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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 2017

10 November 1972

WAGE ACT, 1957

WAGE DETERMINATION 347.—CERAMICS INDUSTRY, 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 Ceramics Industry, Certain Areas, and has fixed the fourth Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

1. AREA AND SCOPE OF DETERMINATION

This Determination shall apply to all employees, other than managers, in the Ceramics Industry in the Magisterial Districts of Albany, Alberton, Bellville, Benoni, Boksburg, Brakpan, The Cape, East London, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pretoria, Randfontein, Roodepoort, Simons-town, Springs, Stellenbosch, Vanderbijlpark, Vereeniging, Westonaria and Wynberg, 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 "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section 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; (1)

(2) "assistant foreman" means an employee who, under the general supervision of a foreman, performs any of the activities or duties of a foreman and who may act for him during his absence; (3)

(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; (21)

(4) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (32)

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 2017

10 November 1972

LOONWET, 1957

LOONVASSTELLING 347.—KERAMIEK- NYWERHEID, 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 Keramieknywerheid, Sekere Gebiede, gemaak en die vierde Maandag na die datum van publikasie van hierdie kennisgewing bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING

Hierdie Vasstelling is van toepassing op alle werknemers, uitgesonderd bestuurders, en op die werkgewers van sodanige werknemers in die landdrosdistrikte Albanie, Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Oos-Londen, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Pretoria, Randfontein, Roodepoort, Simonstad, Springs, Stellenbosch, Vanderbijlpark, Vereeniging, Westonaria en Wynberg.

2. WOORDOMSKRYWINGS

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

(1) "ambagsman" 'n werknemer wat werk doen wat in die reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordomskrywing beteken die uitdrukking "geskoolde ambagsman" iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van 'n 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; (1)

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

(a) Persele, installasie, masjinerie, gereedskap, gerei, uitrusting, of ander artikels skoonmaak, was of ontsmet of oppervlakke skoonmaak of afskraap voordat dit geveer word;

(b) klip of ander grondstowwe stamp of afslaan of gebakte kleiprodukte opbreek;

(5) "ceramic colour" means colouring matter which develops its final colour or texture during a subsequent firing process; (22)

(6) "ceramic colour or glaze mixer" means an employee who is engaged in and responsible for the preparation of ceramic colour or glaze mixes according to given formulas; (23)

(7) "Ceramics Industry" means the Industry in which employers and employees are associated in establishments where 10 or more employees are employed for—

(i) the manufacture of any one or more of the following articles, namely, electrical porcelain insulators or fittings, crockery, pottery, ovenware, white or coloured glaze sanitary ware, laboratory equipment, bathroom fittings, wall tiles or floor tiles (other than quarry tiles) which in the process of being manufactured are hardened by burning in a kiln or by any other heat process and which are made from clay or of which clay or any other heat resisting or insulating mineral, ore or material or a combination of clay and any such other mineral, ore or material forms the principal component;

or

(ii) the extraction, mining, winning or preparation of the clay or heat resisting or insulating mineral, ore or material used in the manufacture of any of the articles referred to in paragraph (i), if carried on by employers who are engaged in such manufacture;

and includes all operations incidental to or consequent on any of the afore-said activities; (24)

(8) "chargehand" means an employee who, under the general supervision of a foreman or assistant foreman, is in charge of a group of Grade I employees or Grade II employees and who, in addition, may supervise Grade III employees or labourers; (42)

(9) "chauffeur" means an employee who is engaged in driving a motor vehicle which is intended to carry passengers and used for the conveyance of his employer or of staff, clients or visitors and which may be used for the conveyance of documents or parcels; (8)

(10) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, despatch clerk 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; (25)

(11) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (28)

(12) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (29)

(13) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (26)

(14) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (27)

(15) "continuous process worker" means an employee who is engaged in an activity directly connected with the drying or burning processes, the generating of power or steam or any pumping operations in an establishment in respect of which continuous work by means of three shifts per day on seven days per week is necessary; (10)

(16) "day" means the period of 24 hours from midnight to midnight: Provided that, in the case of a continuous process worker or a shift worker it shall mean a period of 24 hours reckoned from the time an employee commences work; (9)

(17) "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, mass-measuring, packing, marking, addressing or despatching of goods or packages; (51)

(18) "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; (11)

(19) "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;

(c) briewe, boodskappe of goedere binne 'n bedryfsinrigting te voet of met 'n fiets, driewiel- of handvoertuig afhaal of aflewer;

(d) klei, grond, gruis, steenkool of ander materiaal uitgraaf, met 'n skopgraaf bewerk, pik of losmaak of baksteen- of betonwerk breek;

(e) met die hand boor;

(f) materiaal in 'n masjien voer of dit daarvan verwyder;

(g) stortgeute, bakke, hysbakke of vultregters vul of leegmaak;

(h) houers vul, verpak, toedraai, verseël of vasbind;

(i) tuinwerk;

(j) pad- of spoorweegoorgange bewaak;

(k) oonde leegmaak;

(l) artikels oplig, dra, verskuif, hanteer of opstapel;

(m) persele afwit;

(n) trokke of voertuie laai of aflaai;

(o) vure maak of in stand hou, maar nie in lokomotiewe of oonde nie, of afval of as verwyder;

(p) kartonhouers, dose of palette van voorafvervaardigde materiaal maak;

(q) tee, koffie of dergelike drank berei;

(r) sakke heelmaak, skoonmaak of uitskud;

(s) voertuie, uitgesonderd motorvoertuie, olie of smeer;

(t) vensters of deure oop- of toemaak;

(u) 'n adresseermasjien bedien deur voorafuitgesoekte sjablone te gebruik;

(v) 'n hystoestel of gryper met die hand bedien;

(w) bry onder toesig giet;

(x) klei ru fatsoeneer voordat dit gevorm word;

(y) 'n handvoertuig stoot of trek;

(z) sanitêre emmers verwyder, leegmaak of vervang;

(aa) oonduitrusting uitsoek of sorteer;

(bb) ongebakte produkte opstapel om droog te word;

(cc) sjabloneer- of merkwark (maar nie adresseerwerk nie) verig of gedrukte of reeds geadresseerde etikette aanbring aan produkte of dose, sakke, karton- of ander houers;

(dd) diere versorg, in- of uitspan; voertuie versorg of 'n dierevoertuig binne 'n bedryfsinrigting dryf;

(ee) massameting volgens 'n gestelde massameter of meet volgens 'n gestelde maat; (38)

(3) "assistent voorman" 'n werknemer wat, onder die algemene toesig van 'n voorman, enige van die werksaamhede of pligte van 'n voorman verrig en wat gedurende sy afwesigheid namens hom kan waarneem; (2)

(4) "bediener van 'n mobiele hystoestel" 'n werknemer wat werk met 'n kragaangedrewe mobiele hystoestel wat by die laai, aflaai, versit of opstapel van goedere gebruik word; (49)

(5) "bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Keramieknywerheid in diens is; (20)

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

(a) toesig oor,

(b) verantwoordelikheid vir, en

(c) leiding van

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk; (41)

(7) "bode" 'n werknemer wat boodskappe, briewe of dokumente aflewer met behulp van 'n twee- of driewielmotorfiets, bromponie of kragfiets of fiets wat met 'n hulpmotor uitgerus is; (42)

(8) "chauffeur" 'n werknemer wat 'n motorvoertuig dryf wat vir die vervoer van passasiers bedoel is en wat gebruik word vir die vervoer van sy werkgever of van personeel, klante of besoekers en waarmee ook dokumente of pakkette vervoer kan word; (9)

(9) "dag" die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van 'n deurlopendeproseswerker of 'n skofwerker, dit beteken 'n tydperk van 24 uur gereken vanaf die tydstop waarop 'n werknemer begin werk; (16)

(10) "deurlopendeproseswerker" 'n werknemer wat 'n werksaamheid verrig wat regstreeks in verband staan met die droog- of bakprosesse, die opwekking van krag of stoom of enige pompwerk in 'n bedryfsinrigting ten opsigte waarvan daar deur middel van drie skofte per dag op sêwe dae van die week deurlopend gewerk moet word; (15)

(11) "drywer van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig dryf, en by die toepassing van hierdie woordomskriving omvat die uitdrukking "n motorvoertuig dryf" alle tydperke wat hy dryf, 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 te bly gereed om te dryf; (18)

(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; (40)

(20) "establishment" means any premises in or in connection with which 10 or more employees are employed in the Ceramics Industry; (5)

(21) "experience" means in relation to—

(a) a clerk or a factory clerk, the total period or periods of employment which an employee has had as a clerk or a factory clerk, as the case may be, in any trade or in the service of the State;

(b) any other class of employee, the total period or periods of employment which an employee has had in his class in the Ceramics Industry; (43)

(22) "factory clerk" means an employee who, under the general supervision of a foreman, assistant foreman or qualified male clerk, is engaged in performing any one or more of the following activities:

(a) Assembling orders according to invoices or order forms;

(b) copying batch cards, job cards, production cards or other factory documents by hand;

(c) counting articles or recording quantities other than items (d) and (n) of Grade II employee;

(d) entering names or numbers on time or wage cards;

(e) filing, keeping or sorting invoices, consignment or delivery notes, requisitions or time or wage cards in numerical or alphabetical order;

(f) interpreting or translating Bantu languages;

(g) issuing passes, certificates of service or time cards;

(h) receiving or issuing tools or equipment in a toolroom and recording particulars of such receipts or issues;

(i) recording particulars of the contents or the distinctive numbers of cartons, containers or packages;

(j) registering the engagement, discharge or resignation of employees;

(k) scheduling production figures;

(l) stamping or writing tickets;

(m) writing up stock cards;

(n) writing out consignment or delivery notes or packing slips; (14)

(23) "factory clerk, qualified," means a factory clerk who has had not less than 12 months' experience; (15)

(24) "factory clerk, unqualified," means a factory clerk who has had less than 12 months' experience; (16)

(25) "first-aid assistant" means an employee who holds a current certificate of competency in first-aid issued by—

(a) The Red Cross Society of South Africa;

(b) St John Ambulance Association; or

(c) Die Suid-Afrikaanse Noodhulppliga;

who assists a first-aid attendant in the performance of his duties and who may act for him during his absence; (12)

(26) "first-aid attendant" means an employee who holds a current certificate of competency in first-aid issued by—

(a) The Red Cross Society of South Africa;

(b) St John Ambulance Association; or

(c) Die Suid-Afrikaanse Noodhulppliga;

and who is in charge of a first-aid room; (13)

(27) "foreman" means an employee who is in charge of the employees in an establishment, or a section of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (52)

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

(a) Ceramics colour or glaze mixer;

(b) making master moulds;

(c) messenger;

(12) "eerstehulpassistent" 'n werknemer wat in besit is van 'n geldige bekwaamheidsertifikaat in eerstehulp wat uitgereik is deur—

(a) die Suid-Afrikaanse Rooikruisvereniging;

(b) die St. John Ambulance Association; of

(c) die Suid-Afrikaanse Noodhulppliga;

wat 'n eerstehulpbediener in die uitvoering van sy pligte behulpsaam is en wat gedurende sy afwesigheid namens hom kan waarneem; (25)

(13) "eerstehulpbediener" 'n werknemer wat in besit is van 'n geldige bekwaamheidsertifikaat in eerstehulp wat uitgereik is deur—

(a) die Suid-Afrikaanse Rooikruisvereniging;

(b) die St. John Ambulance Association; of

(c) die Suid-Afrikaanse Noodhulppliga;

en wat in beheer van 'n eerstehulpkamer is; (26)

(14) "fabrieksklerk" 'n werknemer wat, onder die algemene toesig van 'n voorman, assistent-voorman of gekwalifiseerde manlike klerk, een of meer van die volgende werksaamhede verrig:

(a) Bestellings bymekaarmaak volgens fakture of bestelvorms;

(b) met die hand afskrifte maak van lotkaarte, werkkaarte, produksiekaarte of ander fabrieksdokumente;

(c) artikels tel of hoeveelhede aanteken uitgesonderd items (d) en (n) van werknemer graad II;

(d) name of nommers op tyd- of loonkaarte inskryf;

(e) fakture, vragbriewe of afleweringsbriewe, rekvisisies of tyd- of loonkaarte in numeriese of alfabetiese volgorde liasseer, hou of sorteer;

(f) uit Bantoetale tolk of daaruit vertaal;

(g) passe, dienssertifikate of tydkaarte uitreik;

(h) gereedskap of uitrusting in 'n gereedskapskamer ontvang of uitreik en besonderhede van sodanige ontvangste of uitreikings aanteken;

(i) besonderhede van die inhoud of die onderskeidingsnommers van kartondose, houers of pakke aanteken;

(j) die indiensneming, ontslag of bedanking van werknemers aanteken;

(k) lyste opstel van produksiesyfers;

(l) kaartjies stempel of uitskryf;

(m) voorraadkaarte byhou;

(n) vrag- of afleweringsbriewe of verpakkingstroke uitskryf; (22)

(15) "fabrieksklerk, gekwalifiseerd," 'n fabrieksklerk met minstens 12 maande ondervinding; (23)

(16) "fabrieksklerk, ongekwalifiseerd," 'n fabrieksklerk met minder as 12 maande ondervinding; (24)

(17) "faktotum" 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting, uitgesonderd masjinerie of uitrusting wat regstreeks by die vervaardiging van die produkte van 'n bedryfsinrigting gebruik word, en wat ook kleinere herstelwerk of opknappings aan geboue kan doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (37)

(18) "handfatsoeneerder" 'n werknemer wat 'n artikel met die hand op 'n pottebakkersmodel of pottebakkerskyf fatsoeneer sonder om van 'n gietvorm of vaste profiel gebruik te maak; (57)

(19) "handfatsoeneerder, gekwalifiseerd," 'n handfatsoeneerder met minstens vyf jaar ondervinding; (58)

(20) "handfatsoeneerder, ongekwalifiseerd," 'n handfatsoeneerder met minder as vyf jaar ondervinding; (59)

(21) "ketelbediener" 'n werknemer wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel kan maak, stook of uithaal; (3)

(22) "keramiekkleurstof" kleurstof wat sy finale kleur of tekstuur gedurende 'n latere bakproses ontwikkel; (5)

(23) "keramiekkleurstof- of glasuurmenger" 'n werknemer wat betrokke is by en verantwoordelik is vir die bereiding van keramiekkleurstof- of glasuurmengsels volgens bepaalde formules; (6)

(24) "Keramieknwyerheid" die Nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings waar 10 of meer werknemers werksaam is vir—

(i) die vervaardiging van een of meer van die volgende artikels, naamlik, elektriese isolators of toebehoere van porselein, erdegoed, pottebakkersware, oondware, sanitêre ware met wit of gekleurde glasuur, laboratoriumuitrusting, badkamer-toebehoere, muur- of vloerteëls (uitgesonderd steengroefteëls)

(d) painting of designs, lines or bands on articles by hand with ceramic colour;

(e) mass-measuring, or proportioning composite batches of materials (other than by mass-measuring to a set mass meter); (54)

(29) "Grade I employee, qualified," means a Grade I employee who has had not less than 24 months' experience; (55)

(30) "Grade I employee, unqualified," means a Grade I employee who has had less than 24 months' experience; (56)

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

(a) Applying glaze to articles by means of dipping, brushing or spraying, other than by automatic machine;

(b) checking or examining finished articles or articles in the bisque stage for defects;

(c) checking the mass or thickness of glaze on tiles;

(d) classifying or sorting finished products and who may record quantities of such products;

(e) finishing or polishing burnt products by means of grinding, buffing or cutting by machine;

(f) fixing handles on articles, other than by automatic machine;

(g) fixing metal components to electrical porcelain articles;

(h) glaze mottling by hand using a brush or sponge;

(i) issuing or receiving tools or equipment in a toolroom by means other than keeping written records;

(j) making complete crates by machine;

(k) making cups or saucers or other hollow-ware or flatware, other than by automatic machine;

(l) operating a foot- or power-driven machine for making crucibles, flower pots or similar hollow articles, other than by automatic machine;

(m) operating a tile-making press;

(n) recording quantities of rejects in the production stages;

(o) silk-screener;

(p) turning articles on a lathe; (57)

(32) "Grade II employee, qualified," means a Grade II employee who has had not less than 12 months' experience; (58)

(33) "Grade II employee, unqualified," means a Grade II employee who has had less than 12 months' experience; (59)

(34) "Grade III employee" means an employee who is engaged in any one or more of the following operations or activities:

(a) Assembling or making kiln furniture;

(b) backstamping or numbering finished products or applying emblems to finished products by printing, rubber stamping or other means;

(c) assisting an artisan in the use of his tools other than by the independent use of such tools;

(d) casting articles, draining off surplus slip or removing articles from moulds;

(e) casting production moulds in pre-prepared casings, under supervision;

(f) changing, removing or replacing wheels, tyres or tubes of motor vehicles, wheelbarrows or other vehicles or inflating or repairing tubes;

(g) checking or examining articles in the green stage;

(h) collecting or delivering letters, messages or goods outside an establishment on foot or by means of a bicycle, tricycle or hand-propelled vehicle;

(i) cutting plastic clay columns by machine;

(j) fireman of an intermittent or continuous type of kiln, without automatic stoker, a gas producing plant, stationary boiler or steam locomotive;

(k) fixing metal components on to articles, other than electrical porcelain articles;

(l) handle-sticking by automatic machine;

(m) making cups or saucers or other hollow-ware or flatware by automatic machine;

(n) making handles;

(o) mixing machine attendant;

(p) oiling or greasing motor vehicles or, under supervision, oiling or greasing machinery;

(q) operating a filter press;

(r) operating a power-driven crushing machine;

(s) operating a power-driven extrusion machine;

(t) operating a press, other than a tile press;

(u) operating an automatic glazing machine;

(v) packing or setting articles in a kiln or on kiln cars for firing;

wat in die vervaardigingsproses verhard word deur dit in 'n oond te bak of enige ander verhittingsproses te laat ondergaan en wat vervaardig is uit klei of waarvan klei of enige ander hittevaste of isolerende mineraal, erts of materiaal of 'n verbinding van klei en sodanige ander mineraal, erts of materiaal die hoofbestanddeel uitmaak;

(ii) die ekstraheer, ontginning, winning of bereiding van die klei of hittevaste of isolerende mineraal, erts of materiaal wat gebruik word by die vervaardiging van enige van die artikels in paragraaf (i) genoem, indien uitgeoefen deur werkgewers wat by sodanige vervaardiging betrokke is; en omvat dit alle werksaamhede wat met enigen van voornoemde bedrywighede in verband staan of daaruit voortspruit; (7)

(25) "klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman, versendingsklerk 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; (10)

(26) "klerk, man, gekwalifiseerd," 'n manlike klerk met minstens vyf jaar ondervinding; (13)

(27) "klerk, man, ongekwalifiseerd," 'n manlike klerk met minder as vyf jaar ondervinding; (14)

(28) "klerk, vrou, gekwalifiseerd," 'n vroulike klerk met minstens vier jaar ondervinding; (11)

(29) "klerk, vrou, ongekwalifiseerd," 'n vroulike klerk met minder as vier jaar ondervinding; (12)

(30) "korttyd" 'n tydelike vermindering van die getal gewone werkers weens 'n slapte in die bedryf, 'n tekort aan grondstowwe of 'n onklaarraking van masjinerie of installasie, of weens die feit dat die geboue onbruikbaar is of dreig om dit te word; (54)

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

(i) as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkers gereeld 'n hoër bedrag betaal as dié by klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken;

(ii) 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; (62)

(32) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (4)

(33) "magasynman" 'n werknemer wat beheer het oor 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; (55)

(34) "mengmasjienbediener" 'n werknemer wat die toevloei van water na die klei in 'n mengmasjien reguleer en wat die masjien aan die gang kan sit of kan stopsit; (43)

(35) "modelleerder" 'n werknemer wat modelle maak volgens ontwerpe, tekeninge of spesifikasies; (44)

(36) "modelleerder, gekwalifiseerd," 'n modelleerder met minstens vyf jaar ondervinding; (45)

(37) "modelleerder, ongekwalifiseerd," 'n modelleerder met minder as vyf jaar ondervinding; (46)

(38) "motorvoertuig" 'n kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere, en omvat dit ook 'n voorhaker en 'n trekker maar nie 'n mobiele hystoestel nie; (47)

(39) "n kragaangedrewe masjien bedien" om in beheer van 'n kragaangedrewe masjien te wees en die toevoer van materiaal na sodanige masjien te reguleer of om die werk wat die masjien doen, noukeurig te ondersoek of na te gaan en omvat dit ook minder belangrike verstellings aan die masjien en die aan- of stopsit van die masjien waar sodanige werk gedoen word deur die werknemer wat in beheer van die masjien is; (48)

(40) "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 aflaa van—
(i) spoorwagse of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;

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

- (w) packing finished goods for delivery or despatch;
- (x) painting or decorating articles, other than with ceramic colour;
- (y) picking up tiles and placing them on bats preparatory to placing on racks;
- (z) repairing damaged tiles or sanitary ware;
- (aa) sorting green products preparatory to packing or setting in a kiln or on kiln cars;
- (bb) transferring screen printing or applying badges or transfers on to articles;
- (cc) trimming or fettling green products, other than on a lathe;
- (60)
- (35) "Grade III employee, qualified," means a Grade III employee who has had not less than six months' experience; (61)
- (36) "Grade III employee, unqualified," means a Grade III employee who has had less than six months' experience; (62)
- (37) "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; (17)
- (38) "labourer" means an employee who is engaged in any one or more of the following activities:
 - (a) Cleaning, washing or disinfecting premises or plant, machinery, tools, utensils, equipment or other articles or cleaning or scraping surfaces preparatory to painting;
 - (b) cobbing stone or other raw material or breaking up burnt clay products;
 - (c) collecting or delivering letters, messages or goods within an establishment on foot or by means of a bicycle, tricycle or hand-propelled vehicle;
 - (d) digging, shovelling, picking or loosening clay, soil, gravel, coal or other material; breaking brick work or concrete;
 - (e) drilling by hand;
 - (f) feeding into or taking off from a machine;
 - (g) filling or emptying chutes, bins, skips or hoppers;
 - (h) filling, packing, wrapping, sealing or strapping containers;
 - (i) gardening work;
 - (j) guarding road or rail crossings;
 - (k) kiln emptying;
 - (l) lifting, carrying, moving, handling or stacking articles;
 - (m) limewashing premises;
 - (n) loading or unloading trucks or vehicles;
 - (o) making or maintaining fires (other than in locomotives or kilns) or removing refuse or ashes;
 - (p) making or repairing cartons, boxes or pallets from ready-prepared materials;
 - (q) making tea, coffee or similar beverages;
 - (r) mending, cleaning or shaking out bags;
 - (s) oiling or greasing vehicles other than motor vehicles;
 - (t) opening or closing windows or doors;
 - (u) operating an addressograph machine using pre-selected stencils;
 - (v) operating a hoist or grab by hand;
 - (w) pouring slip under supervision;
 - (x) preparing clay to a rough shape preparatory to moulding;
 - (y) pushing or pulling a manually-propelled vehicle;
 - (z) removing, emptying or replacing sanitary pails;
 - (aa) selecting or sorting kiln furniture;
 - (bb) stacking green products for drying;
 - (cc) stencilling or marking (but not addressing) or affixing printed or ready-addressed labels to products or to boxes, bags, cartons or other containers;
 - (dd) tending, harnessing or unharnessing animals, minding vehicles or driving an animal-drawn vehicle within an establishment;
 - (ee) mass-measuring to a set massmeter or measuring to a set measure; (2)
- (39) "law" includes the common law; (63)
- (40) "leading hand" means an employee who, under the supervision of a foreman, assistant foreman or chargehand, is in charge of a group of Grade III employees or labourers; (48)

(c) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werkure verrig kan word nie; (19)

(41) "onbelaste massa" die massa 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 driewielmotorfiets, bromponie of bromfiets of 'n trapfiets met hulpmotor, die onbelaste massa geag word hoogstens 450 kg te wees; (61)

(42) "onderbaas" 'n werknemer wat, onder die algemene toesig van 'n voorman of assistent-voorman, aan die hoof staan van 'n groep werknemers graad I of werknemers graad II en wat daarbenewens toesig oor werknemers graad III of arbeiders kan hou; (8)

(43) "ondervinding" met betrekking tot—

(a) 'n klerk of 'n fabrieksklerk, die totale tydperk of tydperke wat 'n werknemer as 'n klerk of 'n fabrieksklerk, na gelang van die geval, in enige bedryf of in die diens van die Staat werksaam was;

(b) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Keramieknywerheid werksaam was; (21)

(44) "oortyd" daardie gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgever werk en wat langer is as die onderskeie gewone werkure by klousule 5 (1), (2) of (3) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer—

(i) wie se gewone werkure by klousule 5 (1) voorgeskryf word, op 'n Sondag vir sy werkgever werk nie;

(ii) wie se gewone werkure by klousule 5 (2) voorgeskryf word, gedurende sy vry periode vir sy werkgever werk nie; (50)

(45) "senior bestuurs- of administratiewe werknemer" 'n werknemer wat in opdrag van sy werkgever werk verrig wat verantwoordelikheid meebring vir die neem van besluite van 'n administratiewe aard by die uitvoering van die werksaamhede van 'n bedryfsinrigting; (52)

(46) "skofwerker" 'n werknemer wat skofwerk verrig in 'n werksaamheid in 'n bedryfsinrigting waarin twee of drie agtereenvolgende skofte per dag vyf of ses dae per week gewerk word; (53)

(47) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word; (60)

(48) "spanleier" 'n werknemer wat, onder die toesig van 'n voorman, assistent-voorman of onderbaas, aan die hoof staan van 'n groep werknemers graad III of arbeiders; (40)

(49) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (51)

(50) "tegniese of professionele werknemer" 'n werknemer wat in opdrag van sy werkgever werk van 'n tegniese of professionele aard verrig; (56)

(51) "versendingsklerk" 'n werknemer wat verantwoordelik is vir die versending of verpakking van goedere vir vervoer of aflewering en wat toesig kan hou oor die byeenbring, nagaan, massameting, verpakking, merk, adresseer of versending van goedere of pakkette; (17)

(52) "voorman" 'n werknemer wat aan die hoof staan van die werknemers in 'n bedryfsinrigting of 'n afdeling van 'n bedryfsinrigting, wat beheer oor sodanige werknemers uitoefen en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend verrig; (27)

(53) "wag" 'n werknemer wat 'n perseel of eiendom bewaak; (63)

(54) "werknemer, graad I," 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:

(a) Keramiekkleurstof- of glasuurmenger;

(b) moedervorms maak;

(c) bode;

(41) "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; (6)

(42) "messenger" means an employee who is engaged in delivering messages, letters or documents by means of a two or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine; (7)

(43) "mixing machine attendant" means an employee who is engaged in regulating the flow of water to the clay in a mixing machine and who may start or stop the machine; (34)

(44) "modeller" means an employee who is engaged in making models from designs, drawings or specifications; (35)

(45) "modeller, qualified," means a modeller who has had not less than five years' experience; (36)

(46) "modeller, unqualified," means a modeller who has had less than five years' experience; (37)

(47) "motor vehicle" means any power-driven vehicle used for conveying goods, and includes a mechanical horse and a tractor but does not include a mobile hoist; (38)

(48) "operating a power-driven machine" means being in control of a power-driven machine and regulating the flow of material to such machine or scrutinizing or checking the work done by the machine and includes the making of minor running adjustments to the machine and the starting or stopping of the machine where such work is done by the employee in control of the machine; (39)

(49) "operator of a mobile hoist" means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading, moving or stacking of goods; (4)

(50) "overtime" means that portion of any period which an employee works for his employer during any week or on any day, as the case may be, and which is in excess of the respective ordinary hours of work prescribed for such employee in clause 5 (1), (2) or (3), but does not include any period during which an employee—

(i) whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday;

(ii) whose ordinary hours of work are prescribed in clause 5 (2), works for his employer during his free period; (44)

(51) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (49)

(52) "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; (45)

(53) "shift worker" means an employee who is engaged on shift work in an activity in an establishment in which two or three consecutive shifts per day on five or six days per week are worked; (46)

(54) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of raw materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (30)

(55) "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; (33)

(56) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (50)

(57) "thrower" means an employee who is engaged in shaping an article by hand on a potter's model or jigger without the aid of a mould or fixed profile; (18)

(58) "thrower, qualified," means a thrower who has had not less than five years' experience; (19)

(59) "thrower, unqualified," means a thrower who has had less than five years' experience; (20)

(d) met die hand ontwerpe, strepe of bande met keramiek-kleurstof op artikels verf;

(e) saamgestelde lotte materiaal volgens die massa bepaal of afmeet (uitgesonderd massameting met 'n gestelde massameter); (28)

(55) "werknemer, graad I, gekwalifiseerd," 'n werknemer graad I met minstens 24 maande ondervinding; (29)

(56) "werknemer graad I, ongekwalifiseerd," 'n werknemer graad I met minder as 24 maande ondervinding; (30)

(57) "werknemer, graad II," 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:

(a) Glasuur aan artikels aanbring deur sodanige artikels in te dompel, te bestryk of te bespuit op 'n ander manier as met 'n outomatiese masjien;

(b) klaargemaakte artikel of artikels in die ongeglaasuurde stadium nagaan of ondersoek ten einde te bepaal of daar defekte is;

(c) die gewig of dikte van glasuur op teëls nagaan;

(d) klaargemaakte produkte klassifiseer of sorteer en wat hoeveelhede van sodanige produkte kan aanteken;

(e) gebakte produkte met 'n masjien die massa bepaal of poleer deur dit te slyp, fyn te skuur of te sny;

(f) handvatsels aan artikels aanbring op 'n ander manier as met 'n outomatiese masjien;

(g) metaaldele aan elektriese porseleinartikels aanbring;

(h) glasuurspikkeling met die hand doen deur 'n kwas of spons te gebruik;

(i) gereedskap of uitrusting in 'n gereedskapskamer uitreik of ontvang op 'n ander manier as om boek daarvan te hou;

(j) volledige kratte met 'n masjien vervaardig;

(k) koppies of pierings of ander holware of platware op 'n ander manier vervaardig as met 'n outomatiese masjien;

(l) 'n voet of kragangedrewe masjien bedien vir die vervaardiging van smeltkroese blompotte of dergelike hol artikels op 'n ander manier as met 'n outomatiese masjien;

(m) 'n pers vir die vervaardiging van teëls bedien;

(n) hoeveelhede verwerpstukke in die produksiestadiums aanteken;

(o) syskermwerker;

(p) artikels op 'n draaibank draai; (31)

(58) "werknemer graad II, gekwalifiseerd," 'n werknemer graad II met minstens 12 maande ondervinding; (32)

(59) "werknemer graad II, ongekwalifiseerd," 'n werknemer graad II met minder as 12 maande ondervinding; (33)

(60) "werknemer graad III" 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen:

(a) Oonduitrusting inmeekaarsit of vervaardig;

(b) 'n stempel agter op klaarvervaardigde produkte afdruk of sodanige produkte van 'n nommer voorsien of embleme daarop aanbring deur dit daarop te druk, met 'n rubberstempel af te stempel of op 'n ander manier aan te bring;

(c) 'n ambagsman help met die gebruik van sy gereedskap sonder om sodanige gereedskap selfstandig te gebruik;

(d) artikels giet, surplusbry aftap of artikels uit vorms verwyder;

(e) produksievorms onder toesig giet in omhulsels wat vooraf gereedgemaak is;

(f) wiele, buitebande of binnebande van motorvoertuie, kruiwagens of ander voertuie omruil, afhaal of vervang of binnebande oppomp of herstel;

(g) artikels in die ongebakke stadium nagaan of ondersoek;

(h) briewe, boodskappe of goedere buite 'n bedryfsinrigting te voet of deur middel van 'n fiets, driewiel- of handvoertuig afhaal of aflewer;

(i) plastiekkleipilare met 'n masjien sny;

(j) stoker van 'n oond met onderbroke of onafgebroke werking, sonder outomatiese stookapparaat, 'n gasvervaardigingsinstallasie, 'n vaste stoomketel of stoomlokomotief;

(k) metaaldele aan artikels, uitgesonderd elektriese porseleinartikels, aanbring;

(l) handvatsels met 'n outomatiese masjien aanbring;

(m) koppies of pierings of ander holware of platware met 'n outomatiese masjien vervaardig;

(n) handvatsels vervaardig;

(o) mengmasjienbediener;

(p) motorvoertuie olie of smeer of masjienerie onder toesig olie of smeer;

(60) "trailer" means any conveyance drawn by a motor vehicle; (47)

(61) "unladen mass" means the mass of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two- or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine, the unladen mass shall be deemed not to exceed 450 kg; (41)

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

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

(ii) the first proviso shall not be construed so as to refer to or include any remuneration which an employee who is employed on any basis provided for in clause 9 receives over and above the amount which he would have received if he had not been employed on such a basis; (31)

(63) "watchman" means an employee who is engaged in guarding premises or property. (53)

(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)

	<i>In all areas Per week R</i>
Artisan.....	46,00
Assistant foreman.....	36,00
Chauffeur.....	12,60
Clerk, female, unqualified—	
during the first year of experience.....	11,08
during the second year of experience.....	13,04
during the third year of experience.....	15,00
during the fourth year of experience.....	16,96
Clerk, female, qualified.....	18,92
Clerk, male, unqualified—	
during the first year of experience.....	12,00
during the second year of experience.....	15,46
during the third year of experience.....	18,92
during the fourth year of experience.....	22,38
during the fifth year of experience.....	25,85
Clerk, male, qualified.....	29,54
Driver of a motor vehicle outside an establishment, the unladen mass of which together with the unladen mass of any trailer or trailers drawn by such vehicle—	
(i) does not exceed 450 kg.....	12,65
(ii) exceeds 450 but not 2 700 kg.....	17,71
(iii) exceeds 2 700 but not 4 500 kg.....	21,16
(iv) exceeds 4 500 kg.....	25,30
Driver of a motor vehicle within an establishment.....	12,65
Factory clerk, female, unqualified—	
during the first six months of experience.....	10,12
during the second six months of experience.....	11,04
Factory clerk, female, qualified.....	12,19

(q) 'n filterpers bedien;

(r) 'n kragaangedrewe breekmasjien bedien;

(s) 'n kragaangedrewe uitpersmasjien bedien;

(t) 'n pers, uitgesonderd 'n teëlpers, bedien;

(u) 'n outomatiese glasuormasjien bedien;

(v) artikels in 'n oond of op oondwaens pak of plaas om gebak te word;

(w) klaargemaakte goedere vir aflewering of versending verpak;

(x) artikels verf of versier, maar nie met keramiekkleurstof nie;

(y) teëls optel en dit op spane plaas voordat dit op rakke gepak word;

(z) beskadigde teëls of sanitêre ware herstel;

(aa) ongebakke produkte sorteer voordat dit in 'n oond of op oondwaens gepak of geplaas word;

(bb) skermdrukwerk op artikels oorbring of wapens of oordruksels daarop aanbring;

(cc) ongebakke produkte afwerk of poets, maar nie op 'n draaibank nie; (34)

(61) "werknemer graad III, gekwalifiseerd," 'n werknemer graad III met minstens ses maande ondervinding; (35)

(62) "werknemer graad III, ongekwalifiseerd," 'n werknemer graad III met minder as ses maande ondervinding; (36)

(63) "wet" ook die gemene reg. (39)

(b) By die toepassing van hierdie Vastelling 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)

	<i>In alle gebiede Per week R</i>
Ambagsman.....	46,00
Assistent-voorman.....	36,00
Chauffeur.....	12,60
Klerk, vrou, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	11,08
gedurende die tweede jaar ondervinding.....	13,04
gedurende die derde jaar ondervinding.....	15,00
gedurende die vierde jaar ondervinding.....	16,96
Klerk, vrou, gekwalifiseerd.....	18,92
Klerk, man, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	12,00
gedurende die tweede jaar ondervinding.....	15,46
gedurende die derde jaar ondervinding.....	18,92
gedurende die vierde jaar ondervinding.....	22,38
gedurende die vyfde jaar ondervinding.....	25,85
Klerk, man, gekwalifiseerd.....	29,54
Drywer van 'n motorvoertuig buite 'n bedryfsinrigting, waarvan die onbelaste massa tesame met die onbelaste massa van 'n sleepwa of sleepwaens wat deur sodanige voertuig getrek word—	
(i) hoogstens 450 kg is.....	12,65
(ii) meer as 450 kg maar minder as 2 700 kg is.....	17,71
(iii) meer as 2 700 kg maar minder as 4 500 kg is.....	21,16
(iv) meer as 4 500 kg is.....	25,30
Drywer van 'n motorvoertuig binne 'n bedryfsinrigting....	12,65
Fabrieksklerk, vrou, ongekwalifiseerd—	
gedurende die eerste ses maande ondervinding.....	10,12
gedurende die tweede ses maande ondervinding.....	11,04
Fabrieksklerk, vrou, gekwalifiseerd.....	12,19

	<i>In all areas Per week R</i>		<i>In alle gebiede Per week R</i>
Factory clerk, male, unqualified—		Fabrieksklerk, man, ongekwalifiseerd—	
during the first six months of experience.....	11,27	gedurende die eerste ses maande ondervinding.....	11,27
during the second six months of experience.....	12,42	gedurende die tweede ses maande ondervinding.....	12,42
Factory clerk, male, qualified.....	13,34	Fabrieksklerk, man, gekwalifiseerd.....	13,34
First-aid assistant.....	12,00	Eerstehulp-assistent.....	12,00
First-aid attendant.....	15,00	Eerstehulpbediener.....	15,00
Foreman.....	50,00	Voorman.....	50,00
Handyman.....	21,16	Faktotum.....	21,16
Modeller or thrower, unqualified—		Modelleerder of handfatsoeneerder, ongekwalifiseerd—	
during the first year of experience.....	9,66	gedurende die eerste jaar ondervinding.....	9,66
during the second year of experience.....	15,87	gedurende die tweede jaar ondervinding.....	15,87
during the third year of experience.....	23,00	gedurende die derde jaar ondervinding.....	23,00
during the fourth year of experience.....	30,36	gedurende die vierde jaar ondervinding.....	30,36
during the fifth year of experience.....	37,49	gedurende die vyfde jaar ondervinding.....	37,49
Modeller or thrower, qualified.....	46,00	Modelleerder of handfatsoeneerder, gekwalifiseerd.....	46,00
Operator of a mobile hoist with an operational capacity of—		Bediener van 'n mobiele hystoestel met 'n werkvermoë van—	
(i) 900 kg or less.....	10,81	(i) 900 kg of minder.....	10,81
(ii) more than 900 kg.....	16,10	(ii) meer as 900 kg.....	16,10

(ii)

	<i>In the Magis- terial District of Albany</i>	<i>In the Magis- terial District of East London</i>	<i>In that portion of the Magis- terial District of Pretoria which falls within a radius of five miles from the post office of Rosslyn</i>	<i>In all other areas</i>
	<i>Per week R</i>	<i>Per week R</i>	<i>Per week R</i>	<i>Per week R</i>
Boiler attendant.....	7,13	8,97	9,22	10,58
Chargehand.....	11,27	11,73	12,15	14,03
Grade I employee, female, unqualified—				
during the first six months of experience.....	5,75	6,90	7,20	8,28
during the second six months of experience.....	6,44	7,59	7,87	8,97
during the third six months of experience.....	7,36	8,28	8,55	9,89
during the fourth six months of experience.....	8,28	8,97	9,22	10,58
Grade I employee, female, qualified.....	9,20	9,66	9,90	11,50
Grade I employee, male, unqualified—				
during the first six months of experience.....	7,13	8,74	9,00	10,35
during the second six months of experience.....	7,82	9,43	9,67	11,04
during the third six months of experience.....	8,74	10,12	10,35	11,73
during the fourth six months of experience.....	9,66	10,81	11,02	12,42
Grade I employee, male, qualified.....	10,58	11,73	11,97	13,34
Grade II employee, female, unqualified—				
during the first six months of experience.....	5,06	6,21	6,30	7,36
during the second six months of experience.....	5,75	6,90	7,20	8,28
Grade II employee, female, qualified.....	6,44	7,82	8,10	9,20
Grade II employee, male, unqualified—				
during the first six months of experience.....	6,21	7,82	8,10	9,20
during the second six months of experience.....	7,13	8,74	9,00	10,35
Grade II employee, male, qualified.....	8,05	9,66	9,90	11,50
Grade III employee, female, unqualified.....	5,06	6,21	6,30	7,36
Grade III employee, female, qualified.....	5,52	6,67	6,97	8,28
Grade III employee, male, unqualified.....	6,21	7,82	8,10	9,20
Grade III employee, male, qualified.....	6,90	8,51	8,77	10,35
Labourer, female.....	5,06	6,21	6,30	7,36
Labourer, male, of the age of 18 years or over.....	6,21	7,82	8,10	9,20
Labourer, male, under the age of 18 years.....	4,83	5,75	6,07	6,90
Leading hand.....	7,82	9,43	9,67	11,27
Watchman.....	7,13	8,97	9,22	10,58
Employee not specifically mentioned elsewhere in this clause.....	7,13	8,97	9,22	10,58

(ii)

	In die landdrosdistrik Albanie	In die landdrosdistrik Oos-Londen	In daardie gedeelte van die landdros- distrik Pretoria wat binne 'n straal van vyf myl vanaf die poskantoor Rosslyn val	In alle ander gebiede
	Per week R	Per week R	Per week R	Per week R
Ketelbediener.....	7,13	8,97	9,22	10,58
Onderbaas.....	11,27	11,73	12,15	14,03
Werknemer, graad I, vrou, ongekwalifiseerd—				
gedurende die eerste ses maande ondervinding.....	5,75	6,90	7,20	8,28
gedurende die tweede ses maande ondervinding.....	6,44	7,59	7,87	8,97
gedurende die derde ses maande ondervinding.....	7,36	8,28	8,55	9,89
gedurende die vierde ses maande ondervinding.....	8,28	8,97	9,22	10,58
Werknemer, graad I, vrou, gekwalifiseerd.....	9,20	9,66	9,90	11,50
Werknemer, graad I, man, ongekwalifiseerd—				
gedurende die eerste ses maande ondervinding.....	7,13	8,74	9,00	10,35
gedurende die tweede ses maande ondervinding.....	7,82	9,43	9,67	11,04
gedurende die derde ses maande ondervinding.....	8,74	10,12	10,35	11,73
gedurende die vierde ses maande ondervinding.....	9,66	10,81	11,02	12,42
Werknemer, graad I, man, gekwalifiseerd.....	10,58	11,73	11,97	13,34
Werknemer, graad II, vrou, ongekwalifiseerd—				
gedurende die eerste ses maande ondervinding.....	5,06	6,21	6,30	7,36
gedurende die tweede ses maande ondervinding.....	5,75	6,90	7,20	8,28
Werknemer graad II, vrou, gekwalifiseerd.....	6,44	7,82	8,10	9,20
Werknemer graad II, man, ongekwalifiseerd—				
gedurende die eerste ses maande ondervinding.....	6,21	7,82	8,10	9,20
gedurende die tweede ses maande ondervinding.....	7,13	8,74	9,00	10,35
Werknemer, graad II, man, gekwalifiseerd.....	8,05	9,66	9,90	11,50
Werknemer, graad III, vrou, ongekwalifiseerd.....	5,06	6,21	6,30	7,36
Werknemer, graad III, vrou, gekwalifiseerd.....	5,52	6,67	6,97	8,28
Werknemer, graad III, man, ongekwalifiseerd.....	6,21	7,82	8,10	9,20
Werknemer, graad III, man, gekwalifiseerd.....	6,90	8,51	8,77	10,35
Arbeider, vrou.....	5,06	6,21	6,30	7,36
Arbeider, man, 18 jaar of ouer.....	6,21	7,82	8,10	9,20
Arbeider, man, onder 18 jaar.....	4,83	5,75	6,07	6,90
Spanleier.....	7,82	9,43	9,67	11,27
Wag.....	7,13	8,97	9,22	10,58
Werknemer nie elders in hierdie klousule uitdruklik vermeld nie.....	7,13	8,97	9,22	10,58

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

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

is prescribed in 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;

(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 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" beteken die weekloon wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word; en voorts met dien verstande dat, waar die werkgewer van 'n los werknemer vereis om vir 'n tydperk van hoogstens vier agtereenvolgende ure op enige dag te werk, sy loon met hoogstens 50 persent verminder mag word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens die bepalings van klousule 4 (6), moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met subklousule (3), vir 'n werknemer van sy klas in die gebied waarin hy werk, voorgeskryf word afgesien daarvan of hy in so 'n week die maksimum getal gewone werke 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,

by 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) 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 hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by forty-six.

(b) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—

(i) five, in the case of an employee who works a five-day week;

(ii) six, in the case of every other employee.

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

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, with the consent of the employee, in cash or by cheque monthly during the hours of work or within 30 minutes of ceasing work, on the usual pay-day of the establishment for such employee (or in the case of a continuous process worker or 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 prescribed in clause 8 (1) or during his free period;
- (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;

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 relating to time worked need not be furnished in respect of an employee who is excluded from the hours of work provisions by virtue of clause 5 (11) (a) or (b).

(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, subscriptions to trade unions, the cost of drugs or medicines supplied, or dental or medical services rendered, to an employee or subscriptions to an employee's recreational or social club if such club is on the employer's premises;

(ii) tensy daar in 'n skriftelike kontrak tussen 'n werkgewer en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vasstelling 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 uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur ses-en-veertig.

(b) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—

(i) vyf, in die geval van 'n werknemer wat vyf dae per week werk;

(ii) ses, in die geval van enige ander werknemer.

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

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalings van klousule 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weklíks in kontant of, as die werknemer daartoe instem, maandelíks in kontant of per tjek betaal word gedurende die werkure, of binne 30 minute nadat die werk gestaak is, op die gewone betaaldag van die bedryfsinrigting vir so 'n werknemer (of in die geval van 'n deurlopendeproseswerker of 'n skofwerker, op 'n tydstip waarvoor sodanige werkgewer en sy werknemer ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrigting moet wees, maar nie later nie as 24 uur na die gewone betaaldag), of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n 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 openbare vakansiedag in klousule 8 (1) voorgeskryf of gedurende sy vry periode 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; en
- (j) die tydperk waarvoor die betaling geskied;

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

(i) op die skriftelike versoek van die werknemer, die bedrag aan hom verskuldig gestort mag word op sy bouvereniging- of bankrekening deur die werkgewer wat die betrokke kwitansie, tesame met voornoemde staat, aan hom moet oorhandig;

(ii) voornoemde inligting betreffende tyd gewerk nie verstrekkend hoef te word aan 'n werknemer wat ingevolge klousule 5 (11) (a) of (b) van die werkurebepalings 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) *Premiums.*—Geen bedrag mag regstreks of onregstreks 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 goedere van hom of van enige winkel, plek of persoon deur hom aangewys, te koop nie.

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

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

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, versekerings-, spaar-, voorsorgs- of pensioenfonds, lededelge van vakverenigings, die koste van verdoingsmiddels of medisyne wat aan 'n werknemer verskaf is, gelde vir tandheelkundige of mediese dienste of lededelge vir 'n werknemer se ontspannings- of sosiale klub indien sodanige klub op die perseel van die werkgewer is;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;

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

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

	Per week	Per month
	R	R
(i) Board.....	0,95	4,10
(ii) Lodging.....	0,45	1,95
(iii) Board and lodging.....	1,40	6,05

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—

(i) such deduction shall not exceed one third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;

(ii) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work-day of his intention to reduce the ordinary hours of work;

(iii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;

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

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

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

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

(i) forty-six in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (i) hereof, eight on any day, unless the hours on one day do not exceed five, in which case the hours on any of the other days may be extended to eight and one half;

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

(i) forty-six in any week from Monday to Friday, inclusive; and

(ii) subject to subparagraph (i) hereof, nine and one quarter on any day.

(2) An employer shall not require or permit a continuous process worker to work—

(a) more ordinary hours of work than—

(i) forty-eight in any week from Sunday to Saturday, inclusive: Provided that any ordinary hours of work worked by a continuous process worker in any week in excess of 46 hours shall be paid for at a rate of not less than one and one third times his ordinary wage, but this proviso shall not apply to a continuous process worker who normally works a five-day week, nor to a continuous process worker who in one of two consecutive weeks works not more than 36 ordinary hours of work;

(ii) eight on any shift;

(b) more than six shifts in any week: Provided—

(i) that all shifts worked shall normally be interrupted by not less than eight hours;

(ii) than an employer may require or permit his continuous process worker to work seven shifts in any one week during any period of three consecutive weeks; and

(b) behoudens andersluidende bepalinge in hierdie Vasstelling, 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 die grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

(c) enige bedrag wat 'n werkgewer regtens of kragtens of ingevolge 'n bevel van 'n bevoegde hof mag of moet aftrek;

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

	Per week	Per maand
	R	R
(i) Kos.....	0,95	4,10
(ii) Inwoning.....	0,45	1,95
(iii) Kos en inwoning.....	1,40	6,05

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

(i) sodanige aftrekking hoogstens een-derde van die werknemer se weekloon is, ongeag die getal ure waarmee die gewone werkure aldus verminder word;

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

(iii) geen aftrekking ten opsigte van korttyd geskied nie vir die eerste uur waarin daar nie gewerk word nie weens 'n onklaarraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, 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, enige bedrag wat 'n werkgewer aan 'n munisipale raad of ander plaaslike overheid betaal het ten opsigte van die huur van 'n huis of vir huisvesting in 'n tehuis wat die werknemer in 'n lokasie of Bantoeoord onder die beheer van so 'n raad of ander plaaslike overheid bewoon.

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

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

(a) in die geval van 'n werknemer wat ses dae per week werk—

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

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enigeen van die ander dae tot agt en 'n half verleng kan word;

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

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

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

(2) 'n Werkgewer mag nie van 'n deurlopendeproseswerker vereis of hom toelaat om—

(a) meer gewone werkure te werk nie as—

(i) agt-en-veertig in enige week van Sondag tot en met Saterdag: Met dien verstande dat 'n deurlopendeproseswerker vir elke gewone werkure wat hy bo en behalwe 46 in 'n week werk, betaal moet word teen 'n skaal van minstens een en 'n derde maal sy gewone loon, maar hierdie voorbehoudsbepaling is nie van toepassing op 'n deurlopendeproseswerker wat gewoonlik 'n werksweek van vyf dae het nie, en ook nie op 'n deurlopendeproseswerker wat in een van twee agtereenvolgende weke hoogstens 36 gewone werkure werk nie;

(ii) agt in enige skof;

(b) meer as ses skofte in enige week te werk nie: Met dien verstande—

(i) dat alle skofte wat gewerk word normaalweg deur minstens agt ure onderbreek word;

(ii) dat 'n werkgewer van sy deurlopendeproseswerker kan vereis of hom toelaat om sewe skofte in enige week gedurende enige tydperk van drie agtereenvolgende weke te werk; en

(iii) that the ordinary hours of work of a continuous process worker shall not exceed 144 hours in any such period of three consecutive weeks.

(3) An employer shall not require or permit a casual employee to work more ordinary hours of work than eight and one half on any day.

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

(a) eight hours, in the case of a continuous process worker; and

(b) five hours, in the case of any other employee,

without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall 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 one hour, except when proviso (i) or (v) applies, shall be deemed to be continuous;

(iii) if such interval be longer than one hour, any period in excess of one and one quarter hours shall be deemed to be time worked;

(iv) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;

(v) when on any day by reason of overtime worked an employer is required to give an employee a second meal interval, such interval may be reduced to not less than 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) a continuous process worker shall be permitted during his ordinary hours of work on any shift to have a meal or refreshments while at his post unless this is prohibited by virtue of any notice published in terms of section 27 of the Factories, Machinery and Building Work Act, 1941.

(5) An employer shall grant to each of his continuous process workers one free period of not less than 24 consecutive hours in every week, but, if an employer requires or permits such an employee to work during his free period, the hours worked shall not form part of the ordinary hours of work prescribed in subclause (2).

(6) (a) Every employer who employs continuous process workers shall, prior to the commencement of each shift cycle, display prominently in a conspicuous place upon his premises to be determined by him, a notice or time-table indicating the shifts which each such worker will be required to work during the ensuing shift cycle and the free periods of each such worker.

(b) The employer shall retain such notice or time-table for a period of not less than three years subsequent to the date thereof.

(c) If no such notice or time-table is displayed, the free period of each such worker shall be deemed to commence at midnight on Saturday.

(7) *Hours of work to be consecutive.*—Save as provided in subclause (4), all hours of work of an employee on any day shall be consecutive.

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

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

(b) in the case of any other employee, 10 hours in any week.

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

(a) between 6 o'clock p.m. and 6 o'clock a.m.;

(b) after 1 o'clock p.m. on more than five days a week;

(c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday, but so that 10 hours are not exceeded in any week;

(d) overtime on more than three consecutive days in any week;

(e) overtime on more than 60 days in any year;

(iii) dat die gewone werkure van 'n deurlopendeproseswerker hoogstens 144 in enige sodanige tydperk van drie agtereenvolgende weke mag wees.

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

(4) *Eienspouses.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as—

(a) agt uur, in die geval van 'n deurlopendeproseswerker; en

(b) vyf uur, in die geval van enige ander werknemer, aaneen sonder 'n etenspouse 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 kan kom om die duur van sodanige pouse tot minstens '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) werktydperke wat onderbreek word deur pouses van minder as een uur, uitgesonderd waar voorbehoudsbepaling (i) of (v) van toepassing is, geag word aaneenlopend te wees;

(iii) as sodanige pouse langer as een uur is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;

(iv) alleenlik een sodanige pouse gedurende die gewone werkure van 'n werknemer op 'n dag nie deel van die gewone werkure mag uitmaak nie;

(v) wanneer daar, vanweë oortyd wat gewerk is, van 'n werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;

(vi) 'n drywer 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) 'n deurlopendeproseswerker toegelaat moet word om gedurende sy gewone werkure op enige skof 'n ete of versersings te nuttig terwyl hy op sy pos bly, tensy dit verbied word ooreenkomstig 'n kennisgewing wat ingevolge artikel 27 van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, gepubliseer is.

(5) 'n Werkgewer moet elke week aan elkeen van sy deurlopendeproseswerkers een vry periode van minstens 24 agtereenvolgende ure toestaan, maar, indien 'n werkgewer van sodanige werknemer vereis of hom toelaat om gedurende sy vry periode te werk, maak die ure wat gewerk is nie deel uit van die gewone werkure by subklousule (2) voorgeskryf nie.

(6) (a) Elke werkgewer wat deurlopendeproseswerkers in diens het, moet voor die aanvang van elke skofsiklus, op 'n opvallende plek in sy perseel wat hy self bepaal, 'n kennisgewing of rooster vertoon waarin die skofte wat elke sodanige werker gedurende die daaropvolgende skofsiklus sal moet werk en die vry periodes van elke sodanige werker gemeld word.

(b) Die werkgewer moet sodanige kennisgewing of rooster vir 'n tydperk van minstens drie jaar na die datum daarvan bewaar.

(c) Indien geen sodanige kennisgewing of rooster vertoon word nie, word daar geag dat die vry periode van elke sodanige werker om middernag op Saterdag begin.

(7) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalinge van subklousule (4), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

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

(a) in die geval van 'n los werknemer, twee uur op 'n dag; en

(b) in die geval van enige ander werknemer, 10 uur in 'n week.

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

(a) tussen 6-uur nm. en 6-uur vm. te werk nie;

(b) op meer as vyf dae in 'n week na 1-uur nm. te werk nie;

(c) meer as twee uur oortyd op 'n dag te werk nie, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd kan werk, maar dan so dat die oortydwerk hoogstens 10 uur in enige week is;

(d) op meer as drie agtereenvolgende dae in 'n week oortyd te werk nie;

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

(f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—

(i) before midday given notice thereof to such employee; or

(ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or

(iii) paid such employee not less than 25 cents in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

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

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

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

(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 R300 per month.

(b) The provisions of this clause shall not apply to a watchman whose employer grants him a free period of at least 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 free period, pay such watchman the wage which he would have received if he had not worked during such period, plus an amount of not less than double his daily wage in respect of such period not granted.

(c) The provisions of subclauses (4), (7) and (8) shall not apply to an employee while he is engaged on emergency work.

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 complete period of 12 months of employment with him—

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

(b) in the case of every other employee, 14 consecutive days' leave,

and shall pay such employee in respect of such leave—

(i) in the case of an employee referred to in paragraph (a), an amount of not less than three times the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced;

(ii) in the case of an employee referred to in paragraph (b), an amount of not less than double the weekly wage which the employee was receiving immediately prior to the date on which the leave commenced:

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) 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 four 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 four months, the employer may grant such leave to the employee as from a date not later than two months after the expiration of the said period of four months;

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

(iii) if New Year's Day, Good Friday, Ascension Day, Republic 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;

(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 35c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortyd werk moet begin.

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

(a) in die geval van 'n los werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer op enige dag gewerk;

(b) in die geval van 'n ander werknemer, een en 'n derde maal sy gewone loon ten opsigte van die totale tydperk aldus deur sodanige werknemer in enige week gewerk.

(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 van minstens R300 per maand ontvang.

(b) Die bepalinge van hierdie klousule is nie op 'n wag wie se werkgewer hom 'n vry periode van minstens 24 agtereenvolgende ure ten opsigte van elke week diens toestaan, van toepassing nie: Met dien verstande dat—

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

(ii) 'n werkgewer, in plaas daarvan dat hy sodanige vry periode aan sy wag toestaan, sodanige wag dié loon kan betaal wat hy sou ontvang het indien hy nie gedurende sodanige vry periode gewerk het nie, plus 'n bedrag van minstens dubbel sy dagloon ten opsigte van sodanige vry periode wat nie toegestaan is nie.

(c) Die bepalinge van subklousules (4), (7) en (8) is nie op 'n werknemer van toepassing nie terwyl hy noodwerk verrig.

6. JAARLIKSE VERLOF

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

(a) in die geval van 'n wag, een-en-twintig agtereenvolgende dae;

(b) in die geval van enige ander werknemer, 14 agtereenvolgende dae;

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

(i) in die geval van 'n werknemer in paragraaf (a) bedoel, 'n bedrag van minstens drie maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het;

(ii) in die geval van 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens twee maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het:

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) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941.

(2) Die verlof by subklousule (1) voorgeskryf, moet verleen word op 'n tyd wat die werkgewer 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 binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het; of, as die werkgewer en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer kan verleen met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

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

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag 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) 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 four months after the expiration 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 after the expiration of the period of 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 subclause (1) (a), one-fourth, and

(b) in the case of an employee referred to in subclause (1) (b), 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 forth proviso to subclause (2); 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 four months of any one period of such training;

and employment shall be deemed to commence—

(i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of annual leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;

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

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

(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 toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens ooploop: Met dien verstande—

(i) dat sodanige werknemer so 'n versoek doen binne vier 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 tot minstens na verstryking van die verloftydperk bewaar.

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

(4) Die besoldiging ten opsigte van die verlof voorgeskryf by 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-termyn van 12 maande eindig voordat die verloftydperk by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgeloop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige diens-termyn 'n bedrag betaal word van minstens—

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

(b) in die geval van 'n werknemer in subklousule (1) (b) 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; voorts met dien verstande dat 'n werknemer—

(i) wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn 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 by 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 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 vier maande van een sodanige opleidingstydperk as diens te eis nie, en word diens geag te begin—

(i) in die geval van 'n werknemer wat voordat hierdie Vastelling bindend geword het, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op verlof geregtig geword het;

(ii) in die geval van 'n werknemer wat voordat hierdie Vastelling bindend geword het, in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtigens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;

(iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum waarop hierdie Vastelling bindend geword het, en wel op die jongste van die twee datums.

(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 or portion of his establishment for 14 consecutive 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 or portion thereof in which he is employed 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 or portion of the establishment, as the case may be.

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 five-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 five-day week, one work-day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work-day in respect of each completed month of employment;

(ii) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause, the payment to him of not less than in the aggregate the equivalent of his wage for 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 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 three consecutive work-days; or

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

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

(3) Where, during the first cycle of 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

(8) (a) Ondanks andersluidende bepalings 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 of 'n deel van sy bedryfsinrigting sluit vir 14 agtereenvolgende dae 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 of deel van 'n bedryfsinrigting waarin hy ingevolge paragraaf (a) werksaam is, nie geregtig is nie op die volle tydperk van die jaarlikse verlof by subklousule 1 (b) voorgeskryf, moet ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgever betaal word op die grondslag in subklousule (5) vermeld, en vir die doel van jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting of deel van die bedryfsinrigting, na gelang van die geval, aldus sluit.

7. SIEKTEVERLOF

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

(a) in die geval van 'n werknemer wat vyf dae per week werk, altesaam minstens 20 werkdade, en

(b) in die geval van enige ander werknemer, altesaam minstens 24 werkdade,

gedurende elke tydkring van 24 agtereenvolgende maande diens by hom, en moet hy sodanige werknemer ten opsigte van enige 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) 'n werknemer gedurende die eerste 24 agtereenvolgende maande diens, nie op meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooië tydperk van vyf weke diens en, in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooië 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, aan 'n fonds of organisasie betaal 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 werkdade, na gelang van die geval, in elke tydkring van 24 maande diens aan hom betaal sal word, behalwe dat die gewaarborgde koers gedurende die eerste 24 maande wat die werknemer bydraes betaal, verlaag kan word maar tot minstens die aanwaskoers in die eerste voorbehoudsbepaling van hierdie subklousule vermeld;

(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 bepalings van hierdie klousule nie van toepassing is nie.

(2) 'n Werkgever kan, 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 langer as drie agtereenvolgende werkdade; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, 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 agt 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 agt weke onmiddellik na die laaste sodanige geleentheid van hom mag vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van 24 maande diens by dieselfde werkgever 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 werkgever moet, as hy dit nie reeds gedoen het nie, by verstryking van

he has not previously done so, at the expiration of the said cycle of employment or on termination of employment before such expiration pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiration 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 four months of any one period of such training,

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

(b) "incapacity" means inability to work owing to any sickness or injury other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or a scheduled disease for which compensation is payable under the Workmen's Compensation Act, 1941, shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS

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

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

(a) pay the employee—

(i) if he so works for a period not exceeding four hours, not less than his daily wage;

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

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

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

(i) where such an employee is required or permitted to work for less than four hours on such Sunday he shall be deemed to have worked for four hours;

(ii) work on a Sunday shall not attract payment for overtime over and above the rate of remuneration prescribed in this subclause.

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

gemelde tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nog nie geneem is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking "diens" geag te omvat—

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

(aa) met verlof ingevolge klousule 6;

(bb) op las of versoek van sy werkgever;

(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 vier maande van een sodanige opleidings tydperk as diens te eis nie, en word enige tydperk van diens by dieselfde werkgever onmiddellik voordat hierdie Vasstelling bindend geword het, by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en word alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie Vasstelling te wees;

(b) beteken "ongeskiktheid" onvermoë om te werk weens siekte of besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeluk of vergoedingspligtige siekte waarvoor vergoeding kragtens die Ongevalwet, 1941, betaalbaar is, slegs as ongeskiktheid beskou word gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE EN SONDAG

(1) Behoudens die bepalings van klousules 4 (6) en 6 (2), moet 'n werkgever aan 'n werknemer, uitgesonderd 'n los werknemer, wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, 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, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag werk, moet sy werkgever hom, behoudens die bepalings van klousule 4 (6), vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer altesaam op so 'n dag gewerk het: Met dien verstande dat, waar daar van sodanige werknemer vereis word of hy toegelaat word om minder as vier uur op so 'n dag te werk, hy geag word vier uur te gewerk het.

(3) Wanneer 'n werknemer, uitgesonderd 'n deurlopende-proseswerker, op 'n Sondag werk, moet sy werkgever of—

(a) die werknemer—

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

(ii) indien hy aldus vir 'n tydperk van meer as vier uur werk, teen minstens dubbel sy gewone loon ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of

(b) hom teen minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne sewe dae vanaf sodanige Sondag een 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 vier uur op sodanige Sondag te werk, daar geag moet word dat hy vier uur gewerk het.

(4) Wanneer 'n deurlopende-proseswerker op 'n Sondag werk, moet sy werkgever hom minstens een en 'n derde maal sy gewone loon betaal ten opsigte van die totale tydperk wat hy op sodanige Sondag werk: Met dien verstande dat—

(i) wanneer daar van 'n werknemer vereis of hy toegelaat word om vir minder as vier uur op so 'n Sondag te werk, daar geag word dat hy vier uur gewerk het;

(ii) werk op 'n Sondag nie betaling vir oortyd sal meebring wat die besoldiging in hierdie subklousule voorgeskryf, te bowe sal gaan nie.

(5) Wanneer 'n deurlopende-proseswerker gedurende sy vry periode werk, moet sy werkgever hom minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy gedurende sodanige vry periode werk: Met dien verstande dat wanneer daar van 'n werknemer vereis of hy toegelaat word om gedurende sodanige periode vir minder as vier uur te werk, daar geag word dat hy vier uur gewerk het.

(6) Whenever a continuous process worker or a shift worker works a shift which falls partly on any public holiday referred to in subclause (1), on a Sunday or during his free period and partly on any other day, the whole shift shall be deemed to have been worked on the day on which the major portion of such shift falls.

(7) The provisions of subclauses (2), (3), (4), (5) and (6) shall not apply to—

- (a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (11) (a);
- (b) a casual employee or a watchman.

9. PIECE-WORK

(1) An employer may, after at least one week's notice to his employee, introduce any piece-work system and, save as provided in clause 4 (6), 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 subclause (1).

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

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

10. 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.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

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

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

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

Provided that this shall not affect—

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

(6) Wanneer 'n deurlopendeproseswerker of 'n skofwerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag in subklousule (1) bedoel, op 'n Sondag of gedurende sy vry periode en gedeeltelik op enige ander dag val, word daar geag dat die hele skof gewerk was op die dag waarop die grootste gedeelte van sodanige skof val.

(7) Die bepalinge van subklousules (2), (3), (4), (5) en (6) is nie van toepassing nie—

- (a) op 'n werknemer wat ingevolge klousule (5) (11) (a) van die werkerebepalinge uitgesluit is;
- (b) op 'n los werknemer of 'n wag.

9. STUKWERK

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

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

(2) 'n Werkgewer moet 'n lys van die besoldiging in subklousule (1) bedoel, 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 werknemer wat volgens sodanige stelsel werk, minstens een maand 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 bepalinge 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 kleren 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 kleren bly die eiendom van die werkgewer.

12. BEÏNDIGING VAN DIENSKONTRAK

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

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

vooraf kennis van die beëindiging van die kontrak gee, of 'n 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 een werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) in die geval van een 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) 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 deduction 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.

(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 in terms of clause 7.

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

13. CERTIFICATE OF SERVICE

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

14. LOG-BOOK

(1) An employer shall provide his driver of a motor vehicle outside an establishment with a log-book as nearly as practicable in the following form:

DAILY LOG

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

(Signature of Driver)

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

(2) Every driver of a motor vehicle outside an establishment shall, in the log-book referred to in subclause (1), keep a daily log in duplicate in respect of each day's work and shall within 24 hours of the completion of the day's work to which it relates deliver a copy thereof to his employer.

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

(iii) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie; voorts met dien verstande 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 tweede voorbehoudsbepaling van subklousule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waaroor daar ooreengekom is.

(3) Die kennisgewing by subklousule (1) voorgeskryf, kan 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 bepalinge 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.

14. LOGBOEK

(1) 'n Werkgewer moet sy drywer van 'n motorvoertuig buite 'n bedryfsinrigting voorsien van 'n logboek wat sover doenlik die volgende vorm het:

DAAGLIKSE LOG

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

(Handtekening van drywer van motorvoertuig)

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

(2) Elke drywer van 'n motorvoertuig buite 'n bedryfsinrigting moet in die logboek in subklousule (1) bedoel, oor elke dag se werk 'n daaglikse log in duplo hou en binne 24 uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan by sy werkgewer indien.

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

SCHEDULE

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

(Signature of Employer or
 Authorised Representative)

Date.....

(a) Delete whichever inapplicable.

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

No. R. 2018 10 November 1972

**FACTORIES, MACHINERY AND BUILDING
 WORK ACT, 1941**

CERAMICS INDUSTRY, 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 Ceramics Industry, Certain Areas, published under Government Notice R. 2017 of 10 November 1972, to be, on the whole, 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.

No. R. 2019 10 November 1972

WAGE ACT, 1957

**CANCELLATION OF THE PROVISIONS OF WAGE
 DETERMINATION 290.—CERAMICS INDUSTRY,
 CERTAIN AREAS**

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 16 of the Wage Act, 1957, cancel with effect from the fourth Monday after the date of publication of this notice, all the provisions of Wage Determination 290, published under Government Notice R. 1309 of 25 August 1967.

M. VILJOEN, Minister of Labour.

BYLAE

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

(Handtekening van werkgewer of
 gemagtigde verteenwoordiger)

Datum.....

(a) Skrap wat nie van toepassing is nie.

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

No. R. 2018

10 November 1972

WET OP FABRIEKE, MASJINERIE

EN BOUWERK, 1941

KERAMIEKNYWERHEID, 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 Keramieknywerheid, sekere gebiede, gepubliseer by Goewermentskennigsewing R. 2017 van 10 November 1972, oor die algemeen vir die 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.

No. R. 2019

10 November 1972

LOONWET, 1957

**INTREKKING VAN DIE BEPALINGS VAN LOON-
 VASSTELLING 290. — KERAMIEKNYWERHEID,
 SEKERE GEBIEDE**

Ek, Marais Viljoen, Minister van Arbeid, trek hierby kragtens artikel 16 van die Loonwet, 1957, met ingang van die vierde Maandag na die datum van publikasie van hierdie kennisgewing, al die bepalings van Loonvasstelling 290 gepubliseer by Goewermentskennigsewing R. 1309 van 25 Augustus 1967, in.

M. VILJOEN, Minister van Arbeid.

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