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23 DESEMBER

[No. 1620.]

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 2096.]

[23 December 1966.]

WAGE ACT, No. 5 of 1957.

WAGE DETERMINATION No. 282.

MEAT TRADE, CERTAIN AREAS IN THE WESTERN AND EASTERN PROVINCE.

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Meat Trade, Certain Areas in the Western and Eastern Province, and has fixed the 16th day of January, 1967, as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE.

MEAT TRADE, CERTAIN AREAS IN THE WESTERN AND EASTERN PROVINCE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees and to the employers of such employees in the Meat Trade in the following areas:—

- (a) The municipal areas of Port Elizabeth, Walmer, Uitenhage and Despatch;
- (b) the local area of Bethelsdorp;
- (c) (i) the municipal areas of Bellville, Cape Town, Durbanville, Fish Hoek, Goodwood, Kuils River, Milnerton, Parow, Pinelands and Simonstown;
- (ii) the suburban area known as Epping (Epping Garden Village) within the Magisterial District of Bellville as well as the Local Areas of Bergvliet and Ottery within the Magisterial District of Wynberg; and
- (iii) the Foreshore, Cape Town, as defined in Government Notice No. 152 of the 5th February, 1960.

GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 2096.]

[23 Desember 1966.]

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 282.

VLEISBEDRYF, SEKERE GEBIEDE IN DIE WESTELIKE EN OOSTELIKE PROVINSIE.

In opdrag van die Minister van Arbeid word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Vleisbedryf, Sekere Gebiede in die Westelike en Oostelike Provinsie, gemaak het en die 16de dag van Januarie 1967, bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE.

VLEISBEDRYF, SEKERE GEBIEDE IN DIE WESTE- LIKE EN OOSTELIKE PROVINSIE.

1. GEBIED EN OMVANG VAN VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers en op die werkgewers van sodanige werknemers in die Vleisbedryf in die volgende gebiede:—

- (a) Die munisipale gebiede van Port Elizabeth, Walmer, Uitenhage en Despatch;
- (b) die plaaslike gebied van Bethelsdorp;
- (c) (i) die munisipale gebiede van Bellville, Kaapstad, Durbanville, Vishock, Goodwood, Kuilsrivier, Milnerton, Parow, Pinelands en Simonstad;
- (ii) die voorstedelike gebied bekend as Epping (Eppingtuindorp) binne die landdrosdistrik Bellville, asook die plaaslike gebiede van Bergvliet en Ottery binne die landdrosdistrik Wynberg; en
- (iii) die Strandgebied, Kaapstad, soos omskryf in Goewermentskennisgewing No. 152 van 5 Februarie 1960.

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) "Area A" means—
 - (a) the municipal areas of Bellville, Cape Town, Durbanville, Fish Hoek, Goodwood, Kuils River, Milner-ton, Parow, Pinelands and Simonstown;
 - (b) the suburban area known as Epping (Epping Garden Village) within the Magisterial District of Bellville as well as the Local Areas of Bergvliet and Ottery within the Magisterial District of Wynberg; and
 - (c) the Foreshore, Cape Town, as defined in Government Notice No. 152 of the 5th February, 1960; (xii)
- (ii) "Area B" means the municipal areas of Port Elizabeth and Walmer; (xiii)
- (iii) "Area C" means the municipal areas of Despatch and Uitenhage and the local area of Bethelsdorp; (xiv)
- (iv) "artisan" means an employee who is engaged in work normally performed by a skilled artisan and for the purpose of this definition the expression "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section six of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section two (7) or section seven (3) of the said Act; (i)
- (v) "blockman" means an employee, other than a blockman's assistant or a saleswoman, who in any establishment in the Meat Trade cuts up meat intended for sale by retail or who, in the retail meat trade, serves customers and who may make up orders or perform any other duties in such establishment; (v)
- (vi) "blockman, qualified," means a blockman who has had not less than four years' experience; (vi)
- (vii) "blockman, unqualified," means a blockman who has had less than four years' experience; (vii)
- (viii) "blockman's assistant" means an employee who breaks down carcasses or who, under the general supervision of a qualified blockman, cuts up meat for sale to non-Whites and who may sell meat exclusively to non-Whites; (viii)
- (ix) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (xxiv)
- (x) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, and a telephone switch-board operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (xvi)
- (xi) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (xix)
- (xii) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (xx)
- (xiii) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (xvii)
- (xiv) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (xviii)
- (xv) "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle and who may receive cash in the case of c.o.d. sales and, for the purpose of this definition, the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (iv)
- (xvi) "emergency work" means any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or breakdown of plant or machinery, must be done without delay and any work connected with the loading or unloading of trucks or vehicles of the South African Railways and Harbours; (xxvi)
- (xvii) "establishment" means any premises in or in connection with which one or more employees are employed in the meat trade; (iii)
- (xviii) "experience" means in relation to—
 - (a) a clerk, the total period or periods of employment which an employee has had as a clerk in any trade or in the service of the State;
 - (b) a blockman, a saleswoman, a slaughterman or a slaughterman's assistant, the total period or periods of employment which an employee has had as a blockman, a saleswoman, a slaughterman or a slaughterman's assistant, respectively, in the meat trade; (xxviii)

2. WOORDOMSKEYWINGS.

(1) Tensy 'n ander bedoeling uit die samehang blyk, het alle uitdrukkings wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet, en tensy onbestaanbaar met die samehang, beteken—

- (i) „ambagsman” 'n werknemer wat werk doen wat in die reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordskrywing beteken die uitdrukking „geskoolde ambagsman” iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van 'n vaardigheid-sertifikaat deur die Registrateur van Vakleerlinge aan hom uitgereik ingevolge artikel 6 van die Wet op Opleiding van Ambagsmanne, 1951, of 'n sertifikaat deur genoemde Registrateur aan hom uitgereik ingevolge of artikel 2 (7) of artikel 7 (3) van genoemde Wet; (iv)
- (ii) „arbeider” 'n werknemer wat een of meer van die volgende werksaamhede verrig:—
 - (1) Afval, huide of velle skoonmaak of sorteer; (6)
 - (2) diere in- of uitspan; (13)
 - (3) diere skoonmaak of karkasse was; (5)
 - (4) deure of kistsies, bale, dromme of ander houters oopmaak of toemaak; (19)
 - (5) geboue of bouwerke afwit; (15)
 - (6) goedere, briewe of boodskappe aflewer, of bestellings van klante bymeekaarmaak, uitgesonderd met behulp van 'n motorvoertuig, en wat kontant in geval van k.b.a.-verkope kan ontvang; (10)
 - (7) goedere, huide, vleis, velle, gerei of ander artikels dra, hys, verskuif, opmeekaarstapel of toedraai, uitgesonderd deur middel van kragaangedrewe toestelle; (3)
 - (8) goedere op 'n bewegende band of platform plaas of daarvan verwyder; (22)
 - (9) 'n handystoetstel bedien; (20)
 - (10) herhaaldelik volgens 'n voorafbepaalde gewig weeg; (24)
 - (11) houters of papier vou; (11)
 - (12) houters of pakkies sjabloneer, merk of etiketteer indien dit nie uitgesoek hoef te word of daar nie oordeel by betrokke is nie; (26)
 - (13) karkasse onthoring; (9)
 - (14) karkasse vierendeel; (23)
 - (15) kistsies of ander houters vasbind of met draad of metaalbande vasbind; (2)
 - (16) koppe of bene van karkasse afsny; (7)
 - (17) nie-kragaangedrewe voertuie olie of smeer; (18)
 - (18) op afleweringsvoertuie help; (1)
 - (19) persele, installasie, masjinerie, gereedskap, voertuie, gerei of ander artikels skoonmaak of was; (4)
 - (20) pluimvee doodmaak, pluk of skoonmaak, of vis skoonmaak; (14)
 - (21) tuinwerk; (12)
 - (22) uniforms, oorpakke of beskermende klere was; (28)
 - (23) vleis, huide of velle insout; (25)
 - (24) vleis of ander goedere of lewende hawe laai of aflaai; (16)
 - (25) vleis toedraai of pakkies verseël in 'n selfbedieningswink; (29)
 - (26) vleis opsnij om gemaal te word, bene skoonsny, maal-masjiene voer of leegmaak; (8)
 - (27) 'n voertuig, uitgesonderd 'n kragaangedrewe toestel, stoot of trek; (21)
 - (28) vure maak of in stand hou of afval of as verwyder; (17)
 - (29) worsderms losmaak, wors of polonie vasbind, sop-vleis fynsaag, bene fyn saag of fyn kap, vet opsnij of smelt, of vet deur masjiene voer; (27) (xxi)
- (iii) „bedryfsinrigting” 'n perseel waarop of in verband waarmee een of meer werknemers in die vleisbedryf in diens is; (xvii)
- (iv) „bestuurder van 'n motorvoertuig” 'n werknemer wat 'n motorvoertuig bestuur, en wat in die geval van k.b.a.-verkope kontant kan ontvang en by die toepassing van hierdie woordskrywing omvat die uitdrukking „'n motorvoertuig bestuur” alle tydperke wat hy bestuur, alle tyd wat hy bestee aan werk in verband met die voertuig of die vrag en alle tydperke wat hy verplig is om op sy pos gereed te bly om te bestuur; (xv)
- (v) „blokman” 'n werknemer, uitgesonderd 'n blokman-assistent of 'n verkoopster, wat in 'n bedryfsinrigting in die vleisbedryf vleis vir kleinhandelverkope opsnij of wat in die kleinhandelvleisbedryf klante bedien, en wat bestellings mag opmaak of ander pligte in sodanige bedryfsinrigting mag verrig; (v)
- (vi) „blokman, gekwalifiseer,” 'n blokman met minstens vier jaar ondervinding; (vi)
- (vii) „blokman, ongekwalifiseer,” 'n blokman met minder as vier jaar ondervinding; (vii)
- (viii) „blokmanassistent” 'n werknemer wat karkasse in stukke sny of wat, onder die algemene toesig van 'n gekwalifiseerde blokman, vleis vir verkope aan nie-Blankes opsnij en wat vleis uitsluitlik aan nie-Blankes kan verkoop; (viii)

- (xix) "first blockman" means a qualified blockman in charge of an establishment in which at least one other blockman is employed and where only one blockman is employed such blockman shall be deemed to be a first blockman; (xi)
- (xx) "foreman slaughterman" means a slaughterman who is in general charge of slaughtering operations in an establishment, or portion thereof, in which at least one other slaughterman is employed; (xliii)
- (xxi) "labourer" means an employee engaged in any one or more of the following activities:—
- (1) Assisting on delivery vehicles; (18)
 - (2) binding, wiring or strapping boxes or other containers; (15)
 - (3) carrying, hoisting, moving, stacking or wrapping goods, hides, meat, skins, utensils or other articles, other than by power-driven devices; (7)
 - (4) cleaning or washing premises, plant, machinery, tools, vehicles, utensils or other articles; (19)
 - (5) cleaning animals or washing carcasses; (3)
 - (6) cleaning or sorting offal, hides or skins; (1)
 - (7) cutting heads or legs off carcasses; (16)
 - (8) cutting up meat for mincing, cleaning bones, feeding or emptying mincing machines; (26)
 - (9) dehorning of carcasses; (13)
 - (10) delivering goods, letters or messages or collecting orders from customers otherwise than by means of a motor vehicle and who may receive cash in the case of c.o.d. sales; (6)
 - (11) folding containers or paper; (11)
 - (12) gardening work; (21)
 - (13) harnessing or unharnessing animals; (2)
 - (14) killing, plucking or cleaning poultry, or cleaning fish; (20)
 - (15) limewashing buildings or structures; (5)
 - (16) loading or unloading meat or other goods or livestock; (24)
 - (17) making or maintaining fires or removing refuse or ashes; (28)
 - (18) oiling or greasing non-power-driven vehicles; (17)
 - (19) opening or closing doors or boxes, bales, drums or other containers; (4)
 - (20) operating a hand hoist; (9)
 - (21) pushing or pulling a vehicle, other than by power-driven device; (27)
 - (22) putting goods on to or removing them from a moving belt or platform; (8)
 - (23) quartering of carcasses; (14)
 - (24) repetitive weighing to a predetermined weight; (10)
 - (25) salting meat, hides or skins; (23)
 - (26) stencilling, marking or labelling containers or packages where no selection or discretion is involved; (12)
 - (27) unfolding sausage casings, tying sausages or polonies, sawing up soup meat, sawing or chopping up bones, cutting up or melting fat, or putting fat through machines; (29)
 - (28) washing uniforms, overalls or other protective clothing; (22)
 - (29) wrapping meat or sealing packages in a self-service shop; (25) (ii)
- (xxii) "livestock" means any bull, cow, heifer, ox, tollie, calf, sheep, lamb, goat, pig, horse, donkey, game or other quadruped intended for human consumption and includes poultry; (xxii)
- (xxiii) "local authorities" mean 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; (xxx)
- (xxiv) "meat" means meat intended for human consumption and includes game, horse meat, donkey meat, rabbit meat and poultry; (xli)
- (xxv) "meat trade" means—
- (a) the slaughtering of livestock;
 - (b) the handling, preparation, preservation, sale or distribution of meat by any person who, in terms of section twenty-four of Proclamation No. 200 of 1964 published in terms of section twenty-two of the Marketing Act, 1937 (Act No. 26 of 1937), is
- (ix) „deeltydse bestuurder van 'n motorvoertuig" 'n werknemer wat in die reël ander werk doen as om 'n motorvoertuig te bestuur maar wat op meer as twee dae in 'n week 'n motorvoertuig vir altesaam hoogstens drie uur op enige sodanige dag bestuur, en by die toepassing van hierdie woordskrywing omvat die uitdrukking „n motorvoertuig bestuur" alle tydperke wat hy bestuur en alle tyd wat die bestuurder, terwyl hy in die beheer van die voertuig is, aan werk in verband met die voertuig of die vraag bestee; (xxvii)
- (x) „deeltydse werknemer" 'n werknemer, uitgesonderd 'n deeltydse bestuurder van 'n motorvoertuig, wat vir hoogstens 24 gewone werkure in 'n week in diens is; (xxviii)
- (xi) „eerste blokman" 'n gekwalifiseerde blokman wat aan die hoof staan van 'n bedryfsinrigting waarin minstens een ander blokman werksaam is, en waar daar slegs een blokman werksaam is, word sodanige blokman geag 'n eerste blokman te wees; (xix)
- (xii) „Gebied A"—
- (a) die munisipale gebiede van Bellville, Kaapstad, Durbanville, Vishoek, Goodwood, Kuilsrivier, Milnerton, Parow, Pinelands en Simonstad;
 - (b) die voorstedelike gebied bekend as Epping (Eppingtuindorp) binne die landdrosdistrik Bellville, asook die plaaslike gebied van Bergvliet en Ottery binne die landdrosdistrik Wynberg; en
 - (c) die strandgebied, Kaapstad, soos omskryf in Goewermentskenningsgewing No. 152 van 5 Februarie 1960; (i)
- (xiii) „Gebied B" die munisipale gebiede van Port Elizabeth en Walmer; (ii)
- (xiv) „Gebied C" die munisipale gebiede van Despatch en Uitenhage en die plaaslike gebied van Bethelsdorp; (iii)
- (xv) „kleinhandelvleisbedryf" die bedryf waarin werkgewers en werknemers met mekaar geassosieer is om vleis in die kleinhandel uit 'n vaste besigheidsplek te verkoop; (xxx)
- (xvi) „klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman, versendingsklerk, ontvangsklerk en telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (x)
- (xvii) „klerk, man, gekwalifiseer," 'n manlike klerk met minstens vyf jaar ondervinding; (xiii)
- (xviii) „klerk, man, ongekwalifiseer," 'n manlike klerk met minder as vyf jaar ondervinding; (xiv)
- (xix) „klerk, vrou, gekwalifiseer," 'n vroulike klerk met minstens vier jaar ondervinding; (xi)
- (xx) „klerk, vrou, ongekwalifiseer," 'n vroulike klerk met minder as vier jaar ondervinding; (xii)
- (xxi) „korttyd" 'n tydelike vermindering van die getal gewone werkure weens 'n slapte in die bedryf, 'n tekort aan grondstowwe of 'n algehele onklaarraking van installasie of masjinerie of onklaarraking of dreigende onklaarraking van geboue; (xxxvi)
- (xxii) „lewende hawe" 'n bul, koei, vers, os, tollie, kalf, skaap, lam, bok, vark, perd, donkie, wild of ander viervoetige dier wat bedoel is vir menslike verbruik, en ook pluimvee; (xxii)
- (xxiii) „loon" die bedrag wat ingevolge klousule 3 (1) ten opsigte van 'n werknemer se gewone werkure soos voorgeskryf in klousule 5, aan hom betaalbaar is: Met dien verstande dat—
- (i) indien 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié wat in klousule 3 (1) voorgeskryf word, dit sodanige hoër bedrag beteken;
 - (ii) die eerste voorbehoudsbepaling nie so uitgelê moet word nie dat dit besoldiging raak of omvat wat 'n werknemer, in diens op 'n grondslag in klousule 9 bedoel, ontvang het bo en behalwe die bedrag wat hy sou ontvang het indien hy nie op sodanige grondslag in diens was nie; (xliii)
- (xxiv) „los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (ix)
- (xxv) „motorvoertuig" 'n kragaangetrewe voertuig wat gebruik word vir die vervoer van goedere of lewende hawe, en omvat dit ook 'n voorhaker en 'n trekker maar nie 'n mobiele hystoestel nie; (xxvi)
- (xxvi) „noodwerk" alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, epidemie, geweld, daad of diefstal of wat weens die feit dat die installasie of masjinerie uit orde is, sonder verwyf gedoen moet word, en alle werk in verband met die laai of aflaai van trokke of voertuie van die Suid-Afrikaanse Spoorweë en Hawens; (xvi)

required to be registered with the Livestock and Meat Industries Control Board or who is required to hold a wholesale or retail butcher's licence in terms of item 6 of Part 1 of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962);

and includes all operations incidental to or consequent on any of the aforesaid activities, but does not include the operations specified in (a) or (b) above if carried on by employees employed by local authorities; (xlii)

- (xxvi) "motor vehicle" means any power-driven vehicle used for conveying goods, or livestock, and includes a mechanical horse and a tractor but does not include a mobile hoist; (xxv)
- (xxvii) "part-time driver of a motor vehicle" means an employee who is ordinarily engaged on duties other than driving a motor vehicle but who on more than two days in any week is engaged in driving a motor vehicle for not more than three hours in the aggregate on any such day, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver, while in charge of the vehicle, on work connected with the vehicle or the load; (ix)
- (xxviii) "part-time employee" means an employee, other than a part-time driver of a motor vehicle, employed by the week or month for not more than twenty-four ordinary hours of work in any week; (x)
- (xxix) "piecework" means any system under which an employee's remuneration is based on the quantity of work done; (xxxvii)
- (xxx) "retail meat trade" means the trade in which employers and employees are associated for the purpose of selling meat by retail from a fixed place of business; (xv)
- (xxxix) "saleswoman" means a female employee who, in the retail meat trade, is engaged in serving customers or wrapping or parcelling orders and who may for these purposes weigh meat or slice or cut processed meat or, by cutting or otherwise, divide meat previously cut up by a blockman for sale by retail; (xxxviii)
- (xxxii) "saleswoman, qualified," means a saleswoman who has had not less than four years' experience; (xxxix)
- (xxxiii) "saleswoman, unqualified," means a saleswoman who has had less than four years' experience; (xl)
- (xxxiv) "senior managerial, professional or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decisions of a professional, technical or administrative character in the conduct of the activities of an establishment; (xxxix)
- (xxxv) "shift worker" means an employee who is engaged in an activity directly connected with the maintenance of the refrigeration process in all establishments in respect of which continuous working by means of three shifts per day is necessary; (xxxii)
- (xxxvi) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials, a general breakdown of plant or machinery or breakdown or threatened breakdown of buildings; (xxi)
- (xxxvii) "slaughterman" means an employee who is engaged in killing or bleeding livestock or flaying or dressing carcasses, and who may supervise a group of slaughterman's assistants; (xxxiii)
- (xxxviii) "slaughterman, qualified," means a slaughterman who has had not less than three years' experience; (xxxiv)
- (xxxix) "slaughterman, unqualified," means a slaughterman who has had less than three years' experience; (xxxv)
- (xl) "slaughterman's assistant" means an employee who, under the supervision of a slaughterman, is engaged in flaying, dressing or splitting carcasses and in operations incidental thereto; (xxxvi)
- (xli) "storeman" means an employee who is in charge of stores, receives goods into and despatches goods from a warehouse or cold storage, maintains the necessary records in connection therewith and who may purchase meat; (xxix)
- (xlii) "unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two- or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb.; (xxvii)
- (xliii) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided that—

- (i) 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;

(xxvii) „onbelaste gewig” die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat ten opsigte van sodanige motorvoertuig of sleepwa uitgereik deur 'n owerheid wat gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat, in die geval van 'n twee- of driewielmotorfiets, -bromponie of -bromfiets of -fiets toegeerus met 'n hulpmotor die onbelaste gewig geag word hoogstens 1,000 lb. te wees; (xlii)

(xxviii) „ondervinding” met betrekking tot—

- (a) 'n klerk, die totale dienstydperk of -tydperke wat 'n werknemer as klerk in 'n bedryf of in diens van die staat werksaam was;
- (b) 'n blokman, 'n verkoopster, 'n slagman of 'n slagmanassistent, die totale dienstydperk of -tydperke wat 'n werknemer onderskeidelik as 'n blokman, 'n verkoopster, 'n slagman of 'n slagmanassistent in die vleisbedryf werksaam was; (xviii)
- (xxix) „pakhuisman” 'n werknemer wat verantwoordelik is vir voorrade, goedere in 'n pakhuis of vir koelbewaring ontvang en daaruit versend, wat die nodige rekords in verband daarmee byhou en wat vleis kan aankoop; (xli)
- (xxx) „plaaslike owerhede” afdelingsrade, stadsrade, munisipale rade, dorpsrade, dorpsbesture, plaaslike bestuursrade, dorpsbestuursrade of gesondheidskomitees, die Gesondheidsraad vir Buite-Stedelike Gebiede, ingestel kragtens die Ordonnansie tot instelling van 'n Gesondheidsraad vir Buite-Stedelike 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 84 van die Grondwet van die Republiek van Suid-Afrika, 1961, beoog word; (xxiii)
- (xxxix) „senior bestuurs-, professionele of administratiewe werknemer” 'n werknemer wat deur die werkgewer belas is met werk wat die verantwoordelikheid meebreng om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van 'n professionele, tegniese of administratiewe aard te neem; (xxxiv)
- (xxxii) „skofwerker” 'n werknemer wat 'n werksaamheid verrig wat regstreeks in verband staan met die instandhouding van die verkoelingsproses in 'n bedryfsinrigting ten opsigte waarvan drie skofte ononderbroke werk per dag noodsaaklik is; (xxxv)
- (xxxiii) „slagman” 'n werknemer wat lewende hawe doodmaak of bloedlaat of karkasse afslag of skoonmaak, en wat oor 'n groep slagmanassistentie kan toesig hou; (xxxvii)
- (xxxiv) „slagman, gekwalifiseer,” 'n slagman met minstens drie jaar ondervinding; (xxxviii)
- (xxxv) „slagman, ongekwalifiseer,” 'n slagman met minder as drie jaar ondervinding; (xxxix)
- (xxxvi) „slagmanassistent” 'n werknemer wat onder die toesig van 'n slagman, karkasse afslag, skoonmaak of opsnij en werksaamhede wat daarmee in verband staan verrig; (xl)
- (xxxvii) „stukwerk” 'n stelsel waarvolgens 'n werknemer se besoldiging gegrend word op die hoeveelheid werk wat verrig is; (xxix)
- (xxxviii) „verkoopster” 'n vroulike werknemer wat in die kleinhandelvleisbedryf klante bedien of bestellings toedraai of in pakkies opmaak, en wat vir hierdie doeleindes vleis kan afweeg of verwerkte vleis in skywe kan sny of sny of deur dit te sny, of andersins, vleis wat reeds deur 'n blokman opgesny is vir kleinhandelverkope kan verdeel; (xxxi)
- (xxxix) „verkoopster, gekwalifiseer,” 'n verkoopster met minstens vier jaar ondervinding; (xxxii)
- (xl) „verkoopster, ongekwalifiseer,” 'n verkoopster met minder as vier jaar ondervinding; (xxxiii)
- (xli) „vleis” vleis wat vir menslike verbruik bedoel is, en omvat dit wildsvleis, perdevleis, donkievleis, haasvleis en pluimvee; (xxiv)
- (xlii) „vleisbedryf”—
- (a) die slag van lewende hawe;
- (b) die hantering, voorbereiding, preservering, verkoop of distribusie van vleis deur 'n persoon wat ingevolge artikel 24 van Proklamasie No. 200 van 1964, gepubliseer kragtens artikel 22 van die Bemarkingswet, 1937 (Wet No. 26 van 1937), by die Raad van Beheer oor die Vee- en Vleisnywerhede geregistreer moet wees, of 'n groothandel- of kleinhandelslagerslisensie ingevolge item 6 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet No. 44 van 1962), moet hou;
- en omvat dit alle werksaamhede wat met enigeen van bogenoemde bedrywighede in verband staan of daaruit voortspuit, maar sluit nie die werksaamhede wat in (a) of (b) hierbo gemeld word in nie, indien dit verrig word deur werknemers wat by plaaslike owerhede werksaam is; (xxv)

(ii) 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; (xxiii)

(xlv) "watchman" means an employee engaged in guarding premises or other property; (xlv)

(xlv) "weigher and pricer" means a female employee who, in a self-service shop, is engaged in weighing and pricing wrapped and sealed parcels of previously cut or processed meat and who may wrap such meat or seal such parcels. (xlv)

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

3. REMUNERATION.

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

(a) *Employees other than Casual Employees and Part-time Employees—*

(xliii) „voormanslagman” ’n slagman wat oor die algemeen aan die hoof staan van slagwerkzaamhede in ’n bedryfs-inrigting, of ’n gedeelte daarvan, waarin minstens een ander slagman werkzaam is; (xx)

(xlv) „wag” ’n werknemer wat persele of ander eiendom bewaak; (xlv)

(xlv) „weër en prysbepaler” ’n vroulike werknemer wat in ’n selfbedieningswinkel toegedraaide en verseëde pakkies of voorafgesnyde of bewerkte vleis weeg en die prys bepaal en wat die vleis kan toedraai of die pakkies kan verseël. (xlv)

(2) Vir die toepassing van hierdie Vastelling word ’n werknemer geag in daardie klas te wees waarin hy uitsluitlik of hoofsaaklik werkzaam is.

3. BESOLDIGING.

(1) Die minimum loon wat ’n werkgewer aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is dié hieronder uiteengesit:—

(a) *Werknemers, uitgesonderd los werknemers en deeltydse werknemers—*

	In Area A.	In Area B.	In Area C.
	Per week.	Per week.	Per week.
	R	R	R
Artisan.....	34.00	34.00	34.00
Blockman, qualified.....	24.00	30.00	30.00
Blockman, unqualified—			
during the first year of experience.....	10.00	10.50	10.50
during the second year of experience.....	13.00	15.00	15.00
during the third year of experience.....	16.00	20.00	20.00
during the fourth year of experience.....	20.00	25.00	25.00
Blockman's assistant.....	10.00	10.00	9.50
Clerk, female, or saleswoman, qualified.....	19.15	19.15	19.15
Clerk, female, or saleswoman, unqualified—			
during the first year of experience.....	9.92	9.92	9.92
during the second year of experience.....	12.23	12.23	12.23
during the third year of experience.....	14.54	14.54	14.54
during the fourth year of experience.....	16.85	16.85	16.85
Clerk, male, qualified.....	24.70	24.70	24.70
Clerk, male, unqualified—			
during the first year of experience.....	10.15	10.15	10.15
during the second year of experience.....	12.92	12.92	12.92
during the third year of experience.....	13.69	13.69	13.69
during the fourth year of experience.....	18.46	18.46	18.46
during the fifth year of experience.....	21.46	21.46	21.46
First blockman.....	30.00	35.00	35.00
Foreman slaughterman.....	30.00	30.00	30.00
Slaughterman, qualified.....	18.50	18.50	18.50
Slaughterman, unqualified—			
during the first year of experience.....	9.00	9.00	9.00
during the second year of experience.....	12.00	12.00	12.00
during the third year of experience.....	15.00	15.00	15.00
Slaughterman's assistant—			
during the first six months of experience.....	8.50	8.00	7.00
during the second six months of experience.....	9.50	9.00	8.00
thereafter.....	10.50	10.00	9.00
Weigher and pricer—			
during the first three months of experience.....	7.50	7.00	6.00
thereafter.....	8.50	8.00	7.00
Watchman.....	9.50	9.00	8.00
Driver of a motor vehicle, the unladen weight of which, together with the unladen weight of any trailer or trailers drawn by such vehicle—			
(i) does not exceed 1,000 lb.....	9.20	9.20	8.50
(ii) exceeds 1,000 lb. but not 6,000 lb.....	13.20	13.20	12.00
(iii) exceeds 6,000 lb.....	16.00	16.00	15.00
Part-time driver of a motor vehicle.....	10.00	10.00	9.00

	In Area A.		In Area B.	In Area C.	
	During the first twelve months after the coming into operation of this Determination. Per week.	Thereafter. Per week.	Per week.	During the first twelve months after the coming into operation of this Determination. Per week.	Thereafter. Per week.
	R	R	R	R	R
Labourer, female.....	6.40	6.80	6.40	5.20	5.60
Labourer, male, 18 years of age or over.....	8.00	8.50	8.00	6.50	7.00
Labourer, male, under 18 years of age.....	6.00	6.40	6.00	4.90	5.25
Employee not elsewhere specifically mentioned.....	8.50	9.00	8.50	7.00	7.50

	In gebied A.	In gebied B.	In gebied C.
	Per week.	Per week.	Per week.
	R	R	R
Ambagsman.....	34.00	34.00	34.00
Blokman, gekwalifiseer.....	24.00	30.00	30.00
Blokman, ongekwalifiseer—			
gedurende die eerste jaar ondervinding.....	10.00	10.50	10.50
gedurende die tweede jaar ondervinding.....	13.00	15.00	15.00
gedurende die derde jaar ondervinding.....	16.00	20.00	20.00
gedurende die vierde jaar ondervinding.....	20.00	25.00	25.00
Blokmansassistent.....	10.00	10.00	9.50
Klerk, vrou, of verkoopster, gekwalifiseer.....	19.15	19.15	19.15
Klerk, vrou, of verkoopster, ongekwalifiseer—			
gedurende die eerste jaar ondervinding.....	9.92	9.92	9.92
gedurende die tweede jaar ondervinding.....	12.23	12.23	12.23
gedurende die derde jaar ondervinding.....	14.54	14.54	14.54
gedurende die vierde jaar ondervinding.....	16.85	16.85	16.85
Klerk, man, gekwalifiseer.....	24.70	24.70	24.70
Klerk, man, ongekwalifiseer—			
gedurende die eerste jaar ondervinding.....	10.15	10.15	10.15
gedurende die tweede jaar ondervinding.....	12.92	12.92	12.92
gedurende die derde jaar ondervinding.....	13.69	13.69	13.69
gedurende die vierde jaar ondervinding.....	18.46	18.46	18.46
gedurende die vyfde jaar ondervinding.....	21.46	21.46	21.46
Eerste blokman.....	30.00	35.00	35.00
Voormanslagman.....	30.00	30.00	30.00
Slagman, gekwalifiseer.....	18.50	18.50	18.50
Slagman, ongekwalifiseer—			
gedurende die eerste jaar ondervinding.....	9.00	9.00	9.00
gedurende die tweede jaar ondervinding.....	12.00	12.00	12.00
gedurende die derde jaar ondervinding.....	15.00	15.00	15.00
Slagmansassistent—			
gedurende die eerste ses maande ondervinding.....	8.50	8.00	7.00
gedurende die tweede ses maande ondervinding.....	9.50	9.00	8.00
daarna.....	10.50	10.00	9.00
Weër en prysbepaler—			
gedurende die eerste drie maande ondervinding.....	7.50	7.00	6.00
daarna.....	8.50	8.00	7.00
Wag.....	9.50	9.00	8.00
Bestuurder van 'n motorvoertuig waarvan die onbelaste gewig, tesame met die onbelaste gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—			
(i) hoogstens 1,000 lb. is.....	9.20	9.20	8.50
(ii) meer as 1,000 lb. maar hoogstens 6,000 lb. is.....	13.20	13.20	12.00
(iii) meer as 6,000 lb. is.....	16.00	16.00	15.00
Deeltydse motorvoertuigbestuurder.....	10.00	10.00	9.00

	In gebied A.		In gebied B.	In gebied C.	
	Gedurende die eerste twaalf maande na die inwerkingtreding van hierdie vasstelling. Per week.	Daarna. Per week.	In die ander afdelings van die bedryf. Per week.	Gedurende die eerste twaalf maande na die inwerkingtreding van hierdie vasstelling. Per week.	Daarna. Per week.
	R	R	R	R	R
Arbeider, vrou.....	6.40	6.80	6.40	5.20	5.60
Arbeider, man, 18 jaar oud of ouer.....	8.00	8.50	8.00	6.50	7.00
Arbeider, man, jonger as 18 jaar.....	6.00	6.40	6.00	4.90	5.25
Werknemer nie elders in hierdie klousule spesifiek gemeld nie.....	8.50	9.00	8.50	7.00	7.50

(b) *Casual Employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that, where the employer requires a casual employee to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression "weekly wage" shall mean the weekly wage prescribed for a qualified employee of that class and provided further that where the employer requires a casual employee to work for a period of not more than four consecutive hours on any day, his wage may be reduced by not more than fifty per cent.

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

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

(b) *Los werknemer.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een vyfde betaal word van die weekloon voorgeskryf vir werknemers in dieselfde gebied en van dieselfde geslag, wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word: Met dien verstande dat, waar die werkgewer van 'n los werknemer vereis om die werk te verrig van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon" die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word, en voorts met dien verstande dat, waar die werkgewer van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder mag word.

(c) *Deeltydse werknemer.*—'n Deeltydse werknemer moet minstens 60 persent betaal word van die loon wat vir 'n werknemer van dieselfde klas en geslag en met dieselfde ondervinding in dieselfde gebied voorgeskryf word.

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

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

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

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

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

Provided that—

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

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

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

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

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

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

4. PAYMENT OF REMUNERATION.

(1) *Employees other than Casual Employees*.—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee, in cash or by cheque monthly during the hours of work 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 a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing—

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

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

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

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

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

(5) *Board and Lodging*.—Save as provided in the 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, or subscriptions to trade unions;

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

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

in subklousule (1) voorgeskryf word, moet ten opsigte van daardie dag sodanige werknemer soos volg betaal:—

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

Met dien verstande dat—

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

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

- (i) vyf, in die geval van 'n werknemer wat vyf dae in 'n week werk;
- (ii) ses, in die geval van enige ander werknemer.

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

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

(5) *Fietstoelae*.—'n Werkgewer wat van 'n werknemer vereis dat hy sy eie fiets moet gebruik om sy pligte uit te voer, moet hom benewens enige ander besoldiging wat aan hom verskuldig is, 'n toelae van minstens 40 sent per week of, indien hy 'n los werknemer is, minstens agt sent per dag betaal.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers, uitgesonderd los werknemers*.—Behoudens die bepaling van klousule 6 (4) moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure, of binne 15 minute nadat die werk gestaak is, op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal, of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëlde koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop gemeld word—

- (a) die werkgewer se naam;
- (b) die werknemer se naam of sy betaalstaatsnommer en beroep;
- (c) die getal gewone werkure wat die werknemer gewerk het;
- (d) die getal oortydwerkure wat die werknemer gewerk het;
- (e) die werknemer se loon;
- (f) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (g) besonderhede van alle bedrae wat afgetrek is;
- (h) die bedrag wat werklik aan die werknemer betaal word; en
- (i) die tydperk ten opsigte waarvan die betaling geskied;

en sodanige koevert of houer waarop hierdie besonderhede aange-teken is, of sodanige staat word die eiendom van die werknemer.

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

(3) *Premies*.—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werk-gewer betaal of deur hom aangeneem word nie.

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

(5) *Kos en huisvesting*.—Behoudens die bepaling van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie van sy werknemer vereis om van hom of enigiemand anders of op 'n plek deur hom aangewys, kos of huisvesting of kos en huisvesting aan te neem nie.

(6) *Aftrekkings*.—'n Werkgewer mag sy werknemer geen boetes opleë of bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende mag aftrek:—

- (a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir vakansie-, siektebystands-, assuransië-, spaar-, voor-sorgs- of pensioenfondse, of vir ledegelde van vakverenigings;

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

	Per week.	Per month.
	R c	R c
(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 not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—
- (i) 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) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- (iii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings in respect of the first hour not worked unless the employer has given his employee notice on the previous day that no work will be available;
- (f) with the written consent of an employee, a deduction of any amount which an employer has paid to any municipal council or other local authority in respect of the rent of any house or accommodation in any hostel occupied by such employee in any location or Bantu village under the control of such council or other local authority.

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

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

- (a) in the case of a shift worker—
- (i) forty-six in any week from Sunday to Saturday, inclusive; and
- (ii) subject to sub-paragraph (i) hereof, eight on any day;
- (b) in the case of an employee, other than a shift worker, 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 nine and a half on one day of any week, nine on another day of such week and eight on any other day of such week;
- (c) in the case of an employee, other than a shift worker, 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;
- (d) in the case of a part-time employee—
- (i) twenty-four in any week; and
- (ii) subject to sub-paragraph (i) hereof, five hours on any day:

Provided that where an employee at the completion of his ordinary hours of work on any day is engaged in attending to a customer, the hours of work referred to in sub-paragraphs (b), (c) and (d) may be extended by not more than fifteen minutes on such day; provided that the additional time so worked in any week does not exceed in the aggregate one hour and shall, in respect of such week, be deemed to be part of the ordinary hours of work of the employee.

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

(3) *Meal Intervals.*—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—

- (i) an employer may agree with his employee to reduce the period of such interval to not less than half-an-hour, and in that event, and after the employer has informed the

(b) behoudens andersluidende bepalinge in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

(c) alle bedrae wat 'n werkgever regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

(d) wanneer 'n werknemer daarmee instem of daar ingevolge die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om kos en huisvesting of kos of huisvesting van sy werkgever aan te neem, 'n bedrag van hoogstens—

	Per week.	Per maand.
	R c	R c
(i) Kos.....	0 80	3 47
(ii) Huisvesting.....	0 40	1 73
(iii) Kos en huisvesting.....	1 20	5 20;

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

- (i) sodanige aftrekking, ongeag die getal ure waarmee die gewone werkure aldus verminder word, hoogstens gelyk aan een derde van die werknemer se weekloon is;
- (ii) geen aftrekking ten opsigte van korttyd wat deur 'n slapte in die bedryf of 'n tekort aan grondstowwe ontstaan, geskied nie tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;
- (iii) ten opsigte van korttyd weens die feit dat die masjinerie of installasie uit orde is of dat die geboue onbruikbaar is of dreig om dit te word, geen aftrekking vir die eerste uur waarin daar nie gewerk word nie geskied nie tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;
- (f) met die skriftelike toestemming van 'n werknemer, alle bedrae wat 'n werkgever aan 'n munisipale raad of ander plaaslike owerheid betaal het aan die huur van 'n huis of aan huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantoeoord onder die beheer van so 'n raad of ander plaaslike owerheid bewoon.

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

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

- (a) in die geval van 'n skofwerker—
- (i) ses-en-veertig in 'n week van Sondag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, agt op 'n dag;
- (b) in die geval van 'n werknemer, uitgesonderd 'n skofwerker, wat ses dae in 'n week werk—
- (i) ses-en-veertig in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) hiervan, nege en 'n half op een dag in die week, nege op 'n ander dag in dié week en agt op enige ander dag in dié week;
- (c) in die geval van 'n werknemer, uitgesonderd 'n skofwerker, wat vyf dae in 'n week werk—
- (i) ses-en-veertig in 'n week van Maandag tot en met Vrydag; en
- (ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag;
- (d) in die geval van 'n deeltydse werknemer—
- (i) vier-en-twintig in 'n week; en
- (ii) behoudens subparagraaf (i) hiervan, vyf uur op 'n dag;

Met dien verstande dat wanneer 'n werknemer ná die voltooiing van sy gewone werkure op 'n dag besig is om 'n klant te bedien, die werkure in subparagrafe (b), (c) en (d) bedoel, op sodanige dag met hoogstens vyftien minute verleng mag word; met dien verstande dat die addisionele tyd wat aldus in 'n week gewerk word, altesaam hoogstens een uur mag wees, en dat dit ten opsigte van sodanige week geag word deel uit te maak van die gewone werkure van die werknemer.

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

(3) *Etenspouse.*—'n Werkgever mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenspouse van minstens een uur te werk nie, en gedurende dié pouse mag daar nie van dié werknemer vereis of mag hy nie toegelaat word om enige werk te verrig nie, en die pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

- (i) 'n werkgever met sy werknemer ooreen mag kom om die duur van sodanige pouse tot uiters 'n halfuur te verkort, en in dié geval en nadat die werkgever die Afdelings-

Divisional Inspector, Department of Labour, for his area, in writing of such agreement, the interval may be so reduced;

- (ii) periods of work interrupted by intervals of less than one hour, except when proviso (i) or (v) applies, shall be deemed to be continuous;
- (iii) 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) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
- (v) 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;
- (vi) a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purposes of this sub-clause not to have worked during such interval;
- (vii) in the case of an employee in an establishment in which three shifts a day are worked, the provisions of this sub-clause shall not apply if and for so long as such an employee is granted a meal interval of not less than twenty minutes as nearly as practicable in the middle of each shift worked by him, which interval shall be deemed to be part of his ordinary hours of work or overtime, as the case may be, and during which interval he shall not be required or permitted to work;
- (viii) such interval need not be given to an employee in a retail butcher shop during his ordinary hours of work on a Saturday if he is given the opportunity during such hours of having a meal while at his post;
- (ix) where an employer grants an employee, within three hours of the time when he commences work on any day, a rest interval of not less than twenty minutes during which he shall not be required or permitted to perform any work, the period of five hours referred to in this sub-clause shall be deemed to commence from the time when such employee resumes work after the aforesaid rest interval and such rest interval shall be deemed to be part of the ordinary hours of work of such employee.

(4) *Hours of Work to be Consecutive.*—Save as provided in sub-clauses (3) and (9) all hours of work of an employee on any day shall be consecutive.

(5) *Overtime.*—All time worked, other than on a Sunday, in excess of the number of ordinary hours of work prescribed in sub-clauses (1) and (2) shall be overtime.

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

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

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

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday provided that ten hours are not exceeded in any 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) *Payment for Overtime.*—An employer shall pay an employee who works overtime at a rate of not less than—

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

(9) *Day off.*—An employer shall grant to each of his shift workers one full day off during every seven consecutive days: Provided that if an employer requires or permits such an employee to work on his day of rest the hours so worked shall be deemed not to be part of his ordinary or overtime hours of work.

inspekteur, Departement van Arbeid, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, mag die pouse aldus verkort word;

- (ii) werktidperke wat onderbreek word deur pouses van minder as een uur, uitgesonderd waar voorbehoudsbepaling (i) of (vi) van toepassing is, geag word aaneenlopend te wees;
- (iii) as die pouse langer as een uur is behalwe waar voorbehoudsbepaling (iv) van toepassing is, alle tyd wat een en 'n kwart uur te bowe gaan, geag word werktid te wees;
- (iv) slegs een sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;
- (v) wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, die pouse op versoek van die werknemer tot vyftien minute verkort mag word;
- (vi) 'n bestuurder van 'n motorvoertuig wat gedurende so 'n pouse geen ander werk verrig as om in die beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule geag word nie gedurende die pouse te gewerk het nie;
- (vii) in die geval van 'n werknemer in 'n bedryfsinrigting waarin 'n drieskofdag gewerk word, die bepalinge van hierdie subklousule nie van toepassing is nie indien en solank daar aan dié werknemer so na as doenlik aan die middel van iedere skof wat hy werk, 'n etenspouse van minstens 20 minute toegestaan word en hierdie pouse word, na gelang van die geval, geag deel van sy gewone werkure of oortydwerk uit te maak en gedurende hierdie pouse daar nie van hom vereis of mag hy nie toegelaat word om te werk nie;
- (viii) dié pouse nie gedurende die gewone werkure op 'n Saterdag van 'n werknemer in 'n kleinhandelsgaterye hoef toegestaan te word nie, indien hy die geleentheid gegun word om gedurende dié ure 'n ete te nuttig terwyl hy op sy pos is;
- (ix) waar 'n werkgewer 'n werknemer binne drie uur nadat hy op 'n dag begin werk, 'n ruspouse van minstens twintig minute toestaan en daar gedurende dié pouse nie van hom vereis word, of hy nie toegelaat word om enige werk te verrig nie, die tydperk van vyf uur in hierdie subklousule bedoel, geag word te begin vanaf die tydstop waarop die werknemer die werk na bogemelde ruspouse hervat, en die ruspouse word geag deel van die gewone werkure van die werknemer uit te maak.

(4) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalinge van subklousules (3) en (9) moet alle werkure van 'n werknemer op iedere dag agtereenvolgend wees.

(5) *Oortydwerk.*—Alle tyd, uitgesonderd dié op 'n Sondag, wat 'n werknemer langer werk as die getal gewone werkure wat in subklousules (1) en (2) voorgeskryf word, is oortydwerk.

(6) *Beperking van oortydwerk.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om langer oortyd te werk nie as—

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

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

- (a) tussen 6-uur nm. en 6-uur vm. te werk nie;
- (b) op meer as vyf dae in 'n week ná 1-uur nm. te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie, met die uitsondering dat 'n werknemer wat vyf dae in 'n week werk, op 'n Saterdag tot vier uur oortyd mag werk; met dien verstande dat die oortydwerk hoogstens tien uur in 'n week behoort;
- (d) op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;
- (e) op meer as sestig dae in 'n jaar oortyd te werk nie;
- (f) ná voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie tensy hy—
 - (i) sodanige werknemer voor die middag kennis daarvan gegee het; of
 - (ii) sodanige werknemer van 'n toereikende ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
 - (iii) sodanige werknemer minstens vyf-en-twintig sent betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(8) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortyd werk, betaal teen minstens—

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

(9) *Rusdag.*—'n Werkgewer moet aan elke skofwerker wat by hom werk gedurende elke sewe agtereenvolgende dae een volle rusdag toestaan: Met dien verstande dat indien 'n werkgewer van die werknemer vereis of hom toelaat om op sy rusdag te werk, die ure aldus gewerk nie geag word deel van sy gewone of oortydwerkure uit te maak nie.

(10) *Savings*.—(a) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R160 per month.

(b) The provisions of sub-clauses (3), (4) and (6) shall not apply to an employee while he is engaged on emergency work or in connection with the emergency killing of livestock on a Saturday.

(c) The provisions of this clause shall not apply to a watchman whose employer grants him a day off of twenty-four consecutive hours in respect of every week of employment: Provided that—

(i) he makes no deduction from his watchman's wage in respect thereof;

(ii) an employer may, in lieu of granting his watchman any such day off, pay the watchman the wage which he would have received if he had not worked on such day, plus an amount of not less than his daily wage in respect of such day not granted.

(d) The provisions of sub-clause (6) shall not apply to an employee engaged in the delivery of goods to ships or hospitals, the military, naval or air forces, or for export.

6. ANNUAL LEAVE.

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

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

(b) in the case of every other employee, fourteen consecutive calendar days' leave,

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 that—

(i) 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) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees, in writing, with any period of military training under the Defence Act, 1957;

(iii) if a public holiday 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) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of twelve months of employment to which the period of leave relates.

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

(i) 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) 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.

(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

(10) *Voorbehoudsbepalings*.—(a) Die bepalinge van hierdie klousule is nie op 'n senior bestuurs-, professionele of administratiewe werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R160 per maand ontvang.

(b) Die bepalinge van subklousules (3), (4) en (6) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig of besig is met die noodslag van lewendende hawe op Saterdag.

(c) Die bepalinge van hierdie klousule is nie van toepassing nie op 'n wag wie se werkgever hom 'n rusdag van vier-en-twintig agtereenvolgende ure ten opsigte van elke week diens toestaan: Met dien verstande dat—

(i) hy geen aftrekking van sy wag se loon ten opsigte daarvan maak nie;

(ii) die werkgever in plaas daarvan om sy wag sodanige rusdag toe te staan, hom die loon wat hy sou ontvang het as hy nie op so 'n dag gewerk het nie, plus 'n bedrag van minstens sy daaglikse loon ten opsigte van so 'n dag wat nie toegestaan is nie, betaal.

(d) Die bepalinge van subklousule (6) is nie van toepassing nie op 'n werknemer wat goedere aan skepe of hospitale, die militêre, see- of lugmag, of goedere vir uitvoer aflewer nie.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van iedere voltooië tydperk van twaalf maande diens by hom die volgende verlof verleen:—

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

(b) in die geval van iedere ander werknemer, veertien agtereenvolgende kalenderdae verlof;

en moet hy sodanige werknemer ten opsigte van sodanige verlof die volgende betaal:—

(i) In die geval van 'n werknemer in paragraaf (a) bedoel, 'n bedrag van minstens drie maal die weekloon waarop hy met ingang van die eerste dag van die verlof geregtig is;

(ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens dubbel die weekloon waarop hy met ingang van die eerste dag van die verlof geregtig is;

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat stukwerk verrig, op die grondslag uiteengesit in artikel 20 (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, bereken moet word.

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

(i) as sodanige verlof nie eerder verleen is nie, dit behoudens die bepaling van subklousule (3) so verleen moet word dat dit begin binne vier maande na voltooiing van die twaalf maande diens waarop dit betrekking het; of dat, as die werkgever en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

(ii) die tydperk van verlof nie met siekteverlof wat ingevolge klousule 7 verleen is, of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met 'n tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(iii) as 'n openbare vakansiedag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;

(iv) 'n werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van twaalf maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

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

(i) sodanige werknemer so 'n versoek doen binne vier maande na verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het; en

(ii) dat die werkgever die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek vir minstens drie jaar bewaar vanaf sodanige datum of vanaf die datum van verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van die twee datums.

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

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

(5) 'n Werknemer wie se diens gedurende enige dienstermyn van twaalf maande eindig voordat die verloftydperk voorgeskryf in subklousule (1), ten opsigte van so 'n termyn opgeloopt het,

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

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

and employment shall be deemed to commence—

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

7. SICK LEAVE.

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

- (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 that—

- (i) 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 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) 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

moet by sodanige diensbeëindiging, benewens ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens—

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

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

- (i) wat sy diens verlaat sonder om dié kennis te gee en dié kennisgewingstermyn uit te dien wat by klausule 12 voorgeskryf word, tensy die werkgewer van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgewer betaal het in plaas daarvan om aldus kennis te gee; of
- (ii) wat sy diens sonder regsgeldige rede verlaat; of
- (iii) wat sonder kennisgewing deur sy werkgewer ontslaan word om 'n rede wat vir sodanige ontslag sonder kennisgewing regsgeldig is;

op geen betaling uit hoofde van hierdie subklausule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf in subklausule (1), gelees met subklausule (3), en wie se diens eindig voordat sodanige verlof verleen 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 verleen was.

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

- (a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klausule 12 betaal is plaas van kennis te gee;
- (b) enige tydperk wat 'n werknemer afwesig is—
 - (i) met verlof ingevolge hierdie klausule;
 - (ii) met siekteverlof ingevolge klausule 7;
 - (iii) op las of versoek van sy werkgewer;

wat altesaam hoogstens tien weke in 'n jaar beloop; en

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

en word diens geag te begin—

- (i) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vastelling, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlof geregtig geword het;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerkingtreding van hierdie Vastelling in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;
- (iii) in die geval van 'n ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum van inwerkingtreding van hierdie Vastelling, naamlik die jongste van die twee datums.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklausule (2), moet 'n werkgewer sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, die volgende siekteverlof verleen:—

- (a) In die geval van 'n werknemer wat vyf dae in 'n week werk, altesaam minstens twintig werkdag; en
- (b) in die geval van iedere ander werknemer, altesaam minstens vier-en-twintig werkdag;

gedurende elke tydkring van vier-en-twintig agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van elke tydperk van afwesigheid ingevolge hierdie subklausule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

- (i) gedurende die eerste vier-en-twintig agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer wat vyf dae in 'n week werk, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens en, in die geval van 'n ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;
- (ii) hierdie klausule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes, wat minstens gelyk is aan dié wat die werknemer self bydra, betaal aan 'n fonds of organisasie wat die werknemer aanwys en wat die werknemer waarborg dat, ingeval van sy ongeskiktheid in die omstandighede in hierdie klausule vermeld, altesaam minstens die ekwivalent van sy loon vir twintig of vier-en-twintig werkdag, na gelang van die geval,

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 be in respect of more days than the number calculated in terms of the first proviso to this sub-clause;

- (iii) 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) 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) 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 not less than 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 a public holiday,

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 in respect of only such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiry of the said cycle of employment or on termination of employment before such expiry pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiry or termination, had not been taken.

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

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

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

(aa) on leave in terms of clause 6;

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

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

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

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

(b) "incapacity" means inability to work owing to any sickness or injury other than that caused by 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 a public holiday his employer shall pay him for the week in which such day falls not less than his weekly wage.

(2) Whenever an employee works on a public holiday 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.

in elke tydkring van vier-en-twintig maande diens aan hom betaal sal word, met dié uitsondering dat gedurende die eerste vier-en-twintig maande wat die werknemer bydraes betaal die gewaarborgde koers verminder mag word, maar nie tot minder nie as die aanwaskoers gemeld in die eerste voorbehoudsbepaling tot hierdie subklousule.

- (iii) waar 'n werkgewer ingevolge 'n wet gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal en sodanige gelde wel betaal, die bedrag wat aldus betaal is, afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;
- (iv) indien daar ten opsigte van enige tydperk van ongeskiktheid wat deur hierdie klousule gedek word, van 'n werkgewer vereis word om ingevolge 'n ander wet sy volle loon aan 'n werknemer te betaal, die bepaling van hierdie klousule nie van toepassing is nie;
- (v) die loon wat aan 'n werknemer wat stukwerk verrig, betaalbaar is ten opsigte van 'n tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op grondslag van minstens die besoldiging wat aan so 'n werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) 'n Werkgewer mag, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat 'n werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk—

- (a) vir 'n tydperk van langer as drie agtereenvolgende kalenderdae; of
- (b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of 'n openbare vakansiedag;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid meld: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt agtereenvolgende weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt agtereenvolgende weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van vier-en-twintig 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 verstryking van gemelde dienstrydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nie geneem is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking „diens” geag ook te omvat—

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

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgewer;

(cc) met siekteverlof ingevolge subklousule (1); wat altesaam hoogstens tien weke in 'n jaar beloop; en

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

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

(b) beteken „ongeskiktheid” onvermoë om te werk weens siekte of besering, uitgesonderd dié veroorsaak deur 'n werknemer se eie wangedrag: Met dien verstande dat werkonvermoë wat veroorsaak is deur 'n ongeluk waarvoor vergoeding betaalbaar is ingevolge die Ongevalwet, 1941, geag word ongeskiktheid te wees slegs ten opsigte van 'n tydperk van werkonvermoë waarvoor geen bedrag in verband met ongeskiktheid kragtens daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE, SONDAE EN RUSDAE.

(1) Behoudens die bepaling van klousule 4 (6) en 6 (2) moet 'n werkgewer aan 'n werknemer wat nie op 'n openbare vakansiedag werk nie, minstens sy weekloon betaal vir die week waarin so 'n dag val.

(2) Wanneer 'n werknemer op 'n openbare vakansiedag werk, moet sy werkgewer hom, behoudens die bepaling van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op so 'n dag gewerk het: Met dien verstande dat, waar daar van 'n werknemer vereis word of hy toegelaat word om minder as vier uur op so 'n dag te werk, hy geag word vier uur te gewerk het.

(3) *Compensation for Work on a Sunday.*—Whenever an employee, other than a shift 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 of 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) Subject to the provisions of sub-clause (6), whenever a shift worker works on a Sunday, his employer shall pay him not less than one and one-third times his hourly wage for each hour or part of an hour worked by him on such Sunday.
- (5) Subject to the provisions of sub-clause (6), whenever a shift worker works on his day of rest, his employer shall pay the employee—
 - (i) if he works for a period not exceeding four hours, not less than his daily wage;
 - (ii) if he works for a period exceeding four hours, at a rate of not less than double his ordinary wage in respect of the total period worked by him on such day of rest, or not less than double his daily wage, whichever is the greater.
- (6) Whenever a shift worker works on a shift which falls partly on a public holiday, a Sunday or 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 more than half the hours of such shift fall.
- (7) This clause shall not apply—
 - (a) to a senior managerial, professional or administrative employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R180 per month;
 - (b) to a casual employee or a 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 casual 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 casual employee, in respect of each day on which piece-work is performed, the amount which he would have been required to pay such employee for that day had he been remunerated on the basis of time worked.
- (2) An employer shall keep posted up in a conspicuous place 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 notice for a period not shorter than that agreed upon.
- (4) Notwithstanding anything to the contrary in this clause, an employer need not give a casual employee notice of his intention to introduce any piece-work system or to cancel or amend it.

10. PROPORTION OR RATIO.

- (1) (a) An employer shall employ a first blockman before any other blockman is employed by him.
(b) An employer shall not employ an unqualified blockman unless he has in his employ a qualified blockman and for each such qualified blockman he shall not employ more than one unqualified blockman.
- (2) For the purposes of this clause—
 - (a) an employer who is wholly or mainly engaged in the work of a blockman may be deemed to be a qualified blockman: Provided that the same employer may not be so deemed in respect of more than one establishment;
 - (b) an unqualified blockman who is receiving a wage of not less than the wage of a qualified blockman may be deemed to be a qualified blockman.

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

- (a) die werknemer—
 - (i) indien hy aldus vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon betaal;
 - (ii) indien hy aldus vir 'n tydperk van langer as vier uur werk, teen minstens dubbel sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk of minstens dubbel sy dagloon betaal, en wel die grootste van die twee bedrae; of
 - (b) hom teen minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op die Sondag werk en hom binne sewe dae vanaf die Sondag een dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van so 'n werknemer vereis of hy toegelaat word om minder as vier uur op die Sondag te werk, hy geag moet word vier uur te gewerk het.
- (4) Behoudens die bepalings van subklousule (6), moet 'n werkgever sy skofwerker wat op 'n Sondag werk, teen 'n tarief van minstens een en 'n derde maal sy uurloon betaal vir die totale tydperk wat hy aldus op die Sondag werk.
- (5) Behoudens die bepalings van subklousule (6), moet 'n werkgever sy skofwerker wat op sy rusdag werk, die volgende betaal:—
 - (i) Indien hy vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon;
 - (ii) indien hy aldus vir 'n tydperk van langer as vier uur werk, minstens dubbel sy gewone loon ten opsigte van die totale tydperk wat hy op die rusdag werk, of minstens dubbel sy dagloon, naamlik die grootste van die twee bedrae.
- (6) Wanneer 'n skofwerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag, 'n Sondag of sy rusdag val, en gedeeltelik op 'n ander kalenderdag, word die hele skof geag gewerk te wees op die kalenderdag waarop meer as die helfte van die ure van dié skof val.
- (7) Hierdie klousule is nie van toepassing nie op—
 - (a) 'n senior bestuurs-, professionele of administratiewe werknemer indien en solank sodanige werknemer gereeld 'n loon teen minstens R180 per maand ontvang;
 - (b) 'n los werknemer of 'n wag.

9. STUKWERK.

- (1) 'n Werkgever kan, nadat hy sy werknemer minstens een week vooraf kennis gegee het, 'n stukwerkstelsel invoer en so 'n werkgever moet, behoudens die bepalings van klousule 4 (6), sy werknemer wat volgens so 'n stukwerkstelsel werk, die besoldiging betaal wat ooreenkomstig dié stelsel van toepassing is: Met dien verstande dat, ongeag die hoeveelheid werk wat verrig is, die werkgever dié werknemer minstens die volgende moet betaal:—
 - (a) In die geval van 'n ander werknemer as 'n los werknemer, vir elke week waarin stukwerk verrig word, die bedrag wat hy so 'n werknemer vir daardie week sou moes betaal het, indien hy hom 'n tydloon betaal het;
 - (b) in die geval van 'n los werknemer, vir elke dag waarop stukwerk verrig word, die bedrag wat hy so 'n werknemer vir daardie dag sou moes betaal het, indien hy hom 'n tydloon betaal het.
- (2) 'n Werkgever moet 'n lys van die besoldiging bedoel in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.
- (3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemers wat volgens so 'n stelsel werk, minstens een kalendermaand kennis van sy voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom en in so 'n geval mag die werkgever nie vir 'n korter termyn as dié waarvoor daar ooreengekom is, kennis gee nie.
- (4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgever nie 'n los werknemer kennis te gee van sy voorneme om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

10. GETALSVIRHOUDING.

- (1) (a) 'n Werkgever moet 'n eerste blokman in diens hê voordat hy 'n ander blokman in diens neem.
(b) 'n Werkgever mag nie 'n ongekwalifiseerde blokman in diens neem tensy hy 'n gekwalifiseerde blokman in diens het en vir elke sodanige gekwalifiseerde blokman mag hy hoogstens een ongekwalifiseerde blokman in diens neem.
- (2) Vir die toepassing van hierdie klousule—
 - (a) word 'n werkgever wat uitsluitlik of hoofsaaklik die werk van 'n blokman doen, geag 'n gekwalifiseerde blokman te wees: Met dien verstande dat dieselfde werkgever nie ten opsigte van meer as een bedryfsinrigting aldus geag mag word nie;
 - (b) word 'n ongekwalifiseerde blokman wat minstens die loon van 'n gekwalifiseerde blokman ontvang, geag 'n gekwalifiseerde blokman te wees.

(3) Where an employer carries on business in more than one establishment, the provisions of this clause shall apply separately to each such establishment.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

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

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

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

13. CERTIFICATE OF SERVICE.

Except where a contract of employment of an employee is terminated on the ground of desertion or where the employee is a casual employee, the employer shall upon termination of any contract of employment furnish the employee with a certificate of service substantially in the form prescribed in the Schedule to this Determination, showing the full names of the employer and of the employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the weekly wage of the employee on the date of such termination.

14. PROHIBITION OF EMPLOYMENT.

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

(3) Indien 'n werkgever in meer as een bedryfsinrigting besigheid doen, is die bepalings van hierdie klousule op elke sodanige bedryfsinrigting afsonderlik van toepassing.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgever moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle dergelike uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgever.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

- (a) gedurende die eerste vier weke diens, minstens een werkdag;
- (b) na die eerste vier weke diens, minstens een week;

vooraf kennis van die beëindiging van die kontrak gee of 'n werkgever of werknemer kan die dienskontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgever, na gelang van die geval, die volgende te betaal:—

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

Met dien verstande dat—

- (i) die reg van 'n werkgever of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;
- (ii) 'n skriftelike ooreenkoms tussen 'n werkgever en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskryf word;
- (iii) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie: Met dien verstande voorts dat, indien die loon van 'n werknemer op die datum van die beëindiging verminder is deur aftrekkings ten opsigte van korttyd en die werkgever hom betaal in plaas van kennis te gee, die uitdrukking „ten tyde van sodanige beëindiging ontvang" geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie".

(2) Indien daar 'n ooreenkoms ingevolge die tweede voorbehoudsbepaling van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waarvoor daar ooreengekom is.

(3) Die kennisgewing in subklousule (1) voorgeskryf, mag op enige werkdag geskied: Met dien verstande dat—

- (i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;
- (ii) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie.

(4) Ondanks andersluidende bepalings in hierdie Vasstelling, mag 'n werkgever, in die geval waarin 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT.

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkgever by beëindiging van enige dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesenlik die vorm het soos in die Bylae van hierdie Vasstelling voorgeskryf en wat die volle name van die werkgever en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die werknemer se weekloon op die datum van sodanige beëindiging vermeld.

14. VERBOD OP INDIENSNEMING.

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

15. Log Book.

(1) An employer shall provide his driver of a motor vehicle or his part-time driver of a motor vehicle with a log book as nearly as practicable in the following form:—

DAILY LOG.

Name of employer
 Name of driver
 Date
 Time of starting work.....a.m./p.m.....a.m./p.m.
 Time of finishing work.....a.m./p.m.....a.m./p.m.
 Number of hours worked
 Meal hours froma.m./p.m. toa.m./p.m.
 Particulars of any accident or delay.....

(Signature of Driver.)

Date.....19.....

(2) Every driver of a motor vehicle or part-time driver of a motor vehicle shall, in the log book referred to in sub-clause (1), keep a daily log in duplicate in respect of each day's work and shall within twenty-four hours of the completion of the day's work to which it relates deliver a copy thereof to his employer, and for the purpose of this clause the expression "work" in relation to a part-time driver of a motor vehicle shall refer only to "driving a motor vehicle" as defined in the definition of this class of employee.

(3) Every employer shall retain the copy of the daily log, which in terms of sub-clause (2) has been delivered to him, for a period of three years subsequent to such delivery.

SCHEDULE.

I/We (a)
 carrying on business in the Meat Trade at.....

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

(Signature of Employer or
 Authorised Representative.)

Date.....

(a) Delete whichever inapplicable.

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

No. R. 2097.]

[23 December 1966.

FACTORIES, MACHINERY AND BUILDING WORK
 ACT, 1941, AS AMENDED.

MEAT TRADE, CERTAIN AREAS IN THE
 WESTERN AND EASTERN PROVINCE.

I, MARAIS VILJOEN, Minister of Labour, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Wage Determination for the Meat Trade, Certain Areas in the Western and Eastern Province, published under Government Notice No. R. 2096 of the 23rd December, 1966, 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,
 Minister of Labour.

NOTE.—The notice shall not have the effect of suspending the operation of section 20 (3) of the Act in respect of Republic Day.

15. LOGBOEK.

(1) 'n Werkgewer moet sy bestuurder van 'n motorvoertuig of sy deeltydse bestuurder van 'n motorvoertuig voorsien van 'n logboek wat sover doenlik die volgende vorm het:—

DAAGLIKSE LOG.

Naam van werkgewer.....
 Naam van bestuurder van motorvoertuig.....
 Datum.....
 Tyd waarop werk begin het.....vm./nm.
 Tyd waarop werk opgehou het.....vm./nm.
 Getal ure gewerk.....
 Etenstye van.....vm./nm. tot.....vm./nm.
 Besonderhede omtrent enige ongeluk of vertraging.....

(Handtekening van bestuurder
 van motorvoertuig.)

Datum.....19.....

(2) Iedere bestuurder van 'n motorvoertuig of deeltydse bestuurder van 'n motorvoertuig moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne vier-en-twintig uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgewer indien, en by die toepassing van hierdie klousule slaan die uitdrukking „werk” ten opsigte van 'n deeltydse bestuurder van 'n motorvoertuig slegs op „'n motorvoertuig bestuur” soos dit in die woordskrywing van hierdie klas werknemer omskryf word.

(3) Elke werkgewer moet die kopie van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, drie jaar lank na sodanige indiening bewaar.

BYLAE.

Ek/Ons (a).....
 wat die vleisbedryf beoefen te.....
 verklaar hierby dat.....
 in my/ons (a) diens was van die.....
 dag van.....19..... tot die.....
 dag van.....19..... as (b).....
 By diensbeëindiging was sy/haar loon.....
 rand.....sent per week/maand (a).

(Handtekening van werkgewer of gemagtigde
 verteenwoordiger.)

Datum.....

(a) Skrap wat nie van toepassing is nie.

(b) Meld die beroep waarin die werknemer uitsluitend of hoofsaaklik in diens was, byvoorbeeld klerk, arbeider, blokman.

No. R. 2097.]

[23 Desember 1966.

WET OP FABRIEKE, MASJINERIE EN BOUWERK,
 1941, SOOS GEWYSIG.

VLEIBEDRYF, SEKERE GEBIEDE IN DIE
 WESTELIKE EN OOSTELIKE PROVINSIE.

Ek, MARAIS VILJOEN, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalinge van die Loonvasstelling vir die Vleisbedryf, Sekere Gebiede in die Westelike en Oostelike Provinsie, gepubliseer by Goewermentskennisgewing No. R. 2096 van 23 Desember 1966, oor die algemeen nie vir die werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondag en openbare feesdae daarby gereël word minder gunstig as die desbetreffende bepalinge van genoemde Wet is nie.

M. VILJOEN,
 Minister van Arbeid.

OPMERKING.—Hierdie kennisgewing het nie die uitwerking om die toepassing van artikel 20 (3) van die Wet ten opsigte van Republiekdag op te kort nie.

No. R. 2098.] [23 December 1966.]

WAR MEASURES ACT, 1940.

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

MEAT TRADE, CERTAIN AREAS IN THE WESTERN AND EASTERN PROVINCE.

I, MARAIS VILJOEN, Minister of Labour, hereby in terms of regulation 4 (1) of the regulations published under War Measure No. 43 of 1942, as amended, suspend the operation of the said regulations in respect of all employees for whom wages are prescribed in clause 3 of the Wage Determination for the Meat Trade, Certain Areas in the Western and Eastern Province published under Government Notice No. R. 2096 of the 23rd December, 1966.

M. VILJOEN,
Minister of Labour.

No. R. 2098.] [23 Desember 1966.]

WET OP OORLOGSMAATREËLS, 1940.

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

VLEIBEDRYF, SEKERE GEBIEDE IN DIE WESTELIKE EN OOSTELIKE PROVINSIE.

Ek, MARAIS VILJOEN, Minister van Arbeid, skort hierby kragtens regulasie 4 (1) van die regulasies gepubliseer by Oorlogsmaatreël No. 43 van 1942, soos gewysig, die toepassing van genoemde regulasies op ten opsigte van alle werknemers vir wie lone voorgeskryf word in klousule 3 van die Loonvasstelling vir die Vleisbedryf, Sekere Gebiede in die Westelike en Oostelike Provinsie, gepubliseer by Goewermentskennisgewing No. R. 2096 van 23 Desember 1966.

M. VILJOEN,
Minister van Arbeid.

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