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GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. R. 964. 30 May 1968.

WAGE ACT, 1957.

WAGE DETERMINATION No. 298.

INDUSTRY FOR THE MANUFACTURE OF LADIES' STOCKINGS, CERTAIN AREAS.

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 Industry for the Manufacture of Ladies' Stockings, Certain Areas, and has fixed the 24th day of June 1968, as the date from which the provisions of the said Wage Determination shall be binding.

M. VILJOEN,
Minister of Labour.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees, other than managers, in the Industry for the Manufacture of Ladies' Stockings in the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, East London, Estcourt, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Parys, Potchefstroom, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria and the Municipal Area of Pretoria and to the employers of such employees.

2. DEFINITIONS.

(a) 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—

(1) "artisan" means an employee who is engaged in work normally performed by a skilled artisan, and for the purpose of this definition the expression—

(i) "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

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GOEWERMENTSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. R. 964. 30 Mei 1968.

LOONWET, 1957.

LOONVASSTELLING No. 298.

DAMESKOUSNYWERHEID, SEKERE GEBIEDE.

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 Dameskousnywerheid, Sekere Gebiede, gemaak en die 24ste dag van Junie 1968, bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

M. VILJOEN,
Minister van Arbeid.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, in die Dameskousnywerheid in die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Oos-Londen, Estcourt, Germiston, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Parys, Potchefstroom, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria en die munisipale gebied van Pretoria, en op die werkgewers van sodanige werknemers.

2. WOORDOMSKRYWINGS.

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

(1) "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—

(i) "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

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certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section 6 of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section 2 (7) or section 7 (3) of the said Act;

(ii) "work normally performed by a skilled artisan" includes the setting or re-setting of a machine for change of style; (1)

(2) "boarder" means an employee who is engaged in placing stockings on leg forms according to size preparatory to treatment in a steam chamber or removing stockings from leg forms after such treatment and placing such stockings in batches according to instructions received; (41)

(3) "boiler attendant" means an employee who, under general supervision, maintains the water level and steam pressure in a boiler and who may make, maintain or draw the fire in such boiler; (14)

(4) "casual employee" means an employee who is employed by the same employer on not more than 3 days in any week; (24)

(5) "clerk" means an employee who is engaged in writing, typing, filing, operating a calculating or a punch card machine or in any other form of clerical work and includes a cashier, despatch clerk, storeman and a telephone switchboard operator but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (15)

(6) "clerk, female, qualified," means a female clerk who has had not less than 4 years' experience; (18)

(7) "clerk, female, unqualified," means a female clerk who has had less than 4 years' experience; (19)

(8) "clerk, male, qualified," means a male clerk who has had not less than 5 years' experience; (16)

(9) "clerk, male, unqualified," means a male clerk who has had less than 5 years' experience; (17)

(10) "day", in relation to a shift worker, means the period of 24 hours calculated from the time the employee commences work; (7)

(11) "despatch clerk" means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, weighing, packing, marking, addressing or despatching of such goods or packages; (39)

(12) "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive; (5)

(13) "dyer" means an employee who is responsible for and engaged in the dyeing process and who decides on the nature, weight, blending and application of the dyes or other chemicals to be used; (20)

(14) "dyer's assistant" means an employee who, under the supervision of a dyer, is engaged in weighing or mixing colour substances or attending or operating machines used in the dyeing or drying of stockings; (21)

(15) "emergency work" means—

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

(b) any work in connection with the loading or unloading of—

(i) trucks or vehicles of the South African Railways and Harbours; or

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

(c) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; (30)

(16) "establishment" means any premises in or in connection with which one or more employees are employed in the Industry for the Manufacture of Ladies' Stockings; (3)

(17) "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;

besit is van 'n vaardigheidsertifikaat, 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;

(ii) "werk wat in die reël deur 'n geskoolde ambagsman verrig word" ook die stel of oorstel van 'n masjien vir styl-verandering; (1)

(2) "arbeider" 'n werknemer wat een of meer van die volgende werksaamhede verrig—

(a) goedere of ander artikels, uitgesonderd soos in (e) van 'n werknemer, graad III, gemeld, dra, verskuif, opstapel of uitpak;

(b) persele, installasie, masjiene, gereedskap, gerei of ander artikels skoonmaak of was;

(c) uitskotkouse stukkend sny of op 'n ander manier vernietig;

(d) tuinwerk;

(e) wit- of kleurkalk op geboue of ander strukture aanbring;

(f) laai of aflaai;

(g) vure maak of onderhou, of vullis of as verwyder;

(h) kartondose, kistsies, sakke of ander houers oop- of toemaak of uitpak of toebind;

(i) tee of dergelike drankte maak of bedien; (37)

(3) "bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Dameskousnywerheid in diens is; (16)

(4) "bestuurder" 'n werknemer wat deur sy werkgever belas is met die algemene—

(a) toesig oor;

(b) verantwoordelikheid vir; en

(c) leiding van

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werksaam is; (38)

(5) "bestuurder van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woord- omskrywing 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; (12)

(6) "breiersassistent" 'n werknemer wat onder die algemene toesig van 'n ambagsman of masjienbreier een of meer van die volgende werksaamhede verrig—

(a) los garedrade of dons uit naalde verwyder;

(b) spoel verwyder of terugplaas;

(c) die swak werkverrigting van 'n masjien rapporteer;

(d) masjiene inryg; (36)

(7) "dag" met betrekking tot 'n skofwerker, die tydperk van vier-en-twintig uur bereken vanaf die tydstop waarop die werknemer begin werk; (10)

(8) "Dameskousnywerheid" die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat ingevolge die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is, vir die vervaardiging van dameskouse uit kunsvesel, sy, katoen, wol, of enige samestelling daarvan of uit enige ander materiaal en omvat dit die vervaardiging van gare vir hierdie doel, en omvat dit ook alle werksaamhede wat gepaard gaan met of voortspruit uit enige van bogenoemde werksaamhede; (32)

(9) "deelytse 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 3 uur op enige sodanige dag bestuur, en by die toepassing van hierdie woordomschrywing 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 vrag bestee; (40)

(10) "fabrieksklerk" 'n werknemer wat een of meer van die volgende pligte verrig:—

(a) Bywoningsregisters nagaan of besonderhede aanteken van werknemers wat aan die werk of van die werk afwesig is; loon-kaarte of -koevertte gereed maak sodat 'n klerk dit later kan gebruik;

(b) besonderhede van werkkragte vir produksiebeheer nagaan of aanteken;

(b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Industry for the Manufacture of Ladies' Stockings; (32)

(18) "factory clerk" means an employee who is engaged in any one or more of the following duties:—

(a) Checking attendance records or recording particulars of employees at work or absent from work; preparing wage cards or envelopes for subsequent use by a clerk;

(b) checking or recording for production control particulars of labour employed;

(c) copying invoices or other documents by machine or hand;

(d) operating an office duplicating or copying machine;

(e) recording particulars of materials or general stores consumed or to be consumed or keeping stock records;

(f) recording particulars of waste; (10)

(19) "factory clerk, qualified," means a factory clerk who has had not less than 18 months' experience; (11)

(20) "factory clerk, unqualified," means a factory clerk who has had less than 18 months' experience; (12)

(21) "foreman" means an employee who is in charge of the employees in an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (40)

(22) "grade I employee" means an employee who is engaged in any one or more of the following activities:—

(a) Closing toes of stockings by means of a linking process;

(b) examining stockings after dyeing for defects;

(c) grading or sorting stockings according to length or size;

(d) mending ladders in stockings by hand or machine;

(e) seaming fully-fashioned stockings by machine; (43)

(23) "grade I employee, qualified," means a grade I employee who has had not less than 2 years' experience; (44)

(24) "grade I employee, unqualified," means a grade I employee who has had less than 2 years' experience; (45)

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

(a) Boarder;

(b) closing toes of stockings other than by means of a linking process;

(c) dyer's assistant;

(d) examining stockings before dyeing for defects;

(e) folding, wrapping or boxing stockings;

(f) measuring stockings to set measures;

(g) mending stockings, other than as in (d) of grade I employee;

(h) packing boxed stockings for despatch or delivery;

(i) putting a seam on a seamless stocking;

(j) trimming surplus threads off stockings by hand or machine; (46)

(26) "grade II employee, qualified," means a grade II employee who has had not less than 12 months' experience; (47)

(27) "grade II employee, unqualified," means a grade II employee who has had less than 12 months' experience; (48)

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

(a) Assembling or setting up cardboard containers;

(b) knitter's assistant;

(c) separating blanks;

(d) stamping or stencilling the name, brand or size on stockings;

(e) taking finished or semi-finished stockings from one department to another within an establishment;

(f) turning stockings; (49)

(29) "grade III employee, qualified," means a grade III employee who has had not less than 6 months' experience; (50)

(30) "grade III employee, unqualified," means a grade III employee who has had less than 6 months' experience; (51)

(31) "handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment directly used in the manufacture of the products of an establishment, and who may effect minor repairs or renovations to buildings but who does not do work normally performed by an artisan; (13)

(c) fature of ander dokumente met 'n masjien of die hand kopieer;

(d) 'n kantoor-afrol- of kopieermasjien bedien;

(e) besonderhede aanteken van grondstowwe en algemene voorrade wat gebruik is of gebruik gaan word, of voorraadrekords byhou;

(f) besonderhede van afval aanteken; (18)

(11) "fabrieksklerk, gekwalifiseerd," 'n fabrieksklerk met minstens 18 maande ondervinding; (19)

(12) "fabrieksklerk, ongekwalifiseerd," 'n fabrieksklerk met minder as 18 maande ondervinding; (20)

(13) "faktotum" 'n werknemer wat kleinere herstellwerk of verstellings doen aan masjinerie of uitrusting, uitgesonderd masjinerie of uitrusting wat regstreeks gebruik word by die vervaardiging van die produkte van 'n bedryfsinrigting, en wat ook kleinere herstellwerk of opknappings aan geboue mag doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (31)

(14) "ketelbediener" 'n werknemer wat onder algemene toesig die waterpeil en die stoomdruk in 'n stoomketel in stand hou en wat die vuur in so 'n stoomketel mag maak of stook of daar uithaal; (3)

(15) "klerk" 'n werknemer wat skryf-, tik- of liasseerwerk verrig, 'n rekenmasjien of 'n ponskaartmasjien bedien of enige ander soort klerklike werk verrig en omvat dit 'n kassier, versendingsklerk, pakhuisman en 'n 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; (5)

(16) "klerk, man, gekwalifiseerd," 'n manlike klerk met minstens 5 jaar ondervinding; (8)

(17) "klerk, man, ongekwalifiseerd," 'n manlike klerk met minder as 5 jaar ondervinding; (9)

(18) "klerk, vrou, gekwalifiseerd," 'n vroulike klerk met minstens 4 jaar ondervinding; (6)

(19) "klerk, vrou, ongekwalifiseerd," 'n vroulike klerk met minder as 4 jaar ondervinding; (7)

(20) "kleurder" 'n werknemer wat verantwoordelik is vir en werksaam is in die kleurproses en wat besluit oor die aard, gewig, vermenging en aanwending van die kleurstowwe of ander chemikalieë wat gebruik moet word; (13)

(21) "kleurdersassistent" 'n werknemer wat, onder die toesig van 'n kleurder, die werksaamhede verrig om kleurstowwe te weeg of te meng, of om die masjiene wat in die kleur of droog van kouse gebruik word, te bedien of daarvoor toesig te hou; (14)

(22) "korttyd" 'n tydelike vermindering van die getal gewone werkeure weens 'n slappe in die bedryf, 'n tekort aan grondstowwe, 'n kragonderbreking, 'n onklaarraking van masjinerie of instal-lasie of onklaarraking of dreigende onklaarraking van geboue; (45)

(23) "loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkeure soos by klousule 5 voorgeskryf: Met dien verstande—

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

(ii) dat die eerste voorbehoudsbepaling nie so uitgelê mag word nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op enige grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (50)

(24) "los werknemer" 'n werknemer wat hoogstens 3 dae in 'n week by dieselfde werkgever in diens is; (4)

(25) "masjienbreier" 'n werknemer wat oor die algemeen in beheer staan van en verantwoordelik is vir die bediening van 'n breimasjien of stel breimasjiene en wie se pligte een of meer van die volgende werksaamhede omvat:—

(a) Klein verstellinkies aan sodanige masjien of masjiene maak;

(b) naalde verwyder of vervang;

(c) sodanige masjien of masjiene verstel, uitgesonderd vir styl;

(d) toesig hou oor een of meer breiersassistentes; (33)

(26) "masjienbreier, gekwalifiseerd," 'n masjienbreier met minstens 3 jaar ondervinding; (34)

(27) "masjienbreier, ongekwalifiseerd," 'n masjienbreier met minder as 3 jaar ondervinding; (35)

(28) "magasynman" 'n werknemer wat beheer het oor die voorrade inkomende goedere of afgewerkte of gedeeltelik afgewerkte produkte en wat daarvoor verantwoordelik is om goedere in 'n magasyn of pakhuis te ontvang, op te berg, te verpak of uit te pak of om goedere uit 'n magasyn of pakhuis aan die verbruiksafdelings in 'n bedryfsinrigting of vir versending te lewer; (46)

(32) "Industry for the Manufacture of Ladies' Stockings" means the industry in which employers and employees are associated in establishments which are registered or liable for registration in terms of the Factories, Machinery and Building Work Act, 1941, for the manufacture of ladies' stockings from artificial fibre, silk, cotton, wool or any combination thereof or of any other material, and includes the manufacture of yarn for this purpose, and also includes all operations incidental to or consequent on any of the aforesaid activities; (8)

(33) "knitter" means an employee who is in general charge of and responsible for the operation of a knitting machine or set of knitting machines and whose duties include any one or more of the following activities:—

- (a) Making minor adjustments to such machine or machines;
- (b) removing or replacing needles;
- (c) re-setting such machine or machines except for style;
- (d) supervising one or more knitter's assistants; (25)

(34) "knitter, qualified," means a knitter who has had not less than 3 years' experience; (26)

(35) "knitter, unqualified," means a knitter who has had less than 3 years' experience; (27)

(36) "knitter's assistant" means an employee who, under the general supervision of an artisan or knitter, is engaged in any one or more of the following activities:—

- (a) Removing loose threads or fluff from needles;
- (b) removing or replacing bobbins;
- (c) reporting the malfunctioning of a machine;
- (d) threading machines; (6)

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

- (a) Carrying, moving, stacking or unpacking goods or other articles, other than as in (e) of grade III employee;
- (b) cleaning or washing premises, plant, machines, tools, utensils or other articles;
- (c) cutting up or otherwise destroying rejected stockings;
- (d) gardening work;
- (e) lime-washing or colour-washing buildings or other structures;
- (f) loading or unloading;
- (g) making or maintaining fires, or removing refuse or ashes;
- (h) opening, closing, unpacking or strapping cartons, boxes, bags or other containers;
- (i) preparing or serving tea or similar beverages; (2)

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

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

the activities of an establishment and the employees engaged therein; (4)

(39) "motor vehicle" means any power-driven vehicle used for conveying goods outside the employer's establishment and includes a mechanical horse and a tractor; (29)

(40) "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 2 days in any week is engaged in driving a motor vehicle for not more than 3 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; (9)

(41) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (36)

(42) "senior managerial or administrative employee" means an employee who is charged by his employer with the performance of work entailing responsibility for taking decisions of an administrative character in the conduct of the activities of an establishment; (33)

(43) "supervisor" means an employee who, under the supervision of a foreman, is in charge of a group of employees; (38)

(44) "shift worker" means an employee who is engaged on shift work in an establishment in which 3 consecutive shifts per day are worked on not less than 5 days per week; (35)

(29) "motorvoertuig" 'n kragvoertuig wat gebruik word vir die vervoer van goedere buite die werkgewer se bedryfsinrigting en omvat dit 'n voorhaker en 'n trekker; (39)

(30) "noodwerk"—

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

(b) enige werk in verband met die laai of aflaai van—

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

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

(c) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werkkure verrig kan word nie; (15)

(31) "onbelaste gewig" die gewig van 'n motorvoertuig of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig of sleepwa uitgereik is deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik: Met dien verstande dat, in die geval van 'n twee- of driewielige motorfiets, bromponie of bromfiets of trapfiets met hulpmotor, die onbelaste gewig geag word hoogstens 1,000 lb te wees; (49)

(32) "ondervinding", met betrekking tot—

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

(b) enige ander klas werknemer, die totale tydperk of tydperke diens wat hy as werknemer van sy klas in die Dameskousnywerheid gehad het; (17)

(33) "senior bestuurs- of administratiewe werknemer" 'n werknemer wat deur die werkgewer belas is met werk wat die verantwoordelikheid meebring om by die uitvoering van die bedryfsinrigting se werksaamhede besluite van 'n administratiewe aard te neem; (42)

(34) "sleepwa" 'n vervoermiddel wat deur 'n motorvoertuig getrek word; (48)

(35) "skofwerker" 'n werknemer wat skofwerk doen in 'n bedryfsinrigting waarin 3 opeenvolgende skofte op 'n dag op minstens 5 dae in 'n week gewerk word; (44)

(36) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (41)

(37) "tegniese of professionele werknemer" 'n werknemer wat deur die werkgewer belas is met werk van 'n tegniese of professionele aard; (47)

(38) "toesighouer" 'n werknemer wat onder die algemene toesig van 'n voorman in beheer staan van 'n groep werknemers; (43)

(39) "versendingsklerk" 'n werknemer wat belas is met die versending of verpakking van goedere vir vervoer of aflewering en wat toesig mag hou oor die byeenbring, nagaan, weeg, verpakking, merk, adresseer of versending van goedere of pakkette; (11)

(40) "voorman" 'n werknemer wat aan die hoof staan van die werknemers in 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig; (21)

(41) "vormer" 'n werknemer wat kouse oor beenvorms plaas volgens grootte vóór behandeling in 'n stoomkamer of wat kouse van beenvorms verwyder na sodanige behandeling en die kouse volgens opdragte wat ontvang is, in bondels plaas; (2)

(42) "wag" 'n werknemer wat 'n perseel of eiendom bewaak; (51)

(43) "werknemer, graad I," 'n werknemer wat 1 of meer van die volgende werksaamhede verrig:—

(a) Koustone sluit deur middel van 'n skakelproses;

(b) kouse ondersoek vir defekte nadat dit gekleur is;

(c) kouse gradeer of sorteer volgens lengte of grootte;

(d) lere in kouse met die hand of 'n masjien heelmaak;

(e) nate van gepasweefde kouse met 'n masjien stik; (22)

(44) "werknemer, graad I, gekwalifiseerd," 'n werknemer graad I, met minstens 2 jaar ondervinding; (23)

(45) "werknemer, graad I, ongekwalifiseerd," 'n werknemer, graad I, met minder as 2 jaar ondervinding; (24)

(45) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials, a power failure, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (22)

(46) "storeman" means an employee who is in charge of stocks of incoming goods or finished or partly finished products and who is responsible for receiving, storing, packing or unpacking goods in a store or warehouse or delivering goods from a store or warehouse to the consuming departments in an establishment or for despatch; (28)

(47) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (37)

(48) "trailer" means any conveyance drawn by a motor vehicle; (34)

(49) "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 2- or 3-wheeled motorcycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb; (31)

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

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

(ii) that the first proviso shall not be construed so as to refer to or include any remuneration which an employee, who is employed on any basis provided for in clause 9, receives over and above the amount which he would have received if he had not been employed on such a basis; (23)

(51) "watchman" means an employee who is engaged in guarding premises or property; (42)

(b) 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:—*

(i)

	In the Magisterial Districts of Estcourt and Parys.	In all other areas.
	Per week. R	Per week. R
Artisan.....	38.18	38.18
Clerk, female, qualified.....	17.31	17.31
Clerk, female, unqualified—		
During the first year of experience.....	10.38	10.38
During the second year of experience.....	12.12	12.12
During the third year of experience.....	13.85	13.85
During the fourth year of experience.....	15.58	15.58
Clerk, male, qualified.....	25.39	25.39
Clerk, male, unqualified—		
During the first year of experience.....	11.54	11.54
During the second year of experience.....	14.31	14.31
During the third year of experience.....	17.08	17.08
During the fourth year of experience.....	19.85	19.85
During the fifth year of experience.....	22.62	22.62
Dyer.....	38.18	38.18
Factory clerk, qualified.....	11.50	15.00
Factory clerk, unqualified—		
During the first 6 months of experience.....	7.50	10.00
During the second 6 months of experience.....	8.50	11.50
During the third 6 months of experience.....	10.00	13.00

(46) "werknemer, graad II," 'n werknemer wat in een of meer van die volgende hoedanighede werksaam is of een of meer van die volgende werksaamhede verrig:—

(a) Vormer;

(b) koustone sluit, uitgesonderd deur middel van 'n skakel-proses;

(c) kleurdersassistent;

(d) kouse ondersoek vir defekte voordat dit gekleur word;

(e) kouse vou, toedraai of in dose plaas;

(f) kouse volgens gestelde mate meet;

(g) kouse heelmaak, uitgesonderd soos in (d) by 'n werknemer, graad I, omskryf;

(h) kouse wat in dose geplaas is, vir versending of aflewering verpak;

(i) nate op naatlose kouse stik;

(j) kouse afwerk deur oortollige garedrade met die hand of 'n masjien af te knip; (25)

(47) "werknemer, graad II, gekwalifiseerd," 'n werknemer, graad II, met minstens 12 maande ondervinding; (26)

(48) "werknemer, graad II, ongekwalifiseerd," 'n werknemer, graad II, met minder as 12 maande ondervinding; (27)

(49) "werknemer, graad III," 'n werknemer wat in 1 of meer van die volgende hoedanighede werksaam is of 1 of meer van die volgende werksaamhede verrig:—

(a) Kartonhouers bymekaarmaak of opstel;

(b) breiersassistent;

(c) blankostukke van mekaar skei;

(d) die naam, handelsmerk of grootte op kouse stempel of sjabloneer;

(e) afgewerkte of halfafgewerkte kouse van een afdeling na 'n ander in 'n bedryfsinrigting neem;

(f) kouse omdop; (28)

(50) "werknemer, graad III, gekwalifiseerd," 'n werknemer, graad III, met minstens 6 maande ondervinding; (29)

(51) "werknemer, graad III, ongekwalifiseerd," 'n werknemer, graad III, met minder as 6 maande ondervinding; (30)

(b) By die toepassing van hierdie Vasstelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam 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:—*

(i)

	In die Land-drosdistrikte Estcourt en Parys.	In alle ander gebiede.
	Per week. R	Per week. R
Ambagsman.....	38.18	38.18
Klerk, vrou, gekwalifiseer.....	17.31	17.31
Klerk, vrou, ongekwalifiseer—		
Gedurende die eerste jaar ondervinding.....	10.38	10.38
Gedurende die tweede jaar ondervinding.....	12.12	12.12
Gedurende die derde jaar ondervinding.....	13.85	13.85
Gedurende die vierde jaar ondervinding.....	15.58	15.58
Klerk, man, gekwalifiseer.....	25.39	25.39
Klerk, man, ongekwalifiseer—		
Gedurende die eerste jaar ondervinding.....	11.54	11.54
Gedurende die tweede jaar ondervinding.....	14.31	14.31
Gedurende die derde jaar ondervinding.....	17.08	17.08
Gedurende die vierde jaar ondervinding.....	19.85	19.85
Gedurende die vyfde jaar ondervinding.....	22.62	22.62
Kleurder.....	38.18	38.18
Fabrieksklerk, gekwalifiseer.....	11.50	15.00
Fabrieksklerk, ongekwalifiseer—		
Gedurende die eerste 6 maande ondervinding...	7.50	10.00
Gedurende die tweede 6 maande ondervinding..	8.50	11.50
Gedurende die derde 6 maande ondervinding...	10.00	13.00

	In the Magisterial Districts of Estcourt and Parys.	In all other areas.
	Per week. R	Per week. R
Foreman.....	40.00	40.00
Handyman.....	14.00	16.00
Supervisor.....	17.00	19.00
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.....	9.50	11.50
(ii) exceeds 1,000 lb but not 6,000 lb.....	13.50	16.00
(iii) exceeds 6,000 lb but not 10,000 lb.....	15.60	19.30
(iv) exceeds 10,000 lb.....	19.30	23.00
Part-time driver of a motor vehicle.....	10.35	11.50

(ii)

	In the Magisterial Districts of Estcourt and Parys.	In the Magisterial District of East London.	In all other areas.
	Per week. R	Per week. R	Per week. R
Knitter, qualified.....	17.50	18.50	20.50
Knitter, unqualified—			
During the first 6 months of experience.....	7.50	8.00	9.00
During the second 6 months of experience.....	9.10	9.70	10.90
During the third 6 months of experience.....	10.70	11.40	12.80
During the fourth 6 months of experience.....	12.30	13.10	14.70
During the fifth 6 months of experience.....	13.90	14.80	16.60
During the sixth 6 months of experience.....	15.50	16.50	18.50
Grade I employee, qualified.....	11.00	11.50	12.50
Grade I employee, unqualified—			
During the first 6 months of experience.....	6.25	6.75	7.25
During the second 6 months of experience.....	7.25	7.75	8.50
During the third 6 months of experience.....	8.50	9.00	9.75
During the fourth 6 months of experience.....	9.75	10.25	11.00
During the fifth 6 months of experience.....	8.75	9.25	9.75
Grade II employee, qualified.....			
Grade II employee, unqualified—			
During the first 6 months of experience.....	6.25	6.75	7.25
During the second 6 months of experience.....	7.50	8.00	8.50
During the third 6 months of experience.....	7.75	8.25	8.75
Grade III employee, qualified.....			
Grade III employee, unqualified—			
During the first 3 months of experience.....	5.75	6.25	6.75
During the second 3 months of experience.....	6.75	7.25	7.75
Boiler attendant.....	6.75	7.75	9.00
Watchman.....	6.75	7.75	9.00
Labourer, male, 18 years of age or over..	5.75	6.75	8.00
Labourer, male, under 18 years.....	4.30	5.00	6.00
Labourer, female.....	5.00	6.00	6.50
Employee not elsewhere in this sub-clause specifically mentioned.....	7.75	8.25	8.75

(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

	In die Land-drosdistrikte Estcourt en Parys.	In alle ander gebiede.
	Per week. R	Per week. R
Voorman.....	40.00	40.00
Faktotum.....	14.00	16.00
Toesighouer.....	17.00	19.00
Bestuurder van 'n motorvoertuig waarvan die gewig saam met die gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig gesleep word—		
(i) hoogstens 1,000 lb. is.....	9.50	11.50
(ii) meer as 1,000 lb., maar hoogstens 6,000 lb. is.....	13.50	16.00
(iii) meer as 6,000 lb. maar hoogstens 10,000 lb. is.....	15.60	19.30
(iv) meer as 10,000 lb. is.....	19.30	23.00
Deeltydse bestuurder van 'n motorvoertuig.....	10.35	11.50

(ii)

	In die Land-drosdistrikte Estcourt en Parys.	In die Land-drosdistrik Oos-Londen.	In alle ander gebiede.
	Per week. R	Per week. R	Per week. R
Masjienbreier, gekwalifiseer.....	17.50	18.50	20.50
Masjienbreier, ongekwalifiseer—			
Gedurende die eerste 6 maande ondervinding.....	7.50	8.00	9.00
Gedurende die tweede 6 maande ondervinding.....	9.10	9.70	10.90
Gedurende die derde 6 maande ondervinding.....	10.70	11.40	12.80
Gedurende die vierde 6 maande ondervinding.....	12.30	13.10	14.70
Gedurende die vyfde 6 maande ondervinding.....	13.90	14.80	16.60
Gedurende die sesde 6 maande ondervinding.....	15.50	16.50	18.50
Werknemer graad I, gekwalifiseer.....	11.00	11.50	12.50
Werknemer graad I, ongekwalifiseer—			
Gedurende die eerste 6 maande ondervinding.....	6.25	6.75	7.25
Gedurende die tweede 6 maande ondervinding.....	7.25	7.75	8.50
Gedurende die derde 6 maande ondervinding.....	8.50	9.00	9.75
Gedurende die vierde 6 maande ondervinding.....	9.75	10.25	11.00
Gedurende die vyfde 6 maande ondervinding.....	8.75	9.25	9.75
Werknemer graad II, gekwalifiseer.....			
Werknemer graad II, ongekwalifiseer—			
Gedurende die eerste 6 maande ondervinding.....	6.25	6.75	7.25
Gedurende die tweede 6 maande ondervinding.....	7.50	8.00	8.50
Gedurende die derde 6 maande ondervinding.....	7.75	8.25	8.75
Werknemer graad III, gekwalifiseer.....			
Werknemer graad III, ongekwalifiseer—			
Gedurende die eerste 3 maande ondervinding.....	5.75	6.25	6.75
Gedurende die tweede 3 maande ondervinding.....	6.75	7.25	7.75
Ketelbediener.....	6.75	7.75	9.00
Wag.....	6.75	7.75	9.00
Arbeider, man, 18 jaar oud of ouer.....	5.75	6.75	8.00
Arbeider, man, jonger as 18 jaar.....	4.30	5.00	6.00
Arbeider, vrou.....	5.00	6.00	6.50
Werknemer wat nie elders in hierdie sub-klausule spesifiek gemeld word nie....	7.75	8.25	8.75

(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 'n werknemer in dieselfde gebied

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 4 consecutive hours on any day, his wage may be reduced by not more than 50 per cent.

(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 subclause (1), read with subclause (3), for an employee of his class in the area in which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Differential wage.*—An employer who requires or permits a member of 1 class of his employees to perform for longer than 1 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 subclause (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 subclause shall not apply where the difference between classes in terms of subclause (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) 5, in the case of an employee who works a 5-day week;
- (ii) 6, in the case of every other employee.

(b) The monthly wage of an employee shall be $4\frac{1}{2}$ times his weekly wage.

(c) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by 46.

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 weekly or monthly during the hours of work or within 15 minutes of ceasing work on the usual pay-day of the establishment for such employee (or in the case of a shift worker at a time agreed upon between such employee and his employer which time shall be during the usual office hours of the establishment but not later than 24 hours after the usual pay-day) or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in an envelope or container, on which shall be recorded, or which shall be accompanied by a statement showing—

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

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 4 agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder mag word.

(2) *Kontrakgrondslag.*—By 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 bepalings 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 ingevolge klousule 5 vir hom geld, of minder, gewerk het.

(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 aan sodanige werknemer 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 bepalings 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 só 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 5 dae in 'n week werk;

(ii) ses, in die geval van alle ander werknemers.

(b) Die maandloon van 'n werknemer is $4\frac{1}{2}$ maal sy weekloon.

(c) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur 46.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalings van klousule 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, weekliks of 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 bedryfsinrigtings so 'n werknemer gewoonlik betaal (of, in die geval van 'n skofwerker op 'n tydstop waarvoor deur sodanige werknemer en sy werkgewer ooreengekom word en wat gedurende die gewone kantoorure van die bedryfsinrigting is, maar nie later as 24 uur ná 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 versëlde 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 nommer op die betaalstaat en sy beroep;

(c) die getal gewone werkure wat die werknemer gewerk het;

(d) die getal ure wat die werknemer oortyd gewerk het;

(e) die getal ure wat die werknemer op 'n Sondag, 'n Operasie Vakansiedag of die dag wat hy vry het, gewerk het;

(f) die werknemer se loon;

(g) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;

(h) besonderhede van enige bedrag wat afgetrek is;

(i) die werklike bedrag wat aan die werknemer betaal word;

(j) die tydperk waarvoor die betaling geskied;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that—

(i) at the written request of an employee, the amount due to him may be paid into his building society or bank account by his employer who shall hand to him the relevant receipt together with the aforementioned statement;

(ii) the aforementioned information need not be furnished to an employee who is excluded from the hours of work provisions by virtue of clause 5 (11) (a).

(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;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instruction 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. R	Per month. R
(i) Board.....	0.80	3.47
(ii) Lodging.....	0.40	1.73
(iii) Board and lodging.....	1.20	5.20;

(e) whenever the ordinary hours of work prescribed in clause 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) 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;

(ii) no deduction shall be made in the case of short-time owing to a power failure or 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 an employee, other than a shift worker, who works a 6-day week—

(i) 46 in any week from Monday to Saturday, inclusive; and
(ii) subject to subparagraph (i) hereof, 8 on any day, unless the hours on 1 day do not exceed 5, in which case the hours on any of the other days may be extended to 8½;

en sodanige koevert of houer waarop hierdie inligting aangeteken is, of sodanige staat, word die eiendom van die werknemer: Met dien verstande dat—

(i) 'n werkgewer op skriftelike versoek van 'n werknemer die bedrag aan so 'n werknemer verskuldig in die werknemer se bogenootskap- of bankrekening kan inbetaal en die betrokke kwitansie, tesame met voornoemde staat, aan die werknemer moet oorhandig;

(ii) bogenoemde inligting nie verstrekkend hoeft te word aan 'n werknemer wat uit hoofde van klousule 5 (11) (a) van die bepalings ten opsigte van werkure uitgesluit is nie.

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

(3) *Premies*.—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgewer 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 bepalings van die Bantoe (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie van sy werknemer vereis om van hom of van enigiemand anders of op 'n plek deur hom aangewys, kos of huisvesting of kos en huisvesting aan te neem nie.

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

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegedel van vakverenigings;

(b) behoudens andersluidende bepalings in hierdie Vaststelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgewer 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) iedere bedrag wat 'n werkgewer 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 werkgewer aan te neem, 'n bedrag van hoogstens—

	Per week. R	Per maand. R
(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) geen aftrekking ten opsigte van korttyd wat deur 'n slapte in die bedryf of 'n tekort aan grondsiowwe ontstaan, geskied nie tensy die werkgewer sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(ii) ten opsigte van korttyd weens 'n kragonderbreking of 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 werkgewer sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgewer 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 Bantodorp 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 Werkgewer 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 werknemer, uitgesonderd 'n skofwerker, wat 6 dae per week werk—

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

(ii) behoudens die bepalings van subparagraaf (i) hiervan, 8 op 'n dag, tensy die ure op 1 dag hoogstens 5 is, wanneer die ure op enigen van die ander dae tot 8½ verleng kan word;

(b) in the case of an employee, other than a shift worker, who works a 5-day week—

- (i) 46 in any week from Monday to Friday, inclusive; and
- (ii) subject to subparagraph (i) hereof, 9½ on any day;

(c) in the case of a shift worker—

- (i) 46 in any week from Sunday to Saturday, inclusive; and
- (ii) subject to subparagraph (i) hereof, 8 on any day.

(2) An employer shall not require or permit a casual employee to work more ordinary hours of work than 8½ on any day.

(3) *Meal intervals.*—An employer shall not require or permit an employee to work for more than 5 hours continuously without a meal interval of not less than 1 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 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 1 hour, except when proviso (i) or (v) applies, shall be deemed to be continuous;

(iii) if such interval be longer than 1 hour any period in excess of 1½ hours shall be deemed to be time worked;

(iv) only 1 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 15 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 subclause not to have worked during such interval;

(vii) such an interval need not be granted to a shift worker during his ordinary hours of work on any day if he is given the opportunity during such hours of having a meal while at his post.

(4) *Rest intervals.*—An employer shall grant to each of his employees a rest interval of not less than 10 minutes as nearly as practicable in the middle of each morning and afternoon work period, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

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

(6) *Overtime.*—(a) All time worked by a shift worker, other than on his day off, in excess of the number of ordinary hours of work prescribed in subclause 1 (c) shall be overtime: Provided that if during any shift cycle of 4 consecutive weeks, a shift worker works 48 ordinary hours of work in any week but not more than a total of 184 such hours during such cycle, the 2 hours in excess of 46 hours in any such week shall not be overtime.

(b) In the case of any other employee, all time worked, other than on a Sunday, in excess of the number of ordinary hours of work prescribed in subclauses (1) and (2) shall be overtime.

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

- (a) in the case of a casual employee, 2 hours on any day;
- (b) in the case of any other employee, 10 hours in any week.

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

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than 5 days a week;
- (c) overtime for more than 2 hours on any day, except that an employee who works a 5-day week may work up to 4 hours overtime on a Saturday, but so that 10 hours are not exceeded in any week;
- (d) overtime on more than 3 consecutive days in any week;

(b) in die geval van 'n werknemer, uitgesonderd 'n skofwerker, wat 5 dae per week werk—

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

(ii) behoudens die bepalings van subparagraaf (i) hiervan, 9½ op 'n dag;

(c) in die geval van 'n skofwerker—

(i) ses-en-veertig in 'n week van Sondag tot en met Saterdag; en

(ii) behoudens die bepalings van subparagraaf (i) hiervan, 8 op 'n dag.

(2) 'n Werkgewer mag nie van 'n los werknemer vereis of hom toelaat om meer gewone werkure as 8½ op 'n dag te werk nie.

(3) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as 5 uur aaneen sonder 'n etens-pouse van minstens een uur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

(i) 'n werkgewer 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 werkgewer die Afdelingsinspekteur, Departement van Arbeid, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;

(ii) werktidperke wat onderbreek word deur pouses van minder as 1 uur, uitgesonderd waar voorbehoudsbepalings (i) of (v) van toepassing is, geag word aaneenlopend te wees;

(iii) as sodanige pouse langer as 1 uur is, enige tyd wat 1½ uur te bowe gaan, geag word werktid te wees;

(iv) alleenlik 1 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 werk-gewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse op versoek van die werknemer tot 15 minute verkort mag word;

(vi) 'n bestuurder van 'n motorvoertuig wat gedurende sodanige 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 sodanige pouse te gewerk het nie;

(vii) dat sodanige pouse nie op enige dag aan 'n skofwerker gedurende sy gewone werkure toegestaan hoef te word nie indien aan hom gedurende sodanige ure die geleentheid gegee word om op sy pos 'n ete te nuttig.

(4) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke werktidperk in die voor- en die namiddag, aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan waarin daar nie van die werknemer vereis of hy nie toegelaat mag word om werk te verrig nie, en so 'n pouse word geag deel van die gewone werkure van so 'n werknemer uit te maak.

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

(6) *Oortydwerk.*—(a) Alle tyd, uitgesonderd dié op sy vry dag, wat 'n skofwerker langer gewerk het as die getal gewone werkure wat in subklousule 1 (c) voorgeskryf word, is oortydwerk: Met dien verstande dat, indien 'n skofwerker gedurende 'n skofkring van 4 agtereenvolgende weke 48 gewone werkure in enige week maar altesaam hoogstens 184 sodanige werkure gedurende sodanige tydkring werk, die twee uur wat hy langer as 46 uur in enige sodanige week gewerk het nie oortydwerk is nie.

(b) In die geval van 'n ander werknemer is alle tyd, uitgesonderd dié op 'n Sondag, wat die werknemer langer gewerk het as die getal gewone werkure wat in subklousules (1) en (2) voorgeskryf word, oortydwerk.

(7) *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, 2 uur op 'n dag;
- (b) in die geval van 'n ander werknemer, 10 uur in 'n week

(8) *Vroulike werknemers.*—Ondanks andersluidende bepaling 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 5 dae in 'n week na 1-uur nm. te werk nie
- (c) meer as 2 uur oortyd op 'n dag te werk nie, met dié uitsondering dat 'n werknemer wat 'n werkweek van 5 dae het, op 'n Saterdag tot 4 uur oortyd mag werk, maar dan so dat die oortydwerk hoogstens 10 uur in 'n week beloop;
- (d) op meer as 3 agtereenvolgende dae in 'n week oortyd te werk nie;

(e) overtime on more than 60 days in any year;
(f) overtime after completion of her ordinary hours of work for more than 1 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 25 cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

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

(a) in the case of a casual employee, $1\frac{1}{2}$ 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, $1\frac{1}{2}$ times his ordinary wage in respect of the total period so worked by such employee in any week.

(10) *Day off.*—An employer shall grant to each of his shift workers 1 full day off in any week: Provided that if an employer requires or permits such an employee to work on his day off, the hours so worked shall be deemed not to be part of the ordinary hours of work prescribed in subclause (1).

(11) *Savings.*—(a) The provisions of this clause shall not apply to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage at a rate of not less than R200 per month.

(b) The provisions of subclauses (3), (4), (5) and (7) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of subclause (4) shall not apply to a driver of a motor vehicle, a labourer assisting on a delivery vehicle, a part-time driver of a motor vehicle, or a shift worker.

(d) The provisions of this clause shall not apply to a watchman whose employer grants him a day off of 24 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 such watchman the wage which he would have received if he had not worked on such day, plus an amount of not less than double his daily wage in respect of such day not granted.

6. ANNUAL LEAVE.

(1) Subject to the provisions of subclause (2), an employer shall grant to his employee, other than a casual employee, in respect of each completed period of 12 months of employment with him—

(a) in the case of a watchman, 21 consecutive calendar days' leave;

(b) in the case of every other employee, 14 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 3 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 20 (5) (a) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in subclause (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 subclause (3), be granted so as to commence within 4 months after the completion of the 12 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 4 months, the employer shall grant such leave to the employee as from a date not later than 2 months after the expiration of the said period of 4 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;

(e) op meer as 60 dae in 'n jaar oortyd te werk nie;

(f) na 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 25 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.

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

(a) in die geval van 'n los werknemer, $1\frac{1}{2}$ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op 'n dag gewerk;

(b) in die geval van 'n ander werknemer, $1\frac{1}{2}$ maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in 'n week gewerk.

(10) *Rusdag.*—'n Werkgever moet aan elkeen van sy skofwerkers een volle rusdag in 'n week toestaan: Met dien verstande dat indien 'n werkgever van so 'n werknemer vereis of hom toelaat om op sy rusdag te werk, die ure aldus gewerk geag word nie deel te wees van die gewone werkure wat in subklousule (1) voorgeskryf word nie.

(11) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule is nie op 'n voorman of op 'n senior bestuurs- of administratiewe werknemer of op 'n tegniese of professionele werknemer van toepassing nie indien en solank so 'n werknemer gereeld 'n loon teen minstens R200 per maand ontvang.

(b) Die bepalinge van subklousules (3), (4), (5) en (7) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

(c) Die bepalinge van subklousule (4) is nie op 'n bestuurder van 'n motorvoertuig, 'n arbeider wat op 'n bestelvoertuig help, 'n deeltydse bestuurder van 'n motorvoertuig, of 'n skofwerker van toepassing nie.

(d) Die bepalinge van hierdie klousule is nie op 'n wag wie se werkgever hom 'n dag van 24 agtereenvolgende ure ten opsigte van elke week diens vry af gee, van toepassing nie: Met dien verstande dat—

(i) hy geen bedrag van sy wag se loon ten opsigte daarvan aftrek nie;

(ii) 'n werkgever, in plaas daarvan dat hy sodanige dag vry af aan sy wag gee, sodanige wag dié loon mag betaal wat hy sou ontvang het indien hy nie op sodanige dag gewerk het nie, plus 'n bedrag van minstens dubbel sy dagloon ten opsigte van sodanige dag wat nie toegestaan is 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 voltooide tydperk van 12 maande diens by hom verlof verleen—

(a) in die geval van 'n wag, 21 agtereenvolgende kalenderdae;

(b) in die geval van iedere ander werknemer, 14 agtereenvolgende kalenderdae;

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

(i) in die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens 3 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 2 maal 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, bereken word op die grondslag uiteengesit in artikel 20 (5) (a) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(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 bepalinge van subklousule (3) so verleen moet word dat dit begin binne 4 maande na voltooiing van die 12 maande diens waarop dit betrekking het; of dat, as die werkgever en sy werknemer voor die verstryking van genoemde tydperk van 4 maande skriftelik daartoe ooreengekom het, die werkgever sodanige verlof aan die werknemer moet verleen met ingang van 'n datum uiterlik 2 maande na die verstryking van genoemde tydperk van 4 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) if New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;

(iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at such employee's written request during the period of 12 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 24 months of employment: Provided—

(i) that the request is made by such employee not later than 4 months after the expiry of the first period of 12 months of employment to which the leave relates, and

(ii) that the date of the receipt of the request is endorsed on the request over his signature by the employer, who shall retain the request at least until the employee resumes duty after the expiration of his leave.

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

(4) The remuneration in respect of the leave prescribed in subclause (1), read with subclause (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 12 months of employment before the period of leave prescribed in subclause (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

(a) in the case of an employee referred to in paragraph (a) of subclause (1), one-fourth; and

(b) in the case of an employee referred to in paragraph (b) of subclause (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 subclause (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 subclause.

(6) An employee who has become entitled to a period of leave prescribed in subclause (1), read with subclause (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 10 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 4 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;

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag 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 werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

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

(i) dat sodanige werknemer so 'n versoek doen binne 4 maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het; en

(ii) dat die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek bewaar minstens totdat die werknemer na afloop van sy verlof sy diens hervat.

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

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

(b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) bedoel, een sesde van die weekloon

wat hy onmiddellik 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 subklousule (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 kennisgewingstermyen uit te dien wat by klousule 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 'n 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 subklousule geregtig is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf in subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof 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 klousule word die uitdrukking „diens” geag ook te omvat—

(a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis te gee;

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

(i) met verlof ingevolge hierdie klousule;

(ii) met siekteverlof ingevolge klousule 7;

(iii) op las of versoek van sy werkgewer,

en wel tot 'n totaal, in enige jaar, van hoogstens 10 weke; en

(c) enige tydperk wat 'n werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as 'n maand 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 Vasstelling, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet o verlof geregtig geword het;

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

(iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

(8) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purpose of annual leave at any time, but not more than once in any period of 12 months, close his establishment for 14 consecutive calendar days plus any additional days that may have to be added by virtue of the third proviso to subclause (2).

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

7. SICK LEAVE.

(1) Subject to the provisions of subclause (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 5-day week, not less than 20 work days; and

(b) in the case of every other employee, not less than 24 work days;

sick leave in the aggregate during each cycle of 24 consecutive months of employment with him, and shall pay such employee in respect of any period of absence in terms of this subclause not less than the wage he would have received had he worked during such period: Provided that—

(i) in the first 24 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 5-day week, 1 work day in respect of each completed period of 5 weeks of employment and, in the case of any other employee, 1 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 20 or 24 work days, as the case may be, in each cycle of 24 months of employment, except that during the first 24 months of the payment of contributions by the employee the guaranteed rate may be reduced but to not less than the rate of accrual set out in the first proviso to this subclause;

(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.

(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 more than 1 day; or

(b) on the work day immediately preceding or the work day immediately succeeding a Sunday or New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day;

require the employee to produce a certificate signed by a registered medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to 8 consecutive weeks received payment in terms of this clause on 2 or more occasions without producing such a certificate his employer may during the period of 8 consecutive weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence.

(ii) in die geval van 'n werknemer wat voor die datum van inwerkingtreding van hierdie Vaststelling 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 werkgever in diens getree het of op die datum van inwerkingtreding van hierdie Vaststelling, en wel op die jongste van die twee datums.

(8) (a) Ondanks andersluidende bepalinge in hierdie klousule, kan 'n werkgever vir die doel van jaarlikse verlof te eniger tyd, maar hoogstens een maal in 'n tydperk van 12 maande, sy bedryfsinrigting sluit vir 14 agtereenvolgende kalenderdae plus alle addisionele dae wat moontlik uit hoofde van die derde voorbehoudsbepaling van subklousule (2) daarby gevoeg moet word.

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

7. SIEKTEVERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid van die werk afwesig is, siekteverlof verleen—

(a) in die geval van 'n werknemer wat 'n werkweek van 5 dae het, vir altesaam minstens 20 werkdae; en

(b) in die geval van iedere ander werknemer, vir altesaam minstens 24 werkdae

gedurende elke tydkring van 24 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(i) gedurende die eerste 24 agtereenvolgende maande diens, 'n werknemer nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van 5 dae, 1 werkdag ten opsigte van elke voltooide tydperk van 5 weke diens en, in die geval van 'n ander werknemer, 1 werkdag ten opsigte van elke voltooide maand diens;

(ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgever 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, in geval van sy ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir 20 of 24 werkdae, na gelang van die geval, in elke tydkring van 24 maande diens aan hom betaal sal word, met dié uitsondering dat, gedurende die eerste 24 maande wat die werknemer bydraes betaal, die gewaarborgde koers verlaag kan word maar nie tot minder nie as die aanwaskoers vermeld in die eerste voorbehoudsbepaling van hierdie subklousule;

(iii) waar 'n werkgever 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 by 'n ander wet van 'n werkgever vereis word om 'n werknemer sy volle loon te betaal ten opsigte van 'n tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepalinge van hierdie klousule nie van toepassing is nie.

(2) 'n Werkgever 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 meer as 1 dag; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag,

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 8 agtereenvolgende weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van 8 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) Where, during the first cycle of 24 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 subclause (1),

amounting in the aggregate, in any year, to not more than 10 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 4 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 amount in regard to disablement is payable in terms of that Act.

8. PUBLIC HOLIDAYS, SUNDAYS AND DAYS OFF.

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

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

(3) 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 4 hours, not less than his daily wage;

(ii) if he so works for a period exceeding 4 hours, at a rate of 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 1½ times his ordinary wage in respect of the total period worked by him on such Sunday, and grant him within 7 days of such Sunday 1 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 4 hours on such Sunday he shall be deemed to have worked for 4 hours.

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

(5) The provisions of subclause (3) shall *mutatis mutandis* apply to a shift worker who works on his day off.

(6) This clause shall not apply—

(a) to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such employee is in receipt of a regular wage at a rate of not less than R200 per month;

(b) to a casual employee or a watchman.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgewer weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig op betaling vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgewer moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetal vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nog 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), en wat in enige jaar altesaam hoogstens 10 weke 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 4 maande van een sodanige opleidingstydperk as diens te eis nie,

en word enige tydperk van diens by dieselfde werkgewer onmiddellik voor die datum van inwerkingtreding van hierdie Vastelling 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 'n 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 Ongevallewet, 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 VRY DAE.

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

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Geloftedag of Kersdag werk, moet sy werkgewer hom, behoudens die bepalings van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of 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 4 uur op so 'n dag te werk, hy geag word 4 uur te gewerk het.

(3) Wanneer 'n werknemer, uitgesonderd 'n skofwerker, op 'n Sondag werk, moet sy werkgewer of—

(a) die werknemer—

(i) indien hy aldus vir 'n tydperk van hoogstens 4 uur werk, minstens sy dagloon betaal;

(ii) indien hy aldus vir 'n tydperk van meer as 4 uur werk, 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 bedrag wat die grootste is; of

(b) hom teen minstens 1½ maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne 7 dae vanaf sodanige Sondag 1 dag verlof verleen en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, waar daar van sodanige werknemer vereis of hy toegelaat word om minder as 4 uur op sodanige Sondag te werk, hy geag moet word 4 uur te gewerk het.

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

(5) Die bepalings van subklousule (3) is *mutatis mutandis* van toepassing op 'n skofwerker wat op sy rusdag werk.

(6) Hierdie klousule is nie van toepassing nie—

(a) op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer indien er solank terwyl so 'n werknemer gereeld 'n loon teen minstens R200 per maand ontvang;

(b) op 'n los werknemer of 'n wag nie.

9. PIECE-WORK.

(1) An employer may, after at least 1 week's notice to his employee introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his 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 1 week's notice of such intention: Provided that an employer and his employee may agree on a longer period of notice, in which case the employer shall give 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. PROHIBITION OF EMPLOYMENT.

An employer shall not employ any person under the age of 15 years.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such uniform, overall or protective clothing in which event the employer shall pay such employee an allowance of not less than 15 cents every week.

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 4 weeks of employment, not less than 1 work day's;

(b) after the first 4 weeks of employment, not less than 1 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 1 work day's notice, the daily wage which the employee is receiving at the time of such termination;

(ii) in the case of 1 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 subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.

9. STUKWERK.

(1) 'n Werkgewer mag, nadat hy minstens 1 week vooraf kennis aan sy werknemer gegee het, 'n stukwerkstelsel invoer, en sodanige werkgewer moet, behoudens die bepalings van klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, teen die besoldiging betaal wat ooreenkomstig sodanige stelsel van toepassing is: Met dien verstande dat die werkgewer, ongeag die hoeveelheid werk wat verrig is, die werknemer moet betaal—

(a) in die geval van 'n ander werknemer as 'n los werknemer, vir elke week waarin stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie week sou moet betaal het as hy hom 'n tydloon betaal het;

(b) in die geval van 'n los werknemer, vir elke dag waarop stukwerk verrig word, minstens die bedrag wat hy so 'n werknemer vir daardie dag sou moet betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgewer moet 'n lys van die besoldiging bedoel in subklousule (1), op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgewer 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 sodanige stelsel werk, minstens 1 week kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer kennisgewingstermyn ooreen kan kom, en in so 'n geval mag die werkgewer nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

(4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgewer 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. VERBOD OP INDIENSNEMING.

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

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgewer 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 sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om sodanige uniform, oorpak of beskermende klere te was of te was en te stryk en in so 'n geval moet die werkgewer so 'n werknemer 'n toelae van minstens 15 sent per week betaal.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

(a) gedurende die eerste 4 weke diens, minstens 1 werkdag,

(b) na die eerste 4 weke diens, minstens 1 week, vooraf kennis van die beëindiging van die kontrak gee of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgewer, na gelang van die geval, te betaal—

(i) in die geval van 1 werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van 1 week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

(i) die reg van 'n werkgewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;

(ii) 'n skriftelike ooreenkoms tussen 'n werkgewer 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 verbod van 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 werkgewer 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 twee voorbehoudsbepalings van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waaroor daar ooreengekom is.

(3) The notice prescribed in subclause (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.

SCHEDULE.

I/We (a).....
carrying on trade in the Industry for the Manufacture of Ladies' Stockings at.....
hereby certify that.....
was employed by me/us (a) from the.....day of
.....19..... to the..... day of
.....19..... as a (b).....
At the termination of employment his/her (a) wage was
.....rand.....cents per week.

Signature of Employer or Authorised Representative.

Date.....

(a) Delete whichever inapplicable.

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

(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 werkgewer, in die geval waar '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 werkgewer 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 werkgewer 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 werkgewer en die werknemer, die beroep van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon van die werknemer op die datum van sodanige beëindiging vermeld.

BYLAE.

Ek/Ons (a)
wat die Dameskousnywerheid 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).

Datum Handtekening van werkgewer of gemagtigde verteenwoordiger.

(a) Skrap wat nie van toepassing is nie.

(b) Meld die beroep waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv., klerk, arbeider, werknemer graad I.

No. R. 965. 30 May 1968.

WAR MEASURES ACT, 1940.

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

INDUSTRY FOR THE MANUFACTURE OF LADIES' STOCKINGS, CERTAIN AREAS.

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 Industry for the Manufacture of Ladies' Stockings, Certain Areas, published under Government Notice No. R. 964 of the 30th May 1968.

M. VILJOEN,
Minister of Labour.

No. R. 965. 30 Mei 1968.

WET OP OORLOGSMAATREËLS, 1940.

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

DAMESKOUSNYWERHEID, SEKERE GEBIEDE.

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 Dameskousnywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing No. R. 964 van 30 Mei 1968.

M. VILJOEN,
Minister van Arbeid.

No. R. 966. 30 May 1968.

Factories, Machinery and Building Work Act, 1941, as Amended.**Industry for the Manufacture of Ladies' Stockings, Certain Areas.**

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 Industry for the Manufacture of Ladies' Stockings, Certain Areas, published under Government Notice No. R. 964 of the 30th May 1968, 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.—This notice shall not have the effect of suspending the operation of section 20 (3) of the Act in respect of Republic Day.

No. R. 967. 30 May 1968.

WAGE ACT, 1957.**CANCELLATION OF WAGE DETERMINATION No. 244.****Industry for the Manufacture of Ladies' Stockings, Certain Areas.**

I, Marais Viljoen, Minister of Labour, hereby in terms of section 16 of the Wage Act, 1957, cancel with effect from the 24th day of June, 1968 all the provisions of Wage Determination No. 244, published under Government Notice No. R. 1187 of the 2nd August 1963.

M. VILJOEN,
Minister of Labour.

No. R. 966.

30 Mei 1968.

WET OP FABRIEKE, MASJINERIE EN BOUWERK, 1941, SOOS GEWYSIG.**DAMESKOUSNYWERHEID, SEKERE GEBIEDE.**

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 bepalings van die Loonvasstelling vir die Dameskousnywerheid, Sekere Gebiede, gepubliseer by Goewermmentskennisgewing No. R. 964 van 30 Mei 1968, oor die algemeen vir werknemers wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae en openbare feesdae daarby gereël word, nie minder gunstig is nie as die desbetreffende bepalings van genoemde Wet.

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 skort nie.

No. R. 967.

30 Mei 1968.

LOONWET, 1957.**INTREKKING VAN LOONVASSTELLING No. 244.****DAMESKOUSNYWERHEID, SEKERE GEBIEDE.**

Ek, Marais Viljoen, Minister van Arbeid, trek hierby kragtens artikel 16 van die Loonwet, 1957, met ingang van die 24ste dag van Junie 1968 al die bepalings van Loonvasstelling No. 244, gepubliseer by Goewermmentskennisgewing No. R. 1187 van 2 Augustus 1963, in.

M. VILJOEN,
Minister van Arbeid.

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