



Government Gazette

Buitengewone Extraordinary

Staatskoerant

(Registered as the Post Office as a Newspaper) (As 'n Nuusblad by die Poskantoor Geregistreer)

(REGULATION GAZETTE No. 415)

Price 10c Prys
Overseas 15c Oorsee
POST FREE — POSVRY

(REGULASIEKOERANT No. 415)

VOL. XIV.]

PRETORIA, 20 NOVEMBER 1964.

[No. 952.]

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 1910.] [20 November 1964.]

WAGE ACT, No. 5 of 1957.

WAGE DETERMINATION No. 256.

LIQUOR TRADE, LARGE TOWNS.

By direction of the Deputy-Minister of Labour, it is hereby notified in terms of sub-section (2) of section fourteen of the Wage Act, 1957, that he, acting on behalf of and under the powers vested in the Minister of Labour, by sub-section (1) of section fourteen of the said Act, has made the Determination in the Schedule hereto in respect of the Liquor Trade and has fixed the 14th day of December, 1964, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the liquor trade and to the employers of such employees in the following areas:—

Cape Province.—The municipal areas of Kimberley and Port Elizabeth;

Orange Free State.—The municipal areas of Bloemfontein and Welkom;

Transvaal.—The municipal area of Klerksdorp.

2. DEFINITIONS.

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

- (i) "assistant manager" means an employee who under the general supervision of a manager performs one or more of the duties of a manager; (ii)
- (ii) "barhand" means an employee who in or in connection with a bar or the off-sales department of an establishment is engaged in performing one or more of the following operations:—
 - (1) Labelling or corking bottles;
 - (2) delivering liquor to customers for off-consumption;
 - (3) carrying, packing or stacking liquor;
 - (4) cleaning premises, glasses or bottles;
 - (5) bottling wine under supervision; (xxx)
- (iii) "barman" means an employee who is engaged in selling liquor over a counter in a bar or supplying liquor to wine stewards to serve to customers; (xxxi)
- (iv) "barman, qualified," means a barman who has had not less than three years' experience; (xxxii)
- (v) "barman, unqualified," means a barman who has had less than three years' experience; (xxxiii)
- (vi) "bedroom attendant" means an employee who is engaged in one or more of the following duties or activities:—
 - (1) dusting and tidying bedrooms or living-rooms in the occupation of guests;
 - (2) supervising labourers cleaning bathrooms private to bedrooms or living-rooms in the occupation of guests, or floors, windows or furniture in such rooms;

GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 1910.] [20 November 1964.]

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 256.

DRANKBEDRYF, GROOT DORPE.

In opdrag van die Adjunk-minister van Arbeid word hierby ingevolge subartikel (2) van artikel veertien van die Loonwet, 1957, bekendgemaak dat hy, handelende namens en kragtens die bevoegdheid verleen aan die Minister van Arbeid, by subartikel (1) van artikel veertien van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn ten opsigte van die Drankbedryf gemaak het en die 14de dag van Desember 1964, bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

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

Kaapprovinsie.—Die munisipale gebiede van Kimberley en Port Elizabeth;

Oranje-Vrystaat.—Die munisipale gebiede van Bloemfontein en Welkom;

Transvaal.—Die munisipale gebied van Klerksdorp.

2. WOORDOMSKRYWING.

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

- (i) „arbeider” ’n werknemer, uitgesonderd ’n kroegbediende, wat een of meer van die volgende werksaamhede verrig:—
 - (1) Artikels of voorrade dra, optel of stapel;
 - (2) goedere te voet of deur middel van ’n fiets of handkar aflewer;
 - (3) diere of pluimvee versorg;
 - (4) laai of aflaai;
 - (5) behoudens item (10) van hierdie woordomskrif, persele skoonmaak of aan die kant maak of meubels, gerei, skoeisel, voertuie, groente, vis, pluimvee of ander goed skoonmaak;
 - (6) rantsoene vir werknemers kook, of tee of soortgelyke drankte vir werknemers maak of aan hulle bedien;
 - (7) vure maak of instandhou of vuilgoed of as verwyder;
 - (8) ’n handkar trek of stoot;
 - (9) persele, bagasie of ander eiendom gedurende die daglig bewaak;
 - (10) onder toesig van ’n slaapkamerbediende beddens opmaak of die vloere, vensters of meubels van slaapkamers of woonkamers wat deur gaste geokkupeer word of die private badkamers by sodanige kamers skoonmaak;
 - (11) tuinmaak; (xxx)
- (ii) „assistent-bestuurder” ’n werknemer wat onder die algemene toesig van ’n bestuurder een of meer van die pligte van ’n bestuurder vervul; (i)

- (3) making beds;
- (4) supervising labourers making beds; and who may serve early morning tea or coffee; (xli)
- (vii) "bedroom attendant, qualified," means a bedroom attendant who has had not less than six months' experience; (xlvii)
- (viii) "bedroom attendant, unqualified," means a bedroom attendant who has had less than six months' experience; (xlviii)
- (ix) "casual employee" means an employee who is employed by the same employer for not more than four days in any week; (xxxv)
- (x) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a receptionist and a cashier, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (xxi)
- (xi) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (xxiv)
- (xii) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (xxv)
- (xiii) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (xxii)
- (xiv) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (xxiii)
- (xv) "cook" means an employee, other than a kitchenhand, night porter or waiter, who is engaged in preparing or cooking food for guests; (xxvi)
- (xvi) "cook, qualified," means a cook who has had not less than five years' experience; (xxvii)
- (xvii) "cook, unqualified," means a cook who has had less than five years' experience; (xxviii)
- (xviii) "day" means a period of twenty-four consecutive hours commencing at midnight; (x)
- (xix) "emergency work" means any work which, owing to unforeseen causes such as fire, storm, accident, epidemic, act of violence or theft, must be done without delay; (xxxviii)
- (xx) "establishment" means any premises on which the liquor trade is carried on; (iii)
- (xxi) "experience" means in relation to—
- a clerk, the total period or periods of employment which an employee has had as a clerk in any trade or in the employ of the State;
 - a housekeeper, cook, porter or bedroom attendant, the total period or periods of employment which an employee has had in the liquor trade as a housekeeper, cook, porter or bedroom attendant, respectively;
 - a barman, off-sales attendant, waiter or wine steward, the total period or periods of employment which an employee has had as a barman, off-sales attendant, waiter or wine steward, respectively, in the liquor trade or in any club or restaurant which at the time of such employment held a club or restaurant liquor licence issued in terms of the provisions of the Liquor Act, 1928, or in the employ of the State:
- Provided that for the purposes of this definition only one-half of the total period or periods of employment which an employee has had as a part-time employee in any class shall be deemed to be employment in that class; (xxxix)
- (xxii) "guest" means any person who resides either permanently or temporarily in an establishment and includes a table boarder or a visitor, but does not include the employer or his family, or an employee or the family of such employee; (xiv)
- (xxiii) "handyman" means an employee who is engaged in making minor repairs to furniture, plant or other equipment or minor repairs or renovations to buildings; (xiii)
- (xxiv) "head barman" means a barman who is in charge of and supervises one or more qualified barmen; (xvi)
- (xxv) "head cook" means a cook who is in charge of the kitchen of an establishment in which one or more qualified cooks are employed and who supervises them; (xv)
- (xxvi) "head waiter" means an employee who is engaged in showing guests to their seats, who is in charge of and supervises one or more qualified waiters and who may receive payment from guests for meals; (xvii)
- (xxvii) "housekeeper" means a female employee who is in charge of and supervises the work of bedroom attendants, is responsible for the stocks of linen, who checks batches of linen before despatch to and on return from a laundry and who may supervise the washing and ironing of articles of linen done on the premises; (xviii)
- (xxviii) "housekeeper, qualified," means a housekeeper who has had not less than three years' experience; (xix)
- (xxix) "housekeeper, unqualified," means a housekeeper who has had less than three years' experience; (xx)
- (xxx) "kitchenhand" means an employee who is engaged in cutting up raw foodstuffs and who may make toast or tea or similar beverages or cook eggs or attend to vegetables in the process of cooking; (xxix)

- (iii) "bedryfsinrigting" 'n perseel waarop die drankbedryf uitgeoefen word; (xx)
- (iv) "bestuurder" 'n werknemer wat deur sy werkgever belas is met die algemene—
- toesig oor,
 - verantwoordelikheid vir en
 - leiding van
- die bedrywighede van 'n bedryfsinrigting en die werknemers daarin werksaam; (xxxiii)
- (v) "buiteverbruikassistent" 'n werknemer wat drank vir verbruik buite 'n bedryfsinrigting verkoop; (xxxvi)
- (vi) "buiteverbruikassistent, man, gekwalifiseerd," 'n manlike buiteverbruikassistent met minstens vyf jaar ondervinding; (xxxix)
- (vii) "buiteverbruikassistent, man, ongekwalifiseerd," 'n manlike buiteverbruikassistent met minder as vyf jaar ondervinding; (xl)
- (viii) "buiteverbruikassistent, vrou, gekwalifiseerd," 'n vroulike buiteverbruikassistent met minstens vier jaar ondervinding; (xxxvii)
- (ix) "buiteverbruikassistent, vrou, ongekwalifiseerd," 'n vroulike buiteverbruikassistent met minder as vier jaar ondervinding; (xxxviii)
- (x) "dag" 'n tydperk van vier-en-twintig opeenvolgende ure wat om middernag begin; (xviii)
- (xi) "deeltydse werknemer" 'n werknemer wat by die week of maand hoogstens vier gewone werkure per dag in diens is; (xlii)
- (xii) "drankbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om hetsy tydelik of permanent, sake te doen op persele waar drank verkoop word en in verband waarmee een of meer van die volgende lisensies wat ingevolge die Drankwet, 1928, uitgereik word, gehou moet word:
- Hoteldranklisensie (met of sonder buiteverbruikvoorregte);
- Wyn- en bierlisensie;
- Tydlike dranklisensie;
- Nagtelike geleentheidslisensie;
- en omvat ook alle werksaamhede wat met enigen van voornoemde bedrywighede samehang of daaruit voortspuit maar omvat nie die bedryf nie wat uitgeoefen word in 'n restaurant, verversings- of teekamer ten opsigte waarvan van die houer vereis word om 'n lisensie kragtens item 20 van deel I van die Tweede Bylae van die Wet op Lisensies, 1962, en 'n dranklisensie in verband met die bedryf op sodanige perseel te hou; (xxxii)
- (xiii) "faktotum" 'n werknemer wat kleinere herstelwerk aan meubels, installasie of ander uitrusting of kleinere herstel- of opknappingswerk aan geboue doen; (xxiii)
- (xiv) "gas" iemand wat, hetsy vas of tydelik, by 'n bedryfsinrigting inwoon en omvat dit ook 'n tafelloseerder of 'n besoeker maar nie die werkgever of sy gesin of 'n werknemer of dié se gesin nie; (xxii)
- (xv) "hoofkok" 'n kok wat in beheer is van die kombuis van 'n bedryfsinrigting waarin een of meer gekwalifiseerde koks in diens is en wat oor hulle toesig hou; (xxv)
- (xvi) "hoofkroegman" 'n kroegman wat in beheer is van en toesig hou oor een of meer gekwalifiseerde kroegmanne; (xxiv)
- (xvii) "hoofdafelbediende" 'n werknemer wat vir gaste sitplek aanwys, wat in beheer is van en toesig hou oor een of meer gekwalifiseerde tafelfbediendes en wat van gaste geld vir etes mag ontvang; (xxvi)
- (xviii) "huishoudster" 'n vroulike werknemer wat die beheer en toesig het oor die werk van die slaapkamerbediendes vir die voorraad linnegoed verantwoordelik is, bondek linnegoed nagaan voor afsending na en by terugontvang van 'n wassery, en toesig mag hou oor die was en stryk van linnegoed op die perseel; (xxvii)
- (xix) "huishoudster, gekwalifiseerd," 'n huishoudster met minstens drie jaar ondervinding; (xxviii)
- (xx) "huishoudster, ongekwalifiseerd," 'n huishoudster met minder as drie jaar ondervinding; (xxix)
- (xxi) "klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n ontvangsklerk en 'n kassier, maar geen ander klerklike werknemer wat elders in hierdie klousule omskryf word nie, ook al vorm klerklike werk 'n deel van so 'n werknemer se werk; (x)
- (xxii) "klerk, man, gekwalifiseerd," 'n manlike klerk met minstens vyf jaar ondervinding; (xiii)
- (xxiii) "klerk, man, ongekwalifiseerd," 'n manlike klerk met minder as vyf jaar ondervinding; (xiv)
- (xxiv) "klerk, vrou, gekwalifiseerd," 'n vroulike klerk met minstens vier jaar ondervinding; (xi)
- (xxv) "klerk, vrou, ongekwalifiseerd," 'n vroulike klerk met minder as vier jaar ondervinding; (xii)
- (xxvi) "kok" 'n werknemer, uitgesonderd 'n kombuisnagportier of tafelfbediende, wat kos vir gaste voorberei of kook; (xv)

(xxxi) "labourer" means an employee, other than a barhand, who is engaged in one or more of the following operations:—

- (1) Carrying, lifting or stacking articles or supplies;
- (2) delivering goods on foot or by means of a bicycle or handcart;
- (3) tending animals or poultry;
- (4) loading or unloading;
- (5) subject to item (10) of this definition, cleaning or tidying premises, or cleaning furniture, utensils, footwear, vehicles, vegetables, fish, poultry or other articles;
- (6) cooking rations for employees, or making tea or similar beverages for employees or serving it to them;
- (7) making or maintaining fires or removing refuse or ashes;
- (8) pulling or pushing a handcart;
- (9) guarding premises, baggage or other property during daylight;
- (10) under the supervision of a bedroom attendant, making beds or cleaning the floors, windows, or furniture of bedrooms or living-rooms in the occupation of guests or cleaning bathrooms private to such rooms;
- (11) gardening work; (i)

(xxxii) "liquor trade" means the trade in which employers and employees are associated for the purpose of conducting any business, whether temporarily or permanently, on premises where the sale of liquor is carried on and in connection with which one or more of the following licences issued under the provisions of the Liquor Act, 1928, are required to be held:—

Hotel Liquor Licence (with or without off-sales privileges);
Wine and Malt Liquor Licence;
Temporary Liquor Licence;
Late Hours' Occasional Licence,

and includes all activities incidental to or consequent on any of the aforesaid activities but does not include the trade carried on in a restaurant, café or tearoom in respect of which the keeper is required to hold a licence in terms of item 20 of Part I of the Second Schedule to the Licences Act, 1962, and a liquor licence in connection with the trade on such premises; (xii)

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

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

the activities of an establishment and the employees engaged therein; (iv)

(xxxiv) "night porter" means an employee who is employed for not more than twelve consecutive hours between 6 p.m. and 8 a.m. to supervise an establishment and who may during such employment attend to guests arriving late or departing early and prepare or cook meals for such guests or serve meals to them outside the normal guest meal times; (xxxvi)

(xxxv) "night watchman" means an employee who guards premises, baggage, vehicles or other property for a period not exceeding twelve consecutive hours between 6 p.m. and 8 a.m.; (xxxvii)

(xxxvi) "off-sales attendant" means an employee who is engaged in the sale of liquor for consumption off the establishment; (v)

(xxxvii) "off-sales attendant, female, qualified," means a female off-sales attendant who has had not less than four years' experience; (viii)

(xxxviii) "off-sales attendant, female, unqualified," means a female off-sales attendant who has had less than four years' experience; (ix)

(xxxix) "off-sales attendant, male, qualified," means a male off-sales attendant who has not less than five years' experience; (vi)

(xl) "off-sales attendant, male, unqualified," means a male off-sales attendant who has had less than five years' experience; (vii)

(xli) "page" means an employee who is engaged in running errands, answering bells or telephone calls or receiving or delivering messages, and who may in an establishment attend to the luggage of guests or operate a lift; (xl)

(xlii) "part-time employee" means an employee employed by the week or month for not more than four ordinary hours of work per day; (xi)

(xliii) "porter" means an employee who is engaged in arranging for the conveyance of guests or their baggage from or to an establishment or who attends the arrival of trains or ships to meet or canvass guests and who may drive a motor vehicle and operate a telephone switchboard; (xli)

(xliv) "porter, qualified," means a porter who has had not less than three years' experience; (xlii)

(xlv) "porter, unqualified," means a porter who has had less than three years' experience; (xliii)

(xlvi) "seven-day establishment" means an establishment in which the liquor trade is carried on for seven days a week; (xlv)

(xxvii) „kok, gekwalifiseerd,” ’n kok met minstens vyf jaar ondervinding; (xvi)

(xxviii) „kok, ongekwalifiseerd,” ’n kok met minder as vyf jaar ondervinding; (xvii)

(xxix) „kombuishulp” ’n werknemer wat rou eetware opsny en wat roosterbrood of tee of dergelike drank mag maak of eiers mag gaarmaak of op groente in die gaarmaak-proses mag let; (xxx)

(xxx) „kroegbediende” ’n werknemer wat in of in verband met ’n kroeg of ’n buiteverbruikafdeling van ’n bedryfsinrigting een of meer van die volgende werksaamhede verrig:—

- (1) Bottels etiketteer of toekurk;
- (2) drank vir buiteverbruik aan kliente aflewer;
- (3) drank dra, verpak of stapel;
- (4) persele, glase of bottels skoonmaak;
- (5) wyn onder toesig bottel; (ii)

(xxxii) „kroegman” ’n werknemer wat oor ’n toonbank in ’n kroeg drank verkoop of wat winkeliers van drank vir bediening aan kliente voorsien; (iii)

(xxxiii) „kroegman, gekwalifiseerd,” ’n kroegman met minstens drie jaar ondervinding; (iv)

(xxxiv) „kroegman, ongekwalifiseerd,” ’n kroegman met minder as drie jaar ondervinding; (v)

(xxxv) „loon” die geldbedrag aan ’n werknemer ingevolge klousule 3 (1) betaalbaar ten opsigte van sy gewone werkure soos voorgeskryf by klousule 5: Met dien verstande dat, as ’n werkgewer sy werknemer ten opsigte van sy gewone werkure gereeld ’n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit dié hoër bedrag beteken; (xlix)

(xxxvi) „los werknemer” ’n werknemer wat hoogstens vier dae in enige week by dieselfde werkgewer in diens is; (ix)

(xxxvii) „nagportier” ’n werknemer wat tussen 6 nm. en 8 vm. hoogstens twaalf opeenvolgende ure in diens is om toesig te hou oor ’n bedryfsinrigting en wat gedurende sodanige diens as gaste wat laat aankom of vroeg vertrek mag omsien en vir sodanige gaste etes mag voorberei of kook of hulle buite die gewone gas-etensye met etes mag bedien; (xxxiv)

(xxxviii) „nagwag” ’n werknemer wat tussen 6 nm. en 8 vm. hoogstens twaalf opeenvolgende ure persele, bagasie, voertuie of ander eiendom bewaak; (xxxv)

(xxxix) „noodwerk” alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, epidemie, gewelddaad of diefstal sonder versuim gedoen moet word; (xix)

(xl) „ondervinding” met betrekking tot—

- (i) ’n klerk, die totale tydperk of tydperke diens wat ’n werknemer as ’n klerk in enige bedryf of in die diens van die Staat gehad het;
- (ii) ’n huishoudster, kok, portier of slaapkamerbediende, die totale tydperk of tydperke diens wat ’n werknemer onderskeidelik as ’n huishoudster, kok, portier of slaapkamerbediende in die drankbedryf gehad het;
- (iii) ’n kroegman, buiteverbruikassistent, tafelbediende of wynkelner, die totale tydperk of tydperke diens wat ’n werknemer gehad het as onderskeidelik ’n kroegman, buiteverbruikassistent, tafelbediende of wynkelner in die drankbedryf of in ’n klub of restaurant wat tydens sodanige diens ’n klub- of restaurant-dranklisensie, uitgereik ingevolge die bepalings van die Drankwet, 1928, gehou het, of in die diens van die Staat;

Met dien verstande dat by die toepassing van hierdie woordskrywing slegs die helfte van die totale diens-tydperk of tydperke wat ’n werknemer as deeltydse werknemer in enige klas gehad het, geag word ondervinding in daardie klas te wees; (xxi)

(xli) „page” ’n werknemer wat boodskappe doen, klokkië of telefoonoprope beantwoord of boodskappe ontvang of aflewer, en wat in ’n bedryfsinrigting vir gaste se bagasie mag sorg of ’n hyser bedien; (xli)

(xlii) „portier” ’n werknemer wat vir die vervoer van gaste of hulle bagasie van of na ’n bedryfsinrigting reël of wat die aankoms van treine of skepe op wag om gaste te ontmoet of te werf en wat ’n motorvoertuig mag bestuur en ’n telefoonskakelbord mag bedien; (xliii)

(xliii) „portier, gekwalifiseerd,” ’n portier met minstens drie jaar ondervinding; (xlii)

(xliv) „portier, ongekwalifiseerd,” ’n portier met minder as drie jaar ondervinding; (xlii)

(xlv) „sesdaagse bedryfsinrigting” ’n bedryfsinrigting waarin die drankbedryf hoogstens ses dae in ’n week uitgeoefen word; (xlvii)

(xlvii) „sewedaagse bedryfsinrigting” ’n bedryfsinrigting waarin die drankbedryf sewe dae in ’n week uitgeoefen word; (xlvii)

(xlviii) „slaapkamerbediende” ’n werknemer wat een of meer van die volgende pligte of werksaamhede behartig:

- (1) slaapkamers of woonkamers wat deur gaste geokkupeer word stof en aan die kant maak;
- (2) toesig hou oor arbeiders wat private badkamers by slaapkamers of woonkamers wat deur gaste geokkupeer word, of die vloere, vensters of meubels van sodanige kamers skoonmaak;
- (3) beddens opmaak;

- (xlvii) "six-day establishment" means an establishment in which the liquor trade is carried on for not more than six days in any week; (xlvii)
- (xlviii) "spreadover" means the period in any day from the time an employee commences work until he ceases work for that day; (xlix)
- (xlix) "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; (xxxiv)
- (i) "waiter" means an employee who is engaged in serving meals or refreshments to guests, who sets or clears tables and who may make sandwiches, toast or salad; (i)
- (ii) "waiter, qualified," means a waiter who has had not less than three years' experience; (ii)
- (lii) "waiter, unqualified," means a waiter who has had less than three years' experience; (lii)
- (liii) "wine steward" means an employee, other than a barman, who is engaged in serving liquor to customers, and who may receive payment for the liquor he serves; (liii)
- (liv) "wine steward, qualified," means a wine steward who has had not less than three years' experience; (liv)
- (lv) "wine steward, unqualified," means a wine steward who has had less than three years' experience. (lv)

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

3. REMUNERATION.

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

(a) Employees other than part-time and casual employees.

	In the municipal areas of Bloemfontein and Kimberley.		In the municipal area of Port Elizabeth.		In the municipal areas of Klerksdorp and Welkom.	
	During the first twelve months after the coming into force of this Determination.	Thereafter.	During the first twelve months after the coming into force of this Determination.	Thereafter.	During the first twelve months after the coming into force of this Determination.	Thereafter.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Barhand	5.50	5.75	5.00	5.25	4.25	4.50
Kitchenhand	5.75	6.00	5.25	5.50	4.50	4.75
Bedroom attendant, qualified	5.50	5.75	5.00	5.25	4.25	4.50
Bedroom attendant, unqualified	4.20	4.40	3.80	4.00	3.20	3.40
Labourer, female	5.25	5.50	4.75	5.00	4.00	4.25
Labourer, male	5.75	6.00	5.25	5.50	4.50	4.75
Night watchman	6.00	6.25	5.50	5.75	4.75	5.00
Page, 18 years of age or over	4.50	4.70	4.10	4.30	3.55	3.80
Page, under 18 years of age						
Employee not elsewhere in this sub-clause specifically mentioned	5.75	6.00	5.25	5.50	4.50	4.75

(a) Werknemers uitgesonderd deeltydse werknemers en los werknemers.

	In die munisipale gebiede van Bloemfontein en Kimberley.		In die munisipale gebied van Port Elizabeth.		In die munisipale gebiede van Klerksdorp en Welkom.	
	Gedurende die eerste twaalf maande ná die inwerkingtreding van hierdie Vasstelling.	Daarna.	Gedurende die eerste twaalf maande ná die inwerkingtreding van hierdie Vasstelling.	Daarna.	Gedurende die eerste twaalf maande ná die inwerkingtreding van hierdie Vasstelling.	Daarna.
	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R	Per week. R
Arbeider, man	5.25	5.50	4.75	5.00	4.00	4.25
Arbeider, vrou	4.20	4.40	3.80	4.00	3.20	3.40
Kombuushulp	5.50	5.75	5.00	5.25	4.25	4.50
Kroegbediende	5.75	6.00	5.25	5.50	4.50	4.75
Nagwag	6.00	6.25	5.50	5.75	4.75	5.00
Page, 18 jaar oud of ouer	4.50	4.70	4.10	4.30	3.55	3.80
Page, onder die ouderdom van 18 jaar	5.75	6.00	5.25	5.50	4.50	4.75
Slaapkamerbediende, gekwalifiseerd	5.50	5.75	5.00	5.25	4.25	4.50
Slaapkamerbediende, ongekwalifiseerd						
Werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie	5.75	6.00	5.25	5.50	4.50	4.75

- (4) toesig hou oor arbeiders wat beddens opmaak; en wat vroeë koffie of tee in die môre mag bedien; (vi)
- (xlvii) „slaapkamerbediende, gekwalifiseerd,” ’n slaapkamerbediende met minstens ses maande ondervinding; (vii)
- (xlviii) „slaapkamerbediende, ongekwalifiseerd,” ’n slaapkamerbediende met minder as ses maande ondervinding; (viii)
- (xlix) „spreiding” die tydperk op enige dag vanaf die tyd wanneer ’n werknemer begin werk tot die tyd wanneer hy op daardie dag ophou met werk; (xlviii)
- (i) „tafelbediende” ’n werknemer wat gaste met etes of verversings bedien en tafels dek of afdek en wat toebroodjies, roosterbrood of slaai mag maak; (i)
- (ii) „tafelbediende, gekwalifiseerd,” ’n tafelbediende met minstens drie jaar ondervinding; (ii)
- (lii) „tafelbediende, ongekwalifiseerd,” ’n tafelbediende met minder as drie jaar ondervinding; (lii)
- (liii) „wynkelner” ’n werknemer, uigesonderd ’n kroegman, wat gaste met drank bedien en wat geld vir die drank wat hy bedien mag ontvang; (liii)
- (liv) „wynkelner, gekwalifiseerd,” ’n wynkelner met minstens drie jaar ondervinding; (liv)
- (lv) „wynkelner, ongekwalifiseerd,” ’n wynkelner met minder as drie jaar ondervinding. (lv)

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

3. BELONING.

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

(ii)

	In the municipal areas of Bloemfontein and Kimberley.	In the municipal area of Port Elizabeth.	In the municipal areas of Klerksdorp and Welkom.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Cook, female, qualified.....	10.60	9.40	8.60
Cook, female, unqualified—			
During the first year of experience.....	6.85	5.65	4.85
During the second year of experience.....	7.60	6.40	5.60
During the third year of experience.....	8.35	7.15	6.35
During the fourth year of experience.....	9.10	7.90	7.10
During the fifth year of experience.....	9.85	8.65	7.85
Cook, male, qualified.....	13.60	12.40	11.60
Cook, male, unqualified—			
During the first year of experience.....	6.85	5.65	4.85
During the second year of experience.....	7.60	6.40	5.60
During the third year of experience.....	9.10	7.90	7.10
During the fourth year of experience.....	10.60	9.40	8.60
During the fifth year of experience.....	12.10	10.90	10.10
Housekeeper, qualified.....	13.60	12.40	11.60
Housekeeper, unqualified—			
During the first year of experience.....	10.60	9.40	8.60
During the second year of experience.....	11.60	10.40	9.60
During the third year of experience.....	12.60	11.40	10.60
Head waiter.....	12.60	11.40	10.60
Night porter.....	9.10	7.90	7.10
Waiter, female, qualified.....	10.60	9.40	8.60
Waiter, female, unqualified—			
During the first year of experience.....	6.85	5.65	4.85
During the second year of experience.....	7.60	6.40	5.60
During the third year of experience.....	8.35	7.15	6.35
Waiter, male.....			
Wine steward.....			
Porter.....			
Waiter, male.....			
Wine steward.....			
Porter.....			
During the first year of experience.....	6.85	5.65	4.85
During the second year of experience.....	7.60	6.40	5.60
During the third year of experience.....	9.10	7.90	7.10

(ii)

	In die munisipale gebiede van Bloem- fontein en Kimberley.	In die munisipale gebied van Port Elizabeth.	In die munisipale gebiede van Klerks- dorp en Welkom.
	<i>Per week.</i> R	<i>Per week.</i> R	<i>Per week.</i> R
Hooftafelbediende.....	12.60	11.40	10.60
Nagportier.....	13.60	12.40	11.60
Huishoudster, gekwalifiseerd.....			
Huishoudster, ongekwalifiseerd—			
Gedurende die eerste jaar ondervinding.....	10.60	9.40	8.60
Gedurende die tweede jaar ondervinding.....	11.60	10.40	9.60
Gedurende die derde jaar ondervinding.....	12.60	11.40	10.60
Kok, man, gekwalifiseerd.....	13.60	12.40	11.60
Kok, man, ongekwalifiseerd—			
Gedurende die eerste jaar ondervinding.....	6.85	5.65	4.85
Gedurende die tweede jaar ondervinding.....	7.60	6.40	5.60
Gedurende die derde jaar ondervinding.....	9.10	7.90	7.10
Gedurende die vierde jaar ondervinding.....	10.60	9.40	8.60
Gedurende die vyfde jaar ondervinding.....	12.10	10.90	10.10
Kok, vrou, gekwalifiseerd.....	10.60	9.40	8.60
Kok, vrou, ongekwalifiseerd—			
Gedurende die eerste jaar ondervinding.....	6.85	5.65	4.85
Gedurende die tweede jaar ondervinding.....	7.60	6.40	5.60
Gedurende die derde jaar ondervinding.....	8.35	7.15	6.35
Gedurende die vierde jaar ondervinding.....	9.10	7.90	7.10
Gedurende die vyfde jaar ondervinding.....	9.85	8.65	7.85
Tafelbediende, man.....			
Wynkelner.....			
Portier.....			
Tafelbediende, man.....			
Wynkelner.....			
Portier.....			
Gedurende die eerste jaar ondervinding.....	6.85	5.65	4.85
Gedurende die tweede jaar ondervinding.....	7.60	6.40	5.60
Gedurende die derde jaar ondervinding.....	9.10	7.90	7.10
Tafelbediende, vrou, gekwalifiseerd.....	9.10	7.90	7.10
Tafelbediende, vrou, ongekwalifiseerd—			
Gedurende die eerste jaar ondervinding.....	6.85	5.65	4.85
Gedurende die tweede jaar ondervinding.....	7.60	6.40	5.60
Gedurende die derde jaar ondervinding.....	8.35	7.15	6.35

(iii)

	In the municipal areas of Bloemfontein and Kimberley.	In the municipal areas of Port Elizabeth, Klerksdorp and Welkom.
	Per week. R	Per week. R
Assistant manager.....	35.00	33.40
Barman, qualified.....	25.00	23.40
Barman, unqualified—		
During the first year of experience.....	12.90	11.30
During the second year of experience.....	16.85	15.25
During the third year of experience.....	21.00	19.40
During the fourth year of experience.....	15.69	14.09
Clerk, female, qualified.....		
Clerk, female, unqualified—		
During the first year of experience.....	8.54	6.94
During the second year of experience.....	10.15	8.55
During the third year of experience.....	12.00	10.40
During the fourth year of experience.....	13.90	12.30
During the fifth year of experience.....	23.07	21.47
Clerk, male, qualified.....		
Clerk, male, unqualified—		
During the first year of experience.....	9.23	7.63
During the second year of experience.....	12.00	10.40
During the third year of experience.....	14.77	13.17
During the fourth year of experience.....	17.54	15.94
During the fifth year of experience.....	20.31	18.71
Handyman.....	15.00	13.40
Head barman.....	30.00	28.40
Head cook.....	18.00	16.40
Off-sales attendant, female, qualified.....	15.69	14.09
Off-sales attendant, female, unqualified—		
During the first year of experience.....	8.54	6.94
During the second year of experience.....	10.15	8.55
During the third year of experience.....	12.00	10.40
During the fourth year of experience.....	13.90	12.30
During the fifth year of experience.....	23.07	21.47
Off-sales attendant, male, qualified.....		
Off-sales attendant, male, unqualified—		
During the first year of experience.....	9.23	7.63
During the second year of experience.....	12.00	10.40
During the third year of experience.....	14.77	13.17
During the fourth year of experience.....	17.54	15.94
During the fifth year of experience.....	20.31	18.71

(iii)

	In die munisipale gebiede van Bloemfontein en Kimberley.	In die munisipale gebiede van Port Elizabeth, Klerksdorp en Welkom.
	Per week. R	Per week. R
Assistent-bestuurder.....	35.00	33.40
Buiteverbruikassistent, man, gekwalifiseerd.....	23.07	21.47
Buiteverbruikassistent, man, ongekwalifiseerd—		
Gedurende die eerste jaar ondervinding.....	9.23	7.63
Gedurende die tweede jaar ondervinding.....	12.00	10.40
Gedurende die derde jaar ondervinding.....	14.77	13.17
Gedurende die vierde jaar ondervinding.....	17.54	15.94
Gedurende die vyfde jaar ondervinding.....	20.31	18.71
Buiteverbruikassistent, vrou, gekwalifiseerd.....	15.69	14.09
Buiteverbruikassistent, vrou, ongekwalifiseerd—		
Gedurende die eerste jaar ondervinding.....	8.54	6.94
Gedurende die tweede jaar ondervinding.....	10.15	8.55
Gedurende die derde jaar ondervinding.....	12.00	10.40
Gedurende die vierde jaar ondervinding.....	13.90	12.30
Faktootum.....	15.00	13.40
Hoofkok.....	18.00	16.40
Hoofkroegman.....	30.00	28.40
Klerk, man, gekwalifiseerd.....	23.07	21.47
Klerk, man, ongekwalifiseerd—		
Gedurende die eerste jaar ondervinding.....	9.23	7.63
Gedurende die tweede jaar ondervinding.....	12.00	10.40
Gedurende die derde jaar ondervinding.....	14.77	13.17
Gedurende die vierde jaar ondervinding.....	17.54	15.94
Gedurende die vyfde jaar ondervinding.....	20.31	18.71
Klerk, vrou, gekwalifiseerd.....	15.69	14.09
Klerk, vrou, ongekwalifiseerd—		
Gedurende die eerste jaar ondervinding.....	8.54	6.94
Gedurende die tweede jaar ondervinding.....	10.15	8.55
Gedurende die derde jaar ondervinding.....	12.00	10.40
Gedurende die vierde jaar ondervinding.....	13.90	12.30
Kroegman, gekwalifiseerd.....	25.00	23.40
Kroegman, ongekwalifiseerd—		
Gedurende die eerste jaar ondervinding.....	12.90	11.30
Gedurende die tweede jaar ondervinding.....	16.85	15.25
Gedurende die derde jaar ondervinding.....	21.00	19.40

Provided—

- (i) that, in the municipal areas of Port Elizabeth, Welkom and Klerksdorp, the weekly wage of an employee, other than a part-time employee, shall be increased, in the case of a labourer, barhand, kitchenhand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this sub-clause specifically mentioned," by not less than seventy-five cents and, in the case of every other employee, other than a part-time employee, by not less than R1.60, in respect of any week in which the employer has not provided such employee regularly with three meals per day free of charge;
- (ii) that where an employee in a seven-day establishment, in the municipal areas of Kimberley and Bloemfontein, regularly provides his employee with three meals per day, he may make a deduction for board in accordance with clause 4 (6) (f) and nothing in this Determination shall be so construed as to prevent an employer in a seven-day establishment from engaging an employee on the condition that the employer shall provide him with board;
- (iii) that nothing in this Determination shall be so construed where a meal is made available to an employee and he does not avail himself thereof, in the case of the first proviso; that he is entitled to compensation in that regard or, in the case of the second proviso, that a deduction may not be made;
- (iv) that where an employer, with the consent of his employee, provides him with lodging, the employer may make a deduction for such lodging in accordance with clause 4 (6) (f).

(b) *Casual Employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than—

- (i) in a seven-day establishment, one-sixth; and
- (ii) in a six-day establishment, one-fifth,

of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of work as a casual employee is required to do: Provided that, where the employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression "weekly wage" shall mean the weekly wage prescribed for a qualified employee of that class and provided further that where the employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage may be reduced by not more than fifty per cent.

(c) *Part-time Employee.*—A part-time employee shall be paid not less than fifty per cent of the wage prescribed for an employee in the same area, of the same class and sex and with the same experience.

(d) An employer, in the municipal areas of Port Elizabeth, Welkom and Klerksdorp, shall, in addition to the prescribed wage, provide his casual employee or part-time employee free of charge with a meal in respect of every ordinary guest meal time of the establishment which falls within the spreadover of such an employee.

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

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

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

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

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

Provided—

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

Met dien verstande—

- (i) dat die weekloon van 'n werknemer, uitgesonderd 'n deeltydse werknemer, in die munisipale gebiede van Port Elizabeth, Welkom en Klerksdorp vermeerder moet word, in die geval 'n arbeider, kroegbediende, kombuis hulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n "werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie", met minstens vyf-en-sewentig sent en, in die geval van elke ander werknemer, uitgesonderd 'n deeltydse werknemer, met minstens R1.60, ten opsigte van enige week waarin die werkgewer sodanige werknemer nie gereeld van drie etes per dag kosteloos voorsien het nie;
- (ii) dat indien 'n werkgewer in 'n sewedaagse bedryfsinrigting in die munisipale gebiede van Kimberley en Bloemfontein, sy werknemer gereeld van drie etes per dag voorsien, hy 'n aftrekking ooreenkomstig klousule 4 (6) (f) ten opsigte van kos kan maak en niks in hierdie Vasstelling word so uitgelê dat dit 'n werkgewer in 'n sewedaagse bedryfsinrigting sal belet om 'n werknemer in diens te neem met die voorwaarde dat die werkgewer hom van etes sal voorsien nie;
- (iii) dat niks in hierdie Vasstelling so uitgelê word dat indien 'n ete aan 'n werknemer beskikbaar gemaak is en hy geen gebruik daarvan maak nie, hy, wanneer die eerste voorbehoud van toepassing is, dienaangaande op enige vergoeding geregtig is of, wanneer die tweede voorbehoud van toepassing is, 'n aftrekking nie gemaak mag word nie;
- (iv) dat indien 'n werkgewer, met die toestemming van sy werknemer, hom van inwoning voorsien, die werkgewer 'n aftrekking ooreenkomstig klousule 4 (6) (f) ten opsigte van sodanige inwoning kan maak.

(b) *Los werknemer.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens—

- (i) in 'n sewedaagse bedryfsinrigting, een sesde; en
- (ii) in 'n sesdaagse bedryfsinrigting, een vyfde;

betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied en van dieselfde geslag, wat dieselfde klas werk verrig as wat van die los werknemer vereis word: Met dien verstande dat, as die werkgewer vereis dat sy los werknemer die werk verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking "weekloon" beteken die weekloon voorgeskryf vir 'n gekwalifiseerde werknemer van dié klas, en voorts met dien verstande dat, as die werkgewer vereis dat sy los werknemer 'n tydperk van hoogstens vier opeenvolgende ure op enige dag werk, sy loon met hoogstens vyftig persent verminder mag word.

(c) *Deeltydse werknemer.*—'n Deeltydse werknemer moet minstens vyftig persent betaal word van die voorgeskrewe loon vir 'n werknemer in dieselfde gebied, van dieselfde klas en geslag en met dieselfde ondervinding;

(d) 'n Werkgewer in die munisipale gebiede van Port Elizabeth, Welkom en Klerksdorp, moet, bo en benewens die voorgeskrewe loon, sy los werknemer of deeltydse werknemer kosteloos van 'n ete voorsien ten opsigte van elke gewone gasetenstyd van die bedryfsinrigting wat gedurende die spreiding van sodanige werknemer val.

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

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

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

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

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

Met dien verstande—

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

(iii) that this sub-clause shall not apply to a cook, barman or waiter who performs the work of a head cook, head barman or head waiter, respectively, during the latter's absence on time-off granted in terms of clause 5 (8).

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

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

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

4. PAYMENT OF REMUNERATION.

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

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

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

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

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

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

(5) *Board and Lodging.*—Save as provided in the Bantu (Urban Areas) Consolidation Act, 1945, and save further as provided in the second proviso to clause 3 (1) (a) an employer shall not require his employee to board or lodge or board and lodge with him or with any person or at any place nominated by him.

(6) *Deductions.*—An employer shall not levy any fines against his employee nor shall he make any deductions from his employee's remuneration: Provided that he may make the following—

- (a) with the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or subscriptions to trade unions;
- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;
- (c) a deduction of any amount which an employer by law or order of any competent court is required or permitted to make;
- (d) subject to the provisions of sub-clause (4) and with the written consent of his employee, a deduction of any amount due to an employer for goods purchased from him by his employee: Provided that such deduction shall not exceed one-third of the total remuneration due to such employee;
- (e) a deduction of any amount of remuneration advanced by an employer to his employee;
- (f) whenever an employee in a six-day establishment agrees or is required by law to accept board and lodging or both from his employer, or whenever any deduction is permissible in terms of clause 3 (1), a deduction not exceeding the following amounts:—

(iii) dat hierdie subklousule nie van toepassing is nie op 'n kok, kroegman of tafelbediende wat die werk verrig onderskeidelik van 'n hoofkok, hoofkroegman of hooftafelbediende gedurende laasgenoemde se afwesigheid met vry tyd toegestaan ooreenkomstig klousule 5 (8).

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

- (i) ses, as hy 'n werkweek van ses dae werk;
- (ii) sewe, as hy 'n werkweek van sewe dae werk.

(b) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.

4. BETALING VAN BELONING.

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

- (a) die werkgewer se naam;
- (b) die werknemer se naam of sy nommer in die betaalstaat en sy beroep;
- (c) die getal gewone werkure wat die werknemer gewerk het;
- (d) die getal ure wat die werknemer oortyd gewerk het;
- (e) die werknemer se loon;
- (f) die besonderhede omtrent enige ander beloning ter sake van die werknemer se diens;
- (g) die besonderhede omtrent enige bedrae wat afgetrek is;
- (h) die werklike bedrag wat aan die werknemer betaal word; en
- (i) die tydperk waarvoor die betaling geskied;

en sodanige koevert of houer waarop hierdie inligting aangegee word of sodanige staat word die eiendom van die werknemer.

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

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

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

(5) *Kos en inwoning.*—Behoudens die bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, en behoudens vooris spoos bepaal in die tweede voorbehoud tot klousule 3 (1) (a) mag 'n werkgever nie vereis dat sy werknemer by hom of by enige persoon of plek deur hom aangewys, eet of inwoning of eet en inwoning nie.

(6) *Aftrakkings.*—'n Werkgever mag sy werknemer geen boetes ople of bedrae van sy werknemer se beloning afrek nie: Met dien verstande dat hy die volgende kan afrek:—

- (a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorg- of pensioenfonds, of vir ledegelede van vakverenigings;
- (b) behoudens andersluidende bepalings in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever uit sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;
- (c) iedere bedrag wat 'n werkgever regtens of op bevel van 'n bevoegde hof verplig of toegelaat word om af te trek;
- (d) behoudens die bepalings van subklousule (4) en met sy werknemer se skriftelike toestemming, 'n afrekkings van enige bedrag wat hy aan die werkgever verskuldig is vir goedere by hom gekoop: Met dien verstande dat so 'n afrekkings hoogstens een derde van die werknemer se totale beloning mag bedra;
- (e) 'n afrekkings van enige bedrag wat deur 'n werkgever aan sy werknemer op sy beloning voorgeskiet is;
- (f) wanneer 'n werknemer in 'n sesdaagse bedryfsinrigting toestem of by wet verplig word om kos of inwoning of albei van sy werkgever aan te neem, of wanneer 'n afrekkings ooreenkomstig klousule 3 (1) toelaatbaar is, 'n afrekkings van hoogstens die volgende bedrae:—

In the case of a labourer, barhand, kitchen-hand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this sub-clause specifically mentioned".

In the case of all other employees.

	Per week.	Per month.	Per week.	Per month.
Board	R 0.75	3.25	1.60	6.94
Lodging	0.30	1.30	1.00	4.33
Board and lodging	1.05	4.55	2.60	11.27

In die geval van 'n arbeider, kroegbediende, kombuishulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n „werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie”.

In die geval van alle ander werknemers.

	Per week. R	Per maand. R	Per week. R	Per maand. R
Kos.....	0.75	3.25	1.60	6.94
Inwoning.....	0.30	1.30	1.00	4.33
Kos en-inwoning.....	1.05	4.55	2.60	11.27

(g) whenever an employee in the municipal areas of Bloemfontein and Kimberley is not regularly supplied with three meals a day, a deduction not exceeding five cents for each meal supplied to a labourer, barhand, kitchenhand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this sub-clause specifically mentioned" or ten cents for each meal supplied to any other class of employee;

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

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

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

- (a) in the case of an employee other than a part-time or a casual employee, fifty-four and sixty; alternately, per week in every two consecutive weeks;
- (b) in the case of a part-time employee, twenty-eight in any week;
- (c) in the case of a casual employee, eight and a half on any day.

(2) *Meal Intervals.*—(a) An employer in a seven-day establishment shall grant to each of his employees then on duty a meal interval of not less than thirty minutes commencing within the time from one hour before to one hour after each normal meal-time for guests in the establishment and during such interval the employee shall not be required or permitted to do any work and such interval shall not be part of the ordinary hours of work or overtime.

(b) An employer in a six-day establishment shall not require or permit his employee to work for more than five hours continuously without one meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work and such interval shall not be part of the ordinary hours of work or overtime.

(3) *Part-time employee.*—Save as provided in sub-clause (2) (a) the ordinary hours of work of a part-time employee on any day shall be consecutive.

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

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

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

(6) *Payment for Overtime.*—(a) An employer shall pay his employee, other than a part-time employee or a casual employee, who works overtime not less than one and one-third times his weekly wage, divided by fifty-seven, in respect of each hour or part of an hour so worked in any week.

(b) An employer shall pay his part-time employee who works overtime not less than one and one-third times his weekly wage, divided by twenty-eight, in respect of each hour or part of an hour so worked in any week.

(c) An employer shall pay his casual employee who works overtime not less than one and one-third times his daily wage, divided by eight and one-half, in respect of each hour or part of an hour so worked in any week.

(7) *Spreadover.*—The ordinary hours of work and all overtime of an employee, other than a part-time employee, must be completed and all meal intervals must be included in a spreadover of not more than fourteen hours on any day or seven and a half hours in respect of half a day: Provided that on not more than one day in any week the said spreadover of fourteen hours may be extended by not more than two hours.

(g) wanneer 'n werknemer in die munisipale gebiede van Bloemfontein en Kimberley nie gereeld van drie etes per dag voorsien word nie, 'n aftrekking van hoogstens vyf sent per ete verskaf aan 'n arbeider, kroegbediende, kombuishulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n „werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie” of tien sent per ete verskaf aan enige ander werknemer;

(h) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike bestuur betaal het aan huur van 'n huis, of aan huisvesting in 'n tehuis, wat die werknemer in 'n lokasie of Bantoedorp onder die beheer van so 'n raad of ander plaaslike bestuur bewoon.

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

(1) *Gewone werkure.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer meer gewone werkure werk nie as—

- (a) in die geval van 'n ander werknemer as 'n deeltydse of 'n los werknemer, vier-en-vyftig en sestig om die beurt per week in elke twee opeenvolgende weke;
- (b) in die geval van 'n deeltydse werknemer, agt-en-twintig in 'n week;
- (c) in die geval van 'n los werknemer, agt en 'n half op enige dag.

(2) *Etenspouse.*—(a) 'n Werkgever in 'n sewedaagse bedryfsinrigting moet aan elkeen van sy werknemers wat dan op diens is, 'n etenspouse toestaan van minstens dertig minute wat begin binne die tyd vanaf een uur voor tot een uur ná elke gereelde etenstyd vir gaste in die bedryfsinrigting en daar mag nie vereis of toegelaat word dat 'n werknemer gedurende sodanige pouse enige werk verrig nie, en sodanige pouse vorm geen deel van die gewone werkure of oortyd nie.

(b) 'n Werkgever in 'n sesdaagse bedryfsinrigting mag nie vereis of toelaat dat sy werknemer meer as vyf uur aaneen werk sonder 'n etenspouse van minstens een uur waarin sodanige werknemer nie verplig of toegelaat mag word om enige werk te doen nie en sodanige etenspouse vorm geen deel van die gewone werkure of oortyd nie.

(3) *Deeltydse werknemer.*—Behoudens die bepalings van subklousule (2) (a) moet die gewone werkure van 'n deeltydse werknemer op enige dag opeenvolgend wees.

(4) *Oortyd.*—Alle tyd deur 'n werknemer gewerk bo die getal gewone werkure wat in subklousules (1) en (2) vir sodanige werknemer voorgeskryf word, is oortyd.

(5) *Beperking op oortyd.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer langer oortyd werk nie as—

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van 'n deeltydse werknemer, tien uur in 'n week;
- (c) in die geval van enige ander werknemer, twintig uur in enige twee opeenvolgende weke.

(6) *Betaling vir oortydwerk.*—(a) 'n Werkgever moet sy werknemer, uitgesonderd 'n deeltydse werknemer of 'n los werknemer, wat oortyd werk, minstens een en 'n derde maal sy weekloon gedeel deur sewe-en-vyftig, betaal ten opsigte van elke uur of gedeelte van 'n uur aldus in enige week gewerk.

(b) 'n Werkgever moet sy deeltydse werknemer wat oortyd werk, minstens een en 'n dertemaal sy weekloon gedeel deur agt-en-twintig, betaal ten opsigte van elke uur of gedeelte van 'n uur aldus in enige week gewerk.

(c) 'n Werkgever moet sy los werknemer wat oortyd werk, minstens een en 'n derde maal sy dagloon gedeel deur agt en 'n half, betaal ten opsigte van elke uur of gedeelte van 'n uur aldus in enige week gewerk.

(7) *Spreiding.*—Die gewone werkure en alle oortyd van 'n werknemer, uitgesonderd 'n deeltydse werknemer, moet voltooi word en alle etenspouse moet ingegrepe wees in 'n spreiding van hoogstens veertien uur op 'n dag of sewe en 'n halfuur ten opsigte van 'n halfdag: Met dien verstande dat op hoogstens een dag in 'n week die gemelde spreiding van veertien uur met hoogstens twee uur verleng mag word.

(8) *Time-off*.—An employer shall grant his employee, other than a part-time employee or casual employee, not less time-off than the following:—

- In the case of a cook, half a day in each week, or one day in two consecutive weeks.
- In the case of a night porter or a night watchman, one day in each two consecutive weeks;
- In the case of every other employee, one day and one half-day per week, alternately, or one and a half consecutive days in each two consecutive weeks, or three half-days in every week.

and during such time-off he shall not require or permit his employee to perform any work and for the purpose of this sub-clause the expression "half-day" means a period of not less than sixteen consecutive hours of which not less than six hours shall be immediately before 12.30 p.m. or immediately after 2.30 p.m.

(9) *Savings*.—(a) The provisions of sub-clauses (2), (5), (7) and (8) shall not apply to an employee engaged on emergency work.

(b) The provisions of this clause shall not apply to an assistant manager or the wife of a manager nor to any employee in the municipal areas of Bloemfontein and Kimberley if and for so long as such employee is in receipt of a regular wage at a rate of not less than R160 per month or R150 in the case of an employee in the municipal areas of Port Elizabeth, Welkom or Klerksdorp who receives board in part payment of his wage.

(c) The provisions of sub-clauses (1), (2), (3), (4), (5), (6) and (7) shall not apply to a night porter or a night watchman.

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' employment with him—

- in the case of a cook, twenty-eight consecutive calendar days' leave;
- in the case of all other employees, twenty-one consecutive calendar days' leave;

and shall pay to such employee in respect of such leave—

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

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

- if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within four months after the completion of the twelve months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;
- the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training under the Defence Act, 1957;
- an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of twelve months of employment to which the period of leave relates.

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

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

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

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

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

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

(8) *Vry tyd*.—'n Werkgever moet aan sy werknemer, uitgesonderd 'n deeltydse werknemer of 'n los werknemer, minstens die volgende vry tyd toestaan:—

- In die geval van 'n kok, 'n halfdag in elke week, of een dag in twee opeenvolgende weke;
- In die geval van 'n nagportier of 'n nagwag, een dag in elke twee opeenvolgende weke;
- In die geval van elke ander werknemer, een dag en een halfdag per week om die beurt in elke twee opeenvolgende weke, of een dag en 'n halfdag aaneen in elke twee opeenvolgende weke, of drie halfdae in elke week;

en gedurende sodanige vry tyd mag hy nie vereis of toelaat dat sy werknemer enige werk doen nie en by die toepassing van hierdie subklousule beteken „halfdag” 'n tydperk van minstens sesien opeenvolgende ure waarvan minstens ses onmiddellik voor 12.30 nm. of onmiddellik ná 2.30 nm. moet wees.

(9) *Uitsonderings*.—(a) Die bepalinge van subklousules (2), (5), (7) en (8) is nie van toepassing op 'n werknemer onderwyl hy noodwerk verrig nie.

(b) Die bepalinge van hierdie klousule is nie van toepassing op 'n assistent-bestuurder of die eggenote van 'n bestuurder nie asook nie op 'n werknemer in die munisipale gebiede van Bloemfontein of Kimberley indien en terwyl sodanige werknemer gereed 'n loon teen 'n tarief van minstens R160 per maand ontvang nie of R150 in die geval van 'n werknemer in die munisipale gebiede van Port Elizabeth, Welkom of Klerksdorp wat kos as gedeeltelike betaling van sy loon ontvang.

(c) Die bepalinge van subklousules (1), (2), (3), (4), (5), (6) en (7) is nie van toepassing op 'n nagportier of 'n nagwag nie.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, op iedere voltooide tydperk van twaalf maande in sy diens toestaan—

- in die geval van 'n kok, agt-en-twintig opeenvolgende kalenderdae verlof;
- in die geval van iedere ander werknemer, een-en-twintig opeenvolgende kalenderdae verlof.

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

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

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

- dat, as sodanige verlof nie eerder toegestaan is nie, dit, behoudens die bepalinge van subklousule (3), só toegestaan word dat dit begin binne vier maande ná voltooiing van die twaalf maande diens waarop dit betrekking het; of dat, as die werkgever en sy werknemer voor die verstryking van die gemelde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet toestaan vanaf 'n datum uitendik twee maande ná die verstryking van die gemelde tydperk van vier maande;
- dat die tydperk van verlof nie saamval met siekteverlof wat ingevolge klousule 7 toegestaan is of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, nie;
- dat 'n werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan is gedurende die tydperk van twaalf maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgever die verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens laat ooploop: Met dien verstande—

- dat sodanige versoek deur die werknemer gedoen word binne vier maande ná verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het; en
- dat die werkgever die datum van ontvangs van sodanige versoek daarop aandring en dit onderteken en die versoek vir minstens drie jaar bewaar vanaf sodanige datum of vanaf die datum van verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het; en wel vanaf die jongste van die twee datums.

(b) Die bepalinge van subklousule (2) geld *mutatis mutandis* vir die verlof in hierdie subklousule bedoel.

(4) *Verlofbeloning*.—Die beloning ten opsigte van die verlof voorgeskryf in subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlof betaal word.

(5) Aan 'n werknemer wie se dienskontrak gedurende enige dienstermyn van twaalf maande eindig voordat die verloftydperk voorgeskryf in subklousule (1) ten opsigte van so 'n termyn oorgeloop het, moet by sodanige diensbeëindiging, benewens enige ander beloning wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

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

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 third proviso to sub-clause (2) and provided further that an employee—

- (i) who leaves his employment without having given the notice prescribed in clause 10, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or
- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice;

shall not be entitled to any payment by virtue of this sub-clause.

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

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

- (a) any period in respect of which an employer, in terms of clause 10, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;
 - (ii) on sick leave in terms of clause 7;
 - (iii) on the instructions or at the request of his employer,
 amounting in the aggregate to not more than ten weeks; and
- (c) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training,

and employment shall be deemed to commence—

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

(8) For the purpose of this clause, in relation to the municipal areas of Port Elizabeth, Klerksdorp and Welkom, "weekly wage" means the weekly wage of an employee plus, in the case of a labourer, barhand, kitchenhand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this sub-clause specifically mentioned", an amount of not less than seventy-five cents, and, in the case of any other employee, an amount of not less than R1.60.

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity not less than twenty-eight days' sick leave in the aggregate during each cycle of twenty-four consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this sub-clause not less than the wage he would have received had he worked during such period: Provided:—

- (i) that in the first twenty-four consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than one work day in respect of each completed period of four consecutive weeks of employment;
- (ii) that this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity, in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for twenty-eight work days in each cycle of twenty-four months of employment, except that during the first twenty-four months of the payment of contributions by the employee the guaranteed rate need not exceed the rate of accrual set out in the first proviso to this sub-clause;

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

- (i) wat sy diens verlaat sonder dat hy die dienskontrak opgesê het soos by klousule 10 voorgeskryf word, tensy die werkgewer van sodanige opsegging afgesien het of die werknemer die werkgewer in plaas van die opsegging betaal het; of
- (ii) wat sy diens sonder regsgeldige rede verlaat; of
- (iii) wat deur sy werkgewer sonder opsegging ontslaan word om 'n rede wat vir sodanige ontslag sonder opsegging regtens genoegsaam is,

tot geen betaling uit hoofde van hierdie subklousule geregtig is nie.

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

(7) By die toepassing van hierdie klousule word die uitdrukking „diens” geag ook te omvat—

- (a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 10 betaal in plaas van die dienskontrak op te sê;
- (b) enige tydperk wat 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klousule;
 - (ii) met siekteverlof ingevolge klousule 7;
 - (iii) op las of versoek van sy werkgewer,
 en wel tot 'n totaal in enige jaar van hoogstens tien weke, en
- (c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om van een tydperk van sodanige opleiding meer dan vier maande as diens te eis nie;

en diens word geag te begin—

- (i) in die geval van 'n werknemer wat voor die inwerkingtrekking van hierdie Vasstelling tot 'n tydperk van jaarlikse verlof ingevolge enige wet geregtig geword het, op die datum waarop sodanige werknemer die vorige maal geregtig geword het tot verlof ingevolge sodanige wet;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerkingtrekking van hierdie Vasstelling in diens was en vir wie enige wet geld het wat vir jaarlikse verlof voorsiening maak maar wat nog nie tot 'n tydperk van verlof ingevolge daarvan geregtig geword het nie, op die aanvangsdatum van sodanige diens;
- (iii) in die geval van enige ander werknemer, op die datum waarop so 'n werknemer by sy werkgewer in diens getree het of op die datum van die inwerkingtrekking van hierdie Vasstelling, en wel op die jongste van die twee datums.

(8) By die toepassing van hierdie klousule in die munisipale gebiede van Port Elizabeth, Klerksdorp en Welkom beteken „weekloon” die weekloon van 'n werknemer; plus, in die geval van 'n arbeider, kroegbediende, kombuis hulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n „werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie”, 'n bedrag van minstens vyf-en-sewentig sent en, in die geval van enige ander werknemer, 'n bedrag van minstens R1.60.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, altesaam minstens agt-en-twintig dae siekteverlof toestaan gedurende elke tydkring van vier-en-twintig opeenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande—

- (i) dat gedurende die eerste vier-en-twintig opeenvolgende maande diens 'n werknemer nie tot meer siekteverlof met volle betaling as een werkdag ten opsigte van elke voltooide tydperk van vier opeenvolgende weke diens geregtig is nie;
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes, minstens gelyk aan dié wat die werknemer self daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer waarborg dat aan hom by ongeskiktheid in die omstandighede in hierdie klousule vermeld, in elke tydkring van vier-en-twintig maande diens altesaam minstens die ekwivalent van sy loon vir agt-en-twintig werkdag betaal sal word, behalwe dat gedurende die eerste vier-en-twintig maande waarin die werknemer bydraes stort, die gewaarborgde tarief nie die koers van aanwas soos uitengesit in die eerste voorbehoudsbepaling van hierdie subklousule te bowe hoef te gaan nie;

(iii) that where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

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

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

(3) Where, during the first cycle of twenty-four months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid only in respect of such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiry of the said cycle of employment or on termination of employment before such expiry pay him in respect of such excess period of absence owing to incapacity to the extent, to which sick leave, accrued at such expiry or termination, had not been taken.

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

(a) "employment" shall be deemed to include—

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

(aa) on leave in terms of clause 6,

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

(cc) on sick leave in terms of sub-clause (1); amounting in the aggregate, in any year, to not more than ten weeks; and

(ii) any period during which an employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim more than four months of or any one period of such training,

and any period of employment which an employee has had with the same employer immediately before the date of the coming into force of this Determination shall for the purpose of this clause be deemed to be employment under this Determination; and any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this Determination;

(b) "incapacity" means inability to work owing to any sickness or injury other than that caused by—

(i) an employee's own misconduct; or

(ii) an accident within the meaning of the Workmen's Compensation Act, 1941.

(5) For the purposes of this clause, in relation to the municipal areas of Port Elizabeth, Klerksdorp and Welkom, "wage", unless an employee receives three meals per day from his employer during the period of his incapacity, means his wage plus, in the case of a labourer, barhand, kitchenhand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this sub-clause specifically mentioned", an amount of not less than seventy-five cents per week, and, in the case of any other employee, an amount of not less than R1.60 per week.

8. RATIO

(1) An employer shall not employ an unqualified cook unless he has in his employ a qualified cook, and for every qualified cook in his employ he shall employ not more than two unqualified cooks.

(2) An employer shall not employ an unqualified waiter or wine steward unless he has in his employ two qualified waiters or wine stewards, respectively, and for every two qualified waiters or wine stewards in his employ he shall employ not more than one unqualified waiter or wine steward, respectively.

(3) An employer shall not employ an unqualified barman, off-sales attendant, porter, clerk or bedroom attendant, unless he has in his employ a qualified barman, off-sales attendant, porter, clerk or bedroom attendant, respectively, and for each such qualified employee in his employ he shall not employ more than one unqualified employee of that class.

(4) For the purposes of this clause—

(a) an employer or manager who is wholly or mainly engaged in performing the duties of a particular class of employee may be deemed to do a qualified employee in such class;

(b) an unqualified employee who is receiving a wage of not less than the wage prescribed for a qualified employee of his class and area may be deemed to be a qualified employee.

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

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

(2) Voordat 'n werkgewer 'n bedrag betaal wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid uit sy werk vir 'n tydperk wat strek oor meer as drie opeenvolgende kalenderdae, kan hy vereis dat die werknemer 'n sertifikaat voorleë wat deur 'n geregistreerde geneesheer geteken is en wat die aard en duur van die werknemer se ongeskiktheid aangee.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van vier-en-twintig maande diens by dieselfde werkgewer weens ongeskiktheid 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig tot betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring, of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van dié langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat by sodanige verstryking of beëindiging aan hom toekom, nog nie gebruik is nie.

(4) By die toepassing van hierdie klousule word die uitdrukking—

(a) „diens” geag ook te omvat—

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

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1); en wel tot 'n totaal van hoogstens tien weke in enige jaar; en

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om van een tydperk van sodanige opleiding meer dan vier maande as diens te eis nie;

en enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van die inwerkingtreding van hierdie Vasstelling word by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk toegestaan is, word geag ingevolge hierdie Vasstelling toegestaan te wees;

(b) beteken „ongeskiktheid” dié onvermoë om te werk weens siekte of besering, behalwe as dit veroorsaak is deur—

(i) 'n werknemer se eie wangedrag; of

(ii) 'n ongeluk binne die bedoeling van die Ongevalwet, 1941.

(5) By die toepassing van hierdie klousule in die munisipale gebiede van Port Elizabeth, Klerksdorp en Welkom, beteken „loon”, tensy 'n werknemer gedurende die tydperk van sy ongeskiktheid drie etes per dag van sy werkgewer ontvang, sy loon, plus, in die geval van 'n arbeider, kroegbediende, kombuis hulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n „werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie”, 'n bedrag van minstens vyf-en-sewentig sent per week, en, in die geval van enige ander werknemer, 'n bedrag van minstens R1.60 per week.

8. VERHOUDINGSYFER

(1) 'n Werkgewer mag nie 'n ongekwalifiseerde kok in diens neem tensy hy 'n gekwalifiseerde kok in diens het, en vir elke gekwalifiseerde kok in sy diens mag hy hoogstens twee ongekwalifiseerde koks in diens neem.

(2) 'n Werkgewer mag nie 'n ongekwalifiseerde tafelbediende of wynkelner in diens neem tensy hy onderskeidelik twee gekwalifiseerde tafelbediendes of wynkelpers in diens het, en vir elke twee gekwalifiseerde tafelbediendes of wynkelpers in sy diens mag hy onderskeidelik hoogstens een ongekwalifiseerde tafelbediende of wynkelner in diens neem.

(3) 'n Werkgewer mag nie 'n ongekwalifiseerde kroegman, buiteverbruikassistent, portier, klerk of slaapkamerbediende in diens neem tensy hy onderskeidelik 'n gekwalifiseerde kroegman, buiteverbruikassistent, portier, klerk of slaapkamerbediende in diens het en vir elke sodanige gekwalifiseerde werknemer mag hy hoogstens een ongekwalifiseerde werknemer van daardie klas in diens neem.

(4) By die toepassing van hierdie klousule—

(a) kan 'n werkgewer of bestuurder wat uitsluitlik of hoofsaaklik die werk van 'n bepaalde klas werknemer verrig, geag word 'n gekwalifiseerde werknemer in dié klas te wees;

(b) kan 'n ongekwalifiseerde werknemer wat minstens die loon ontvang wat vir 'n gekwalifiseerde werknemer van sy klas en gebied voorgeskryf word, geag word 'n gekwalifiseerde werknemer in daardie klas te wees.

(5) This clause shall apply separately to each establishment.

(6) For the purposes of this clause part-time employees shall be deemed not to be employees.

9. UNIFORMS AND SPECIAL CLOTHING.

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, apron, cap, overall or white or black jacket or any other special clothing, other than black trousers, which he requires his employee to wear or which by any law or regulation he is compelled to provide for his employee, and any such uniform, apron, cap, overall, jacket or special clothing shall remain the property of the employer.

10. TERMINATION OF CONTRACT OF EMPLOYMENT

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

- during the first four weeks of employment, not less than twenty-four hours;
- after the first four weeks of employment, in the case of a barman, off-sales attendant, wine steward or barhand, not less than forty-eight hours;
- after the first four weeks of employment, in the case of any other employee paid weekly, not less than one week's;
- after the first four weeks of employment, in the case of any other monthly paid employee, not less than two weeks'.

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

- in the case of twenty-four hours' notice, the daily wage which the employee is receiving at the time of such termination;
- in the case of forty-eight hours' notice, double the daily wage which the employee is receiving at the time of such termination;
- in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination;
- in the case of two week's notice, double the weekly wage which the employee is receiving at the time of such termination.

Provided that this shall not affect—

- the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;
- 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 prescribed in this clause;
- the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts.

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

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

- that the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training which an employee is undergoing in pursuance of the Defence Act, 1957;
- that notice shall not be given during an employee's absence on sick leave granted in terms of clause 7.

(4) Whenever an employer in the municipal areas of Port Elizabeth, Klerksdorp and Welkom terminates a contract by paying an employee his wage in lieu of notice, such wage shall be increased on the weekly basis of not less than seventy-five cents in the case of a labourer, barhand, kitchenhand, page, bedroom attendant, night watchman or an employee referred to in clause 3 as an "employee not elsewhere in this clause specifically mentioned" and not less than R1.60 in the case of any other employee.

(5) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without notice or without paying his employer in lieu of notice, his employer may appropriate to himself, from any moneys which he owes to such employee by virtue of any provisions of this Determination, an amount of not more than that which such employee would have had to pay him in lieu of notice.

11. CERTIFICATE OF SERVICE.

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

(5) Hierdie klousule is afsonderlik van toepassing op elke bedryfsinrigting.

(6) By die toepassing van hierdie klousule geld deeltydse werknemers nie as werknemers nie.

9. UNIFORMS EN SPESIALE KLERE.

'n Werkgewer moet alle uniforms, voorskote, pette, oorpakke, of wit of swart baadjies of ander spesiale klere, uitgesonderd swart broeke, wat hy vereis dat sy werknemer dra of wat enige wet of regulasie hom verplig om aan sy werknemer te verskaf, gratis verskaf en in bruikbare en sindelike toestand hou; en enige sodanige uniform, voorskoot, pet, oorpak, baadjie of spesiale klere bly die eiendom van die werkgewer.

10. BEÏNDIGING VAN DIENSKONTRAK.

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

- gedurende die eerste vier weke diens, minstens vier-en-twintig uur;
- ná die eerste vier weke diens, in die geval van 'n kroegman, buiteverbruikassistent, wynkeiner of kroegbediende, minstens agt-en-veertig uur;
- ná die eerste vier weke diens, in die geval van enige ander werknemer wat weekliks betaal word, minstens een week;
- ná die eerste vier weke diens, in die geval van enige ander werknemer wat maandeliks betaal word, minstens twee weke,

vooruit opse; of 'n werkgewer of 'n werknemer kan die kontrak sonder opsegging beëindig deur, in plaas van die opsegging aan die werknemer of die werkgewer, al na gelang van die geval, minstens die volgende te betaal:—

- In die geval van vier-en-twintig uur opsegging, die dagloon wat die werknemer ten tyde van die beëindiging ontvang;
- in die geval van agt-en-veertig uur opsegging, dubbel die dagloon wat die werknemer ten tyde van die beëindiging ontvang;
- in die geval van 'n week opsegging, die weekloon wat die werknemer ten tyde van die beëindiging ontvang;
- in die geval van twee-weke opsegging, dubbel die weekloon wat die werknemer ten tyde van die beëindiging ontvang.

Met dien verstande dat hierdeur onaangetas gelaat word—

- die reg van 'n werkgewer of sy werknemer om op enige regsgeldige grond die kontrak sonder opsegging te beëindig;
- 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer waarin voorsiening gemaak word vir 'n opseggingstermyn wat vir beide partye ewe lank is en langer is as dié wat hierdie klousule voorskryf;
- die werking van verbeurings of boetes wat regtens van toepassing mag wees op 'n werknemer wat sy diens verlaat.

(2) Indien daar ingevolge die tweede voorbehoudsbepaling van subklousule (1) 'n ooreenkoms bestaan, moet die betaling in plaas van opsegging eweredig wees aan die ooreengekome opseggingstermyn.

(3) Die opsegging in subklousule (1) voorgeskryf, kan op enige werkdag geskied: Met dien verstande—

- dat die opseggingstermyn nie mag saamval met en die opsegging nie mag geskied gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of met enige tydperk van militêre opleiding wat 'n werknemer ondergaan ingevolge die Verdedigingswet, 1957, nie;
- dat gedurende 'n werknemer se afwesigheid met siekte-verlof ooreenkomstig klousule 7 opsegging nie mag geskied nie.

(4) Wanneer 'n werkgewer in die munisipale gebiede van Port Elizabeth, Klerksdorp en Welkom 'n kontrak beëindig deur aan 'n werknemer sy loon te betaal in plaas van die dienskontrak op te se, moet sodanige loon verhoog word op die weeklikse grondslag van minstens vyf-en-sewentig sent in die geval van 'n arbeider, kroegbediende, kombuushulp, page, slaapkamerbediende, nagwag of 'n werknemer na wie in klousule 3 verwys word as 'n „werknemer wat nie elders in hierdie subklousule spesifiek genoem word nie”, en minstens R1.60 in die geval van enige ander werknemer.

(5) Ondanks andersluidende bepalings in hierdie Vasstelling kan 'n werkgewer in die geval waarin 'n werknemer sy dienskontrak beëindig deur sy diens sonder opsegging te verlaat of sonder om sy werkgewer in plaas van opsegging te betaal, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepalings van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom in plaas van opsegging sou moes betaal het.

11. DIENSSERTIFKAAT

Wanneer 'n dienskontrak om 'n ander rede as diensverlating beëindig word, moet die werkgewer aan die betrokke werknemer, uitgesonderd 'n los werknemer, 'n dienssertifikaat gee wat wesenlik die vorm het soos in die Eerste Bylae tot hierdie Vasstelling voorgeskryf en waarin die volle naam van die werkgewer en van sy werknemer, die beroep van die werknemer, die aanvangs- en die beëindigingsdatum van die kontrak en die werknemer se weekloon op die datum van sodanige beëindiging aangegee word.

12. PROHIBITION OF EMPLOYMENT.

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

13. ATTENDANCE REGISTER.

(1) An employer shall provide and maintain in his establishment an attendance register, substantially in the form prescribed in the Second Schedule to this Determination: Provided that in lieu of such attendance register he may provide a semi-automatic time recorder and the necessary cards as nearly as possible in the following form:—

No. _____
Name of Employee _____
Week ending _____ 19 _____

Day.		On.	Off.	On.	Off.	On.	Off.	Total.
Sunday.....	a.m.							
	p.m.							
Monday.....	a.m.							
	p.m.							
Tuesday.....	a.m.							
	p.m.							
Wednesday.....	a.m.							
	p.m.							
Thursday.....	a.m.							
	p.m.							
Friday.....	a.m.							
	p.m.							
Saturday.....	a.m.							
	p.m.							

Nr. _____
Naam van werknemer _____
Week eindigende _____ 19 _____

Dag.		In.	Uit.	In.	Uit.	In.	Uit.	Totaal.
Sondag.....	vm.							
	nm.							
Maandag.....	vm.							
	nm.							
Dinsdag.....	vm.							
	nm.							
Woensdag.....	vm.							
	nm.							
Donderdag.....	vm.							
	nm.							
Vrydag.....	vm.							
	nm.							
Saterdag.....	vm.							
	nm.							

(2) An employer shall day by day keep a record in such attendance register of the name and occupation of every employee or, where he has provided a semi-automatic time recorder, he shall provide every employee with a card, in the form prescribed in the proviso to sub-clause (1), which card shall reflect the name of the employee and the date of the termination of the week in respect of which it should be used.

(3) Unless precluded from doing so by unavoidable cause, every employee shall in respect of each day worked by him and on that day—

(a) record in the attendance register—

- his signature;
- the time he commenced work;
- the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work; and
- the time of finishing work for the day, or,

12. VERBOD OP INDIENSNEMING.

'n Werkgewer mag niemand onder die ouderdom van sesien jaar in diens neem nie

13. PRESENSIEREGISTER

(1) 'n Werkgewer moet in sy bedryfsinrigting 'n presensieregister, wesenlik in die vorm wat in die Tweede Bylae tot hierdie Vasstelling voorgeskryf word, verskaf en hou: Met dien verstande dat hy in plaas van sodanige presensieregister 'n half-outomatiese inklokmasjien kan verskaf en die nodige kaarte so na as doenlik in die volgende vorm:

(2) 'n Werkgewer moet dag vir dag die naam en beroep van elke werknemer in die presensieregister opteken of, wanneer hy 'n halfoutomatiese inklokmasjien verskaf het, elke werknemer voorsien van 'n kaart in die vorm wat by die voorbehoud tot subklousule (1) voorgeskryf word, en die kaart moet die naam van die werknemer aangee asook die einddatum van die week ten opsigte waarvan dit gebruik moet word.

(3) Tensy hy deur 'n onvermydelike oorsaak verhinder word om dit te doen, moet elke werknemer vir elke dag waarop hy gewerk het en op dié dag—

(a) in die presensieregister inskryf—

- sy handtekening;
- die tyd waarop hy begin werk het;
- die aanvangs- en aflooptyd van elke etens- of ander pouse wat nie as gewone werkure geld nie; en
- die tyd waarop hy met sy werk vir die dag klaar is, of

- (b) in an establishment in which a semi-automatic time-recorder is provided, make entries by means of such recorder on a card provided in terms of sub-clause (2) to show—
- the time he commenced work;
 - the time of commencement and termination of each meal or other interval, which is not reckonable as ordinary hours of work, and
 - the time of finishing work for the day:

Provided that, if an employee is unable to read or write, his employer shall on his behalf make and sign the necessary entries in respect of items (a) (ii) to (a) (iv), inclusive.

(4) An employer shall retain such attendance register or cards, as the case may be, for a period of not less than three years after the date of the last entry therein or thereon.

(5) Every entry in an attendance register shall be made in ink or indelible pencil.

(6) The provisions of this clause shall not apply to an assistant manager or the wife of a manager nor to any employee in the municipal areas of Bloemfontein and Kimberley if and for so long as such employee is in receipt of a regular wage at a rate of not less than R160 per month or R150 in the case of an employee in the municipal areas of Port Elizabeth, Welkom or Klerksdorp who receives board in part payment of his wage.

FIRST SCHEDULE.

I/We (a) _____
carrying on trade in the Liquor Trade at _____

hereby certify that _____
was employed by me/us (a) from the _____
day of _____ 19____ to the _____
day of _____ 19____ as (b) _____
At the termination of employment his/her (a) wage was _____
rand _____ cents per week.

(Signature of Employer or
Authorised Representative.)

Date _____

- (a) Delete whichever inapplicable.
(b) State occupation in which employee was wholly or mainly engaged, e.g., clerk, labourer.

- (b) 'n bedryfsinrigting, waarin 'n halfoutomatiese inklokmassien aangehou word, deur middel van sodanige masjien op 'n kaart wat ingevolge subklousule (2) verskaf is, inskrywings maak wat die volgende aantoon:—

- Die tyd waarop hy begin werk het;
- die aanvangs- en aflooptyd van elke etens- of ander pouse wat nie as gewone werkure geld nie, en
- die tyd waarop hy met sy werk vir die dag klaar is:

Met dien verstande dat, indien 'n werknemer nie kan lees of skryf nie, sy werkgever namens hom die nodige inskrywings ten opsigte van items (a) (ii) tot en met (a) (iv) moet doen en onderteken.

(4) 'n Werkgever moet sodanige presensieregister of kaarte, na gelang van die geval, 'n tydperk van minstens drie jaar ná die jongste inskrywing daarin of daarop, bewaar.

(5) Elke inskrywing in 'n presensieregister moet met ink of inktlood gedoen word.

(6) Die bepalinge van hierdie klousule is nie van toepassing op 'n assistent-bestuurder of die eggenote van 'n bestuurder nie asook nie op 'n werknemer in die munisipale gebiede van Bloemfontein en Kimberley indien en terwyl sodanige werknemer gereeld 'n loon teen 'n tarief van minstens R160 per maand ontvang nie of R150 per maand in die geval van 'n werknemer in die munisipale gebiede van Port Elizabeth, Welkom of Klerksdorp wat kos as gedeeltelike betaling van sy loon ontvang.

EERSTE BYLAE.

Ek/ons (a) _____
wat die Drankbedryf beoefen te _____

verklaar hierby dat _____
in my/ons (a) diens was van die _____
dag van _____ 19____ tot die _____
dag van _____ 19____ as (b) _____
By diensbeëindiging was sy/haar (a) loon _____
rand _____ sent per week.

(Handtekening van werkgever of
gemagtigde verteenwoordiger.)

Datum _____

- (a) Skrap wat nie van toepassing is nie.
(b) Meld die beroep waarin die werknemer uitsluitend of hoofsaaklik in diens was, bv., klerk, arbeider.

SECOND SCHEDULE.

ATTENDANCE REGISTER.

(Name of employee.)										(Occupation of employee.)									
Date and day of week.		Entries to be made by employee.										Remarks (if any).							
Year _____		Signature.	Time of commencing work.	Intervals of work.						Time of finishing work.	Excess hours worked.		Total number of hours worked.		By employee.	By employer if employee absent; reasons for his absence (to be signed by employer).	By inspector.		
Month _____	Day of week.			Off.	On.	Off.	On.	Off.	On.		On.	Off.	Each day.	Each week.					
1																			
2																			
3																			
4																			
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NOTE.—Under headings "Off" and "On" in columns referring to "Intervals of work", insert time interval commences and time work resumed. An employee is deemed to be at work for any interval in his work if the employee is not free to leave the establishment for the whole of the interval.

TWEEDE BYLAE.
PRESENSIEREGISTER.

(Naam van werknemer.)										(Beroep van werknemer.)									
Datum en dag van week.		Inskrywings wat die werknemer moet maak.										Opmerkings (as daar is).							
Jaar _____		Hand-tekening.	Aanvangs-tyd van werk.	Pouses.						Ophoutyd van werk.	Oorure gewerk.		Totale getal ure gewerk.	Deur werknemer.	Deur werk-gewer as werknemer afwesig is; rede daarvan (moet deur werk-gewer onderteken word).	Deur inspekteur.			
Maand _____				In.	Uit.	In.	Uit.	In.	Uit.		In.	Uit.							
Datum	Dag van die week.			In.	Uit.	In.	Uit.	In.	Uit.		In.	Uit.	Elke dag.	Elke week.					
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OPMERKING.—Onder die hoofde „In ” en „Uit ” onder „Pouses ”, skryf in die tyd waarop ’n pouse begin en die tyd waarop die werk hervat word. ’n Werknemer word geag gedurende ’n werk-pouse aan die werk te wees as dit hom nie vry staan om die bedryfsinrigting vir die hele pouse te verlaat nie.

No. R. 1911.] [20 November 1964.
WAR MEASURES ACT, 1940.

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

LIQUOR TRADE, LARGE TOWNS.

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 clause 3 of the Wage Determination for the Liquor Trade, Large Towns, published under Government Notice No. R. 1910 of the 20th November, 1964.

M. VILJOEN,
Deputy-Minister of Labour.

No. R. 1911.] [20 November 1964.
WET OP OORLOGSMAATREËLS, 1940.

OPSKORTING VAN BETALING VAN LEWENS-
KOSTETOELAE BETAALBAAR INGEVOLGE
OORLOGSMAATREËL No. 43 VAN 1942, SOOS
GEWYSIG.

DRANKBEDRYF, GROOT DORPE.

Namens die Minister van Arbeid, skort ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens die bepalings van subregulasie (1) van regulasie 4 van die regulasies gepubliseer by Oorlogsmaatreël No. 43 van 1942, soos gewysig, hierby die toepassing van genoemde regulasies op ten opsigte van alle werknemers vir wie lone voorgeskryf word in klousule 3 van die Loonvasstelling vir die Drankbedryf, Groot Dorpe, gepubliseer by Goewermentskennisgewing No. R. 1910 van 20 November 1964.

M. VILJOEN,
Adjunk-minister van Arbeid.

CONTENTS.

No.	Department of Labour.	PAGE
	GOVERNMENT NOTICES.	
R.1910.	Wage Act, 1957: Wage Determination No. 256: Liquor Trade: Large Towns	1
R.1911.	War Measures Act, 1940: Liquor Trade: Large Towns	16

INHOUD.

No.	Departement van Arbeid.	BLADSY
	GOEWERMENTSKENNISGEWINGS.	
R.1910.	Loonwet, 1957: Loonvasstelling No. 256: Drankbedryf: Groot Dorpe	1
R.1911.	Wet op Oorlogsmaatreëls, 1940: Drankbedryf: Groot Dorpe	16