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18 SEPTEMBER

[No. 903.]

GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 1458.] [18 September 1964.]

WET OP BANTOE-ARBEID (BESLEGTING VAN GESKILLE), 1953.

MELKERYBEDRYF, WITWATERSRAND EN PRETORIA.

ORDER.

Ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, handelende namens die Minister van Arbeid—

- (a) bepaal hierby kragtens subartikel (6) van artikel *elf* van die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953, dat die Order wat ek kragtens subartikel (4) van artikel *elf*, ten opsigte van die Melkerybedryf, Witwatersrand en Pretoria, uitgereik het, waarvan die bepalings in die Bylae hiervan verskyn, in die landdrosdistrikte Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park en Nigel, en in die gebiede binne 'n straal van tien myl vanaf die hoofposkantore Krugersdorp en Springs en twaalf myl vanaf die hoofposkantoor Pretoria, vir 'n tydperk van drie jaar vanaf 29 September 1964, bindend is vir die persone wat daardeur geraak word; en
- (b) verklaar hierby kragtens subartikel (1) van artikel *veertien* van genoemde Wet dat vanaf 29 September 1964 en vir 'n tydperk van drie jaar al die bepalings van genoemde Order *mutatis mutandis* van toepassing is ten opsigte van persone wat werknemers is soos in die Wet op Nywerheidsversoenig, 1956, omskryf.

M. VILJOEN,
Adjunk-minister van Arbeid.

AANBEVELING DEUR DIE LOONRAAD KRAGTENS DIE BEPALINGS VAN DIE WET OP BANTOEARBEID (BESLEGTING VAN GESKILLE), 1953.

MELKERYBEDRYF, WITWATERSRAND EN PRETORIA.

Aangesien Sy Edel die Minister van Arbeid 'n versoek tot die Loonraad kragtens artikel *elf* van die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953, gerig het om 'n aanbeveling aan hom voor te lê, 'n versoek wat soos volg lui:—

... om an hom 'n aanbeveling voor te lê insake die voorwaardes waarvolgens tot 'n skikking geraak behoort te word om al die aangeleenthede wat die onderwerp van 'n geskil kan uitmaak in die melkerybedryf in die landdrosdistrikte Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park en Nigel; die gebied binne 'n straal

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 1458.] [18 September 1964.]

BANTU LABOUR (SETTLEMENT OF DISPUTES) ACT, 1953.

DAIRY TRADE, WITWATERSRAND AND PRETORIA.

ORDER.

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, do hereby—

- (a) in terms of sub-section (6) of section *eleven* of the Bantu Labour (Settlement of Disputes) Act, 1953, determine that the Order made by me in terms of sub-section (4) of section *eleven* in respect of the Dairy Trade, Witwatersrand and Pretoria, the provisions of which appear in the Schedule hereto, shall apply in the Magisterial Districts of Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park and Nigel; and in the areas within radii of ten miles from the General Post Offices, Krugersdorp and Springs, and twelve miles from the General Post Office, Pretoria, and shall be binding for a period of three years as from the 29th September, 1964, upon the persons affected thereby; and
- (b) in terms of sub-section (1) of section *fourteen* of the said Act declare that from the 29th September, 1964, and for a period of three years all the provisions of the said Order shall *mutatis mutandis* apply in respect of persons who are employees as defined in the Industrial Conciliation Act, 1956.

M. VILJOEN,
Deputy-Minister of Labour.

RECOMMENDATION BY THE WAGE BOARD IN TERMS OF THE BANTU LABOUR (SETTLEMENT OF DISPUTES) ACT, 1953.

DAIRY TRADE, WITWATERSRAND AND PRETORIA.

Whereas the Honourable the Minister of Labour made a request to the Wage Board, in terms of section *eleven* of the Bantu Labour (Settlement of Disputes) Act, 1953, to submit to him a recommendation, which request reads:—

... to submit a recommendation as to the conditions in accordance with which a settlement should be effected of all matters which might form the subject of a dispute in the Dairy Trade in the Magisterial Districts of Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park and Nigel and the areas within

van 10 myl van die hoofposkantoor op Krugersdorp en Springs en 'n straal van 12 myl van die hoofposkantoor, Pretoria, as gevolg van die verstryking van die diensvoorwaardes by die Order vasgestel wat by Goewermentskennisgewing No. 751 van 22 September 1961, gepubliseer is.

Vir die doel van hierdie versoek, beteken—

'Melkerybedryf', die bedryf waarin werkgewers en werknemers geassosieer is vir die doel van die verkoop en/of distribusie van volmelk en/of enige of al die artikels wat binne die woordskrywing van melkeryproduk val, indien verkoop of gedistribueer, tesame met die verkoop en/of distribusie van volmelk en omvat alle bykomende werk indien dit deur sodanige werkgewers en werknemers verrig word, met uitsluiting van die verkoop van oortollige volmelk, karringmelk, afgeroomde melk of afgeskeide melk aan melkdistribueerders deur fabriek wat melkprodukte vervaardig, maar wat gewoonlik nie volmelk verkoop nie, maar omvat nie boerderywerk-saamhede nie; en

'melkeryproduk', sonder enige beperking van die gewone betekenis van die uitdrukking, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjemelk, suurmilk, eiers, heuning of roomys";

maak die Loonraad hierby die aanbeveling wat in die Bylae hieronder voorkom.

BYLAE.

1. TOEPASSINGSBESTEK EN -GEBIED VAN ORDER.

Hierdie Order is van toepassing op alle werkgewers en werknemers in die melkerybedryf in die landroosdistrikte Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park en Nigel en die gebiede binne 'n straal van 10 myl van die hoofposkantoor op Krugersdorp en Springs, en 'n straal van 12 myl van die hoofposkantoor, Pretoria.

2. WOORDSKRYWING.

(1) Tensy die teenoorgestelde bedoeling blyk, het alle uitdrukkinge wat in hierdie Order gebesig en in die Wet op Bantoearbeid (Beslegting van Geskille), 1953, omskryf word, dieselfde betekenis as in daardie Wet, en tensy onbestaanbaar met die samhang, beteken—

„afleringswerknemer”, 'n werknemer, wat goedere en/of boodskappe te voet of met 'n fiets, driewieler, handvoertuig, meganiese waentjie of afleringsvoertuig wat deur 'n voetganger beheer word, afler, en wat bestellings mag neem en/of kontant ontvang in die geval van k.b.a.-bestellings en wat melk vir kontant aan ongereelde klante in 'n „Bantoegebied”, soos omskryf in artikel een van die Wet op Nywerheidsversoening, 1956, mag verkoop, maar omvat dit nie die bestuurder van 'n elektriese voertuig of 'n motorvoertuig of drywer van 'n trekdiervoertuig nie;

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

- (a) persele, installasie, masjinerie, gerei, houters, diere, meubels of ander artikels skoonmaak of was;
- (b) diere voer of versorg; voertuie oppas of diere in- of uitspan;
- (c) laai of aflaai; voertuie, uitgesonderd motorvoertuie, olie of smeer;
- (d) houters met die hand of met 'n vulmasjen wat met die hand bedien word, vul;
- (e) vuurmaak of vure aan die brand hou, uitgesonderd in verband met 'n stoomketel, en/of afval verwyder;
- (f) dra, verskuif, toedraai, stapel, verpak of uitpak; kassies of pakkies oop- of toemaak;
- (g) rantsone kook, tee of ander drankte maak;
- (h) gedrukte of klaar geadresseerde etikette aan kassies of pakkies heg, kassies of pakkies sjabloneer en/of merk;
- (i) masjien voer en/of daarvan afneem;

„bedryfsinrigting” enige perseel waarin of in verband waarmee een of meer werknemers in die melkerybedryf in diens is;

„bestuurder van 'n elektriese voertuig” 'n werknemer wat 'n elektriese voertuig bestuur en vir die toepassing van hierdie omskrywing omvat „'n elektriese voertuig bestuur” alle tydperke wat daar bestuur word en alle tyd wat die bestuurder aan werk in verband met die voertuig of die vrag bestee en alle tydperke waarin daar van hom verwag word om op sy pos te bly, gereed om te bestuur;

„bode” 'n werknemer wat boodskappe, briewe, geld, pakkette of goedere deur middel van 'n tweewielbromponie vervoer of afler;

„elektriese voertuig” 'n vervoermiddel, uitgesonderd 'n waentjie wat deur 'n voetganger beheer word, wat gebruik word om goedere te vervoer en wat elektries aangedryf word;

„ketelbediener” 'n werknemer wat onder algemene toesig verantwoordelik is vir die verhoging en instandhouding van die waterpeil en stoomdruk in 'n stoomketel in 'n bedryfsinrigting en wat die vuur in die ketel mag maak, stook, hark of uitkrap;

„klerk” 'n werknemer, uitgesonderd 'n onderbaas of nasiener, wat skryfwerk, tikwerk of enige ander vorm van klerklike werk verrig en omvat dit 'n stoomman, kassier, versendingsklerk en telefonis;

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

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

radii of ten miles from the General Post Offices, Krugersdorp and Springs, and twelve miles from the General Post Office, Pretoria, in consequence of the expiration of the conditions of employment laid down in the Order for the Dairy Trade, published under Government Notice No. 751 of the 22nd September, 1961.

For the purpose of this request—

'Dairy Trade' means the trade in which employers and employees are associated for the purpose of the sale and/or distribution of whole milk and/or any or all of the articles included in the definition of dairy produce if sold or distributed in association with the sale and/or distribution of whole milk and includes all work incidental thereto if carried on by such employers and employees, but does not include the sale of surplus whole milk, buttermilk, skimmed milk or separated milk to milk distributors by factories at which milk products are manufactured and from which whole milk is not ordinarily sold; but does not include farming operations; and

'dairy produce' means without limiting the ordinary meaning of the term, cream, butter, cheese, buttermilk, skimmed milk, separated milk, cultured milk, sour milk, eggs, honey and ice-cream.”

the Wage Board hereby makes the recommendation set out in the Schedule hereto.

SCHEDULE.

1. SCOPE AND AREA OF APPLICATION OF ORDER.

This Order shall apply to all employers and employees in the Dairy Trade in the Magisterial Districts of Roodepoort, Johannesburg, Germiston, Alberton, Boksburg, Benoni, Brakpan, Kempton Park and Nigel and the areas within radii of 10 miles from the General Post Offices, Krugersdorp and Springs, and 12 miles from the General Post Office, Pretoria.

2. DEFINITIONS.

(1) Unless the contrary intention appears, any expression used in this Order and defined in the Bantu Labour (Settlement of Disputes) Act, 1953, shall have the same meaning as in that Act and unless inconsistent with the context—

„boiler attendant” means an employee who, under general supervision, is responsible for raising and maintaining the water level and steam pressure of a boiler in an establishment and who may make, stoke, rake or draw the fire in such boiler;

„casual employee” means an employee who is employed by the same employer on not more than three days in any week;

„chargehand” means an employee who exercises control over labourers and delivery employees and who may record data incidental to their work;

„checker” means an employee who is engaged in receiving, checking and issuing milk and who may weigh and store milk, supervise the duties of employees engaged in assisting him in the performance of any or all of his duties, and record information incidental to any or all of his duties, and for the purpose of this definition the expression milk may include any article or articles of dairy produce;

„cleaner” means a female employee who is exclusively engaged in cleaning or washing milk sub-depots or the utensils, containers or furniture in such depots;

„clerk” means an employee, other than a chargehand or checker, engaged in writing, typing or any other form of clerical work and includes a storeman, cashier, despatch clerk and telephone operator;

„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;

„counterhand” means an employee, other than a delivery employee, who is engaged in attending to customers in an establishment and who may receive orders and be in charge of a milk sub-depot and the employees therein;

„counterhand, female, qualified,” means a female counterhand who has had not less than four years' experience;

„counterhand, female, unqualified,” means a female counterhand who has had less than four years' experience;

„counterhand, male, qualified,” means a male counterhand who has had not less than five years' experience;

„counterhand, male, unqualified,” means a male counterhand who has had less than five years' experience;

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

„Dairy Trade” means the trade in which employers and employees are associated for the purpose of selling and/or distributing whole milk and/or any or all of the articles included in the definition of dairy produce if sold or distributed in association with the sale and/or distribution of whole milk and includes all work incidental thereto if carried on by such employers and employees, but does not include the sale of surplus whole milk, buttermilk, skimmed milk or separated milk to milk distributors by factories at which milk products are manufactured and from which whole milk is not ordinarily sold; but does not include farming operations;

„klerk, vrou, gekwalifiseer,” ’n vroulike klerk met minstens vier jaar ondervinding;

„klerk, vrou, ongekwalifiseer,” ’n vroulike klerk met minder as vier jaar ondervinding;

„korttyd” ’n tydelike vermindering van die getal gewone werkkure as gevolg van slapte in die bedryf, tekort aan grondstowwe of spoorwegtrekke, slegte weergesteldheid of ’n algemene onklaarraking van installasie of masjinerie of ’n instorting of dreigende instorting van geboue as gevolg van ’n ongeluk of ander onvoorsiene noodgeval;

„loon” die bedrag aan ’n werknemer betaalbaar ingevolge klousule 3 (1) ten opsigte van sy gewone werkkure soos in klousule 5 voorgeskrif: Met dien verstande dat as ’n werknemer sy werknemer ten opsigte van sodanige gewone werkkure gereeld ’n hoër bedrag betaal as dié voorgeskrif in klousule 3 (1), dit sodanige hoër bedrag beteken;

„los werknemer” ’n werknemer wat hoogstens drie dae in ’n week by dieselfde werkgewer in diens is;

„melkdepot” enige perseel waarin werkgewers en werknemers hoofsaaklik assosieer vir die verwerking van volmelk en van waar sodanige melk gebottel en/of verkoop en/of gedistribueer word en vanwaar melkeryprodukte verkoop en/of gedistribueer kan word;

„Melkerybedryf” die bedryf waarin werkgewers en werknemers geassosieer is vir die doel van die verkoop en/of distribusie van volmelk, en/of enigeen of al die artikels wat in die woordskrywing van melkeryprodukte ingesluit word indien verkoop of gedistribueer, tesame met die verkoop en/of distribusie van volmelk, en omvat dit alle bykomende werk indien dit deur sodanige werkgewers en werknemers verrig word, maar omvat dit nie die verkoop van surplus volmelk, karringmelk, afgeroomde melk of afgeskeide melk aan melkdistribueerders deur fabriek wat melkeryprodukte vervaardig maar gewoonlik nie volmelk verkoop nie, en ook nie boerderywerksaamhede nie;

„melkeryprodukte” sonder om die gewone betekenis van die uitdrukking te beperk, room, botter, kaas, karringmelk, afgeroomde melk, afgeskeide melk, plantjiemelk, suurmilk, eiers, heuning en roomys;

„motorvoertuig” ’n vervoermiddel, uitgesonderd ’n tweewielbromponie, wat gebruik word vir die vervoer van goedere en wat deur ’n ander krag as mense- of dierekrag aangedryf word, en omvat dit ’n voorhaker en/of trekker, maar nie ’n „melkwaentjie” of afleweringsvoertuig wat meganies aangedryf, maar deur ’n voetganger beheer word nie en ook nie ’n elektriese voertuig nie;

„motorvoertuigbestuurder” ’n werknemer wat ’n motorvoertuig bestuur en vir die toepassing van hierdie woordskrywing omvat „’n motorvoertuig bestuur” alle tydperke wat daar bestuut word en alle tyd wat die bestuurder bestee aan werk in verband met die voertuig of die vraag en alle tydperke wat hy op sy pos moet wees, gereed om te bestuur;

„nasiener” ’n werknemer wat melk ontvang, nagaan en uitreik, en wat melk mag weeg en opberg, toesig hou oor die pligte van werknemers wat hom help met die uitvoering van enigeen van of al sy pligte, en aantekeninge byhou van inligting wat in verband staan met enigeen van of al sy pligte, en vir die toepassing van hierdie woordskrywing mag die uitdrukking „melk” enige melkeryprodukartikels of -artikels insluit;

„noodwerk” enige werk wat noodsaaklik gemaak word deur ’n onklaarraking van installasie of masjinerie of ander onvoorsiene noodgeval, of in verband met die nagaan of herstel van installasie of masjinerie, wat nie gedurende die gewone werkkure, voorgeskrif in klousule 5, verrig kan word nie; en enige ander werk wat uit onvoorsiene voorvalle te wyte aan oorsake soos brand, storm, ongeluk, epidemie, gewelddaad, burgerlike onluste of diefstal, ontstaan wat sonder uitstel verrig moet word en noodsaaklik is vir die instandhouding en/of lewering van ligte, water, telefoondienste, openbare gesondheids-, sanitêre-, skoonmaak-, openbare vervoer of lughawedienste, of vir die uitvoering van bestellings vir die verskaffing van goedere aan, of die lewering van dienste in verband met skeep, hospitale of die verdedigingsmag van Suid-Afrika of die Suid-Afrikaanse Polisie;

„onbelaste gewig” die gewig van enige motorvoertuig en/of sleepwa soos gemeld in ’n lisensie of sertifikaat wat vir daardie voertuig of sleepwa deur ’n lisensie-owerheid uitgereik is; met dien verstande dat, in die geval van ’n drie-wielbromponie of ’n motordriewieler, die onbelaste gewig geag word minder as 1,000 lb. te wees;

„onderbaas” ’n werknemer wat in beheer staan van arbeiders en afleweringswerknemers en wat gegewens in verband met hul werk mag aanteken;

„ondervinding”—

(a) met betrekking tot ’n klerk, die totale voltydse diens-tydperk of -tydperke wat ’n werknemer as ’n klerk in enige bedryf gehad het;

(b) met betrekking tot ’n toonbankbediende, die totale voltydse diens-tydperk of -tydperke wat ’n werknemer as ’n toonbankbediende in die melkerybedryf of as ’n winkelbediende in die voedsel- of kruideniersafdeling van ’n winkel gehad het;

„skoonmaker” ’n vroulike werknemer wat uitsluitend submelkdepots of die gerei, houters of meubels in sodanige depots, skoonmaak of was;

„sleepwa” ’n vervoermiddel wat deur ’n motorvoertuig getrek word;

„delivery employee” means an employee who is engaged in the delivery of goods and/or messages on foot or by means of a bicycle, tricycle, hand-propelled vehicle or a mechanically propelled but pedestrian controlled “pram” or delivery vehicle and who may accept orders and/or cash in the case of cash on delivery orders and who may sell milk for cash to casual customers in a “Bantu area” as defined in section one of the Industrial Conciliation Act, 1956, but does not include a driver of an electric vehicle or a motor vehicle or a driver of an animal-drawn vehicle;

„driver of an electric vehicle” means an employee engaged in driving an electric vehicle and for the purpose of this definition “driving an electric 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;

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

„electric vehicle” means a conveyance, other than a pedestrian controlled pram, which is used for the transport of goods and which is electrically propelled;

„emergency work” means any work necessitated by a breakdown of plant or machinery or other unforeseen emergency, or in connection with the overhauling or repairing of plant or machinery which cannot be performed during the ordinary hours of work prescribed in clause 5 and any other work arising from an unforeseen occurrence due to causes such as fire, storm, accident, epidemic, act of violence, civil commotion or theft, which must be done without delay and which is necessary to ensure the maintenance and/or provision of light, water, telephone, public health, sanitary, cleaning, public transport or airport services, or for the fulfilment of orders for the supply of goods to, or the provision of service in connection with ships, hospitals or the South African Defence Forces or South African Police;

„establishment” means any premises in or in connection with which one or more employees are employed in the dairy trade;

„experience” means—

(a) in relation to a clerk, the total period or periods of full-time employment which an employee has had as a clerk in any trade;

(b) in relation to a counterhand, the total period or periods of full-time employment which an employee has had as counterhand in the dairy trade or as a shop assistant in the provisions or grocery department of any shop;

„labourer” means an employee engaged in one or more of the following operations:—

(a) Cleaning or washing premises, plant, machinery, utensils, containers, animals, furniture or other articles;

(b) feeding or tending animals, minding vehicles or harnessing or unharnessing animals;

(c) loading or unloading; oiling or greasing vehicles, other than motor vehicles;

(d) filling containers by hand or by hand-operated filling machines;

(e) making or maintaining fires, other than in connection with a steam boiler, and/or removing refuse;

(f) carrying, moving, wrapping, stacking, packing or unpacking; opening or closing boxes or packages;

(g) cooking rations, making tea or other beverages;

(h) affixing printed or ready addressed labels to boxes or packages; stencilling and/or marking boxes or packages;

(i) feeding into and/or taking off from machines;

„messenger” means an employee who is engaged in conveying or delivering messages, letters, money, parcels or goods by means of a two-wheeled motor scooter;

„milk depot” means any premises in which employers and employees mainly associate for the purpose of processing whole milk and from which such milk is bottled and/or sold and/or distributed and from which dairy produce may be sold and/or distributed;

„milk sub-depot” means any premises in or from which milk, processed elsewhere, is sold and/or distributed;

„motor vehicle” means a conveyance, other than a two-wheeled motor scooter, which is used for the transport of goods and which is propelled by other than human or animal power and includes a mechanical horse and/or tractor, but excludes a mechanically propelled but pedestrian controlled “pram” or delivery vehicle and an “electric vehicle”;

- „submelkdepot” enige perseel waarin of waaruit melk wat elders verwerk is, verkoop en/of gedistribueer word;
- „toonbankbediende” ’n werknemer, uitgesonderd ’n aflewerings-werknemer, wat klante in ’n bedryfsinrigting bedien en wat bestellings mag neem en in beheer is van ’n submelkdepot en die werknemers daarin;
- „toonbankbediende, man, gekwalifiseer,” ’n manlike toonbankbediende met minstens vyf jaar ondervinding;
- „toonbankbediende, man, ongekwalifiseer,” ’n manlike toonbankbediende met minder as vyf jaar ondervinding;
- „toonbankbediende, vrou, gekwalifiseer,” ’n vroulike toonbankbediende met minstens vier jaar ondervinding;
- „toonbankbediende, vrou, ongekwalifiseer,” ’n vroulike toonbankbediende met minder as vier jaar ondervinding;
- „wag” ’n werknemer wat persele, geboue, hekke of ander eiendom bewaak.

(2) Vir die toepassing van hierdie Order, word ’n werknemer geag tot dié klas te behoort waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. BESOLDIGING.

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

(a) Werknemers, uitgesonderd werknemers in paragrawe (b) en (c) gemeld—

(i)	Per week. R
Nasiener.....	15.00
Klerk en toonbankbediende, vrou, gekwalifiseer.....	12.23
Klerk en toonbankbediende, vrou, ongekwalifiseer:—	
Gedurende die eerste jaar ondervinding...	8.31
Gedurende die tweede jaar ondervinding...	9.23
Gedurende die derde jaar ondervinding...	10.15
Gedurende die vierde jaar ondervinding...	11.08
Klerk en toonbankbediende, man, gekwalifiseer.....	18.92
Klerk en toonbankbediende, man, ongekwalifiseer:—	
Gedurende die eerste jaar ondervinding...	8.31
Gedurende die tweede jaar ondervinding...	10.38
Gedurende die derde jaar ondervinding...	12.46
Gedurende die vierde jaar ondervinding...	14.54
Gedurende die vyfde jaar ondervinding...	16.62

(ii) *In die geval van ’n werknemer wat deur sy werkgever gratis van losies voorsien word op sy werkgever se perseel wat op so ’n plek geleë is dat die werknemer geen vorm van vervoer tussen die perseel en sy werkgever se bedryfsinrigting nodig het nie.*

	Per Week. R	Per week. R
Ketelbediener.....		
Bode.....		
Wag.....	7.25	7.75
Drywer van ’n trekdier-voertuig.....		
Onderbaas.....	7.50	8.00
Skoonmaker.....	5.20	5.60
Afleweringswerknemer....	7.00	7.50
Bestuurder van ’n elektriese voertuig.....	9.00	9.50
Arbeider, agtien jaar of ouer.....	6.50	7.00
Arbeider, onder agtien jaar	4.85	5.25
Bestuurder van ’n motorvoertuig waarvan die onbelaste gewig tesame met die onbelaste gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—		
(a) hoogstens 1,000 lb.	7.50	8.00
(b) meer as 1,000 lb. maar hoogstens 3,500 lb. is.....	9.00	9.50
(c) meer as 3,500 lb. maar hoogstens 10,000 lb. is.....	12.50	13.00
(d) meer as 10,000 lb. is	16.50	17.00
Werknemer nie elders in hierdie klousule gespesifiseer nie.....	6.90	7.40:

„short-time” means a temporary reduction in the number of ordinary hours of work due to slackness of trade, shortage of raw materials or railway trucks, vagaries of the weather or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings caused by accident or other unforeseen emergency;

„trailer” means any conveyance drawn by a motor vehicle;

„unladen weight” means the weight of any motor vehicle and/or trailer as expressed in a licence or certificate issued by a licensing authority in respect of such vehicle or trailer; provided that in the case of a three-wheeled motor scooter or motor tricycle the unladen weight shall be deemed to be under 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 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;

„watchman” means an employee engaged in guarding premises, buildings, gates or other property.

(2) For the purpose of this Order, 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 shall be paid by an employer to each member of the undermentioned classes of his employees shall be as set out hereunder:—

(a) Employees other than those mentioned in paragraphs (b) and (c):

(i)	Per Week. R
Checker.....	15.00
Clerk and Counterhand—	
Female, qualified.....	12.23
Clerk and Counterhand, female unqualified—	
During the first year of experience.....	8.31
During the second year of experience.....	9.23
During the third year of experience.....	10.15
During the fourth year of experience.....	11.08
Clerk and Counterhand, male, qualified.....	18.92
Clerk and Counterhand, male, unqualified—	
During the first year of experience.....	8.31
During the second year of experience.....	10.38
During the third year of experience.....	12.46
During the fourth year of experience.....	14.54
During the fifth year of experience.....	16.62

(ii) *In the case of an employee who is supplied by his employer with lodging free of charge on his employer's premises so situated that the employee does not require any form of transport between such premises and his employer's establishment.*

	Per week. R	Per week. R
Boiler attendant.....		
Messenger.....		
Watchman.....	7.25	7.75
Driver of an animal drawn vehicle.....		
Chargehand.....	7.50	8.00
Cleaner.....	5.20	5.60
Delivery employee.....	7.00	7.50
Driver of an electric vehicle.....	9.00	9.50
Labourer of the age of 18 years or over.....	6.50	7.00
Labourer under the age of 18 years.....	4.85	5.25
Driver of a motor vehicle, the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle—		
(a) does not exceed 1,000 lb.....	7.50	8.00
(b) exceeds 1,000 lb. but not 3,500 lb.....	9.00	9.50
(c) exceeds 3,500 lb. but not 10,000 lb.....	12.50	13.00
(d) exceeds 10,000 lb...	16.50	17.00
Employees not elsewhere specified in this sub-clause.....	6.90	7.40:

Met dien verstande dat, indien daar nie van 'n skoonmaker vereis word of hy nie toegelaat word om meer as vier-en-twintig gewone werkeure in 'n week, of vier op 'n dag, te werk nie, die voorgeskrewe loon vir sodanige werknemer met veertig persent verminder mag word.

- (b) Los werknemer—vir elke dag of gedeelte van 'n dag diens, een vyfde van die hoogste weekloon wat vir 'n werknemer van sy klas voorgeskryf is.
- (c) Die minimum loon wat betaal moet word aan 'n werknemer in diens in 'n bedryfsinrigting in 'n „bantoegedebied” soos omskryf in artikel een van die Wet op Nywerheidsversoenig, 1956, is minstens twee derdes van die loon in paragraaf (a) of (b) hiervan vir 'n werknemer van sy klas voorgeskryf.

(2) *Kontrakbasis*.—Vir die toepassing van hierdie klousule is die dienskontrakbasis van 'n werknemer, uitgesonderd 'n los werknemer, weekliks en moet 'n werknemer, behoudens die bepalings in klousule 4 (6), ten opsigte van 'n week minstens die volle weekloon soos in subklousule (1) vir 'n werknemer van sy klas en gebied voorgeskryf, betaal word, afgesien daarvan of hy daardie week die maksimum getal gewone ure voorgeskryf in klousule 5 (1) of minder, gewerk het.

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

- (a) 'n hoër loon as dié vir sy eie klas; of
- (b) 'n stygende loonskaal wat op 'n hoër loon as dié vir sy eie klas eindig;

voorgeskryf is in subklousule (1), moet dié werknemer vir alle gewone werkeure van die bedryfsinrigting op daardie dag gewerk, die volgende betaal—

- (i) In die geval in paragraaf (a) genoem, vir elke uur teen 'n skaal gelyk aan die hoër weekloon gedeel deur die getal gewone ure wat die werknemer per week werk;
- (ii) in die geval in paragraaf (b) genoem, vir elke uur teen 'n skaal gelyk aan die weekloon vir 'n werknemer van sy klas en gebied voorgeskryf, plus 20 persent, gedeel deur die getal gewone ure wat die werknemer per week werk: Met dien verstande dat dié werknemer nie vir dié dag waarop hy die werk verrig, geregtig is op altesaam 'n groter bedrag as wat 'n gekwalifiseerde werknemer in die hoër klas sou toegekome het teen die loonskaal wat vir hom in subklousule (1) voorgeskryf is nie:

Met dien verstande dat waar die enigste verskil tussen klasse kragtens subklousule (1) gegrond is op ondervinding, geslag of ouderdom die bepalings van hierdie subklousule nie van toepassing is nie.

(4) *Berekening van maandloon*.—Wanneer die loon wat aan 'n werknemer verskuldig is kragtens klousule 4 (1) maandeliks betaal word, moet dit bereken word teen die skaal van vier en een-derde maal die loon wat in subklousule (1) vir 'n werknemer van sy klas en gebied voorgeskryf word.

(5) Ondanks andersluidende bepalings in hierdie klousule, is dit vir 'n werkgewer toelaatbaar om 'n aanspingsloonskema in te voer waarin die besoldiging wat aan 'n werknemer betaalbaar is, mag wissel wanneer die hoeveelheid werk deur hom gedoen of deur 'n groep werknemers waarvan hy lid is, wissel; met dien verstande dat wanneer enige sodanige skema deur 'n werkgewer ingevoer word—

- (a) een week of een maand skriftelik kennis, na gelang van die geval, aan weeklikse of maandelikse werknemers gegee moet word aangaande die voorwaardes wat ingevolge genoemde skema van toepassing is;
- (b) kopieë van die kennisgewing in paragraaf (a) genoem, gestuur word aan die Beheerraad en die Afdelingsinspekteur, Departement van Arbeid, Johannesburg of Pretoria, na gelang van die geval; en
- (c) elke werknemer wat deur die skema gedek word, elke week of elke maand, na gelang van die geval, minstens die besoldiging (met inbegrip van oortydbetaling) vir 'n werknemer van sy klas vir dié tyd gewerk, moet ontvang, plus vyf persent, ongeag die feit of hy ingevolge so 'n skema tot dié besoldiging geregtig is ten opsigte van werk gedurende daardie tyd gedoen.

4. BETALING VAN BESOLDIGING.

(1) (a) *Werknemer, uitgesonderd 'n los werknemer*.—Behoudens die bepalings in klousule 6 (3), moet enige bedrag aan 'n werknemer verskuldig, weekliks, of wanneer die werkgewer en werknemer daartoe ooreengekom het, maandeliks gedurende werkeure of binne 15 minute nadat die werk gestaak is, op die betaaldag van die bedryfsinrigting in kontant betaal word, of by diensbeëindiging as dit plaasvind voor die betaaldag en moet dit in 'n koevert of houer geplaas word waarop die volgende besonderhede gemeld word, of wat vergesel gaan van 'n staat wat die volgende besonderhede meld; die name van die werkgewer en dié van die werknemer, die werknemer se beroep, die getal gewone ure en oortydure gewerk, die verskuldigde besoldiging en die tydperk ten opsigte waarvan betaling gedoen word.

(b) Ondanks 'n andersluidende ooreenkoms tussen 'n werkgewer en sy werknemer moet 'n werkgewer hom op die eerste betaaldag van dié bedryfsinrigting vir 'n werknemer van sy klas, na die aanvang van sy diens, die eerste bedrag ten opsigte van 'n tydperk gewerk, betaal, afgesien daarvan of hy op dié dag—

- (i) in die geval van 'n werknemer wat weekliks besoldig word, 'n volle week;

Provided that if a cleaner is not required or permitted to work more ordinary hours of work than twenty-four in any week or four on any day the prescribed wage for such employee may be reduced by forty per cent.

- (b) Casual employee, for each day or part of a day of employment one-fifth of the highest weekly wage prescribed for an employee of his class.
- (c) The minimum wage of an employee who is employed in an establishment in a "Bantu area", as defined in section one of the Industrial Conciliation Act, 1956, shall be not less than two-thirds of the wage prescribed for an employee of his class in paragraph (a) or (b) hereof.

(2) *Basis of Contract*.—For the purpose of this clause the basis of contract of employment of an employee other than a casual employee, shall be weekly 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) for an employee of his class and area whether he has in that week worked the maximum number of ordinary hours prescribed in clause 5 (1) 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 a wage for all the ordinary hours of work of the establishment on that day—

- (i) in the case referred to in paragraph (a) at a rate for each hour equal to the higher weekly wage divided by the number of ordinary hours worked by such employee in a week;
- (ii) in the case referred to in paragraph (b), at a rate for each hour equal to the weekly wage prescribed for an employee of his class and area, plus twenty per cent divided by the number of ordinary hours worked by such employee in a week. Provided that such employee shall not be entitled to an aggregate amount in respect of the day on which he performs such work greater than the amount that would have accrued to a qualified employee in such higher class at the rate of wage prescribed for him in sub-clause (1):

Provided that where the sole difference between classes is, in terms of sub-clause (1), based on experience, sex or age, the provisions of this sub-clause shall not apply.

(4) *Calculation of Monthly Wages*.—Whenever the wage due to an employee is, in terms of clause 4 (1), paid monthly, it shall be calculated at the rate of four and one-third times the wage prescribed in sub-clause (1) for an employee of his class and area.

(5) Notwithstanding anything to the contrary in this clause contained, it shall be permissible for an employer to introduce any incentive wage scheme in which the remuneration payable to an employee may vary whenever the amount of work done by him or by any group of employees of which he is a member varies; provided that whenever any such scheme is introduced by an employer—

- (a) one week's or one month's written notice shall be given to weekly or monthly employees, as the case may be, of the conditions applicable under the said scheme;
- (b) copies of the notice referred to in paragraph (a) shall be transmitted to the Management Board and the Divisional Inspector, Department of Labour, Johannesburg or Pretoria, as the case may be; and
- (c) each employee covered by the scheme shall receive each week or month, as the case may be, not less than the remuneration (including overtime pay) for an employee of his class for the time worked, plus five per cent, irrespective of whether he is, in terms of any such scheme, entitled to such amount of remuneration in respect of work done during that time.

4. PAYMENT OF REMUNERATION.

(1) (a) *Employee Other than a Casual Employee*.—Save as provided in clause 6 (3), any amount due to an employee shall be paid in cash weekly, or, if the employer and employee have agreed thereto, monthly, during the hours of work or within fifteen minutes of ceasing work on the pay-day of the establishment or on termination of employment if this takes place before the pay-day and shall be contained in an envelope or container on which shall be reflected, or which shall be accompanied by, a statement showing the employer's and employee's name, the employee's occupation, the number of ordinary and overtime hours worked, the remuneration due and the period in respect of which payment is made.

(b) Notwithstanding any agreement to the contrary between an employer and his employee, the first payment to any employee in respect of any period worked shall be made to him by his employer on the first pay-day of the establishment for an employee of his class after the commencement of his employment irrespective of whether he has on that day completed—

- (i) in the case of a weekly paid employee, a full week's

(ii) in die geval van 'n werknemer wat maandeliks besoldig word, 'n volle maand;

diens of minder by sy werkgever voltooi het.

(c) Vir werknemers wat weekliks besoldig word, is Vrydae van elke week die betaaldag van 'n bedryfsinrigting, en vir werknemers wat maandeliks besoldig word, is dit die laaste dag van elke kalendermaand: Met dien verstande dat ingeval die laaste dag van die kalendermaand op 'n Sondag of 'n openbare vakansiedag val, dié betaaldag die eerste werkdag moet wees wat onmiddellik op die Sondag of die openbare vakansiedag volg.

(d) Ondanks die bepaling van paragraaf (c) mag 'n werkgever ten opsigte van sy bedryfsinrigting die betaaldag vir sy werknemers wat weekliks en maandeliks besoldig word vasstel: Met dien verstande—

(i) dat hy minstens sewe dae vooraf skriftelike kennis, waarin dié betaaldag gemeld word, aan die Beheerraad en aan die Afdelingsinspekteur, Departement van Arbeid, van sy gebied, gee;

(ii) dat hy op 'n opvallende plek in sy bedryfsinrigting 'n kennisgewing waarin hierdie betaaldag genoem word, vertoon en vertoon hou;

(iii) dat hy geen betaaldag aldus deur hom vasgestel, mag verander nie tensy hy minstens 30 dae skriftelike kennis van die voorgenoemde wysiging gegee het aan die Beheerraad en die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied, en minstens 30 dae kennis aan sy werknemers deur 'n kennisgewing, wat die voorgenoemde wysiging uiteensit, op 'n opvallende plek in sy bedryfsinrigting op te plak en opgeplak te hou; en

(iv) dat enige betaaldag wat vir maandelikse werknemers vasgestel word nie vroeër as drie dae voor en nie later nie as drie dae na die einde van die kalendermaand val.

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

(3) *Premies*.—'n Werkgever mag geen bedrag, hetsy regstreeks of onregstreeks, ten opsigte van die indiensneming of opleiding van 'n werknemer betaal of aanneem nie.

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

(5) *Etes en inwoning*.—Behoudens die bepalinge van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie van sy werknemer vereis om by hom, of by enige ander persoon, of by enige ander plek wat hy mag aanwys, te eet of in te woon of te eet en in te woon nie.

(6) *Boetes en afrekkings*.—'n Werkgever mag sy werknemers geen boetes ople of enige bedrag van sy werknemer se besoldiging aftrek nie, uitgesonderd onderstaande:—

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir verlof-, siekte-, versekerings-, voorsorgs- of pensioenfondse;

(b) behoudens andersluidende bepalinge in hierdie Order, wanneer 'n werknemer van sy werk afwesig is, uitgesonderd op las of versoek van sy werkgever, 'n bedrag eweredig aan die tydperk van sy afwesigheid, bereken op die grondslag van die weekloon wat sodanige werknemer ten tyde daarvan ten opsigte van sy gewone werkure ontvang het;

(c) 'n bedrag wat 'n werkgever regtens of op bevel van 'n bevoegde hof verplig of toegelaat word om af te trek;

(d) ten opsigte van 'n openbare vakansiedag, uitgesonderd Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag en Kersdag, waarop van 'n werknemer vereis of hy toegelaat word om nie te werk nie, die loon wat hy sou ontvang het as hy op die dag gewerk het;

(e) wanneer 'n werknemer daartoe instem of daar van hom vereis word om, ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, etes en inwoning of etes of inwoning van sy werkgever aan te neem, hoogstens die bedrae hieronder gemeld:—

	(i) In die geval van 'n werknemer genoem in paragrafe (a) of (c) van klousule 3 (1).		(ii) In die geval van ander werknemer as 'n werknemer genoem in kolom (i).	
	Per week. R	Per maand. R	Per week. R	Per maand. R
Etes (uitgesonderd melkrantsoen).....	0.30	1.30	1.15	5.00
Inwoning.....	—	—	0.69	3.00
Etes en inwoning (uitgesonderd melkrantsoen).....	—	—	1.84	8.00

(f) as 'n werknemer toestem om van sy werkgever 'n melkrantsoen van volmelk aan te neem, hoogstens vier sent per pint;

(g) wanneer die gewone werkure in klousule 5 voorgeskryf, verminder word weens korttyd, ten opsigte van elke uur van sodanige vermindering, die werknemer se weekloon gedeel deur die getal gewone ure wat dié werknemer per week werk: Met dien verstande dat geen bedrag afgetrek mag word nie—

(i) in die geval van korttyd wat veroorsaak word deur 'n tydelike slapte in die bedryf of 'n tekort aan grondstowwe of spoorwegtrokke, tensy die werkgever sy werknemer minstens 24 uur kennis gegee het van sy voorneme om die gewone werkure aldus te verminder;

(ii) in the case of a monthly paid employee, a full month's employment or less with his employer.

(c) The pay-day of an establishment for weekly paid employees shall be Friday in every week and for monthly paid employees it shall be the last day of every calendar month: Provided that where the last day of a calendar month falls on a Sunday or a public holiday such pay-day shall be the first work day immediately succeeding such Sunday or public holiday.

(d) Notwithstanding the provisions of paragraph (c) an employer may in respect of his establishment fix the pay-day for his weekly and monthly employees: Provided—

(i) that he gives at least seven days' prior written notice specifying such pay-day to the Management Board and to the Divisional Inspector, Department of Labour, for his area;

(ii) that he exhibits and maintains in a conspicuous place in his establishment a notice specifying such pay-days;

(iii) that he may not vary any pay-day so fixed by him unless he has given at least 30 days' written notice of the intended variation to the Management Board and the Divisional Inspector, Department of Labour, for his area and at least 30 days' notice to his employees by affixing and maintaining in a conspicuous place in his establishment a notice specifying the intended variation; and

(iv) that any pay-day fixed for monthly employees shall be not earlier than three days before, and not later than three days after, the end of a calendar month.

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

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

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

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

(6) *Fines and Deductions*.—An employer shall not levy any fines against his employee, nor shall he make any deductions from his employee's remuneration, other than the following:—

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

(b) except where otherwise provided in this Order, 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 calculated on the basis of the weekly wage which such employee was receiving in respect of his ordinary hours of work at the time thereof;

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

(d) a deduction in respect of any public holiday, other than New Year's Day, Good Friday, Ascension Day, Day of the Covenant and Christmas Day, on which an employee is required or permitted not to work, of the wage which he would have received had he worked on such day;

(e) when an employee agrees or is required, in terms of the Bantu (Urban Areas) Consolidation Act, 1945, to accept board and lodging or board or lodging from his employer, a deduction not exceeding the amounts specified hereunder:—

	(i) In the case of an employee referred to in paragraphs (a) (ii) or (c) of clause 3 (1).		(ii) In the case of an employee other than an employee referred to in column (i).	
	Per week. R	Per month. R	Per week. R	Per month. R
Board (excluding milk ration).....	0.30	1.30	1.15	5.00
Lodging.....	—	—	0.69	3.00
Board and lodging (excluding milk ration).....	—	—	1.84	8.00;

(f) when an employee agrees to accept from his employer a ration of whole milk, a deduction not exceeding four cents per pint;

(g) whenever the ordinary hours of work prescribed in clause five are reduced on account of short-time, a deduction in respect of each hour of such reduction of the employee's weekly wage divided by the number of ordinary hours worked by such employee in a week: Provided that no deduction shall be made—

(i) in the case of short-time arising out of a temporary slackness of trade or shortage of raw materials or rail-trucks, unless the employer has given his employee not less than twenty-four hours' notice of his intention so to reduce the ordinary hours of work;

(ii) in die geval van korttyd wat veroorsaak word deur slegte weersgesteldheid, of 'n algemene onklaarraking van installasie of masjinerie, of 'n instorting of dreigende instorting van geboue as gevolg van ongeluk of onvoorsiene noodgeval, ten opsigte van die eerste uur wat nie gewerk word nie, tensy die werkgewer sy werknemer op die vorige dag kennis gegee het dat geen werk beskikbaar sal wees nie;

(h) 'n bedrag vir die bydrae van 'n werknemer kragtens klousule 14 hiervan.

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

(1) *Gewone werkure.*—'n Werkgewer mag nie van sy werknemer vereis of hom toelaat om meer gewone werkure te werk nie as—

(a) in die geval van 'n los werknemer, nege op 'n dag;

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

(i) ses-en-veertig in 'n week van Maandag tot en met Vrydag, en

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, nege en een-vyfde op 'n dag;

(c) in die geval van enige ander werknemer—

(i) ses-en-veertig in 'n week van Maandag tot en met Saterdag, en

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

(2) *Oortydwerk.*—Alle tyd wat daar meer as die maksimum getal gewone ure voorgeskryf in subklousule (1), gewerk word, word geag oortyd werk te wees.

(3) *Etenspouses.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf opeenvolgende ure sonder 'n pouse van minstens een uur te werk nie, waarin geen werk verrig mag word nie, en dié pouse word nie geag deel te wees van die gewone of oortydwerkure nie: Met dien verstande dat—

(i) as dié pouse langer as een uur duur, alle tydperke van langer as 1½ uur geag word gewone werkure te wees;

(ii) werktydperke wat deur 'n pouse van minder as een uur onderbreek word, geag word aaneenlopend te wees.

(4) *Beperking van oortydwerk.*—'n Werkgewer mag nie van sy werknemer vereis of hom toelaat om meer as twee uur oortyd op 'n dag of tien uur in 'n week te werk nie.

(5) *Betaling vir oortyd.*—'n Werkgewer moet sy werknemer vir alle oortyd deur hom gewerk, besoldiging betaal teen 'n skaal van minstens 1½ maal die loon wat in klousule 3 (1) vir 'n werknemer van sy klas en gebied voorgeskryf word.

(6) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule is nie van toepassing nie op 'n werknemer vir so lank as wat hy gereeld 'n loon van minstens R160 per maand ontvang, en ook nie op 'n wag nie.

(b) Die bepalinge van subklousule (3) en (4) is nie van toepassing op 'n werknemer wat noodwerk verrig nie.

(c) Die bepalinge van subklousule (3) is nie van toepassing nie op 'n toonbankbediende, arbeider, of 'n skoonmaker (wat meer as vier gewone werkure op 'n dag werk) wat in 'n bedryfsinrigting in diens is wat gewoonlik vir meer as twee uur tussen 12-uur middag en 4-uur namiddag vir klante gesluit is: Met dien verstande dat alle gewone werkure en enige oortyd op 'n dag binne 'n tydperk van hoogstens twaalf uur, vanaf die tydperk waarop sodanige werknemer op daardie dag met sy werk begin, gewerk moet word.

(d) Die bepalinge van subklousule (3) is nie van toepassing nie op 'n bestuurder van 'n elektriese voertuig of 'n motorvoertuig, 'n bode, 'n afleweringswerknemer of 'n drywer van 'n trekdier-voertuig.

6. JAARLIKSE VERLOF.

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

(a) in die geval van 'n wag, een-en-twintig opeenvolgende kalenderdae verlof;

(b) in die geval van alle ander werknemers, veertien opeenvolgende kalenderdae verlof, met volle betaling en, op versoek van sy werknemer 'n addisionele week verlof sonder betaling en sodanige week verlof moet volg op die twee weke betaalde verlof.

(2) Die verlof genoem in subklousule (1) moet toegestaan word op 'n tydperk wat die werkgewer vasstel: Met dien verstande dat—

(i) behoudens die bepalinge van paragraaf (v), indien dié verlof nie eerder toegestaan is nie, dit binne vier maande na die voltooiing van die diensjaar waarop dit betrekking het toegestaan moet word;

(ii) die tydperk van sodanige verlof nie mag saamval nie met siekteverlof wat ingevolge klousule 7 verleen is of met enige ander tydperk van afwesigheid wat nie inbreuk maak op die dienskontrak nie;

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag binne die tydperk van sodanige verlof val, nog 'n dag vir elke sodanige dag as 'n verdere verloftydperk met volle besoldiging by genoemde tydperk gevoeg moet word;

(ii) in the case of short-time arising out of vagaries of the weather or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings due to accident or other unforeseen emergency, in respect of the first hour not so worked, unless the employer has given his employee notice on the previous day that no work will be available;

(h) a deduction of the contribution of an employee in terms of clause 14 hereof.

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

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

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

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

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

(ii) subject to sub-paragraph (i) hereof, nine and one-fifth on any day;

(c) in the case of any other employee—

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

(ii) subject to sub-paragraph (i) hereof, eight on any day.

(2) *Overtime.*—All time worked in excess of the maximum number of ordinary hours prescribed in sub-clause (1) shall be deemed to be overtime.

(3) *Meal Breaks.*—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 no work shall be performed, and such interval shall not be deemed to be part of the ordinary hours of work or overtime: Provided that—

(i) if such interval be for longer than one hour, any period in excess of an hour and a quarter shall be deemed to be ordinary hours of work;

(ii) periods of work interrupted by an interval of less than one hour shall be deemed to be continuous.

(4) *Limitation of Overtime.*—An employer shall not require or permit his employee to work overtime for more than two hours in any day or ten hours in any week.

(5) *Payment for Overtime.*—An employer shall pay to his employee in respect of all overtime worked by him remuneration at a rate not less than one and one-third times the wage prescribed in clause 3 (1) for an employee of his class and area.

(6) *Savings.*—(a) The provisions of this clause shall not apply to an employee for so long as he is in receipt of a regular wage at a rate of not less than R160 per month nor to a watchman.

(b) The provisions of sub-clauses (3) and (4) shall not apply to an employee employed on emergency work.

(c) The provisions of sub-clause (3) shall not apply to a counterhand, a labourer or a cleaner (who works more than four ordinary hours of work a day) employed in an establishment which is normally closed to business for more than two hours between 12 o'clock noon and 4 o'clock p.m.: Provided that all ordinary hours of work and any overtime on any day shall be worked within a period not exceeding twelve hours from the time such an employee first commences work for that day.

(d) The provisions of sub-clause (3) shall not apply to a driver of an electric vehicle or a motor vehicle, a messenger, a delivery employee or a driver of an animal-drawn vehicle.

6. ANNUAL LEAVE.

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

(a) in the case of a watchman, twenty-one consecutive calendar days' leave;

(b) in the case of every other employee, fourteen consecutive calendar days' leave on full pay and, at the request of his employee, an additional week's leave without pay, such week's leave to be consecutive with the two weeks' paid leave.

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

(i) save as provided in paragraph (v) if such leave has not been granted earlier it shall be granted within four months after the completion of the year of employment to which it relates;

(ii) the period of such leave shall not be concurrent with sick leave granted in terms of clause 7 nor with any other period of absence not being in breach of the contract of employment;

(iii) if New Year's Day, Good Friday, Ascension Day, Day of the Covenant or Christmas Day falls within the period of such leave another day shall for each such day be added to the said period as a further period of leave on full pay;

- (iv) 'n werkgewer enige dag geleentheidsverlof met volle besoldiging wat aan sy werknemer op sy werknemer se skriftelike versoek toegestaan is gedurende die jaar diens waarop die jaarlikse verloftydperk betrekking het, van die verloftydperk mag aftrek;
- (v) 'n werkgewer en sy afleweringswerknemer of sy arbeider, skriftelik ooreen mag kom dat jaarlikse verlof oor 'n diens-tydperk van hoogstens twee opeenvolgende jare mag oploop.

(3) *Verlofbesoldiging*.—Die besoldiging ten opsigte van jaarlikse verlof, in subklousule (1) genoem, moet voor of op die laaste werkdag voor die datum van die aanvang van dié verlof betaal word.

(4) 'n Werknemer wie se dienskontrak binne die eerste of enige daaropvolgende jaar diens by dieselfde werkgewer beëindig word voor die verloftydperk wat in subklousule (1) ten opsigte van dié tydperk voorgeskryf is, verskuldig geword het, moet deur sy werkgewer by sodanige beëindiging en bo en behalwe enige ander besoldiging aan hom verskuldig, ten opsigte van elke voltooië maand van dié diens tydperk minstens die volgende betaal word—

(a) in die geval van 'n wag, een vierde, en

(b) in die geval van alle ander werknemers, een sesde, van die weekloon wat hy onmiddellik voor die datum van sodanige beëindiging ontvang het: Met dien verstande dat 'n werkgewer 'n bedrag mag aftrek wat eweredig is met enige verloftydperk wat kragtens die vierde voorbehoudsbepaling van subklousule (2) aan 'n werknemer verleen is; en voorts met dien verstande dat 'n werknemer wat sy diens verlaat sonder 'n regsgeldige rede en sonder dat hy dié tydperk wat in klousule 12 voorgeskryf is, kennis gegee het of dit uitgedien het (tensy die werkgewer sodanige kennisgewing prysgegee het) nie op enige betaling kragtens hierdie subklousule geregtig is nie.

(5) 'n Werknemer wat geregtig geword het op 'n verloftydperk kragtens subklousule (1) en wie se dienskontrak eindig voor die verlof toegestaan is, moet by dié diensbeëindiging ten opsigte van verlof die bedrag, genoem in subklousule (1) en (4), betaal word.

(6) Vir die toepassing van hierdie klousule word die uitdrukking „diens” geag enige tydperk of tydperke te omvat wat 'n werknemer—

(a) ingevolge subklousule (1) met verlof afwesig is;

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

(c) ingevolge klousule 7 met siekteverlof afwesig is;

(d) afwesig is om enige ander rede wat nie met die dienskontrak strydig is nie;

wat gesamentlik hoogstens twaalf weke in 'n jaar beloof, en word diens geag te begin op die datum waarop hy die laaste keer op verlof geregtig geword het, of verlof verleen is, of die datum waarop hy by die werkgewer diens aanvaar het, na gelang van die jongste datum.

7. SIEKTEVERLOF.

(1) 'n Werkgewer moet aan sy werknemer wat na een maand diens by hom van sy werk afwesig is weens siekte of ongeluk, wat nie deur sy eie wangedrag veroorsaak is nie, uitgesonderd 'n ongeluk waarvoor vergoeding ingevolge die Ongevallewet, 1941, betaalbaar is, altesaam twee weke siekteverlof verleen gedurende enige bepaalde diensjaar by hom en moet hom ten opsigte van enige afwesigheids tydperk kragtens dié bepaling hiervan minstens die loon betaal wat hy sou ontvang het as hy gedurende dié tydperk gewerk het: Met dien verstande dat 'n werkgewer, voordat hy enige bedrag ten opsigte van elke afwesigheid betaal, as voorwaarde mag stel dat daar ten opsigte van elke tydperk van afwesigheid van langer as drie dae waarvoor betaling geëis word, 'n sertifikaat wat deur 'n geregistreerde mediese praktisyn onderteken is, en wat die aard en duur van die werknemer se siekte vermeld, voorgelê word. Voorts met dien verstande dat wanneer van 'n werkgewer kragtens 'n wet vereis word om ten opsigte van enige werknemer wat in daardie wet voorgeskryf word, hospitaalgeld te betaal en hy dit ook betaal, die bedrag wat aldus betaal word, afgetrek mag word van die betaling wat kragtens hierdie klousule vir siekte verskuldig is, maar hoogstens die bedrag wat betaalbaar is ten opsigte van enige tydperk van siekte waarvoor voorsiening hierin gemaak word.

(2) Die siekteverlof wat in subklousule (1) genoem word, mag oor 'n diens tydperk van hoogstens twee agtereenvolgende jare oploop.

(3) Vir die toepassing van hierdie klousule het die uitdrukking „diens” dieselfde betekenis as in klousule 6 (6).

8. OPENBARE VAKANSIEDAE EN SONDAE.

(1) *Openbare vakansiedae*.—'n Werknemer is geregtig op en moet verlof met volle besoldiging verleen word op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag en Kersdag: Met dien verstande dat van 'n werknemer vereis mag word om op enige van dié dae te werk.

(2) *Betaling vir werk op openbare vakansiedae*.—(a) As 'n werknemer, uitgesonderd 'n los werknemer, op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgewer hom vir elke sodanige dag minstens die besoldiging betaal waarvoor voorsiening in subklousule (1) gemaak word, plus, ten opsigte van elke uur of gedeelte van 'n uur aldus gewerk, sy weekloon gedeel deur die getal gewone ure wat hy in 'n week werk.

(b) As 'n los werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgewer hom vir elkeen van dié dae minstens die dagloon, in klousule 3 (1) vir 'n los werknemer voorgeskryf, betaal, plus ten opsigte van elke uur of gedeelte van 'n uur aldus gewerk, dié loon gedeel deur nege.

- (iv) an employer may set off against such period of leave any day of occasional leave granted on full pay to his employee at his employee's request made in writing during the year of employment to which the period of annual leave relates;
- (v) an employer and his delivery employee or his labourer, may agree, in writing, that annual leave be accumulated over a period of employment of not more than two consecutive years.

(3) *Leave Remuneration*.—The remuneration in respect of annual leave referred to in sub-clause (1) shall be paid not later than the last work day before the date of the commencing of such leave.

(4) An employee whose contract of employment terminates in the first or any subsequent year of employment with the same employer 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 by his employer in respect of each completed month of such period of employment, not less than—

(a) in the case of a watchman one-fourth, and

(b) in the case of all other employees 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, 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 without cause recognised by law as sufficient, shall not be entitled to any payment by virtue of this sub-clause.

(5) An employee who has become entitled to a period of leave in terms of sub-clause (1) and whose contract of employment terminates before such leave has been granted shall upon such termination be paid in respect of leave the amount provided for in sub-clauses (1) and (4).

(6) For the purpose of this clause the expression “employment” shall be deemed to include any period or periods during which an employee is—

(a) absent on leave in terms of sub-clause (1);

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

(c) absent on sick leave in terms of clause 7;

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

amounting in the aggregate to not more than twelve weeks in any year and employment shall be deemed to commence from the date on which he last became entitled to or was granted leave or the date on which he entered the employer's service, whichever is the later.

7. SICK LEAVE.

(1) An employer shall grant to his employee who after one month's employment with him is absent from work through sickness or accident, not caused by his own misconduct, other than an accident compensable under the Workmen's Compensation Act, 1941, two weeks' sick leave in the aggregate during any one year of employment with him and shall pay to him in respect of any period of absence in terms hereof not less than the wage he would have received had he worked during such period: Provided that an employer may require the production of a certificate signed by a registered medical practitioner showing the nature and the duration of the employee's illness in respect of each period of absence in excess of three days for which payment is claimed, as a condition precedent to the payment by him of any amount in respect of each absence: Provided further that where an employer is by any law, required to pay, and pays hospital fees in respect of any employee referred to in any such law, the amount so paid may be set off against the payment due in respect of sickness in terms of this clause, but not exceeding the amount which is payable in respect of any period of sickness provided for herein.

(2) The sick leave referred to in sub-clause (1) shall be accumulative over a period of service of not more than two consecutive years.

(3) For the purposes of this clause the expression “employment” shall have the same meaning as in clause 6 (6).

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays*.—An employee shall be entitled to and be granted leave on full pay on New Year's Day, Good Friday, Ascension Day, Day of the Covenant and Christmas Day: Provided that an employee may be required to work on any such day.

(2) *Payment for Work on Public Holidays*.—(a) Whenever an employee, other than a casual employee, works on New Year's Day, Good Friday, Ascension Day, Day of the Covenant or Christmas Day, his employer shall pay to him for each such day not less than as provided for in sub-clause (1) plus in respect of each hour or part of an hour so worked, his weekly wage divided by the number of ordinary hours worked by him in a week.

(b) Whenever a casual employee works on New Year's Day, Good Friday, Ascension Day, Day of the Covenant or Christmas Day, his employer shall pay to him for each such day not less than the daily wage prescribed in clause 3 (1) for a casual employee, plus in respect of each hour or part of an hour so worked, such wage divided by nine.

(3) *Betaling vir werk op Sondag.*—As 'n werknemer, uitgesonderd 'n wag, op 'n Sondag werk, moet sy werkgever hom of—

- (a) 'n bedrag betaal van minstens dubbel die urekwivalent van sy gewone loon vir elke uur aldus gewerk: Met dien verstande egter dat die minimum betaling aan 'n werknemer minstens dubbel die besoldiging moet wees wat aan hom betaalbaar is ten opsigte van die tydperk wat hy gewoonlik op 'n weekdag werk; of
 - (b) hom besoldiging teen minstens 1½ maal sy gewone loonskaal betaal ten opsigte van die totale tydperk op dié Sondag gewerk en hom binne sewe dae na die Sondag een dag vakansie verleen waarvoor hy hom besoldiging moet betaal teen 'n skaal van minstens sy gewone skaal van besoldiging asof hy op dié vakansiedag sy gewone werkure vir daardie dag van die week gewerk het.
- (4) As 'n los werknemer op 'n Sondag werk, moet sy werkgever hom minstens dubbel die loon betaal wat in klousule 3 (1) vir 'n los werknemer voorgeskryf word.

9. BESKERMENDE KLERE, UNIFORMS EN OORPAKKE.

(1) 'n Werkgever wat van sy werknemer vereis om oorpakke en/of beskermende klere te dra, of wat kragtens 'n wet of regulasie verplig is om oorpakke en/of beskermende klere aan sy werknemer te verskaf, moet dié oorpakke en/of beskermende klere gratis verskaf en in 'n goeie toestand hou, of op versoek van sodanige werknemer, kan hy hom benewens die besoldiging wat in klousule 3 vir 'n werknemer van sy klas en gebied voorgeskryf word, 'n maandelikse toelae van minstens 65 sent, 38 sent, 20 sent en 13 sent betaal in plaas van die verskaffing en onderhoud onderskeidelik van oorpakke, rubberstewels, rubberskoene en voorskote.

(2) 'n Werkgever moet in nat weer of aan sy werknemer wat afleweringsdienste verrig, 'n waterdigte mantel of ander vorm van beskerming verskaf, of daardie werknemer benewens die besoldiging wat in klousule 3 vir 'n werknemer van sy klas en gebied voorgeskryf is, 'n bedrag van minstens twintig sent per maand betaal. Wanneer 'n werkgever 'n waterdigte mantel of ander beskerming aan sy werknemer verskaf, bly die artikel die werkgeower se eiendom.

10. VERBOD OP INDIENSNEMING VAN PERSONE ONDER VYFTIEN JAAR.

'n Werkgever mag niemand onder die ouderdom van vyftien jaar in diens neem nie.

11. DIENSSERTIFIKAAT.

By beëindiging van die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, moet 'n werkgever op versoek van sy werknemer, laasgenoemde voorsien van 'n dienssertifikaat waarop die naam van die werkgever en dié van die werknemer voluit, die aard van die diens, die aanvangsdatum van die dienskontrak, die beëindigingsdatum daarvan en die skaal van besoldiging op die datum van die beëindiging, gemeld word.

12. BEÏNDIGING VAN DIENSKONTRAK.

(1) 'n Werkgever, of sy werknemer, uitgesonderd 'n los werknemer, moet gedurende die eerste maand diens minstens 24 uur kennis gee, en daarna—

- (a) in die geval van 'n afleweringswerknemer, minstens twee weke kennis; en
- (b) in die geval van enige ander werknemer, minstens een week kennis;

van sy voorneme om die dienskontrak te beëindig, of 'n werkgever of 'n werknemer kan die kontrak sonder diensopsegging beëindig deurdat in plaas van opsegging die werkgever aan die werknemer minstens die volgende betaal, of die werknemer aan die werkgever minstens die volgende betaal of verbeur, na gelang van die geval—

- (i) in die geval van 24 uur diensopsegging die weekloon wat die werknemer onmiddellik voor die datum van dié beëindiging ontvang het, gedeel deur ses in die geval van 'n werknemer wat ses dae in 'n week werk, en deur vyf in die geval van 'n werknemer wat vyf dae in 'n week werk;
 - (ii) in die geval genoem in paragraaf (a), dubbel die weekloon;
 - (iii) in die geval genoem in paragraaf (b), die weekloon; wat die werknemer onmiddellik voor die datum van die beëindiging ontvang het: Met dien verstande dat dit nie die onderstaande raak nie—
- (i) 'n werkgever of 'n werknemer se reg om die dienskontrak om 'n regsgeldige rede sonder diensopsegging te beëindig;
 - (ii) enige skriftelike ooreenkoms tussen 'n werkgever en sy werknemer wat voorsiening maak vir 'n kennisgewings-tydperk wat langer is as die tydperk in paragraaf (a) of (b) gemeld, na gelang van die geval, en van gelyke duur is vir albei partye;
 - (iii) enige verbeurings of boetes wat kragtens wet op 'n werknemer wat dros, gelê mag word.

(2) As 'n ooreenkoms ingevolge paragraaf (ii) van die voorbehoud by subklousule (1) aangeaan is, moet die betaling in plaas van diensopsegging in verhouding wees met die diensopseggingstermyn waarvoor ooreengekom is.

(3) *Payment for Work on Sundays.*—Whenever an employee, other than a watchman, works on a Sunday, his employer shall either—

- (a) pay to him an amount not less than double the hourly equivalent of his ordinary wage for each hour so worked: Provided, however, that the minimum payment to an employee shall not be less than double the remuneration payable to him in respect of the period ordinarily worked by him on a weekday; or
- (b) pay him remuneration at a rate of not less than one and one-third times his ordinary rate of remuneration in respect of the total period worked on such Sunday and grant him within seven days of such Sunday one day's holiday and pay him in respect thereof remuneration at a rate of not less than his ordinary rate of remuneration as if he had on such holiday worked his average ordinary working hours for that day of the week.

(4) Whenever a casual employee works on a Sunday, his employer shall pay to him not less than double the wage prescribed in clause 3 (1) for a casual employee.

9. PROTECTIVE CLOTHING, UNIFORMS AND OVERALLS.

(1) An employer who requires his employee to wear any overall and/or protective clothing or who is compelled by any law or regulation to provide his employee with any overall and/or protective clothing shall supply and maintain in good condition and free of charge any such overall and/or protective clothing, or, at the request of such an employee, he may pay him, in addition to the remuneration prescribed in clause 3 for an employee of his class and area a monthly allowance of not less than 65 cents, 38 cents, 20 cents and 13 cents in lieu of the supply and maintenance of overalls, gum boots, rubber shoes and aprons, respectively.

(2) An employer shall in wet weather either provide his employee engaged in delivery with a waterproof cape or other form of protection or pay to such employee in addition to the remuneration prescribed in clause 3 for an employee of his class and area, an amount of not less than 20 cents per month. Where an employer provides his employees with a waterproof cape or other form of protection the article shall remain the property of the employer.

10. PROHIBITION OF EMPLOYMENT OF ANY PERSON UNDER THE AGE OF FIFTEEN YEARS.

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

11. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment of an employee other than a casual employee, furnish such employee at the employee's request with a certificate of service showing the full names of the employer and employee, the nature of employment, the dates of commencement and termination of the contract of employment and the rate of remuneration at the date of such termination.

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) An employer or his employee, other than a casual employee, shall give not less than 24 hours' notice during the first month of employment and thereafter—

- (a) in the case of a delivery employee not less than two weeks' notice; and
- (b) in the case of any other employee not less than one week's notice;

of his intention to terminate the contract of employment, or an employer or employee may terminate the contract without notice by paying the employee or paying or forfeiting to the employer, as the case may be, in lieu of such notice not less than—

- (i) in the case of 24 hours' notice, the weekly wage which the employee was receiving immediately before the date of such termination divided by six in the case of an employee who works a six-day week and by five in the case of an employee who works a five-day week;
- (ii) in the case referred to in paragraph (a), double the weekly wage;
- (iii) in the case referred to in paragraph (b), the weekly wage; which the employee was receiving immediately before the date of such termination: Provided that this shall not affect—

- (i) the right of an employer or an employee to terminate a contract of employment 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 the period referred to in paragraph (a) or (b), as the case may be;
- (iii) the operation of any forfeiture or penalties which by law may be applicable in respect of desertion by an employee.

(2) When an agreement is entered into in terms of paragraph (ii) of the proviso to sub-clause (1), the payment in lieu of notice shall be proportionate to the period of notice agreed upon.

(3) Die kennisgewing wat in subklousule (1) genoem word, moet skriftelik wees en word van krag met ingang van die dag waarop dit gegee word: Met dien verstande dat die diens-opseggingstermyn nie mag saamval nie met of kennis van diens-beëindiging nie gegee mag word nie gedurende die werknemer se afwesigheid met jaarlikse verlof ingevolge klousule 6, siekte-verlof ingevolge klousule 7 of enige ander tydperk van afwesigheid wat nie op dien dienskontrak inbreuk maak nie.

13. AANTEKENING WAT WERKGEWERS MOET BYHOU.

'n Werkgewer moet te alle tye ten opsigte van sy werknemers aantekening byhou van die besoldiging wat aan hulle betaal word, tyd deur hulle gewerk en ander besonderhede voorgeskryf by regulasie 5 (1) van die regulasies wat kragtens die Loonwet, 1957 (Wet No. 5 van 1957), opgestel is, en dié aantekeninge moet in sy bedryfsinrigting gehou word.

14. BEHEERRAAD.

(1) Daar moet 'n beheerraad ingestel word, hierna genoem die „Raad”, wat verantwoordelik is vir die administrasie van die bepalings van hierdie Order.

(2) (a) Die Raad bestaan uit 'n onafhanklike voorsitter, drie verteenwoordigers van werkgewers en drie verteenwoordigers van werknemers, wat almal deur die Sekretaris van Arbeid aangestel word.

(b) Een verteenwoordiger van werkgewers en een verteenwoordiger van werknemers moet uit die gebied binne 'n straal van 12 myl van die hoofskantoor, Pretoria, en twee verteenwoordigers van werkgewers en twee verteenwoordigers van werknemers uit die orige gebiede aangestel word. Een plaasvervanger moet vir elke lid, uitgesonderd die Voorsitter, deur die Sekretaris van Arbeid aangestel word.

(c) Die Sekretaris van Arbeid moet die lede en plaasvervangers aanstel vir sodanige tydperk, maar hoogstens 12 maande, wat hy mag bepaal, maar sodanige lede en plaasvervangers moet hul ampte beklee tot tyd en wyl hul plaasvervangers aangestel is, en hulle is herkiesbaar.

(3) Enige vakature wat in die Raad of onder die plaasvervangers ontstaan, moet gevul word deur 'n persoon wat deur die Sekretaris van Arbeid ingestel is, en die persoon aldus aangestel beklee sy amp vir die onverstreke ampstermyn van sy voorganger.

(4) (a) 'n Beslissing ten gunste waarvan minstens vier aanwesige lede van die Raad by 'n behoorlik saamgestelde vergadering gestem het, word geag 'n beslissing van die Raad te wees.

(b) Plaasvervangers is daarop geregtig om vergaderings van die Raad by te woon, maar het slegs die reg om te stem wanneer hul onderskeie prinsipiële afwesig is.

(5) (a) Die Raad moet, met betrekking tot die volgende, reëls formuleer wat nie met hierdie Order onbestaanbaar is nie—

- (i) die aanstelling van 'n lid om op te tree as voorsitter by enige vergadering waarop die Voorsitter van die Raad nie teenwoordig is nie;
- (ii) die byeenroep van vergaderings van die Raad, die prosedure daarby en die notulering van die verrigtings van sodanige vergaderings;
- (iii) die hou en ouditeer van rekenings van inkomste en uitgawes; en
- (iv) die byhou van aantekeninge van sy bedrywighede;

Met dien verstande dat enige reël wat kragtens hierdie paragraaf geformuleer word, nie in werking mag tree voordat dit deur die Sekretaris van Arbeid goedgekeur is nie.

(b) Met die goedkeuring van die Sekretaris van Arbeid mag die Raad reëls formuleer wat nie met hierdie Order onbestaanbaar is nie, aangaande enige sake, wat die Sekretaris van Arbeid bepaal dat die opname daarvan in die regulasies vir die bereiking van die doel van hierdie Order noodsaaklik en gerade is.

(6) (a) Van tyd tot tyd mag die Raad op voorwaardes wat hy mag vasstel, enige persone as ampsdraers, met inbegrip van agente, aanstel wat nodig is om hom in staat te stel om sy werksaamhede te verrig, en werkgewers en werknemers moet aan sodanige persone alle fasiliteite verleen wat hulle in staat sal stel om hul pligte uit te voer.

(b) 'n Werkgewer moet—

- (i) na die beste van sy vermoë sodanige inligting met betrekking tot die diensvoorwaardes van sy werknemers verstrek as wat deur 'n agent vereis mag word; en
- (ii) op versoek van 'n agent boek, dokument of ding met betrekking tot die diensvoorwaardes van sy werknemers vir ondersoek voorlê.

(c) Die Raad mag enige van sodanige ampsdraers met inbegrip van agente, in hul amp skors of daaruit ontslaan.

(7) (a) Ter bestryding van die Raad se uitgawes by die uitvoering van sy pligte kragtens die bepalings van hierdie Order, met inbegrip van die betaling van sodanige bedrae aan sy lede (maar hoogstens R4.20 per dag in die geval van gewone lede en R8.40 per dag in die geval van die Voorsitter van die Raad) as die waarvoor die Raad mag besluit, moet 'n werkgewer van die loon van elkeen van sy werknemers, uitgesonderd 'n los werknemer, die bedrag van—

- (i) vyf-en-vyftig sent per maand aftrek in die geval van 'n werknemer wat 'n loon van meer as R8.25 per week ontvang;

(3) The notice referred to in sub-clause (1) shall be in writing and shall take effect from the day on which it is given: Provided that the period of notice shall not run concurrently with, nor shall notice be given during, the employee's absence on annual leave in terms of clause 6, sick leave in terms of clause 7 or during any other period of absence not being in breach of the contract of employment.

13. RECORDS TO BE MAINTAINED BY EMPLOYERS.

An employer shall at all times keep in respect of his employees a record of the remuneration paid to them, time worked by them and other particulars prescribed by regulation 5 (1) of the regulations made under the Wage Act, 1957 (Act No. 5 of 1957), and such record shall be kept in his establishment.

14. MANAGEMENT BOARD.

(1) There shall be established a Management Board herein-after referred to as “the Board”, which shall be responsible for administering the provisions of this Order.

(2) (a) The Board shall consist of an independent chairman, three representatives of employers and three representatives of employees, all of whom shall be appointed by the Secretary for Labour.

(b) One representative of employers and one representative of employees shall be appointed from the area within a radius of 12 miles from the General Post Office, Pretoria, and two representatives of employers and two representatives of employees shall be appointed from the remaining areas. One alternate shall be appointed by the Secretary for Labour for each member except the Chairman.

(c) The Secretary for Labour shall appoint the members and alternates for such period, being not in excess of 12 months, as he may determine, but such members and alternates shall continue in office until their successors are appointed and shall be eligible for re-appointment.

(3) Any vacancy occurring on the Board or amongst alternates shall be filled by a person appointed by the Secretary for Labour and the person so appointed shall hold office for the unexpired period of office of his predecessor.

(4) (a) A decision in favour of which at least four members of the Board present at a properly constituted meeting have voted shall be deemed to be the decision of the Board.

(b) Alternates shall be entitled to attend meetings of the Board but shall have the right to vote only in the absence of their respective principals.

(5) (a) The Board shall make rules, not inconsistent with this Order, relating to—

- (i) the appointment of a member to act as chairman at any meeting at which the Chairman of the Board is not present;
- (ii) the calling of meetings of the Board, the proceedings thereat and the keeping of minutes of the proceedings of such meetings;
- (iii) the keeping and audit of accounts of income and expenditure; and
- (iv) the maintenance of records of its activities;

Provided that any rule made in terms of this paragraph shall not become operative until approved by the Secretary for Labour.

(b) The Board may, with the approval of the Secretary for Labour, make rules not inconsistent with this Order on any other matters which are determined by the Secretary for Labour to be necessary or expedient to be so regulated for the achievement of the purpose of this Order.

(6) (a) The Board may from time to time appoint, upon such conditions as it may determine, any persons as officials, including agents, as are necessary to enable it to perform its functions, and employers and employees shall afford such persons such facilities as will enable them to carry out their duties.

(b) An employer shall—

- (i) furnish to the best of his ability such information relating to the conditions of employment of his employees as an agent may require; and
- (ii) at the request of an agent produce any book, document or thing relating to the conditions of employment of his employees for examination.

(c) The Board may suspend from duty or discharge any such officials, including agents.

(7) (a) To meet the expenses of the Board in carrying out its functions in terms of this Order, including the payment of such fees to its members (not exceeding R4.20 per diem in the case of ordinary members and R8.40 per diem in the case of the chairman of the Board) as the Board may decide, every employer shall deduct from the wages of each of his employees, other than a casual employee, the sum of—

- (i) fifty-five cents per month in the case of an employee who receives a wage of more than R8.25 per week;

(ii) vyftien sent per maand aftrek in die geval van 'n werknemer wat 'n loon van R8.25 per week, of minder ontvang;

en by die bedrag aldus afgetrek, moet die werkgever as sy eie bydrae, 'n bedrag wat daaraan gelyk is, voeg en die totale bedrag maandeliks en voor of op die sewende dag na die einde van die maand waarop die genoemde bedrag betrekking het, tesame met 'n staat wat die name van die werkgever en sy werknemers, betrekkinge van werknemers en bedrae wat afgetrek is, aantoon.

(b) As die Raad te eniger tyd vind dat die inkomste verkry uit die bydraes meer is as wat nodig is vir die doeltreffende toepassing van dié Order, kan hy die bydraes dienooreenkomstig verminder en daarna, as na sy goedvinde die bydraes weer verhoog moet word, sodanige bydraes verhoog maar so dat dié voorgeskryf in paragraaf (a) hiervan, nie oorskry word nie: Met dien verstande—

(i) dat die persentasievermindering of -verhoging dieselfde is vir alle werknemers;

(ii) dat sodanige verminderde of verhoogde bydraes, na gelang van die geval, nie in werking tree nie voordat minstens dertig dae verloop het nadat die Raad kennis van die omvang van die vermindering of verhoging—

(A) skriftelik aan die Sekretaris van Arbeid; en

(B) aan die werkgevers en werknemers by publikasie in 'n Afrikaanse en Engelse koerant wat in die gebiede waar die Order van toepassing is, uitgegee word of ten tye daarvan sirkuleer; gegee het nie.

(8) (a) By die verstryking van hierdie Order, moet die jongsbenoemde voorsitter al die bates en onuitgegewe gelde op daardie datum onder beheer van die Raad, tesame met alle sodanige inligting aangaande uitstaande gelde, laste en ander verrigtings van die Raad as wat nodig is om die sake van die Raad af te sluit en te likwideer, aan die Sekretaris van Arbeid oordra.

(b) Die Sekretaris van Arbeid moet self of deur middel van sodanige persoon of persone as wat hy vir dié doel aanstel, die sake van die Raad likwideer en die bates van die Raad wat in sy besit is, bewaar, hangende die stigting van enige liggaam wat daarin ingevolge artikel dertien (1) (b) van die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953, aangestel mag word vir die administrasie van enige toekomstige order wat ingevolge genoemde Wet vir die Melkerybedryf gemaak kan word en in die gebied gedek deur hierdie Order, of enige gedeelte van sodanige gebied, van toepassing kan wees, en moet wanneer dit gebeur al sodanige bates aan genoemde liggaam oordra, afgesien daarvan of die likwidasië voltooi is of nie, of, indien die toekomstige order nie gemaak word ten opsigte van die gebied wat deur hierdie Order gedek word nie, dan so 'n gedeelte van sodanige bates as wat hy regverdig beskou met inagneming van die gedeelte van die gebiede wat deur sodanige nuwe order gedek word: Met dien verstande dat die Sekretaris van Arbeid opdrag kan-gee dat sodanige bates en gelde regstreeks aan 'n liggaam aldus kragtens so 'n nuwe order aangestel, oorgedra moet word.

(c) Enige bate waarvoor nog nie ingevolge die bepalings van hierdie subklousule aan die einde van drie jaar na die verstryking van hierdie order beskik is nie, moet onmiddellik gelikwideer en in die Gekonsolideerde Inkomstefonds inbetaal word.

(d) Die Sekretaris van Arbeid kan van enige gelde waarmee hy kragtens hierdie subklousule gehandel het, enige noodsaaklike uitgawes aftrek wat deur hom aangegaan is in die uitvoering van enige funksie wat hy ingevolge hierdie subklousule moes verrig.

15. VRYSTELLINGS.

(1) Behoudens die bepalings van subklousule (2) van hierdie klousule, kan die Raad om enige afdoende rede van enigeen van die bepalings van hierdie Order vrystelling verleen aan, of ten opsigte van enige persoon: Met dien verstande dat geen vrystelling van die bepalings van subklousule (3) van klousule 8 verleen mag word nie.

(2) Die Raad stel ten opsigte van enige persoon aan wie 'n vrystellingsertifikaat verleen word, die voorwaardes vas waarvoor en die termyn waarvoor die vrystelling van krag is: Met dien verstande dat die Raad na goedvinde en nadat een week skriftelik kennis aan die betrokke persoon-gegee is, enige vrystellingsertifikaat kan intrek, afgesien daarvan of dié termyn waarvoor die vrystelling verleen was, verstryk het of nie.

(3) Die Raad moet aan elke persoon aan wie vrystelling verleen word, 'n sertifikaat uitreik deur die Raad of 'n behoorlik gemagtigde persoon onderteken, wat die volgende meld—

(a) die betrokke persoon se naam voluit;

(b) die bepaling van die order waarvan vrystelling verleen word;

(c) die voorwaardes waarop die vrystelling verleen word; en

(d) die termyn waarvoor die vrystelling van krag is.

(4) Die Raad moet—

(a) alle sertifikate wat uitgereik word, agtereenvolgens nommer;

(b) van elke sertifikaat wat uitgereik word, 'n afskrif hou en 'n afskrif aan die Afdelingsinspekteur, Departement van Arbeid, vir die gebied waarin die betrokke werkgever se bedryfs-inrigting geleë is, stuur; en

(c) as vrystelling aan 'n werknemer verleen word, 'n afskrif van die sertifikaat aan die betrokke werkgever stuur.

(ii) fifteen cents per month in the case of an employee who receives a wage of R8.25 per week or less;

and to the amount so deducted the employer shall, as his own contribution, add an amount equivalent to the total amount so deducted and forward the total sum to the Board monthly and not later than the seventh day after the end of the month to which the sum referred to relates, together with a statement showing the names of the employer and his employees, occupations of employees and amounts deducted.

(b) If at any time the Board considers that the income derived from the contributions is in excess of its requirements for the efficient administration of this Order, it may appropriately reduce the rates of contributions, and thereafter, if in its discretion the rates should be raised to meet such requirements, it may increase the rates but so that those prescribed in paragraph (a) hereof are not exceeded: Provided—

(i) that the percentage of any reduction or increase is the same for all employees; and

(ii) that such reduced or increased rates, as the case may be, shall not come into operation until at least thirty days after the Board has given notice of the extent of the reduction or increase to—

(A) the Secretary for Labour, in writing; and

(B) the employers and employees by publication in an English and an Afrikaans newspaper published or currently circulating in the area covered by this Order.

(8) (a) Upon the expiration of this Order, the last appointed chairman shall hand over all the assets and unexpended moneys under the Board's control at that date, to the Secretary for Labour together with all such information concerning outstanding moneys, liabilities and the other transactions of the Board as shall be necessary to enable the Board's affairs to be wound up and liquidated.

(b) The Secretary for Labour shall himself or through such person or persons as he shall appoint for the purpose, wind up the affairs of the Board and shall hold the assets of the Board pending the establishment of any body which may thereafter be appointed in terms of section thirteen (1) (b) of the Bantu Labour (Settlement of Disputes) Act, 1953, for the administration of any future order which may be made under the said Act for the Dairy Trade, which may apply in the area covered by this Order or any portion of such area, and shall in that event transfer to the said body the whole of such assets, whether liquidation is complete or not, or if the future order is not made in respect of the whole of the area covered by this Order, then such portion of such assets as he deems equitable having regard to the portion of the areas covered by such new order: Provided that the Secretary for Labour may direct that such assets and moneys be transferred direct to any body so appointed under such new order.

(c) Any assets not disposed of in terms of this sub-clause at the end of three years from the expiration of this Order shall forthwith be liquidated and paid into the Consolidated Revenue Fund.

(d) The Secretary for Labour may deduct from any moneys dealt with by him in terms of this sub-clause, any necessary expenditure incurred by him in carrying out any function imposed on him by this sub-clause.

15. EXEMPTIONS.

(1) Subject to the provisions of sub-clause (2) of this clause, the Board may grant exemption from any of the provisions of this Order to or in respect of any person for any good or sufficient reason: Provided that no exemption shall be granted from the provisions of sub-clause (3) of clause 8.

(2) The Board shall fix, in respect of any person granted a licence of exemption, the conditions subject to which such exemption shall operate: Provided that the Board may, if it deems fit, after one week's notice, in writing, has been given to the person concerned, withdraw any exemption licence, whether or not the period for which exemption was granted has expired.

(3) The Board shall issue to every person granted exemption a licence, signed by it or a duly authorised person setting out—

(a) the full name of the person concerned;

(b) the provision of the Order from which exemption is granted;

(c) the conditions subject to which such exemption is granted; and

(d) the period during which the exemption shall operate.

(4) The Board shall—

(a) number consecutively all licences issued;

(b) retain a copy of each licence issued, and forward a copy to the Divisional Inspector, Department of Labour, for the area in which the establishment of the employer concerned is situated; and

(c) where exemption is granted to an employee, forward a copy of the licence to the employer concerned.

No. R. 1459.] [18 September 1964.
WET OP OORLOGSMAATREËLS, 1940.

OPSKORTING VAN REGULASIES, OP LEWENS-
KOSTETOELAES GEPUBLISEER BY OORLOGS-
MAATREËL No. 43 VAN 1942, SOOS GEWYSIG.

MELKERYBEDRYF, WITWATERSRAND EN
PRETORIA.

Namens die Minister van Arbeid, skort ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens subregulasie (1) van regulasie 4 van die regulasies wat by Oorlogsmaatreël No. 43 van 1942, soos gewysig, gepubliseer is, hierby die bepalings van genoemde regulasies op ten opsigte van alle werknemers vir wie lone voorgeskryf word in die Order wat ek kragtens subartikel (4) van artikel elf van die Wet op Bantoearbeid (Beslegting van Geskille), 1953, ten opsigte van die Melkerybedryf, Witwatersrand en Pretoria, uitgereik het en wat by Goewermentskennisgewing No. R. 1458 van 18 September 1964 gepubliseer is.

M. VILJOEN,
Adjunk-minister van Arbeid.

No. R. 1459.] [18 September 1964.
WAR MEASURES ACT, 1940.

SUSPENSION OF COST OF LIVING ALLOWANCE
REGULATIONS PUBLISHED UNDER WAR
MEASURE No. 43 OF 1942, AS AMENDED.

DAIRY TRADE, WITWATERSRAND AND
PRETORIA.

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 employees for whom wages are prescribed in the Order made by me in terms of sub-section (4) of section eleven of the Bantu Labour (Settlement of Disputes) Act, 1953, in respect of the Dairy Trade, Witwatersrand and Pretoria, published under Government Notice No. R. 1458 of the 18th September, 1964.

M. VILJOEN,
Deputy-Minister of Labour.

INHOUD.

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