hom, weens ongeskiktheid van sy werk afwesig is—

- (a) in die geval van 'n werknemer wat vyf dae per week werk, altesaam minstens vyftien werkdade; en
- (b) in die geval van enige ander werknemer, altesaam minstens agtien werkdade;

siekteverlof bestaan gedurende elke twaalf maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige tydperk van afwesigheid kragtens hierdie subklousule minstens vyf-en-sewentig persent van die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande—

- (i) dat hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes maak, minstens gelykstaande met dié deur die werknemer gemaak, tot enige fonds of organisasie deur die werknemer aangewys, naamlik dié fonds of organisasie wat aan die werknemer in die geval van sy ongeskiktheid in die omstandighede in hierdie klousule gemeld, die betaling waarborg van altesaam minstens die ekwivalent van vyf-en-sewentig persent van sy loon vir vyftien of agtien werkdade, na gelang van die geval in elke tydperk van twaalf maande diens;
- (ii) dat waarvan 'n werkgever by enige wet vereis word om gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer te betaal, op 'n tydperk van twaalf maande diens.

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work, require the employee to produce a certificate signed by a medical practitioner confirming the nature and duration of the employee's incapacity.

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

(a) "employment" shall be deemed to include any period or periods during which an employee is absent—

- (i) on leave in terms of clause 6;
- (ii) on the instructions or at the request of his employer;
- (iii) on sick leave in terms of sub-clause (1);
- (iv) undergoing military training,

amounting in the aggregate in any year to not more than ten weeks in respect of items (i), (ii) and (iii), plus up to three months of any period of military training commenced and undergone in that year, and any period of employment which an employee has had with the same employer immediately before the date of the coming into operation of this Determination shall for the purpose of this clause be deemed to be employment under this Determination, and not less than two-thirds of any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this Determination;

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

8. PUBLIC HOLIDAYS AND SUNDAYS.

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

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

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

(a) pay the employee—

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

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

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

(5) (a) The provisions of this clause shall not apply to a casual employee or to a traveller, a traveller's assistant or a watchman.

(b) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee or a foreman if and for so long as such an employee is regularly in receipt of a wage at a rate of not less than R180 per month.

9. PIECE-WORK AND COMMISSION WORK.

(1) An employer may, after at least one week's notice to his employee, other than a traveller, introduce any piece-work system and, save as provided in clause 4 (6), the employer shall

(2) 'n Werkgewer kan, as 'n voorafgestelde voorwaarde vir die betaling van enige bedrag kragtens hierdie klousule deur 'n werknemer geëis ten opsigte van enige afwesigheid van die werk, van die werknemer vereis om 'n sertifikaat, deur 'n mediese praktisyner onderteken, in te dien, wat die aard en duur van die werknemer se ongeskiktheid bevestig.

(3) Vir die toepassing van hierdie klousule word daar geag dat die uitdrukking—

(a) „diens” enige tydperk of tydperke omvat waar 'n werknemer afwesig is—

- (i) met verlof kragtens klousule 6;
- (ii) op las of op die versoek van sy werkgever;
- (iii) met siekteverlof kragtens sub-klousule (1);
- (iv) terwyl hy militêre opleiding ondergaan;

wat altesaam hoogstens tien weke in 'n jaar beloop ten opsigte van items (i), (ii) en (iii), plus tot drie maande van enige tydperk van militêre opleiding wat in dié jaar 'n aanvang geneem en ondergaan is, en enige tydperk waar 'n werknemer onmiddellik voor die inwerkingtredingsdatum van hierdie Vasstelling by dieselfde werkgever in diens was, moet vir die toepassing van hierdie klousule as diens kragtens hierdie Vasstelling geag word, en minstens twee-derdes van enige siekteverlof met volle besoldiging aan sodanige werknemer gedurende sodanige tydperk toegestaan moet geag word kragtens hierdie Vasstelling toegestaan te gewees het;

(b) „ongeskiktheid” beteken die onvermoë om te werk weer enige siekte of besering, uitgesonderd dié wat deur 'n werknemer se eie wangedrag veroorsaak is: Met die verstande dat enige onvermoë om te werk wat veroorsaak is deur 'n ongeluk waarvoor skadeloosstelling ingevolge die Ongevallewet, 1941, betaalbaar is, slegs ten opsigte van enige tydperk van onvermoë om te werk waarvoor geen ongeskiktheidsbetaling ingevolge dié Wet betaalbaar is nie, as ongeskiktheid geag moet word.

8. OPENBARE VAKANSIEDAE EN SONDAG.

(1) Behoudens die bepalinge van klousule 4 (6) moet 'n werknemer aan sy werkgever, as hy nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk nie, vir die week waarin sodanige dag val minstens sy weekloon betaal.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgever hom, behoudens die bepalinge van klousule 4 (6), vir die week waarin sodanige dag val minstens sy weekloon betaal, plus 'n bedrag bereken teen 'n tarief wat minstens gelyk is aan sy gewone loon, ten opsigte van die totale tydperk op sodanige dag deur hom gewerk: Met dien verstande dat waar van so 'n werknemer vereis word of hy toegelaat word om vir minder as vier uur op sodanige dag te werk, daar geag moet word dat hy vier uur gewerk het.

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

(a) aan die werknemer—

- (i) indien hy vir 'n tydperk van hoogstens vier uur alreeds gewerk het, minstens sy dagloon betaal;
- (ii) indien hy vir 'n tydperk van langer as vier uur alreeds gewerk het, minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy op sodanige Sondag gewerk, of minstens dubbel sy dagloon, plus 'n bedrag van die grootste bedrag;

(b) hom betaal teen 'n skaal van nie minder as een en 'n half maal sy gewone loon ten opsigte van die totale tydperk wat hy op so 'n Sondag gewerk het, en hom binne ses dae vanaf so 'n Sondag een dag verlof toestaan en hom vir dié dag minstens sy dagloon betaal: Met dien verstande dat wanneer vereis of toegelaat word dat so 'n werknemer minder as vier uur op so 'n Sondag werk, hy geag moet word vier uur te gewerk het.

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

(5) (a) Die bepalinge van dié klousule is nie van toepassing op 'n los werknemer of 'n handelsreisiger, 'n handelsreisiger assistent of 'n wag nie.

(b) Die bepalinge van hierdie klousule is nie van toepassing op 'n senior bestuurs-, professionele of administratiewe werknemer of 'n voorman van toepassing indien en solank as sodanige werknemer gereelde besoldiging teen 'n tarief van minstens R180 per maand ontvang nie.

9. STUKWERK EN KOMMISSIEWERK.

(1) 'n Werkgewer kan, na minstens een week kennisgewing aan sy werknemer, uitgesonderd 'n handelsreisiger, enige stukwerkstelsel instel en, behoudens die bepalinge van klousule 4 (6), die werkgewer sodanige werknemer wat volgens sodanige stelsel gewerk, die besoldiging betaal wat ooreenkomstig

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

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

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

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

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

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

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

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

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

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

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

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

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

10. RATIO.

An employer shall not employ more employees under the age of eighteen years in the classes grade I employee, grade II employee and grade III employee than ten per cent of the total number of his employees in these classes: Provided that any employee under the age of eighteen years, who is paid a wage not less than that prescribed for an employee of the age of eighteen years or over, for his class and area, may for the purpose of this clause, be deemed to be eighteen years of age.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

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

(a) during the first four weeks of employment, not less than one work day's;

(b) after the first four weeks of employment, not less than

(b) in die geval van 'n los werknemer, ten opsigte van elke dag waarop stukwerk verrig word die bedrag wat hy aan sodanige werknemer sou moes betaal het vir dié dag as hy op die grondslag van tyd wat gewerk is, besoldig sou gewees het.

(2) 'n Werkgewer moet 'n lys van die lone in subklousule (1) vermeld in 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgewer wat voornemens is om enige bestaande stukwerkstelsel of die lone dienooreenkomstig van toepassing, in te trek of te wysig, moet sy werknemer wat volgens sodanige stelsel werk, minstens een week vooraf kennis gee van sodanige voorneme: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer tydperk van kennisgewing kan ooreenkom, en in dié geval moet die werkgewer minstens die tydperk waarvoor ooreengekom is, daarvan kennis gee.

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

(5) 'n Handelsreisiger wat met sy werkgewer ooreenkom om kommissiewerk te onderneem moet, voordat daar met sodanige werk begin word, deur sy werkgewer voorsien word van 'n ware afskrif van die ooreenkoms of 'n verklaring wat die bepalings van die ooreenkoms vermeld, wat die volgende moet omvat:—

(a) Dié week- of maandloon aan die handelsreisiger betaalbaar, waar sodanige loon hoër is as dié in klousule 3 (1) vir sodanige handelsreisiger voorgeskryf, en wát die kommissie bedra en die voorwaardes waarop hy daartoe geregtig word;

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

(c) die gebied waarin die handelsreisiger moet of mag werk;

(d) die tipe, soort, getal, hoeveelheid of waarde van bestellings (afsonderlik, weekliks, maandeliks of andersins) wat die werkgewer van tyd tot tyd bereid is om aan te neem; en

(e) die dag waarop kommissie ten opsigte van bestellings deur die werkgewer aangeneem voor beëindiging van die dienskontrak, betaal word: Met dien verstande dat sodanige betaaldag voor of op die laaste werkdag van die kalendermaand moet wees wat volg op die maand waartydens diens beëindig is.

(6) Die bepalings van die ooreenkoms in subklousule (5) vermeld moet finansiële nie minder gunstig vir die handelsreisiger wees as hierdie Vastelling nie: Met dien verstande dat die datum waarop besoldiging aan 'n handelsreisiger wat kommissiewerk verrig, betaal word, in ooreenstemming met die ooreenkoms moet wees, en in hierdie opsig is die bepalings van klousule 4 (1) nie op sodanige betaling van toepassing nie.

(7) Behoudens die bepalings van klousule 4 (6), moet 'n werkgewer sy handelsreisiger wat kommissiewerk verrig minstens die besoldiging betaal waarvoor hulle ooreengekom het: Met dien verstande dat, ongeag die getal of waarde van bestellings deur die werkgewer aangeneem, die besoldiging van sodanige handelsreisiger ten opsigte van enige tydperk nie minder moet wees as dié wat ingevolge klousule 3 (1) aan hom vir dié tydperk verskuldig sou wees nie.

(8) 'n Werkgewer of 'n handelsreisiger wat voornemens is om 'n ooreenkoms met betrekking tot kommissiewerk in te trek of te onderhandel oor 'n wysiging daarvan, moet skriftelik kennis gee van sodanige voorneme en die tydperk van sodanige kennisgewing moet nie korter wees as dié wat vereis word om die dienskontrak van sodanige handelsreisigers kragtens klousule 12 te beëindig nie.

10. GETALVERHOUDING.

'n Werkgewer mag nie meer werknemers onder die ouderdom van agtien jaar in die klasse werknemer graad I, werknemer graad II, en werknemer graad III in diens hê nie as tien persent van die totale getal werknemers in dié klasse: Met dien verstande dat enige werknemer onder die ouderdom van agtien jaar wat 'n loon betaal word wat nie minder is nie as dié wat voorgeskryf is vir 'n werknemer van agtien jaar en ouer vir sy klas en gebied, mag vir die doeleindes van hierdie klousule geag word agtien jaar oud te wees.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

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

12. BEÏNDIGING VAN DIENSKONTRAK.

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

(a) gedurende die eerste vier weke diens, minstens een werkdag;

(b) na die eerste vier weke diens, minstens een week;

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

Provided that this shall not affect—

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

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

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

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

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

13. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment, other than through the desertion of an employee, furnish his employee, other than a casual employee, with a certificate of service, substantially in the form prescribed in the Schedule to this Determination, showing the full names of the employer and his employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the employee's weekly wage at the date of such termination.

14. PROHIBITION OF EMPLOYMENT.

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

SCHEDULE.

I/We(a), carrying on trade in the Rubber and Rubber Products Manufacturing Industry at hereby certify that was employed by me/us(a) from the day of 19..... to the day of 19..... in the occupation of (b)..... At the termination of employment his/her(a) wage was rand cents per week.

(Signature of Employer or Authorised Representative.)

Date.....

(a) Delete whichever inapplicable.

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

No. R. 889.]

[21 June 1963.]

WAR MEASURES ACT, 1940.

SUSPENSION OF PAYMENT OF COST OF LIVING ALLOWANCES PAYABLE UNDER WAR MEASURE No. 43 OF 1942, AS AMENDED.

RUBBER AND RUBBER PRODUCTS MANUFACTURING INDUSTRY, CERTAIN AREAS.

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of sub-regulation (1) of regulation 4 of the regulations published under War Measure No. 43 of 1942, as amended, hereby suspend the operation of the said regulations in respect of all

- (ii) in die geval van 'n week kennisgewing, die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat dit nie die volgende moet raak nie:—

- (i) Die reg van 'n werkgever of 'n werknemer om die kontrak om enige regsgeldige rede sonder kennisgewing te beëindig;
- (ii) enige skriftelike ooreenkoms tussen 'n werkgever en sy werknemer wat voorsiening maak vir 'n tydperk van kennisgewing van gelyke duur vir albei partye en vir langer as dié wat in hierdie klousule voorgeskryf word;
- (iii) die inwerkingtreëning van enige verbeurings of boetes wat by wet ten opsigte van 'n werknemer wat dros van toepassing mag wees:

Voorts met dien verstande dat waar die loon van 'n werknemer ten tyde van die beëindiging verminder is deur bedrae wat ter opsigte van korttyd afgetrek is, die uitdrukking „ontvang ten tyde van sodanige beëindiging", wanneer 'n werkgever 'n werknemer in plaas van kennisgewing betaal, geag moet word „sou ontvang het ten tyde van sodanige beëindiging indien geen bedrae wat ten opsigte van korttyd afgetrek is nie" te beteken.

(2) Waar daar 'n ooreenkoms kragtens die tweede voorbehouds bepaling van subklousule (1) bestaan, moet die betaling of verbeuring in plaas van kennisgewing, met dié tydperk van kennisgewing waaroor ooreengekom is, ooreenstem.

(3) Die kennis wat gegee moet word, voorgeskryf in subklousule (1), is van krag vanaf enige werkdag: Met dien verstande—

- (i) dat die tydperk van kennisgewing nie moet saamval nie met of dat kennis nie gegee moet word nie gedurende 'n werknemer se afwesigheid met verlof, toegestaan ooreenkomstig klousule 6, of enige tydperk van militêre opleiding;
- (ii) dat kennis nie gedurende 'n werknemer se afwesigheid met siekteverlof, toegestaan ooreenkomstig klousule 7, gegee moet word nie.

13. DIENSSERTIFIKAAT.

'n Werkgever moet by die beëindiging van die dienskontraal uitgesonderd deur die dros van 'n werknemer, aan sy werknemer uitgesonderd 'n los werknemer, 'n dienssertifikaat verskaf, wesenlik in die vorm voorgeskryf in die Bylae van hierdie Vasstelling wat die volle naam van die werkgever en sy werknemer meld, die beroep van die werknemer, die datum waarop die kontrak aanvang geneem het en die datum waarop dit geëindig het en die werknemer se weekloon ten tyde van sodanige beëindiging.

14. VERBOD OP INDIENSNEMING.

'n Werkgever mag geen persoon onder die ouderdom van jaar in diens neem nie.

BYLAE.

Ek/ons(a) sake doen in die Rubber en Rubberproduktenywerheid te sertifiseer hierby dat in my/ons(a) diens was vanaf die dag van 19..... tot die dag van 19..... in die beroep van (b)..... By diensbeëindiging was sy/haar(a) loon rand per week.

(Handtekening van werkgever gemagtigde verteenwoordiger.)

Datum.....

(a) Skrap wat nie van toepassing is nie.

(b) Vermeld beroep waarin werknemer uitsluitlik of hoofsaaklik werksaam was, bv. klerk, arbeider, werknemer graad I

No. R. 889.]

[21 Junie 1963.]

WET OP OORLOGSMAATREËLS, 1940.

OPSKORTING VAN BETALING VAN LEWEN KOSTETOELAE BETAALBAAR INGEVOLG OORLOGSMAATREËL No. 43 VAN 1942, SOOS GEWYSIG.

RUBBER EN RUBBERPRODUKTENYWERHEID SEKERE GEBIEDE.

Namens die Minister van Arbeid, skort ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens bepalings van subregulasie (1) van regulasie 4 van regulasies gepubliseer by Oorlogsmaatreël No. 43 van 1942, soos gewysig, hierby die toepassing van genoemde

No. R. 890.] [21 June 1963.
**FACTORIES, MACHINERY AND BUILDING WORK
 ACT, 1941, AS AMENDED.**

**RUBBER AND RUBBER PRODUCTS MANUFACTURING
 INDUSTRY, CERTAIN AREAS.**

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of sub-section (1) of section *twenty-two* of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Determination for the Rubber and Rubber products Manufacturing Industry, published under Government Notice No. R. 888 of the 21st June, 1963, on the whole to be not less favourable to the employees whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays are regulated thereby than the relative provisions of the said Act.

M. VILJOEN,
 Deputy-Minister of Labour.

No. R. 890.] [21 Junie 1963.
**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
 1941, SOOS GEWYSIG.**

**RUBBER EN RUBBERPRODUKTENYWERHEID,
 SEKERE GEBIEDE.**

Namens die Minister van Arbeid, verklaar ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens subartikel (1) van artikel *twee-en-twintig* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Vasstelling vir die Rubber en Rubberproduktenywerheid gepubliseer by Goewermentskennisgewing No. R. 888 van 21 Junie 1963, oor die algemeen nie vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, minder gunstig as die desbetreffende bepalings van genoemde Wet is nie.

M. VILJOEN,
 Adjunk-minister van Arbeid.

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