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GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 2003.] [17 December 1965.]

WAGE ACT, No. 5 OF 1957.

WAGE DETERMINATION No. 269.

UNSKILLED LABOUR, EAST LONDON, PORT
ELIZABETH AND Uitenhage.

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 Wage Determination in the Schedule hereto in respect of Unskilled Labour and has fixed the 10th day of January, 1966, 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 the employees of local authorities, who perform unskilled labour in the area comprising the Magisterial Districts of East London, Port Elizabeth and Uitenhage in any of the undermentioned trades—

- (1) brewing or bottling beer; (3)
- (2) bunkering, other than in the Magisterial District of Uitenhage; (4)
- (3) cleaning of buildings (including windows); (19)
- (4) delivery services, including messenger services (except delivery by means of motor-propelled vehicles); (1)
- (5) demolition of buildings; (20)
- (6) distilling of spirituous liquors; (5)
- (7) excavating, levelling, pumping, selling or delivering of sand, soil or gravel; (22)
- (8) fertilizer manufacture; (13)
- (9) generation or distribution of electricity; (16)
- (10) grease manufacture; (6)
- (11) grinding or packing of salt other than in the Magisterial District of Port Elizabeth, exclusive of the municipal area of Port Elizabeth; (14)
- (12) letting of offices; (23)
- (13) manufacture of lead acid batteries; (24)
- (14) manufacture of food for domestic animals, livestock feeds or malt where not undertaken in conjunction with the activities specified in items (i) or (ii) of the definition of Milling Industry contained in Government Notice No. 407 of the 21st March, 1958; (25)
- (15) manufacture of glucose, dextrose or cornflour; (26)
- (16) manufacture of whale products, other than in the Magisterial District of Uitenhage (29)
- (17) manufacture or distribution of gas; (30)
- (18) manufacturing or mending hessian or jute bags; (27)
- (19) market or commission agencies; (15)

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 2003.] [17 Desember 1965.]

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 269.

ONGESKOOLDE ARBEID, OOS-LONDEN, PORT
ELIZABETH EN UITENHAGE.

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 Loonvastelling wat in die Bylae hiervan verskyn ten opsigte van Ongeskoolde Arbeid gemaak het en die 10e dag van Januarie 1966 bepaal het as die datum waarop die bepalings van genoemde Vastelling bindend word.

BYLAE.

1. GEBIED EN BESTEK VAN VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd die werknemers van plaaslike owerhede, in die gebied bestaande uit die landdrosdistrikte Oos-Londen, Port Elizabeth en Uitenhage, wat ongeskoolde werk in enigeen van ondergenoemde bedrywe verrig:—

- (1) Afleveringsdienste, met inbegrip van bodedienste (uitgesonderd aflevering met motoraangedrewe voertuie); (4)
- (2) behandeling van timmerhout met hitte of chemikalieë; (30)
- (3) bierbrou of die bottel van bier; (1)
- (4) bunkerwerk, uitgesonderd in die landdrosdistrik Uitenhage; (2)
- (5) distillering van spiritualieë; (6)
- (6) ghriesvervaardiging; (10)
- (7) goederevervoer, met inbegrip van die stoor van goedere; (28)
- (8) handel in ou metaal; (25)
- (9) handel in tweedehandse bottels; (26)
- (10) herwinning van afvalglas; (31)
- (11) herwinning van afvalpapier; (32)
- (12) klipbreek, waar dit nie gesamentlik met klipvergruising onderneem word nie; (23)
- (13) kunsmisvervaardiging; (8)
- (14) maal of verpakking van sout, uitgesonderd in die landdrosdistrik Port Elizabeth, behalwe die munisipale gebied van Port Elizabeth; (11)
- (15) mark- of kommissieagente; (19)
- (16) opwekking of verspreiding van elektrisiteit; (9)
- (17) passasiersvervoer, uitgesonderd in die landdrosdistrik Port Elizabeth; (29)
- (18) raffineer of skoonmaak of olie; (25)
- (19) skoonmaak van geboue (met inbegrip van vensters); (3)

- (20) night soil removal; (31)
 - (21) preparing sites for building or other purposes; (32)
 - (22) processing of tanning extract; (28)
 - (23) quarrying, where not undertaken in conjunction with stone-crushing; (12)
 - (24) refining or cleaning of oil; (18)
 - (25) scrap metal dealing; (8)
 - (26) second hand bottle dealing; (9)
 - (27) shipping agencies; (21)
 - (28) transportation of goods, including the storage of goods; (7)
 - (29) transportation of passengers, other than in the Magisterial District of Port Elizabeth; (17)
 - (30) treatment of timber by heat or chemicals; (2)
 - (31) waste glass recovery; (10)
 - (32) waste paper recovery; (11)
- and to employers of such employees.

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 inconsistent with the context—

- (i) "continuous process worker" means an employee who is engaged in any activity which in terms of paragraph (a) of sub-section (1) of section nineteen of the Factories, Machinery and Building Work Act, 1941, has been declared to be an activity in which continuous working by means of three shifts per day is necessary; (xiii)
- (ii) "daily employee" means an employee who is employed by the day; (ii)
- (iii) "day", in relation to a continuous process worker, a shift worker or an employee engaged in cleaning premises, means a period of twenty-four consecutive hours calculated from the time such an employee commences work, and, in relation to any other employee, a period of twenty-four consecutive hours commencing at midnight; (iii)
- (iv) "emergency work" means—
 - (a) any work which, owing to unforeseen circumstances such as fire, storm, accident, act of violence, epidemic or theft, must be done without delay;
 - (b) any work necessary for the maintenance or provision of light, power, water, telephone, public health, sanitary, cleansing, public transport or airport services or for the supply of goods to hospitals or the police or military forces;
 - (c) any work necessitated by a general breakdown of plant or machinery or an actual breakdown or threatened breakdown of buildings;
 - (d) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; or
 - (e) the work of or connected with the loading or unloading of trucks or vehicles belonging to the South African Railways and Harbours; (vi)
- (v) "establishment" means any premises in or in connection with which one or more employees are employed in any one or more of the trades mentioned in clause 1; (i)
- (vi) "local authorities" means divisional councils, city councils, municipal councils, borough councils, town councils, village councils, town boards, local boards, village management boards or health committees, the Peri-Urban Areas Health Board established under the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943) of Transvaal, the Local Health Commission constituted under the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941) of Natal, and any other similar institution or body contemplated in paragraph (f) of sub-section (1) of section eighty-four of the Republic of South Africa Constitution Act, 1961 (ix)
- (vii) "overtime" means that portion of any period during which an employee works for his employer during any week or on any day, as the case may be, which is in excess of the respective ordinary hours of work prescribed for such employee in sub-clauses (1), (2) or (3) of clause 5, but does not include any period during which an employee—
 - (i) whose said hours are prescribed in sub-clause (1) of clause 5, works for his employer on a Sunday;
 - (ii) whose said hours are prescribed in sub-clause (2) of clause 5, works for his employer on his day of rest; (viii)
- (viii) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (x)
- (ix) "shift worker" means an employee who is engaged on shift work in an establishment in which three consecutive shifts per day on five or six days per week are worked; (xi)

- (20) sloping van geboue; (5)
 - (21) skeepagentskappe; (27)
 - (22) uitgrawe, gelykmaak, uitpomp, verkoop of aflewering van sand, grond of gruis; (7)
 - (23) verhuur van kantore; (12)
 - (24) vervaardiging van loodsurbatterye; (13)
 - (25) vervaardiging van voedsel vir huisdiere, voedingsmiddels vir lewende hawe of mout, waar dit nie tesame met die werksaamhede vermeld in items (i) of (ii) van die woordomskriving van "maálnywerheid", soos vervat in Goewermentskennisgewing No. 407 van 21 Maart 1958, onderneem word nie; (14)
 - (26) vervaardiging van glukose, dekstrose of mielieblom; (15)
 - (27) vervaardiging of heelmaak van gooiing- of jutesakke; (18)
 - (28) vervaardiging van looi-ekstrak; (22)
 - (29) vervaardiging van walvisprodukte, uitgesonderd in die land-drosdistrik Uitenhage; (16)
 - (30) vervaardiging of verspreiding van gas; (17)
 - (31) verwydering van nagvuil; (20)
 - (32) voorbereiding van terreine vir bou- en ander doeleindes; (21)
- en op die werkgewers van sodanige werknemers.

2. WOORDOMSKRYWINGS.

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

- (i) "bedryfsinrigting" enige perseel waarop of in verband waarmee een of meer werknemers in een of meer van die bedrywe in klousule 1 genoem, in diens is; (v)
- (ii) "daaglikse werknemer" 'n werknemer wat by die dag in diens is; (ii)
- (iii) "dag" met betrekking tot 'n werker in 'n kontinue proses, 'n skofwerker of 'n werknemer wat in diens is vir die skoonmaak van persele, 'n tydperk van 24 opeenvolgende ure bereken vanaf die tyd waarop sodanige werknemer met sy werk begin, en met betrekking tot enige ander werknemer, 'n tydperk van 24 opeenvolgende ure wat om middernag begin; (iii)
- (iv) "korttyd" 'n tydelike vermindering van die getal gewone werke te wyte aan 'n tekort aan grondstowwe, ongunstige weersomstandighede of aan die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word; (x)
- (v) "loon" die geldbedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werke soos by klousule 5 voorgeskryf: Met dien verstande—
 - (i) dat, as 'n werkgewer sy werknemer ten opsigte van sy gewone werke gereed 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit dié hoër bedrag beteken;
 - (ii) dat die eerste voorbehoudsbepaling nie so uitgelê word dat dit enige besoldiging bedoel of omvat wat 'n werknemer, in diens op enige basis kragtens klousule 9, ontvang het bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige basis in diens was nie; (xi)
- (vi) "noodwerk"—
 - (a) alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, gewelddaad, epidemie of diefstal sonder versuim gedoen moet word;
 - (b) alle werk wat gedoen moet word vir die instandhouding of verskaffing van lig, krag of water of van telefoon-, openbare gesondheids-, sanitêre, skoonmaak-, openbare vervoer- of lughawediens, of vir die lewering van goedere aan hospitale of die polisie- of militêre magte;
 - (c) alle werk wat genoodsaak word ten gevolge van die feit dat die installasie of masjinerie geheel uit orde is of dat die geboue onbruikbaar is of dreig om dit te word;
 - (d) alle werk in verband met die opknapping of herstel van installasies of masjinerie wat nie gedurende die gewone werke verrig kan word nie;
 - (e) die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens of werk wat daarmee in verband staan; (iv)
- (vii) "ongeskoolde arbeid", sonder om die gewone betekenis van die uitdrukking hoegenaamd te beperk—
 - (1) artikels van gelyke grootte en getal in houers verpak wat spesiaal gemaak is om sodanige artikels te bevat; (38)
 - (2) afval van gesmelte lood verwyder; (44)
 - (3) artikels, leë bottels, sakke, pakkette of ander houers sorteer, vasbind of toedraai of ou metaal, afvalglas of afvalpapier sorteer of bymekaarmaak; (35)

- (x) "short-time" means any temporary reduction in the number of ordinary hours of work owing to the vagaries of the weather, a shortage of raw materials or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (iv)
- (xi) "unskilled labour" means without limiting the ordinary meaning of the expression whatsoever—
- (1) affixing labels to or marking, branding, stamping, or stencilling articles or containers or perforating labels; (18)
 - (2) affixing stamps to letters, parcels or other articles; (45)
 - (3) assisting an artisan, other than by using the tools of his trade; (59)
 - (4) bending or cutting, under supervision, by means of a blowlamp, or bending or breaking up by means of hammers, saws, chisels, crowbars or spanners any scrap metal, machine, wreck, vehicle or bridge; (19)
 - (5) carrying, lifting, pulling, pushing, hauling, packing, stacking, rolling, moving or burying any articles, vehicles or containers, whether in or on the workshop, storeroom, shed, premises, vehicle or railway truck, other than by the use of power equipment; (14)
 - (6) checking, keeping tally or stacking of bags; (41)
 - (7) cleaning or levelling bricks, stones or concrete by means of hammers, trowels or other non-power-driven tools; (5)
 - (8) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, tanks, containers or other articles including polishing floors, furniture or vehicles or brushing carpets; (46)
 - (9) connecting or disconnecting, screwing or unscrewing pipes; (47)
 - (10) cooking rations or making or serving tea or similar beverages for or to employees, or making or serving tea or other refreshments for or to the employer or his guests; (51)
 - (11) coupling, uncoupling or braking cocopans, laying or bolting or unbolting tracks; (28)
 - (12) covering with or removing tarpaulins; (7)
 - (13) cutting wire, rope or hessian by hand; (15)
 - (14) delivering or conveying messages, parcels, letters or goods on foot or by means of a bicycle, tricycle or manually propelled vehicle; (6)
 - (15) drilling by hand; (37)
 - (16) erecting scaffolding under supervision; (53)
 - (17) feeding or taking off from conveyor belts, machines, hoppers, platforms or tanks; (57)
 - (18) filling fuel tanks or draining or filling oil sumps; (8)
 - (19) gardening, i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation or planting under supervision; (56)
 - (20) guarding premises or property; (48)
 - (21) heating metal vats, tanks, pipes, drums or other containers by steam; (38)
 - (22) lime-washing, cleaning or disinfecting compounds, latrines, stables or outbuildings or applying cleansing or disinfecting substances to night soil containers; (29)
 - (23) loading or unloading; (35)
 - (24) loosening, excavating, breaking or spreading stone, gravel, soil, clay, sand or other raw materials; shovelling, digging trenches, holes or foundations or performing other excavation work by hand; digging out tree stumps; (30)
 - (25) loosening, demolishing or breaking up walls; (39)
 - (26) loosening or taking down planks, beams or other kinds of timbering, roof tiling, corrugated iron sheets, asbestos sheeting or other roofing material, or removing nails therefrom; (49)
 - (27) making or maintaining fires, whether in hearths, ovens or any other fire place, removing refuse or ashes; sorting out cinders; (58)
 - (28) mending, cleaning or shaking out bags; cutting bags by hand or machine; (54)
 - (29) minding, cleaning, driving, feeding or in any other way tending livestock; (36)
 - (30) moving, placing, dragging or lifting pipes or poles; driving in or planting poles; (50)
 - (31) oiling or greasing vehicles, rails or machinery, but not electric generating machinery or motor vehicles; (60)
 - (32) opening or closing cocks or valves or adjusting levers, under supervision; (43)
 - (33) opening or closing doors or windows; (16)

- (4) afval van walvisse verwyder; (47)
- (5) bakstene, klippe of beton met hamers, troffels of ander nie-kragaangedrewe gereedskap skoonmaak of afvlak; (7)
- (6) boodskappe, pakkette, briewe of goedere te voet, per trapfiets, driewieler of hand-voertuig aflewer of vervoer; (14)
- (7) bokseile oorgooi of afhaal; (12)
- (8) brandstoftenks volmaak of oliebakke leegtap of volmaak; (18)
- (9) briewe, pakkette, bottels, vate, kaste, blikke, platkissies, kartonne, konkas, sakke, bale of enige ander houers oopmaak of toemaak, volmaak of leegmaak; spoorweg-waens of skeepsruime oop- of toemaak; (35)
- (10) baalperse of ander perse met die hand bedien of draad, hoepels, toue of metaalbande om kiste, sakke, vesel of bale sit of vasmaak; (36)
- (11) bottels of soortgelyke houers in kragaangedrewe masjiene plaas of daaruit neem, etikette van bottels, kaste of ander artikels met die hand verwyder of daarop plak, etikette aan kragaangedrewe etiketteermasjiene voer; (39)
- (12) briewe, omsendbriewe, dokumente, biljette, advertensies of ander geskrewe, gedrukte, getikte of afgerolde geskrifte in koeverte plaas of in pakkies opmaak; (41)
- (13) batterye afhaal, volmaak of terugsit; (48)
- (14) dra, oplug, sleep, stoot, trek, verpak, opstapel, rol, verskuif of begrawe van enige artikels, voertuie of houers, hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwa, behalwe deur die gebruik van kragtoerusting; (5)
- (15) draad, tou of goingsak met die hand sny; (13)
- (16) deure of vensters oop- of toemaak; (33)
- (17) drade op- of afrol, in posisie lê, sleep of trek; (61)
- (18) etikette op artikels of houers plak of dit merk, brandmerk, stempel of sjabloneer of etikette perforeer; (1)
- (19) enige ou metaal, masjien, wrak, voertuig of brug met hamers, sae, beitels koevoete of skroefslutels buig of opbreek, of onder toesig met 'n blaaslamp buig of sny; (4)
- (20) enige onsuiverheid uit going of jute met die hand verwyder; (45)
- (21) filterperse oop- of toemaak of filterdoeke verwyder of vervang; (34)
- (22) goedere volgens voorafbepaalde gewig by herhaling weeg, of goedere volgens voorafbepaalde maat by herhaling meet; (51)
- (23) groente, vrugte, pluimvee, blomme of ander plaasprodukte sorteer of verpak; (54)
- (24) gars of ander graansoorte met grawe of skoppe oopsprei of omkeer; (56)
- (25) going of jute met die hand pluig; (58)
- (26) handdoeke, seep of toiletpapier vervang; (52)
- (27) 'n hystoestel, goederhysbak, handpomp, afrolmasjien, domkrag, windas, gangspil of naaimasjien bedien; (37)
- (28) koekepanne koppel, ont koppel of rem; spore lê of vas- of losbout; (11)
- (29) kampongs, latrines, stalle of buitegeboue witkalk, skoonmaak of ontsmet of reinigings- of ontsmettingsmiddels aan houers van nagvuil aanwend; (22)
- (30) klip, gruis, grond, klei, sand of ander grondstowwe losmaak, uithaal, breek of strooi, met 'n skopgraafskop, slote, gate of fondamente grawe of uitgrawingswerk met die hand verrig; boomstompe uitgrawe; (24)
- (31) konkas verf; (40)
- (32) kruiwaens, trollies, waentjies of ander handvoertuie stoot of trek; (42)
- (33) kiste, bokke of kratte met die hand herstel; (50)
- (34) klaargemaakte karton- of veselborddose of soortgelyke houers met die hand opstel of uitmekaarhaal, of papier met die hand vou; (53)
- (35) laai of aflaai; (23)
- (36) lewende hawe oppas, aanjaag, skoonmaak, voer of op enige wyse versorg; (29)
- (37) met die hand boor; (15)
- (38) metaalvate, tenks, pype, konkas of ander houers met stoom verhit; (21)
- (39) mure losmaak, afbreek of opbreek; (25)
- (40) met die hand omroer of meng; uitskep; (57)
- (41) nasien, met 'n telbord telling hou of opstapel van sakke; (6)
- (42) nagemmers verwyder, leegmaak, skoonmaak of vervang; (46)
- (43) onder toesig krane of kleppe oopmaak of toemaak, of masjienhefbome verstel; (32)
- (44) oorpakke, uniforms of beskermde klere was; (60)

- (34) opening or closing filter presses or removing or changing filter cloths; (21)
- (35) opening, closing, filling or emptying letters, parcels, bottles, casks, boxes, tins, trays, cartons, drums, bags, bales or any other containers, opening or closing railway trucks or ships' holds; (9)
- (36) operating baling presses or other presses by hand, or placing or securing wire, hoops, ropes or metal bands around boxes, bags, fibre or bales; (10)
- (37) operating a hoist, goods lift, handpump, duplicating machine, jack, winch, capstan or sewing machine; (27)
- (38) packing articles of uniform size and number in containers specially made to contain such articles; (1)
- (39) placing bottles or similar containers in power-driven machines or taking therefrom; removing labels from bottles, boxes or other articles by hand or affixing labels thereto; feeding labels to power-driven labelling machines; (11)
- (40) painting drums; (31)
- (41) placing letters, circulars, documents, handbills, advertisements or other written, printed, typed or recorded documents in envelopes or making them up into bundles; (12)
- (42) pulling or pushing wheelbarrows, trolleys, barrows or other manually propelled vehicles; (32)
- (43) pumping, washing or screening sand or gravel by hand; (55)
- (44) removing dross from molten lead; (2)
- (45) removing any impurities from hessian or jute by hand; (20)
- (46) removing, emptying, cleansing or replacing sanitary pails; (42)
- (47) removing offal from whales; (4)
- (48) removing, topping up or replacing batteries; (13)
- (49) removing, replacing, changing or inflating wheels or tyres or tubes of motor vehicles, bicycles or wheelbarrows or repairing tubes; (61)
- (50) repairing trestles, crates or boxes by hand; (33)
- (51) repetitive weighing of goods to a predetermined weight, or repetitive measuring of goods to a set gauge; (22)
- (52) replacing towels, soap or toilet paper; (26)
- (53) setting up or taking apart ready-made cardboard or fibreboard boxes or similar containers or folding paper by hand; (34)
- (54) storing or packing vegetables, fruit, poultry, flowers or other farm produce; (23)
- (55) sorting, tying or wrapping articles, empty bottles, bags, parcels or other containers or sorting or collecting scrap metal, waste glass or waste paper; (3)
- (56) spreading or turning over barley or other kinds of grain by means of spades or shovels; (24)
- (57) stirring or mixing by hand; ladling; (40)
- (58) teasing hessian or jute by hand; (25)
- (59) using rubber or other stamps where selection or discretion is unnecessary; (52)
- (60) washing overalls, uniforms or protective clothing; (44)
- (61) winding or unwinding, putting into position, dragging or pulling wire; (17) (vi)
- (xiii) "wage" means the amount of money payable to an employee in terms of clause (3) (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided—
- (i) that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount;
- (ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee, who is employed on any basis provided for in clause 9, received over and above the amount which he would have received if he had not been employed on such a basis. (v)
- (xiii) "watchman" means an employee who is engaged in guarding premises or property. (xii)
- (2) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.
- (45) posseëls op briewe, pakkette of ander artikels plak; (2)
- (46) persele, deure, vensters, toerusting, gereedskap masjinerie, meubels, voertuie, tenks, houers of ander artikels skoonmaak of was en dit sluit in vloere, meubels of voertuie poleer of tapye uitboersel; (8)
- (47) pype koppel of ontkoppel, vas- of losskroef; (9)
- (48) persele of eiendom bewaak; (20)
- (49) planke, balke of ander soorte timmerhout, dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreek, of spykers daaruit verwyder; (26)
- (50) pype of pale verlei, regsit, sleep of oplig; pale indryf of inplant; (30)
- (51) rantsoene kook of tee of soortgelyke drankte vir werknemers maak of aan hulle bedien of tee of ander verversings vir die werkgewer of sy gaste maak of bedien; (10)
- (52) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie; (59)
- (53) steiers onder toesig oprig; (16)
- (54) sakke heelmaak, skoonmaak of uitskud; sakke met die hand of met 'n masjien sny; (28)
- (55) sand of gruis met die hand uitpomp, was of sif; (43)
- (56) tuinmaak, d.w.s. spit, hark, gras sny, strooi, meng, natmaak, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder of onder toesig plant; (19)
- (57) vervoerbande, masjiene, vultregters, platforms of tenks met die hand voer of daarvan afneem; (17)
- (58) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder; sintels uitsoek; (27)
- (59) 'n vakman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy vak te gebruik; (3)
- (60) voertuie, spore of masjinerie, maar nie elektriese opwekkingsmasjinerie of motorvoertuie nie, olie of smeer; (31)
- (61) wiele of buite- of binnebande van motorvoertuie, fietse of kruiwaens afhaal, terugsit, omruil of oppomp, of binnebande herstel; (49) (xi)
- (viii) "oortyd" dié gedeelte van enige tydperk gedurende enige week of enige dag, na gelang van die geval, waarin 'n werknemer langer as die getal gewone werke wat in subklousules (1), (2) en (3) van klousule 5 vir sodanige werknemer voorgeskryf word, vir sy werkgewer werk, maar dit sluit nie enige tydperk in nie waarin 'n werknemer—
- (i) wie se genoemde werke in subklousule (1) van klousule 5 voorgeskryf word, op 'n Sondag vir sy werkgewer werk;
- (ii) wie se genoemde werke in subklousule (2) van klousule 5 voorgeskryf word, op 'n rusdag vir sy werkgewer werk; (vii)
- (ix) "plaaslike owerhede" afdelingsrade, stadsrade, munisipale rade, dorpsrade, dorpsbesture, plaaslike bestuursrade, dorpsbestuursrade of gesondheidskomitees, die Gesondheidsraad vir Buitestedelike Gebiede ingestel kragtens die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943) van Transvaal, die Kommissie vir Plaaslike Gesondheid ingestel kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor openbare gesondheidsgebiede), 1941 (Ordonnansie No. 20 van 1941) van Natal, en enige ander soortgelyke instelling of liggaam wat in paragraaf (f) van subartikel (1) van artikel vier-en-tig van die Grondwet van die Republiek van Suid-Afrika, 1961, beoog word; (vi)
- (x) "stukwerk" enige stelsel waarby 'n werknemer se loon op die hoeveelheid gedane werk gebaseer word; (viii)
- (xi) "skofwerker" 'n werknemer wat skofwerk doen in 'n bedryfsinrigting waar drie opeenvolgende skofte op vyf of ses dae in 'n week gewerk word; (ix)
- (xii) "wag" 'n werknemer wat persele of eiendom bewaak; (xiii)
- (xiii) "werker in 'n kontinue proses" 'n werknemer wat werksaam is in 'n bedrywigheid wat ingevolge paragraaf (a) van subartikel (1) van artikel negentien van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, aangekondig is as 'n bedrywigheid waarin onafgebroke werk deur middel van drie skofte per dag noodsaaklik is. (i)
- (2) By die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

3. REMUNERATION.*

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

3. BESOLDIGING.*

(1) Die minimum loon wat 'n werkgever aan elkeen van ondergenoemde klasse werknemers moet betaal, is soos volg:—

	In the Municipal Areas of Port Elizabeth and Walmer.	In the rest of the Magisterial District of Port Elizabeth.	In the Municipal Area of East London.	In the rest of the Magisterial District of East London.	In the Municipal Area of—				In the rest of the Magisterial District of Uitenhage.	
					Uitenhage.		Despatch.		During the First Twelve Months after this Determination becomes binding.	Thereafter.
					During the First Twelve Months after this Determination becomes binding.	Thereafter.	During the First Twelve Months after this Determination becomes binding.	Thereafter.		
(a) Daily employee.....	Per Day. R 1.55 Per Week. R 8.50	Per Day. R 1.40 Per Week. R 7.75	Per Day. R 1.35 Per Week. R 7.45	Per Day. R 1.15 Per Week. R 6.40	Per Day. R 1.25 Per Week. R 6.80	Per Day. R 1.30 Per Week. R 7.05	Per Day. R 1.15 Per Week. R 6.25	Per Day. R 1.20 Per Week. R 6.50	Per Day. R 1.05 Per Week. R 5.75	Per Day. R 1.10 Per Week. R 6.00
(b) Watchman.....										
(c) Employee (other than a daily employee or a watchman)—										
(i) female.....	6.00	5.40	5.20	4.40	4.80	5.00	4.40	4.60	4.00	4.20
(ii) male of the age of 18 years or over.....	7.50	6.75	6.50	5.50	6.00	6.25	5.50	5.75	5.00	5.25
(iii) male under the age of 18 years.....	5.65	5.05	4.90	4.15	4.50	4.70	4.15	4.30	3.75	3.95

	In die munisipale gebiede van Port Elizabeth en Walmer.	In die res van die landdrosdistrik Port Elizabeth.	In die munisipale gebied van Oos-Londen.	In die res van die landdrosdistrik Oos-Londen.	In die munisipale gebied van—				In die res van die landdrosdistrik Uitenhage.	
					Uitenhage.		Despatch.		Gedurende die eerste 12 maande nadat die vasstelling in werking tree.	Daarna.
					Gedurende die eerste 12 maande nadat die vasstelling in werking tree.	Daarna.	Gedurende die eerste 12 maande nadat die vasstelling in werking tree.	Daarna.		
(a) Daaglikse werknemer.....	Per dag. R 1.55 Per week. R 8.50	Per dag. R 1.40 Per week. R 7.75	Per dag. R 1.35 Per week. R 7.45	Per dag. R 1.15 Per week. R 6.40	Per dag. R 1.25 Per week. R 6.80	Per dag. R 1.30 Per week. R 7.05	Per dag. R 1.15 Per week. R 6.25	Per dag. R 1.20 Per week. R 6.50	Per dag. R 1.05 Per week. R 5.75	Per dag. R 1.10 Per week. R 6.00
(b) Wag.....										
(c) Werknemer (behalwe daaglikse werknemer of 'n wag—										
(i) vrou.....	6.00	5.40	5.20	4.40	4.80	5.00	4.40	4.60	4.00	4.20
(ii) man, 18 jaar oud of ouer.....	7.50	6.75	6.50	5.50	6.00	6.25	5.50	5.75	5.00	5.25
(iii) man onder 18 jaar..	5.65	5.05	4.90	4.15	4.50	4.70	4.15	4.30	3.75	3.95

(d) Notwithstanding anything to the contrary in this sub-clause, an employee who is wholly or mainly engaged in removing, emptying, cleaning or replacing sanitary pails shall be paid a wage of not less than that prescribed for his area in paragraph (c) for a male employee of the age of 18 years or over, plus thirty-five cents per week, or, if he is a daily employee, not less than that prescribed in paragraph (a) plus six cents per day.

(e) Notwithstanding anything to the contrary in this sub-clause, if a daily employee is employed as a watchman his wage shall be not less than that prescribed for him in paragraph (a) hereof plus ten cents per day: Provided that for the purpose of this paragraph the expression "day" shall mean a period of twenty-four consecutive hours reckoned from the time the employee commences work.

(f) Notwithstanding anything to the contrary in this clause, where on any day a daily employee has worked or stood by for the work for which he was engaged and which work he was precluded from doing through unforeseen circumstances beyond his control, his employer shall pay him not less than his daily wage, irrespective of whether he has on that day worked or so stood-by for eight-and-a-half hours or less: Provided that if he was required to work or so stand-by for less than four hours on any day, his wage in respect of such day may be reduced not more than fifty per cent.

(2) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a daily 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) for an employee of his class and area, whether he has in that week worked the maximum ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Calculation of Wages.*—(a) The daily wage of an employee, other than a daily employee or a watchman, shall be his weekly wage divided by the number of days he ordinarily works in a week.

(b) The daily wage of a watchman shall be his weekly wage divided by six.

(c) The monthly wage of an employee shall be his weekly wage multiplied by four and a third.

(d) The hourly wage of an employee, other than a daily employee, shall be his weekly wage divided by the number of ordinary hours of work which he ordinarily works in a week.

(4) *Bicycle Allowance.*—An employer who requires an employee to use his own bicycle in the performance of his duties shall pay such employee, in addition to any other remuneration due to him, an allowance of not less than forty cents per week, or, if the employee is a daily employee, not less than eight cents per day.

(5) *Subsistence Allowance.*—(a) An employer shall, in addition to any other remuneration due, pay his employee, who is engaged in packing, unpacking, loading, unloading or the transportation of household furniture and who on any journey undertaken in the performance of his duties is absent from his place of residence and his employer's establishment for any period extending over one or more nights, a subsistence allowance of not less than—

- (i) seventy-five cents for each night of such absence, and
- (ii) fifteen cents for each meal necessarily obtained during such absence.

(b) For the purpose of this sub-clause the expression "night" means the period between 11 o'clock p.m. and 4 o'clock a.m.

4. PAYMENT OF REMUNERATION.

(1) *Employees, Other than Daily Employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a daily employee, shall be paid in cash weekly or, with the consent of the employee, monthly during the hours of work or within fifteen minutes of ceasing 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 his number on the pay-roll;
- (c) the number of ordinary hours of work worked by the employee;
- (d) the number of overtime hours worked by the employee;
- (e) the employee's wage;
- (f) the details of any other remuneration arising out of the employee's employment;
- (g) the details of any deductions made;
- (h) the actual amount paid to the employee; and
- (i) the period in respect of which payment is made;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that in the case of a continuous process worker or a shift worker payment may be made at a time agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment, but not later than twenty-four hours after the usual pay-day.

(2) *Daily Employees.*—An employer shall pay the remuneration due to his daily employee in cash on completion of each day's work.

(d) Ondanks andersluidende bepalinge in hierdie subklousule moet 'n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die verwydering, leegmaak, skoonmaak of terugsit van sanitêre emmers, 'n loon van minstens dié betaal word wat vir sy gebied in paragraaf (c) vir 'n manlike werknemer van die leeftyd van 18 jaar of ouer voorgeskryf word, plus 35 sent per week, of as hy 'n daaglikse werknemer is, minstens dié voorgeskryf in paragraaf (a) plus 6 sent per dag.

(e) Ondanks andersluidende bepalinge in hierdie subklousule, moet die loon van 'n daaglikse werknemer, wanneer hy as 'n wag in diens is, minstens dié wees wat vir hom in paragraaf (a) hiervan voorgeskryf word, plus 10 sent per dag: Met dien verstande dat by die toepassing van hierdie paragraaf die uitdrukking "dag" 'n tydperk van 24 opeenvolgende ure beteken, bereken vanaf die tyd waarop die werknemer begin werk.

(f) Ondanks andersluidende bepalinge in hierdie klousule moet die werkgewer van 'n daaglikse werknemer wat op enige dag gewerk het of beskikbaar was vir die werk waarvoor hy in diens geneem is maar wat hy nie kon doen weens onvoorsiene omstandighede buite sy beheer nie, hom minstens sy dagloon betaal, ongeag of hy op daardie dag 8½ uur of minder gewerk het of aldus beskikbaar was: Met dien verstande dat as hy verplig was om te werk of om beskikbaar te wees vir minder as 4 uur op 'n dag, sy loon vir dié dag met nie meer as vyftig persent verminder mag word nie.

(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) vir 'n werknemer van sy klas en gebied voorgeskryf word, heitsy hy in daardie week die maksimum gewone getal werkure wat op hom kragtens klousule 5 van toepassing is, of minder gewerk het.

(3) *Berekening van lone.*—(a) Die dagloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer of 'n wag, is sy weekloon gedeel deur die getal dae wat hy gewoonlik in 'n week werk.

(b) Die dagloon van 'n wag is sy weekloon gedeel deur ses.

(c) Die maandloon van 'n werknemer is sy weekloon vermenigvuldig met 4½.

(d) Die uurloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal gewone werkure wat hy gewoonlik in 'n week werk.

(4) *Fietstoelae.*—'n Werkgewer wat van 'n werknemer vereis om sy eie fiets te gebruik by die verrigting van sy werk, moet sodanige werknemer bo en behalwe enige ander besoldiging wat aan hom verskuldig is, 'n toelae van minstens 40 sent per week betaal, of, as die werknemer 'n daaglikse werknemer is, minstens 8 sent per dag.

(5) *Onderhoudstoelae.*—(a) 'n Werkgewer moet, benewens enige ander besoldiging wat verskuldig is, aan sy werknemer wat in diens is vir die verpakking, uitpak, laai, aflaai of vervoer van huisraad of wat op enige reis wat onderneem word in die verrigting van sy werk, van sy woonplek of sy werkplek se bedryfsinrigting afwesig is vir enige tydperk wat oor een of meer nagte strek, 'n onderhoudstoelae betaal van minstens—

- (i) 75 sent vir elke nag van sodanige afwesigheid, en
- (ii) 15 sent vir elke maal wat noodwendig gedurende sodanige afwesigheid genuttig moet word.

(b) By die toepassing van hierdie subklousule beteken die uitdrukking "nag" die tydperk tussen 11-uur nm. en 4-uur vm.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd daaglikse werknemers.*—Behoudens die bepalinge van klousule 6 (4) moet iedere bedrag wat verskuldig is aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks in kontant betaal word of, as die werknemer daartoe instem, maandeliks gedurende die werkure of binne 15 minute na afloop van die werk, op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer of by diensbeëindiging as dit vóór die gewone betaaldag plaasvind en sodanige bedrag moet in 'n kovert of houer wees waarop aangegee word of wat vergesel gaan van 'n staat wat onderstaande aantoon—

- (a) die werkgewer se naam;
- (b) die werknemer se naam of sy nommer op die betaalstaat;
- (c) die getal gewone werkure wat die werknemer gewerk het;
- (d) die getal oortydure wat die werknemer gewerk het;
- (e) die werknemer se loon;
- (f) die besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (g) die besonderhede van enige afrekkings wat gemaak is;
- (h) die werklike bedrag wat aan die werknemer betaal is; en
- (i) die tydperk ten opsigte waarvan betaling gedoen is;

en sodanige kovert of houer waarop hierdie besonderhede aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat in die geval van 'n werker in 'n kontinue proses of 'n skofwerker, betaling gedoen kan word op 'n tyd waaroor daar tussen die werknemer en sy werkgewer ooreengekom is, en wat gedurende die gewone kantoorure van die bedryfsinrigting moet wees, maar nie later nie as 24 uur ná die gewone betaaldag.

(2) *Daaglikse werknemers.*—'n Werkgewer moet die besoldiging wat aan sy daaglikse werknemer verskuldig is, in kontant betaal na afloop van iedere dag se werk.

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

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

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

(6) *Deductions*.—An employer shall not levy any fines against his employee nor shall he make any deductions from his 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;
- (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 thereof;
- (c) a deduction of any amount which an employer by law or order of any competent court is required or permitted to make;
- (d) whenever an employee agrees or is required in terms of the Bantu (Urban Areas) Consolidation Act, 1945, to accept board or lodging or board and lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

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

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction to the amount of the employee's (other than a daily employee's) hourly wage in respect of each hour of such reduction: Provided—

- (i) that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
- (ii) that no deduction shall be made in the case of short-time arising out of shortage of raw materials, unless the employer has given his employee notice on the previous work-day of his intention to reduce the ordinary hours of work;
- (iii) that no deduction shall be made in the case of short-time owing to the vagaries of the weather or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings in respect of the first hour not worked unless the employer has given his employee notice on the previous day that no work will be available;

(f) with the written consent of an employee, a deduction of any amount which an employer has paid to any 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 local authority.

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

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

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

(2) An employer shall not require or permit a continuous process worker to work more ordinary hours of work than—

- (i) forty-eight in any week from Sunday to Saturday, inclusive; and
- (ii) subject to sub-paragraph (i) hereof, eight on any day: Provided that an employer may require or permit such an employee to work two shifts of eight hours on one day but not more often than once in any period of three consecutive weeks and so that the employee has a free period of at least eight hours between such shifts.

(3) *Premies*.—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming 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) *Etes en huisvesting*.—Behoudens die bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie vereis dat sy werknemer by hom of by enige ander persoon of plek deur hom aangewys, eet of inwoon of eet en inwoon nie.

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

- (a) met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorg- of pensioenfonds;
- (b) behoudens andersluidende bepalings in hierdie Vasstelling, 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 die grondslag van die loon wat dié werknemer ten tyde van die afwesigheid vir sy gewone werkure ontvang het;
- (c) iedere bedrag wat 'n werkgever regtens of op bevel van bevoegde hof verplig of toegelaat word om af te trek;
- (d) wanneer 'n werknemer daartoe instem, of ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, verplig word om etes en huisvesting of etes of huisvesting van sy werkgever aan te neem, 'n bedrag hoogstens gelyk aan onderstaande bedrae—

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

(e) wanneer die gewone werkure in klousule 5 voorgeskryf, weens korttyd verminder word, 'n bedrag gelyk aan die werknemer (uitgesonderd 'n daaglikse werknemer) se uurloon vir elke uur van sodanige vermindering: Met dien verstande—

- (i) dat sodanige bedrag, ongeag die getal ure waarmee die gewone werkure aldus verminder word, hoogstens een derde van die werknemer se weekloon mag wees;
- (ii) dat geen aftrekking ten opsigte van korttyd deur 'n slape in die bedryf veroorsaak, geskied nie, tensy die werkgever sy werknemer op die vorige dag kennis gee het van sy voorneme om die gewone werkure te verminder;
- (iii) dat ten opsigte van korttyd weens ongunstige weersomstandighede, of 'n algemene onklaarraking van installasie of masjinerie of 'n werklike of dreigende onklaarraking van geboue geen aftrekking geskied vir die eerste uur waarin daar nie gewerk word nie, tensy die werkgever sy werknemer die vorige dag kennis gee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgever aan 'n plaaslike owerheid betaal het vir die huur van 'n huis of akkommodasie in enige hostel wat deur sodanige werknemer in 'n lokasie of Bantoeoord, wat onder beheer van sodanige plaaslike owerheid is, geokkupeer word.

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

(1) *Gewone werkure*.—'n Werkgever mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n werknemer in 'n kontinue proses, of 'n daaglikse werknemer, meer gewone werkure werk nie as—

- (a) in die geval van 'n werknemer wat ses dae in 'n week werk—
 - (i) 46 in 'n week van Maandag tot en met Saterdag; en
 - (ii) behoudens subparagraaf (i) hiervan, 8 op 'n dag, tensy die ure op een dag hoogstens 5 is, wanneer die ure op die orige dae tot 8½ verleng kan word;
- (b) in die geval van 'n werknemer wat 5 dae in 'n week werk—
 - (i) 46 in 'n week van Maandag tot en met Vrydag; en
 - (ii) behoudens subparagraaf (i) hiervan, 9½ op 'n dag.

(2) 'n Werkgever mag nie vereis of toelaat dat 'n werknemer in 'n kontinue proses meer gewone werkure werk nie as—

- (i) 48 in 'n week van Sondag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, 8 op 'n dag: Met dien verstande dat 'n werkgever sodanige werknemer kan verplig of toelaat om 2 skofte van 8 uur op een dag te werk maar nie meer dikwels as een maal in enige tydperk van 3 opeenvolgende weke nie en op so 'n wyse dat die werknemer 'n vry tydperk van minstens 8 uur tussen sulke skofte kry.

(3) An employer shall not require or permit a daily employee to work more ordinary hours of work than—

- (a) eight and a half on any day; or
- (b) subject to (a) hereof, forty-six in any week with him.

(4) *Meal Intervals.*—An employer shall not require or permit an employee to work continuously for more than—

- (a) eight hours, in the case of a continuous process worker; and
- (b) five hours, in the case of any other employee;

without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed not to be part of the ordinary hours of work or overtime; Provided—

- (i) that an employer may agree with his employee to reduce the period of such meal interval to not less than half an hour, and in that event and after the employer has lodged a statement of such agreement with the Divisional Inspector, Department of Labour, for his area, the meal interval may be so reduced;
- (ii) the periods of work interrupted by intervals of less than one hour, except when proviso (i) or (vi) applies, shall be deemed to be continuous;
- (iii) that, if such interval be longer than one hour, except when proviso (iv) applies, any period in excess of one and one-quarter hours shall be deemed to be time worked;
- (iv) that, in the case of an employee who is wholly or mainly engaged in cleaning premises or vehicles used for the transportation of passengers or tending to animals, if such interval be longer than three hours any period in excess of three hours shall be deemed to form part of the ordinary hours of work;
- (v) that no more than one such interval during the ordinary hours of work of an employee on any day shall be deemed not to form part of the ordinary hours of work;
- (vi) that when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may, at the request of the employee, be reduced to fifteen minutes so long as the total period worked by the employee after the first meal interval of the day does not exceed seven hours.

(5) *Hours of Work to be Consecutive.*—Save as provided in sub-clauses (2) (ii) and (4), all hours of work of an employee on any day, shall be consecutive.

(6) *Limitation of Overtime.*—(a) An employer of an employee, other than a daily employee, who is engaged in the packing, unpacking, loading, unloading or the transportation of household furniture shall not require or permit such employee to work overtime for more than fifteen hours in any week for more than two weeks in any month and six-and-a-half hours in the remaining weeks of the month but so that the total overtime in any month shall not exceed forty-three hours.

(b) Save as provided in paragraph (a) hereof, an employer shall not require or permit an employee, other than a daily employee, to work overtime for more than ten hours in any week.

(c) An employer shall not require or permit his daily employee to work overtime for more than two hours on any day.

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

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday but so that ten hours are not exceeded in such week;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than sixty days in any year;
- (f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—

- (i) before midday given notice thereof to such employee; or
- (ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or
- (iii) paid such employee not less than twenty-five cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(8) *Overtime.*—Notwithstanding the definition of "overtime" in clause 2, any time worked by a continuous process worker in any week, other than on his day of rest, in excess of forty-six hours shall for the purpose of payment be deemed to be overtime.

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

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

(3) 'n Werkgewer mag nie van 'n daaglikse werknemer vereis of hom toelaat om meer gewone werkure te werk nie as—

- (a) 8½ op 'n dag; of
- (b) behoudens (a) hiervan, 46 in enige week in sy diens.

(4) *Etenspouses.*—'n Werkgewer mag nie vereis of toelaat dat 'n werknemer langer aaneen werk nie as—

- (a) 8 uur in die geval van 'n werknemer in 'n kontinue proses; en
- (b) 5 uur in die geval van enige ander werknemer,

sonder 'n etenspouse van minstens een uur waarin sodanige werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en dié pouse moet geag word geen deel van die gewone werkure of oortyd te wees nie: Met dien verstande—

- (i) dat 'n werkgewer met sy werknemer kan ooreenkom om die duur van so 'n etenspouse tot uiters 'n halfuur te verkort, en in dié geval en nadat die werkgewer 'n weergawe van die ooreenkoms by die Afdelingsinspekteur, Departement van Arbeid, van sy gebied, ingedien het, kan die etenspouse aldus verkort word;
- (ii) dat werktye wat onderbreek word deur pouses van minder as 'n uur, behalwe waar voorbehoud (i) of (vi) geld, geag word aaneen te loop;
- (iii) dat, as 'n pouse langer as 'n uur duur, behalwe waar voorbehoud (iv) geld, elke tydperk van meer as 1½ uur geag word tyd te wees waarin daar gewerk is;
- (iv) dat, in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die skoonmaak van persele of voertuie wat gebruik word vir die vervoer van passasiers, of diere versorg, indien sodanige pouse langer as 3 uur duur, enige tydperk van meer as 3 uur geag moet word deel van die gewone werkure te vorm;
- (v) dat hoogstens één sodanige pouse gedurende die gewone werkure van 'n werknemer op enige dag geag word nie deel van die gewone werkure uit te maak nie;
- (vi) dat wanneer 'n werkgewer op enige dag weens oortydwerk verplig is om aan 'n werknemer 'n tweede etenspouse toe te staan, dié pouse op versoek van die werknemer tot 15 minute verkort kan word solank die totale tydperk wat die werknemer ná die eerste etenspouse van die dag gewerk het, nie 7 uur te bowe gaan nie.

(5) *Werkure moet opeenvolgend wees.*—Behoudens subklousules (2) (ii) en (4), moet al die werkure van 'n werknemer op enige dag opeenvolgend wees.

(6) *Beperking van oortyd.*—(a) 'n Werkgewer mag nie vereis of toelaat dat sy werknemer, uitgesonderd 'n daaglikse werknemer, wat huisraad verpak, uitpak, laai, aflaai of vervoer, langer oortyd as hoogstens 15 uur in 'n week gedurende hoogstens 2 weke in 'n maand en 6½ uur in die orige weke van dié maand werk nie, maar só dat die totaal oortyd in enige maand nie 43 uur oorskry nie.

(b) Behoudens die bepalinge van paragraaf (a) hiervan, mag 'n werkgewer nie vereis of toelaat dat 'n daaglikse werknemer, langer oortyd as 10 uur in 'n week werk nie.

(c) 'n Werkgewer mag nie vereis of toelaat dat 'n daaglikse werknemer langer as 2 uur op 'n dag oortyd werk nie.

(7) *Vroulike werknemers.*—Ondanks andersluidende bepalinge in hierdie klousule, mag 'n werkgewer nie vereis of toelaat dat 'n vroulike werknemer soos volg werk nie:—

- (a) tussen 6-uur nm. en 6-uur vm.;
- (b) ná 1-uur nm. op meer as 5 dae per week;
- (c) meer as 2 uur oortyd op 'n dag, behalwe dat 'n werknemer wat 5 dae in 'n week werk, tot 4 uur oortyd op 'n Saterdag mag werk, maar só dat daar nie meer as 10 uur in sodanige week gewerk word nie;
- (d) oortyd op meer as 3 opeenvolgende dae in 'n week;
- (e) oortyd op meer as 60 dae in 'n jaar;
- (f) ná voltooiing van haar gewone werkure, meer as één uur oortyd op 'n dag, tensy hy—
 - (i) vóór die middag kennis daarvan aan so 'n werknemer gegee het; of
 - (ii) so 'n werknemer van 'n behoorlike ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin;
 - (iii) so 'n werknemer minstens 25 sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat die oortydwerk moet begin.

(8) *Oortyd.*—Ondanks die bepalinge van klousule 2, word alle tyd deur 'n werker in 'n kontinue proses in enige week gewerk, uitgesonderd op sy rusdag, wat meer as 46 uur is, vir doeleindes van besoldiging geag oortyd te wees.

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

- (a) in die geval van 'n daaglikse werknemer, 1½ maal sy gewone loon vir die totale tydperk aldus deur sodanige werknemer op enige dag gewerk.
- (b) in die geval van enige ander werknemer, 1½ maal sy gewone loon vir die totale tydperk aldus deur sodanige werknemer in enige week gewerk.

(10) *Day of Rest.*—(a) An employer shall grant to each of his continuous process workers one full day of rest during every seven consecutive days, but, if an employer requires or permits such an employee to work on his day of rest, the hours worked shall be deemed not to be part of the ordinary hours of work prescribed in sub-clause (2).

(b) An employer shall grant his watchman, other than a daily employee, not less than six days of rest in every six consecutive weeks of employment: Provided that—

- (i) that he shall make no deduction from the watchman's wage in respect thereof;
- (ii) an employer may, in lieu of granting his watchman any such day of rest, pay him the wage which he would have received if he had not worked on such a day of rest, plus an amount of not less than his daily wage in respect of each such day of rest not granted;
- (iii) where a watchman's contract of employment terminates before he has been granted all the days of rest to which he has become entitled by virtue of this sub-clause, his employer shall pay him in respect of each such day of rest not granted, an amount of not less than his daily wage;
- (iv) for the purpose of this sub-clause the expression "day" means a period of twenty-four consecutive hours calculated from the time the watchman normally commences duty.

(11) *Savings.*—(a) Save as provided in sub-clause (10), the provisions of this clause shall not apply to a watchman.

(b) The provisions of sub-clauses (4), (5) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of sub-clause (4) shall not apply to an employee who is engaged exclusively on the removal of night soil.

(d) The provisions of sub-clause (6) shall not apply to an employee employed in the Bunkering Trade.

6. ANNUAL LEAVE.

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

- (a) in the case of a watchman, twenty-one consecutive calendar days' leave;
- (b) in the case of every other employee, fourteen consecutive calendar days' leave,

and shall pay such employee in respect of such leave—

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

Provided that for the purpose of this clause the weekly wage of any employee who is engaged on piece-work shall be calculated on the basis set out in section twenty (5) (a) of the Factories, Machinery and Building Work Act, 1941.

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

- (i) that, if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within four months after the completion of the twelve months of employment to which it relates or, if the employer and employee have agreed thereto in writing before the expiration of the said period of four months, the employer shall grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;
- (ii) that the period of leave shall not be concurrent with sick leave granted in terms of clause 7;
- (iii) that if New Year's Day, Good Friday, Ascension Day, the Day of Covenant or Christmas Day falls within the period of such leave, another work-day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;
- (iv) that an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of twelve months of employment to which the period of leave relates.

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

- (i) 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
- (ii) that the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request 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.

(10) *Rusdag.*—(a) 'n Werkgewer moet aan elk van sy werkers in kontinue prosesse één volle rusdag gedurende elke 7 opeenvolgende dae toestaan maar, as 'n werkgewer so 'n werknemer verplig of toelaat om op sy rusdag te werk, moet die ure gewerk geag word nie deel uit te maak van die gewone werkure wat in subklousule (2) voorgeskryf word nie.

(b) 'n Werkgewer moet sy wag, uitgesonderd 'n daaglikse werknemer, minstens 6 rusdae in elke 6 opeenvolgende weke diens toestaan: Met dien verstande—

- (i) dat hy geen bedrag van die wag se loon ten opsigte daarvan aftrek nie;
- (ii) dat 'n werkgewer, in plaas daarvan om sy wag enige sodanige rusdag toe te staan, hom die loon kan betaal wat hy sou ontvang het as hy op sodanige rusdag nie gewerk het nie, plus 'n bedrag van minstens sy dagloon vir elke sodanige rusdag wat nie toegestaan is nie;
- (iii) dat, waar 'n wag se dienskontrak eindig voordat aan hom al die rusdae toegestaan is waarop hy geregtig geword het op grond van hierdie subklousule, sy werkgewer hom vir elke sodanige rusdag wat nie toegestaan is nie, minstens sy dagloon moet betaal;
- (iv) dat, by die toepassing van hierdie subklousule, die uitdrukking "dag" 'n tydperk beteken van 24 opeenvolgende ure bereken vanaf die tyd wat die wag gewoonlik begin werk.

(11) *Uitsonderings.*—(a) Behalwe soos bepaal in subklousule (10), is die bepalings van hierdie klousule nie op 'n wag van toepassing nie.

(b) Die bepalings van subklousules (4), (5) en (6) is nie van toepassing op 'n werknemer terwyl hy noodwerk verrig nie.

(c) Die bepalings van subklousule (4) is nie van toepassing nie op 'n werknemer wat uitsluitlik in diens is vir die verwydering van nagvuil.

(d) Die bepalings van subklousule (6) is nie van toepassing nie op 'n werknemer wat in die Bunkerbedryf in diens is.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n daaglikse werknemer, ten opsigte van elke voltooië tydperk van 12 maande diens by hom—

- (a) in die geval van 'n wag, 21 opeenvolgende kalenderdae verlof toestaan;
- (b) in die geval van elke ander werknemer, 14 opeenvolgende kalenderdae verlof,

en moet sodanige werknemer ten opsigte van sodanige verlof—

- (i) in die geval van 'n werknemer bedoel in paragraaf (a), 'n bedrag betaal van minstens 3 maal die weekloon waarop hy geregtig is vanaf die eerste dag van die verlof;
- (ii) in die geval van 'n werknemer bedoel in paragraaf (b), 'n bedrag van minstens 2 maal die weekloon waarop hy geregtig is vanaf die eerste dag van die verlof:

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig, bereken moet word op die grondslag uiteengesit in artikel twintig (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

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

- (i) dat, as sodanige verlof nie eerder toegestaan is nie, dit só toegestaan moet word dat dit, behoudens die bepalings van subklousule (3), begin binne 4 maande ná voltooiing van die 12 maande diens waarop dit betrekking het, of dat, as die werkgewer en werknemer daartoe skriftelik ooreengekom het vóór die afloop van die gemelde tydperk van 4 maande, die werkgewer aan die werknemer sodanige verlof moet toestaan vanaf 'n datum nie later nie as 2 maande ná afloop van die gemelde tydperk van 4 maande;
- (ii) dat die tydperk van verlof nie saamval met siekteverlof wat ingevolge klousule 7 toegestaan is nie;
- (iii) dat, as Nuwejaarsdag, Goede Vrydag, Hemelvaartdag, Geloftedag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk as verdere verloftyd gevoeg en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag van minstens sy dagloon betaal moet word;
- (iv) dat 'n werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom toegestaan is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige tydperk van verlof kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer die verlof oor 'n tydperk van hoogstens 24 maande diens laat ooploop: Met dien verstande—

- (i) dat so 'n werknemer sodanige versoek doen binne 4 maande ná afloop van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en
- (ii) dat die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek minstens 3 jaar bewaar vanaf sodanige datum of vanaf die datum van afloop van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en wel vanaf die jongste van dié twee datums.

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

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

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

- (a) in the case of an employee referred to in paragraph (a) of sub-clause (1), one-fourth, and,
- (b) in the case of an employee referred to in paragraph (b) of sub-clause (1), one-sixth, of the weekly wage he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to sub-clause (2) and provided further that an employee—
 - (i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice or the employee has 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 employment terminates before such leave has been granted, shall upon such termination be paid the amount he would have received in respect of the leave, had the leave been granted to him as at the date of the termination.

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

- (a) any period in respect of which an employer, in terms of clause 12, pays an employee in lieu of notice;
- (b) any period during which an employee is absent—
 - (i) on leave in terms of this clause;
 - (ii) on sick leave in terms of clause 7;
 - (iii) on the instructions or at the request of his employer, amounting in the aggregate, in any year, to not more than ten weeks;

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, from the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

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

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

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a daily employee, who is absent from work through incapacity—

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

(4) Die besoldiging vir die verlof voorgeskryf in subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag vóór die aanvangsdatum van die verlof betaal word.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van 12 maande eindig voordat die verloftydperk voorgeskryf in subklousule (1) ten opsigte van daardie termyn opgehoop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooië maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

- (a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) bedoel, een vierde van die weekloon, en
- (b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) bedoel, een sesde van die weekloon;

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

- (i) wat sy diens verlaat sonder om die kennis te gee en die opseggingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige opsegging afgesien het of die werknemer sy werkgewer betaal in plaas van sodanige opsegging te gee; 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, op geen betaling uit hoofde van hierdie subklousule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf in subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof 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) elke tydperk ten opsigte waarvan 'n werkgewer ingevolge klousule 12, 'n werknemer betaal in plaas van kennis van diensbeëindiging te gee;
- (b) elke tydperk waarin 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klousule;
 - (ii) met siekteverlof ingevolge klousule 7;
 - (iii) op las of op versiek van sy werkgewer,

en wel tot 'n totaal in enige jaar van hoogstens 10 weke; en diens word geag te begin—

- (i) in die geval van 'n werknemer wat vóór die inwerking-treding van hierdie Vasstelling, op 'n tydperk van jaarlikse verlof ingevolge enige wet geregtig geword het, op die datum waarop so 'n werknemer die vorige maal geregtig geword het op verlof ingevolge so 'n wet;
- (ii) in die geval van 'n werknemer wat vóór die inwerking-treding van hierdie Vasstelling in diens was en vir wie enige wet gegeld het wat vir jaarlikse verlof voorsiening maak maar wat nog nie op '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 inwerking-treding van hierdie Vasstelling, en wel op die jongste van dié twee datums.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgewer vir die doel van jaarlikse verlof te eniger tyd, maar hoogstens één maal in 'n tydperk van 12 maande, sy bedryfsinrigting sluit en wel vir 14 opeenvolgende kalenderdae plus enige ander dae wat moontlik uit hoofde van die derde voorbehoudsbepaling in subklousule (2) daarby gevoeg moet word.

(b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfs-inrigting ingevolge paragraaf (a) nie op die volle tydperk van jaarlikse verlof voorgeskryf in subklousule (1) (b), geregtig is nie, moet ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgewer betaal word op die grondslag in subklousule (5) uiteengesit, en vir die doel van die jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfs-inrigting aldus gesluit is.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n daaglikse werknemer, wat weens ongeskiktheid van die werk afwesig is, die volgende toestaan—

- (a) in die geval van 'n werknemer wat 'n werkweek van vyf dae het, altesaam minstens 20 werkdade, en
- (b) in die geval van enige ander werknemer, altesaam minstens 24 werkdade;

siekteverlof gedurende elke tydkring van 24 opeenvolgende maande diens by hom, en moet hy so 'n werknemer vir elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende so 'n tydperk gewerk het: Met dien verstande—

- (i) dat in die eerste 24 opeenvolgende maande diens 'n werknemer nie op meer siekteverlof met volle besoldiging geregtig is nie as, wat 'n werknemer met 'n werkweek van

who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work day in respect of each completed month 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 or twenty-four work days, as the case may be, 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;
- (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;
- (v) that the wage payable to an employee who is employed on piece-work for any period of absence on sick leave in terms of this clause shall be calculated on the basis of the remuneration paid to such employee on his last pay-day immediately preceding such absence.

(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—

- (a) for a period covering more than three consecutive calendar days; or
- (b) on the work-day immediately preceding or the work-day immediately succeeding a Sunday or New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day,

require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to eight consecutive weeks received payment in terms of this clause on two or more occasions without producing such a certificate his employer may during the period of eight consecutive weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence.

(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 any period during which an employee is absent—
 - (i) on leave in terms of clause 6;
 - (ii) on the instructions or at the request of his employer;
 - (iii) on sick leave in terms of sub-clause (1),

amounting in the aggregate, in any year, to not more than ten weeks, and any period of employment which an employee had 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 an employee's own misconduct: Provided that any inability to work caused by an accident for which compensation is payable under the Workmen's Compensation Act, 1941, shall be deemed to be incapacity only in respect of any period of inability to work for which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) Subject to the provisions of clauses 4 (6) and 6 (2), if an employee does not work on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day, his employer shall pay him for the week in which such day falls not less than his weekly wage.

5 dae betref, één werkdag ten opsigte van elke voltooide tydperk van 5 weke diens en, wat enige ander werknemer betref, één werkdag ten opsigte van elke voltooide maand diens;

- (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 gemeld, altesaam minstens die ekwivalent van sy loon vir 20 of 24 werkdag, na gelang van die geval, in elke tydkring van 24 maande diens betaal sal word, behalwe dat in die eerste 24 maande waarin die werknemer bydraes stort, die gewaarborgde tarief nie die koers van aanwas soos uiteengesit in die eerste voorbehoudsbepaling van hierdie subklousule, te bowe hoef te gaan nie;
- (iii) dat indien 'n werkgewer ingevolge enige wet gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van die 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 bepaling van hierdie klousule nie van toepassing is nie;
- (v) dat die loon betaalbaar aan 'n werknemer wat op stukwerk in diens is vir 'n tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op die grondslag van die besoldiging wat aan sodanige werknemer betaal is op sy laaste betaaldag onmiddellik voordat sodanige afwesigheid begin het.

(2) Voordat 'n werkgewer 'n bedrag betaal wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid uit sy werk—

- (a) gedurende 'n tydperk wat strek oor meer as 3 kalenderdae; of
- (b) op die werkdag onmiddellik vóór of op die werkdag onmiddellik ná 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag,

kan hy vereis dat die werknemer 'n sertifikaat voorlê wat deur 'n geregistreerde geneesheer geteken is en wat die aard en duur van die werknemer se ongeskiktheid bevestig: Met dien verstande dat wanneer 'n werknemer gedurende enige tydperk van tot 8 opeenvolgende weke betaling kragtens hierdie klousule by 2 of meer geleenthede ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die eersvolgende 8 weke van die werknemer kan vereis om so 'n sertifikaat voor te lê, ten opsigte van enige afwesigheid.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgewer weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig op betaling vir slegs dié verlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by afloop van gemelde tydkring of by diensbeëindiging vóór sodanige afloop, hom ten opsigte van dié langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat by sodanige afloop of beëindiging aan hom toekom, nog nie gebruik is nie.

(4) By die toepassing van hierdie klousule—

- (a) word die uitdrukking "diens" geag enige tydperk te omvat waarin 'n werknemer afwesig is—
 - (i) met verlof ingevolge klousule 6;
 - (ii) op las of op versoek van sy werkgewer;
 - (iii) met siekteverlof ingevolge subklousule (1),

en wel tot 'n totaal, in enige jaar, van hoogstens 10 weke, en enige tydperk van diens wat 'n werknemer by dieselfde werkgewer gehad het onmiddellik vóór die datum van inwerkingtreding van hierdie Vasstelling word by die toepassing van hierdie klousule geag diens kragtens hierdie Vasstelling te wees, en alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende so 'n tydperk toegestaan is, word geag ingevolge hierdie Vasstelling toegestaan te wees;

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

8. OPENBARE VAKANSIEDAE EN SONDAE.

(1) Behoudens die bepaling van klousules 4 (6) en 6 (2), moet 'n werkgewer aan 'n werknemer wat op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag nie werk nie, minstens sy weekloon betaal vir die week waarin so 'n dag val.

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

(3) *Compensation for work on a Sunday.*—Whenever an employee, other than a continuous process worker, works on a Sunday, his employer shall either—

(a) pay the employee—

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

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

(4) Whenever a continuous process worker works on a Sunday his employer shall pay him at the rate of not less than one and one-third times his ordinary wage in respect of the total period worked by him on such Sunday: Provided—

- (i) that where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours;
- (ii) that work on a Sunday shall not attract payment for overtime and above the rate of remuneration prescribed in this sub-clause.

(5) Whenever a continuous process worker works on his day of rest his employer shall pay him at the rate of not less than double his ordinary wage in respect of the total period worked by him on such day of rest: Provided that where such an employee is required or permitted to work for less than four hours on such day of rest he shall be deemed to have worked for four hours.

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

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

(8) This clause shall not apply to a daily employee or watchman.

9. PIECE-WORK.

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

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

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

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

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

10. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable condition, free of charge, any uniform, overall, washing coat, apron, cap, boots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee and any such article shall remain the property of the employer.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag werk, moet sy werkgever hom, behoudens die bepalings van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of gedeelte van 'n uur wat die werknemer altesaam op so 'n dag werk: Met dien verstande dat, as daar vereis of toegelaat word dat die werknemer minder as 4 uur op so 'n dag werk, hy geag word 4 uur te gewerk het.

(3) *Vergoeding vir werk op 'n Sondag.*—Wanneer 'n werknemer, uitgesonderd 'n werker in 'n kontinue proses, op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

- (i) as hy aldus vir 'n tydperk van hoogstens 4 uur werk, minstens sy dagloon betaal;
- (ii) indien hy aldus vir 'n tydperk van meer as 4 uur werk, minstens dubbel sy gewone loon betaal vir die totale tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon, naamlik die grootste bedrag; of

(b) minstens 1½ maal sy gewone loon betaal vir die totale tydperk wat hy altesaam op so 'n Sondag werk, en hom binne 14 dae vanaf so 'n Sondag één dag verlof toestaan en hom vir dié dag minstens sy dagloon betaal: Met dien verstande dat wanneer vereis of toegelaat word dat so 'n werknemer minder as 4 uur op so 'n Sondag werk, hy geag word 4 uur te gewerk het.

(4) Wanneer 'n werknemer in 'n kontinue proses op 'n Sondag werk, moet sy werkgever hom teen 'n tarief van minstens 1½ maal sy gewone loon betaal vir die totale tydperk wat hy op sodanige Sondag gewerk het: Met dien verstande—

- (i) dat waar daar van so 'n werknemer vereis of hy toegelaat word om vir minder as vier uur op sodanige Sondag te werk hy geag word vir vier uur te gewerk het;
- (ii) dat daar nie vir oortydwerk op 'n Sondag meer betaal hoef te word as die besoldiging wat in hierdie subklousule voorgeskryf word nie.

(5) Wanneer 'n werker in 'n kontinue proses op sy rusdag werk, moet sy werkgever hom teen 'n tarief van minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy op sodanige rusdag werk: Met dien verstande dat indien daar vereis of toegelaat word dat so 'n werknemer minder as 4 uur op sodanige rusdag werk, hy geag moet word 4 uur te gewerk het.

(6) Wanneer 'n werker in 'n kontinue proses 'n skof werk wat gedeeltelik op enige openbare vakansiedag in subklousule (1) genoem, op 'n Sondag of op sy rusdag en gedeeltelik op enige ander kalenderdag val, moet daar geag word dat die hele skof gewerk is op die kalenderdag waarop die grootste gedeelte van sodanige skof geval het.

(7) Wanneer 'n skofwerker 'n skof werk wat gedeeltelik op enigeen van die openbare vakansiedae val wat in subklousule (1) genoem word of op 'n Sondag en gedeeltelik op enige ander kalenderdag, moet daar geag word dat die hele skof gewerk is op die kalenderdag waarop die grootste gedeelte van sodanige skof geval het.

(8) Hierdie klousule is nie van toepassing op 'n daaglikse werknemer of 'n nagwag nie.

9. STUKWERK.

(1) Ná minstens een week kennisgewing aan sy werknemer kan 'n werkgever enige stukwerkstelsel invoer en, behoudens die bepalings van klousule 4 (6), moet die werkgever 'n werknemer wat volgens so 'n stukwerkstelsel werk, betaal teen die tarief wat volgens dié stelsel geld: Met dien verstande dat die werkgever, ongeag die hoeveelheid gedane werk, die werknemer minstens die volgende moet betaal—

- (a) in die geval van 'n ander werknemer as 'n daaglikse werknemer, vir elke week waarin stukwerk verrig word, die bedrag wat hy so 'n werknemer vir dié week sou moet betaal het as hy hom 'n tydloon betaal het;
- (b) in die geval van 'n daaglikse werknemer, vir elke dag waarop stukwerk verrig word, die bedrag wat hy so 'n werknemer vir daardie dag sou moet betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die tariewe genoem in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe wat daarvolgens geld, af te skaf of te wysig, moet aan sy werknemer wat volgens so 'n stelsel werk, minstens een maand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer termyn van kennisgewing kan ooreenkom en dan moet die werkgever minstens die ooreengekome kennis gee.

(4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgever 'n daaglikse werknemer geen kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgever moet alle uniforms, oorpakke, wasbare jasse, voorskote, pette, stewels of ander beskermende klere wat hy vereis dat sy werknemer dra of wat enige wet hom verplig om aan sy werknemer te verskaf, gratis verskaf en in bruikbare toestand hou; en alle sodanige artikels bly die eiendom van die werkgever.

11. PROHIBITION OF EMPLOYMENT.

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

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

- (a) during the first four weeks of employment, not less than one work-day's,
- (b) after the first four weeks of employment, not less than one week's,

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—

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

Provided that this shall not affect—

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

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

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

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

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

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

No. R. 2004.] [17 December 1965.
WAR MEASURES ACT, 1940.

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

UNSKILLED LABOUR, EAST LONDON, PORT ELIZABETH AND UITENHAGE.

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 Unskilled Labour, East London, Port Elizabeth and Uitenhage, published under Government Notice No. R. 2003 of the 17th December, 1965.

M. VILJOEN,
Deputy-Minister of Labour.

11. VERBOD OP INDIENSNEMING.

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

12. BEÏNDIGING VAN DIENSKONTRAK.

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

- (a) gedurende die eerste 4 weke diens minstens 'n werkdag,
- (b) ná die eerste 4 weke diens, minstens 'n week,

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, na gelang van die geval, minstens die volgende te betaal:

- (i) in die geval van 'n werkdagopsegging, die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) in die geval van 'n week opsegging, die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat hierdeur onaangetas gelaat word—

- (i) die reg van 'n werkgewer of sy werknemer om op enige regsgeldige grond die kontrak sonder opsegging te beëindig;
- (ii) '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;
- (iii) die werking van verbeurings of boetes wat regtens van toepassing kan wees op 'n werknemer wat sy diens verlaat:

Met dien verstande voorts dat, indien die loon van 'n werknemer teen die datum van die beëindiging weens korttyd verminder is, en die werkgewer hom betaal in plaas van sy diens op te se, die uitdrukking "ten tyde van sodanige beëindiging ontvang" geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen aftrekkings weens korttyd gedoen is nie".

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

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

- (i) dat die opseggingstermyn nie mag saamval met, en die opsegging nie mag geskied gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 nie;
- (ii) dat gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7, opsegging nie mag geskied nie.

(4) 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.

No. R. 2004.] [17 Desember 1965.
WET OP OORLOGSMAATREËLS, 1940.

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

ONGESKOOLDE ARBEID, OOS-LONDEN, PORT ELIZABETH EN UITENHAGE.

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 Ongeskoolde Arbeid, Oos-Londen, Port Elizabeth en Uitenhage gepubliseer by Goewermentskennisgewing No. R. 2003 van 17 Desember 1965.

M. VILJOEN,
Adjunk-minister van Arbeid.

No. R. 2005.] [17 December 1965.]

**FACTORIES, MACHINERY AND BUILDING
WORK ACT, 1941, AS AMENDED.****UNSKILLED LABOUR, EAST LONDON, PORT
ELIZABETH AND UITENHAGE.**

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of subsection (1) of section *twenty-two* of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for Unskilled Labour, East London, Port Elizabeth and Uitenhage, published under Government Notice No. R. 2003 of the 17th December, 1965, on the whole to be not less favourable to the employees whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays, are regulated thereby than the relative provisions of the said Act.

M. VILJOEN,
Deputy-Minister of Labour.

No. R. 2005.]

[17 Desember 1965.]

**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941, SOOS GEWYSIG.****ONGESKOOLED ARBEID, OOS-LONDEN, PORT
ELIZABETH EN UITENHAGE.**

Namens die Minister van Arbeid, verklaar ek, MARAIS VILJOEN, Adjunk-minister van Arbeid, kragtens subartikel (1) van artikel *twee-en-twintig* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Loonvasstelling vir Ongeskoolde Arbeid, Oos-Londen, Port Elizabeth en Uitenhage, gepubliseer by Goewermmentskennisgewing No. R. 2003 van 17 Desember 1965, oor die algemeen nie vir die werknemers wie se werkeure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, minder gunstig as die desbetreffende bepalings van genoemde Wet is nie.

M. VILJOEN,
Adjunk-minister van Arbeid.

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