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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 517

5 April 1973

WAGE ACT, 1957

WAGE DETERMINATION 351

INDUSTRY FOR THE MANUFACTURE OF SOAP, CANDLES, DETERGENTS, EDIBLE OILS OR FATS, CERTAIN AREAS

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats, 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 the employers and all their employees, other than managers, in the Industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats in the following areas, namely:

Cape Province.—The Magisterial Districts of Bellville, East London, King William's Town, Paarl, Port Elizabeth, Queenstown, Simonstown, The Cape, Uitenhage and Wynberg;

Natal.—The Magisterial Districts of Durban, Inanda, Pietermaritzburg and Pinetown;

Orange Free State.—The Magisterial Districts of Bloemfontein, Kroonstad, Viljoenskroon and Welkom;

Transvaal.—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria and the municipal area of Pietersburg.

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GOEWERMENKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 517

5 April 1973

LOONWET, 1957

LOONVASSTELLING 351

NYWERHEID VIR DIE VERVAARDIGING VAN SEEP, KERSE, SUIWERINGSMIDDELS, EETBARE OLIES OF VETTE, 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 Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette, Sekere Gebiede, gemaak en die vierde Maandag na 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 al die werkgewers en al hul werknemers, uitgesonderd bestuurders, in die Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette in die volgende gebiede, naamlik:

Kaapprovinsie.—Die landdrostdistrikte Bellville, Oos-Londen, King William's Town, Paarl, Port Elizabeth, Queenstown, Simonstad, Die Kaap, Uitenhage en Wynberg;

Natal.—Die landdrostdistrikte Durban, Inanda, Pietermaritzburg en Pinetown;

Oranje-Vrystaat.—Die landdrostdistrikte Bloemfontein, Kroonstad, Viljoenskroon en Welkom;

Transvaal.—Die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria en die munisipale gebied Pietersburg.

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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 his 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; (2)

(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 and draw the fire in such boiler; (27)

(4) "boiler attendant-in-charge" means an employee who, under the supervision of a foreman, is in charge of one or more boiler attendants or more than one boiler in an establishment and who is responsible for the maintenance of the water level and steam pressure in such boilers; (64)

(5) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (37)

(6) "chargehand" means an employee who is engaged in supervising the work of a group of employees and who in addition performs the work of the highest class of the group supervised by him and for the purpose of this definition the expression "highest class" means that class for which the highest weekly wage is prescribed for the area in which the group works: Provided that if the wages are prescribed on a rising scale the expression "weekly wage" shall mean the weekly wage prescribed for a qualified employee of that class; (51)

(7) "chauffeur" means an employee (other than a traveller's assistant) 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; (6)

(8) "checker" means an employee who, under the supervision of a storeman, is in charge of the loading or unloading of goods and receives, checks, issues or stores goods and who may make relevant entries on vouchers and stock cards; (45)

(9) "checker, qualified," means a checker who has had not less than two years' experience; (46)

(10) "checker, unqualified," means a checker who has had less than two years' experience; (47)

(11) "chemical technician" means an employee, other than a chemist, who is engaged in chemical work; (8)

(12) "chemical technician, qualified," means a chemical technician who has had not less than five years' experience; (9)

(13) "chemical technician, unqualified," means a chemical technician who has had less than five years' experience; (10)

(14) "chemical work" means the performance of chemical manipulations, the devising or adjusting of the formulae of substances, or the analytical control of the chemical procession of raw materials or semi-manufactured or finished products; (58)

(15) "chemist" means an employee who is engaged in chemical work and who is the holder of a degree in chemistry; (7)

(16) "clerk" means an employee who is engaged in writing, typing, filing, operating a calculating or punch card machine or in any other form of clerical work and includes a cashier, storeman and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (28)

(17) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (31)

(18) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (32)

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 woordskrywing beteken die uitdrukking "geskoolde ambagsman" iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van 'n vaardigheidssertifikaat 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) "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)

(3) "bediener van 'n mobiele hystoestel" 'n werknemer wat 'n kragaangetrewe, mobiele hystoestel bedien wat by die laai, aflaai, versit of opstapel van goedere gebruik word; (56)

(4) "bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in die Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette in diens is; (30)

(5) "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; (54)

(6) "chauffeur" 'n werknemer (uitgesonderd 'n handelsreisiger se assistent) 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 mag word; (7)

(7) "chemikus" 'n werknemer wat skeikundige werk verrig en wat die houer van 'n graad in skeikunde is; (15)

(8) "chemitegnikus" 'n werknemer, uitgesonderd 'n chemikus, wat skeikundige werk verrig; (11)

(9) "chemitegnikus, gekwalifiseerd," 'n chemitegnikus met minstens vyf jaar ondervinding; (12)

(10) "chemitegnikus, ongekwalifiseerd," 'n chemitegnikus met minder as vyf jaar ondervinding; (13)

(11) "dag" die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van 'n deurlopende proseswerker, 'n skofwerker, 'n wag of 'n toesighoudende wag, dit beteken 'n tydperk van 24 uur, gereken vanaf die tydperk waarop so 'n werknemer begin werk; (24)

(12) "deurlopendeproseswerker" 'n werknemer wat 'n werksaamheid verrig waarin daar deur middel van drie agtereenvolgende skofte per dag op sewe dae van die week deurlopend gewerk moet word; (22)

(13) "drywer van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig dryf, en by die toepassing van hierdie woordskrywing 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 vraag en alle tydperke wat hy verplig is om op sy pos te bly gereed om te dryf; (28)

(14) "eerstehulpman" 'n werknemer wat in besit is van 'n geldige bekwaamheidssertifikaat in eerstehulp wat uitgereik is deur—

(a) die Suid-Afrikaanse Rooikruisvereniging;

(b) die St. John Ambulance Association; of

(c) die Suid-Afrikaanse Noodhulpliga;

en wat klein wonde of beserings verbind en wat registers kan byhou wat die name aantoon van werknemers wat behandeling is of wat behandeling deur 'n dokter nodig het, die aard van die besering en die behandeling toegepas; (35)

(15) "fabrieksklerk" 'n werknemer wat, onder toesig van 'n voorman of 'n gekwalifiseerde manlike klerk, een of meer van die volgende pligte verrig:

(a) Presensieregisters nagaan of besonderhede aanteken van werknemers wat werk of afwesig is van werk of die tyd deur werknemers aan verskillende take bestee;

(19) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (29)

(20) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (30)

(21) "commission work" means any system under which a traveller's remuneration is calculated on the value or number of orders submitted by him to and accepted by his employer; (34)

(22) "continuous process worker" means an employee who is engaged in an activity in which continuous working by means of three consecutive shifts per day on seven days per week is necessary; (12)

(23) "cook" means an employee who is engaged in cooking food or preparing meals in a canteen for employees; (33)

(24) "day" means the period of 24 hours from midnight to midnight: Provided that in the case of a continuous process worker, a shift worker, a watchman or a watchman-in-charge, it shall mean a period of 24 hours reckoned from the time such an employee commences work; (11)

(25) "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; (68)

(26) "despatch clerk, qualified," means a despatch clerk who has had not less than two years' experience; (69)

(27) "despatch clerk, unqualified," means a despatch clerk who has had less than two years' experience; (70)

(28) "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; (13)

(29) "emergency work" means—

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

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

(i) ships;

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

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

(c) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; (48)

(30) "establishment" means any premises in or in connection with which one or more employees are employed in the industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats; (4)

(31) "experience" means in relation to—

(a) a chemical technician, the total period or periods of employment which an employee has had as a chemical technician in any trade or in the service of the State and if such an employee is the holder of a diploma in chemistry obtained through a recognised technical college, university or university college, such diploma shall be deemed to be the equivalent of two years of employment as a chemical technician;

(b) a clerk or a despatch clerk, the total period or periods of employment which an employee has had as a clerk or despatch clerk, respectively, in any trade or in the service of the State;

(c) a traveller, the total period or periods of employment which an employee has had as a traveller in any trade;

(d) any other class of employee, the total period or periods of employment which an employee has had in his class in the industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats; (52)

(32) "factory clerk" means an employee who, under the supervision of a foreman or a qualified male clerk, is engaged in any one or more of the following duties:

(b) besonderhede van materiaal ontvang of uitgereik, nagaan of opteken, of voorraadregisters byhou;

(c) fabrieksdokumente met die hand oorskryf;

(d) fabrieksdokumente liasseer, sorteer, hou of byhou;

(e) Bantoe- of Indiërtale tolk of vertaal;

(f) 'n optelmasjien in die loop van sy werksaamhede as 'n fabrieksklerk bedien;

(g) loon- of tydkaarte vir latere gebruik deur 'n loonklerk voorberei;

(h) lotnommers, inhoud of verwysingsnommers van houers gevul of versend, opteken;

(i) besonderhede van jaarlikse of siekteverlof opteken;

(j) die indiensneming, ontslag of uittreding van werknemers opteken, met inbegrip van die maak van die nodige inskrywings in die werknemers se persoonlike lêers of dokumente; of diens-sertifikate opstel;

(k) lysie van produksiesyfers maak;

(l) etikette of kaartjies stempel of uitskrif;

en wat bestellings vir versending onder die toesig van 'n versendingsklerk kan bymeekaarmaak; (32)

(16) "fabrieksklerk, gekwalifiseerd," 'n fabrieksklerk met minstens 18 maande ondervinding; (33)

(17) "fabrieksklerk, ongekwalifiseerd," 'n fabrieksklerk met minder as 18 maande ondervinding; (34)

(18) "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 mag doen maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (48)

(19) "handelsreisiger" 'n werknemer wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting namens so 'n inrigting bestellings vra, werf of soek; (76)

(20) "handelsreisiger, gekwalifiseerd," 'n handelsreisiger met minstens vier jaar ondervinding; (77)

(21) "handelsreisiger, ongekwalifiseerd," 'n handelsreisiger met minder as vier jaar ondervinding; (78)

(22) "handelsreisiger se assistent" 'n werknemer wat 'n handelsreisiger vergesel en hom met die inpak, uitpak of vertoon van sy monsters help en wat die motorvoertuig mag dryf wat die handelsreisiger in die uitvoering van sy werk gebruik; (79)

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

(a) Eetbare olie of vet bleik of reukloos maak;

(b) eetbare olies of vette meng;

(c) seep meganiese droogmaak;

(d) olie of vet splits volgens die Twitchell- of dergelike proses;

(e) vergruisings- of uitgoomasiene bedien;

(f) gliserienherwinninginstallasie met verdampers bedien;

(g) 'n installasie bedien wat seep afkoel;

(h) voorbereiding en uitreiking van vetvullings;

(i) mengvullings vir poeierskoonmaakmiddels voorberei;

(j) seep of waspoeier droogmaak deur dit te blaas of dit te spuit;

(k) materiaal sulfoneer of neutraliseer wat nodig is in die vervaardiging van poeier- of vloeibare wasmiddels;

(l) olies of vette in 'n vakuum bleik vir die maak van seep; (61)

(24) "installasiewerker, gekwalifiseerd," 'n installasiewerker met minstens drie jaar ondervinding; (62)

(25) "installasiewerker, ongekwalifiseerd," 'n installasiewerker met minder as drie jaar ondervinding; (63)

(26) "kelner" 'n werknemer wat in 'n eetuis vir werknemers etes bedien of tafels dek of afdek, en wat toebrondjies mag sny en help met die bereiding van maaltye of drankie, maar nie deur dit te kook nie; (82)

(27) "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)

(28) "klerk," 'n werknemer wat skryf-, tik-, liasseer-, rekenmasjien- of poskaartmasjienbedienings- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman, en 'n telefoonskabelbordoperateur, 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; (16)

(29) "klerk, man, gekwalifiseerd," 'n manlike klerk met minstens vyf jaar ondervinding; (19)

(a) Checking attendance records or recording particulars of employees at work or absent or the time spent by employees on different tasks;

(b) checking or recording particulars of materials received or issued or keeping stock records;

(c) copying factory documents by hand;

(d) filing, sorting, keeping or bringing forward factory documents;

(e) interpreting or translating Bantu or Indian languages;

(f) operating an adding machine in the course of his duties as a factory clerk;

(g) preparing wage or time cards for subsequent use by a wage clerk;

(h) recording batch numbers, contents or reference numbers of containers filled or dispatched;

(i) recording particulars of annual or sick leave;

(j) recording the engagement, discharge or resignation of employees, including the making of any necessary entries in the employees' personal files or documents; or preparing certificates of service;

(k) scheduling production figures;

(l) stamping or writing tickets or labels;

and who may assemble orders for despatch under the supervision of a despatch clerk; (15)

(33) "factory clerk, qualified," means a factory clerk who has had not less than 18 months' experience; (16)

(34) "factory clerk, unqualified," means a factory clerk who has had less than 18 months' experience; (17)

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

(a) the South African Red Cross Society;

(b) the St John Ambulance Association; or

(c) die Suid-Afrikaanse Noodhulppliga;

and who is engaged in dressing minor wounds or injuries and who may keep records to show the names of employees treated or requiring treatment by a medical practitioner, the nature of the injury and the treatment given; (14)

(36) "foreman" means an employee who is in charge of the employees in an establishment or a department of an establishment, who exercises control over such employees and who is responsible for the efficient performance by them of their duties; (71)

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

(a) Assembly of barrels for screw presses or similar machinery;

(b) assisting a process worker with the operation of a continuous soap making plant;

(c) attending to soap pans or control-boiling or initiating the graining out process, under the supervision of a foreman or a process worker;

(d) cook;

(e) driving a tractor or a shunter within an establishment;

(f) measuring perfumes;

(g) medical orderly;

(h) milk souring for margarine manufacture;

(i) mobile hoist operator;

(j) operating a circular saw for cutting woodbox shooks;

(k) receiving, issuing or storing engineering workshop or special tools;

(l) tester; (74)

(38) "Grade I employee, qualified," means a Grade I employee who has had not less than two years' experience; (75)

(39) "Grade I employee, unqualified," means a Grade I employee who has had less than two years' experience; (76)

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

(a) Attending to the mechanical movement of oils, fats, soap, detergents, raw materials or by-products or attending to mechanical conveyors or such-like equipment;

(b) attending to valves, cocks or pumps;

(c) checking or recording particulars of output on warehouse receipts;

(30) "klerk, man, ongekwalifiseerd," 'n manlike klerk met minder as vyf jaar ondervinding; (20)

(31) "klerk, vrou, gekwalifiseerd," 'n vroulike klerk met minstens vier jaar ondervinding; (17)

(32) "klerk, vrou, ongekwalifiseerd," 'n vroulike klerk met minder as vier jaar ondervinding; (18)

(33) "kok" 'n werknemer wat kos kook of maaltye in 'n eet-huis vir werknemers voorberei; (23)

(34) "kommissiewerk" 'n stelsel waarvolgens 'n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkgewer voorlê en wat laasgenoemde aanvaar; (21)

(35) "korttyd" 'n tydelike vermindering van die getal gewone werke 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; (69)

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

(i) as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkure 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; (81)

(37) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgewer in diens is; (5)

(38) "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; (70)

(39) "masjienbediener" 'n werknemer wat 'n kragmasjien bedien, dit oppas, dit aan die gang sit of stop, wat die werk wat die masjien doen, ondersoek of nagaan, wat geringe lopende verstellings aan die masjien maak en wat die masjien mag voer en goed daarvan kan afhaal, en die uitdrukking "n masjien bedien" het 'n ooreenstemmende betekenis; (53)

(40) "masjienfaktotum" 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting wat regstreeks by die vervaardiging van die produkte van 'n bedryfsinrigting gebruik word maar wat geen werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie; (51)

(41) "masjienoppasser" 'n werknemer wat 'n kragmasjien oppas met die opdrag om aan die masjienbediener te rapporteer as die masjien verkeerd werk of gaan staan het, en wat—

(a) die toevoer na sodanige masjien aan die gang mag sit en kan stop, met inbegrip van die aansit en stop van 'n onafhanklike kragvoerder;

(b) so 'n masjien met die hand kan voer en goed met die hand daarvan kan afhaal;

(c) die masjien kan stop ingeval dit verkeerd werk of as die masjienbediener buite bereik is;

maar wat nie sodanige masjien aan die gang mag sit, weer aan die gang mag sit of enige verstelling daaraan mag maak nie uitgesonderd regstreeks in opdrag van die masjienbediener, en die uitdrukking "n masjien oppas" het 'n ooreenstemmende betekenis; (52)

(42) "mediese ordonnans" '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, onder die toesig van 'n mediese praktisyn of 'n gekwalifiseerde verpleegster, wonde of beserings behandel of verbind, of medisyne toedien en wat raad kan gee aan werknemers betreffende elementêre sake in verband met gesondheid en diëet en wat ook aantekeninge kan byhou betreffende werknemers wat hulle vir behandeling aangemeld het en behandeling en medisyne wat toegedien is; (55)

- (d) driving a factory truck within an establishment;
- (e) driving a power-driven goods elevator except where the stopping and starting of the elevator is controlled automatically;
- (f) first-aid dresser;
- (g) measuring by dip-stick or mass-measuring (other than to a set scale) ingredients for soap, fats or similar preparations;
- (h) operating a centrifuge;
- (i) operating a glycerine recovery plant without an evaporator;
- (j) operating a power-driven machine used for grinding, sifting, mixing, milling, plodding, cutting, stamping, filling, closing or labelling or for wrapping or cartoning of finished products;
- (k) operating a power-driven machine used for cutting, punching, curling, beading or seaming metal sheets or for sealing metal tins or cans;
- (l) operating a power-driven machine used for printing or wiring woodboxes or corrugated cardboard or fibre board boxes;
- (m) operating a power-driven machine used for repairing or stitching overalls or filter cloths;
- (n) operating a power-driven machine used for making cardboard or paper canisters, cartons or bags;
- (o) operating a power-driven machine used for extruding birthday candles;
- (p) operating a power-driven but pedestrian controlled vehicle used for lifting or moving goods;
- (q) painting drums by means of a spray gun;
- (r) recovering oil from foots, soap-stock or residues;
- (s) setting wicks or clamps; attending to wicks or removing faulty candles;
- (t) winding up or lowering candle machines;
- (u) boiler attendant. (77)

(41) "Grade II employee, qualified," means a Grade II employee who has had not less than 18 months' experience; (78)

(42) "Grade II employee, unqualified," means a Grade II employee who has had less than 18 months' experience; (79)

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

- (a) Binding, wiring or strapping boxes, cases or other containers by hand or non-power-driven machine;
- (b) branding, marking or stencilling addresses of consignees on boxes, bags, drums or packages for dispatch;
- (c) check-mass-measuring of filled containers;
- (d) filling tins, casks, boxes, bottles, canisters or other containers by hand or hand-controlled feed to specified volume or mass where the employee exercises control, or mass-measuring containers;
- (e) greasing or oiling plant, machines or vehicles, including motor vehicles, under supervision;
- (f) inspecting filled or empty containers or other articles before wrapping, closing or packing for foreign bodies, torn wrappers, discoloration or other obvious defects;
- (g) leading a stacking gang and placing the outer bags or other articles in order to bind the stack;
- (h) making simple records on prepared forms of reading on dials or from mechanical counters;
- (i) melting soap oils by steam process and pumping such oils to tanks;
- (j) minding any power-driven machine;
- (k) operating a power-driven press, washing machine or hydro extractor;
- (l) operating a power-driven machine used for assembling or nailing wooden boxes;
- (m) operating a power-driven goods elevator where starting and stopping of the elevator is controlled automatically;
- (n) operating a power-driven machine used for cleaning or closing bags;
- (o) operating a power-driven machine used for assembling or closing ready-cut corrugated cardboard or fibre board cartons;
- (p) painting drums by hand;
- (q) preparing moulds for fats by folding wrappers into correct shape and placing in containers;
- (r) repairing trays, crates or boxes by hand;
- (s) soldering;
- (t) sorting or distributing mail or delivering or collecting messages or articles on foot or bicycle outside his employer's establishment;

(43) "motorvoertuig" 'n kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere, uitgesonderd 'n handelsreisiger se monstere, buite die werkgewer se bedryfsinrigting en omvat dit ook 'n voorhaker en 'n trekker maar nie 'n mobiele hystoestel nie; (57)

(44) "nagskof" enige werktidperk waarvan die grootste deel tussen 8-uur nm. en 6-uur vm. val; (58)

(45) "nasiener" 'n werknemer wat, onder die toesig van 'n magasynman, toesig hou oor die laai of aflaai van goedere en goedere ontvang, nasien, uitreik of bêre en wat toepaslike inskrywings op fakture en voorraadekaarte kan maak; (8)

(46) "nasiener, gekwalifiseerd," 'n nasiener met minstens twee jaar ondervinding; (9)

(47) "nasiener, ongekwalifiseerd," 'n nasiener met minder as twee jaar ondervinding; (10)

(48) "noodwerk"—

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

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

(i) skepe;

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

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

(c) enige werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende gewone werktid verrig kan word nie; (29)

(49) "Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette" die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is, met die doel om een of meer van die volgende werksaamhede te verrig:

(i) Die uitpersing van olie;

(ii) die bereiding, vervaardiging, bottel, toedraai of verpakking van bleikpoeier, suiweringsmiddels, seep, wassoda of ander reinigingsmiddels, kerses, huishoudelike of kookolies, eetbare olies of vette;

en omvat dit alle werksaamhede wat met enigeen van voornoemde bedrywighede in verband staan of daaruit voortspruit maar omvat dit nie die werksaamhede nie van werkgewers en werknemers wat ten opsigte van sodanige werksaamhede onderworpe is aan die bepaling van Loonvaststelling 305, Visverwerkingsnywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R. 2246 van 6 Desember 1968, en Loonvaststelling 306, Koelkamer-, Spekbereiding- en Kleingoederen nywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R. 2310 van 13 Desember 1968, tensy sodanige werksaamhede bykomend is by dié wat in paragrawe (i) en (ii) hierbo genoem word; (49)

(50) "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 hoogsens 450 kg te wees; (80)

(51) "onderbaas" 'n werknemer wat toesig hou oor die werk van 'n groep werknemers en wat daarbenewens die werk doen van die hoogste klas van die groep oor wie se werk hy toesig hou en vir die toepassing van hierdie woordomskrifing beteken die uitdrukking "hoogste klas" dié klas vir wie die hoogste weekloon voorgeskryf word vir die gebied waarin die groep werk: Met dien verstande dat as die lone op 'n stygende skaal voorgeskryf word, die uitdrukking "weekloon" die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word; (6)

(52) "ondervinding" met betrekking tot—

(a) 'n chemitegnikus, die totale tydperk of tydperke wat 'n werknemer werksaam was as 'n chemitegnikus in enige bedryf of in die diens van die Staat en indien sodanige werknemer die houer is van 'n diploma in skeikunde wat verkry is van 'n erkende tegniese kollege, universiteit of universiteitskollege, word sodanige diploma geag gelykwaardig te wees aan twee jaar diens as 'n chemitegnikus;

- (u) stamping soap tablets by non-power-driven machine;
- (v) steam heating drums, tanks or pipes;
- (w) waiter; (80)

(44) "Grade III employee, qualified," means a Grade III employee who has had not less than 12 months' experience; (81)

(45) "Grade III employee, unqualified," means a Grade III employee who has had less than 12 months' experience; (82)

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

- (a) Affixing printed or ready-addressed labels to wrapping materials, containers or packages by hand;
- (b) assembling boxes or crates from shooks or ready prepared materials by hand;
- (c) assembling or dismantling soap frames, under supervision;
- (d) assisting an artisan, handyman or machine handyman by holding articles or tools or otherwise working with him, other than by the independent use of tools;
- (e) branding, marking or stencilling boxes, bags, drums or packages, other than item (b) of Grade III employee;
- (f) cleaning by means of an industrial vacuum cleaner;
- (g) cleaning, opening or closing filter presses or removing or replacing frames or filter cloths;
- (h) cutting bar or toilet soap by hand;
- (i) delivering or collecting messages or articles within an establishment, but excluding the distribution or sorting of mail;
- (j) filling tins, casks, bags, bottles or other containers by hand or non-power-driven machine; filling to a set volume or mass where control is exercised automatically;
- (k) inserting liners, printed matter, discs or rings into lids or tins or other containers or glueing printed matter, other than labels, on containers;
- (l) lime-washing, colour-washing or disinfecting compounds, latrines, outbuildings or similar buildings or structures;
- (m) mending bags by hand or sewing bags by hand after they have been filled;
- (n) opening or closing cocks or valves, under supervision;
- (o) packing articles of a uniform size and number into containers specially made to contain such articles; putting containers into cases, cartons or bags not for dispatch;
- (p) paddling or crutching soap during the boiling or cooling process;
- (q) pouring candle material into machines, cutting wicks, removing candles from machines or removing surplus material from top of machine;
- (r) removing, emptying, cleaning or replacing sanitary pails;
- (s) sorting empty bags for damage or dirt;
- (t) straightening bent flanges of containers by hand;
- (u) tightening or loosening nuts, bolts or screws by hand tools, under the supervision of an artisan, handyman or machine handyman;
- (v) wrapping soap, fats or candles in plain or printed wrappers by hand; (83)

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

- (a) Assisting on delivery vehicles, other than driving or effecting repairs;
- (b) breaking down washing soda, sandstone or similar materials by hand or sieving materials by hand;
- (c) cleaning, sweeping or washing premises or vehicles, plant, implements, machinery, tools, utensils, containers, furniture, overalls, aprons or other articles;
- (d) closing wooden, corrugated cardboard or fibre board boxes or cartons, tins, tubes or similar containers by hand;
- (e) cooking rations, making tea or similar beverages or serving tea or other refreshments to employees, except as referred to in the definition "cook" or "waiter";
- (f) cutting down, destroying or removing trees or vegetation or trimming hedges;
- (g) demolishing buildings or other structures under supervision;
- (h) discharging salt from glycerine evaporator boxes;
- (i) emptying tins, casks, bags, bottles or other containers by hand; or shaking out bags;
- (j) feeding materials by hand into elevators, conveyors or process vats, tanks or other vessels;
- (k) folding containers or paper, other than as in item (q) of the definition "Grade III employee";
- (l) gardening work; sweeping roads or paths;

(b) 'n klerk of 'n versendingsklerk, die totale tydperk of tydperke wat 'n werknemer onderskeidelik as 'n klerk of 'n versendingsklerk in enige bedryf of in die diens van die Staat werksaam was;

(c) 'n handelsreisiger, die totale tydperk of tydperke wat 'n werknemer as 'n handelsreisiger in enige bedryf werksaam was;

(d) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette werksaam was; (31)

(53) "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), (3) of (4) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk waarin 'n werknemer—

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

(b) wie se gewone werkure by klousule 5 (2) voorgeskryf word, gedurende sy vry periode by klousule 5 (6) voorgeskryf, vir sy werkgever werk nie; (59)

(54) "proseswerker" 'n werknemer wat verantwoordelik is vir en werksaam is in een of meer van die volgende werksaamhede of prosesse:

(a) Bediening van installasie vir waterstofgas;

(b) 'n spuitdroogtoring bedien in die vervaardiging van poeier-wasmiddels;

(c) 'n koelinstallasie bedien;

(d) eetbare olie of vet raffineer of hard maak;

(e) ru-gliserien raffineer;

(f) katalisator suiwer;

(g) seep maak, met inbegrip van deurlopende seepmaak;

(h) olie uit oliesaad of oliekoek uithaal deur middel van oplosproses; (64)

(55) "proseswerker, gekwalifiseerd," 'n proseswerker met minstens vier jaar ondervinding; (65)

(56) "proseswerker, ongekwalifiseerd," 'n proseswerker met minder as vier jaar ondervinding; (66)

(57) "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 in die uitvoering van die werksaamhede van 'n bedryfsinrigting; (67)

(58) "skeikundige werk" die verrigting van skeikundige werksaamhede, die opstel of toepassing van die formules van stowwe, of die ontleedkundige beheer van die skeikundige verwerking van grondstowwe of halfvervaardigde of klaar produkte; (14)

(59) "skofwerker" 'n werknemer wat skofwerk verrig in 'n werksaamheid in 'n bedryfsinrigting waarin twee of drie agtereenvolgende skofte per dag op hoogstens ses dae per week gewerk word; (68)

(60) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word; (75)

(61) "spanleier" 'n werknemer wat toesig hou oor 'n groep werknemers graad IV of werknemers graad V of 'n groep werknemers graad IV en werknemers graad V; (72)

(62) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (60)

(63) "tegniese of professionele werknemer" 'n werknemer wat in opdrag van sy werkgever werk van 'n tegniese of professionele aard verrig; (73)

(64) "toesighoudende ketelbediener" 'n werknemer wat, onder die toesig van 'n voorman, toesig hou oor een of meer ketelbedieners of meer as een stoomketel in 'n bedryfsinrigting en wat verantwoordelik is vir die instandhouding van die waterpeil en stoomdruk in sodanige stoomketels; (4)

(65) "toesighoudende wag" 'n wag wat toesig hou oor een of meer wagte; (84)

(66) "toesighouer" 'n werknemer wat, onder die toesig van 'n voorman, toesig hou oor 'n groep werknemers graad I, werknemers graad II of werknemers graad III of 'n kombinasie van enige van hierdie grade en wat daarbenewens toesig mag hou oor werknemers graad IV en werknemers graad V; (71)

(67) "toetser" 'n werknemer wat, onder die toesig van 'n chemikus, chemietegnikus, proseswerker of 'n voorman, skeikundige toetse van roetine-aard uitvoer; (74)

(m) lifting, carrying, unpacking, moving or stacking goods or articles of any description by hand, excluding the duties referred to in item (g) of the definition "Grade III employee";

(n) loading or unloading;

(o) loosening, taking out, breaking or spreading stone, soil, clay or sand by hand; digging trenches, foundations or other excavation work by hand;

(p) making, maintaining or drawing fires other than in steam boilers, or removing refuse or ashes; sorting clinkers;

(q) mixing mortar, concrete, stone or bitumen by hand or spreading concrete or bitumen by shovel, rake, fork or barrow;

(r) opening or closing boxes, bales, bags, drums or packages other than by soldering;

(s) operating a pump or hoist by hand;

(t) planting poles or erecting wire fences, under supervision;

(u) pushing or pulling any vehicle or truck, other than by power-driven device;

(v) ramming or tamping cement or concrete in moulds or ramming concrete in foundations;

(w) rubber stamping where no discretion is involved;

(x) skimming off soap from settled lyes; skimming fats or oils from settling tanks or traps;

(y) stirring ingredients in vats or pans by hand;

(z) tending animals or birds or minding vehicles;

(aa) turning over soap powder stock by hand;

(ab) unpacking or opening corrugated fibre board or similar containers by hand; setting-up ready-made containers; (34)

(48) "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; (18)

(49) "Industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats" means the industry in which employers and employees are associated in establishments which are registered or liable to registration in terms of the Factories, Machinery and Building Work Act, 1941, for the purpose of carrying on any one or more of the following activities:

(i) The expressing of oil;

(ii) the preparation, manufacture, bottling, wrapping or packing of bleaching powder, detergents, soap, washing soda or other cleansing agents, candles, household or cooking oils, edible oils or fats;

and includes all operations incidental to or consequent on any of the aforesaid activities but does not include the activities of employers and employees who, in respect of such activities are subject to the provisions of Wage Determination 305, Fish Processing Industry, Certain Areas, published under Government Notice R. 2246 of 6 December 1968, and Wage Determination 306, Cold Storage, Bacon Curing and Small Goods Manufacturing Industry, Certain Areas, published under Government Notice R. 2310 of 13 December 1968, unless such activities are incidental to those mentioned in paragraphs (i) and (ii) above; (49)

(50) "law" includes the common law; (85)

(51) "machine handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment used directly in the manufacture of the products of an establishment but who does not do work normally performed by an artisan; (40)

(52) "machine minder" means an employee who is engaged in watching a power-driven machine with the duty to report any malfunctioning or stopping of such machine to the machine operator and who may—

(a) start and stop the feed into such machine, including the starting and stopping of an independent power-driven feeder;

(b) feed into and take off from such machine by hand;

(c) stop the machine in the event of its malfunctioning if the machine operator is beyond reach;

but who may not start, re-start or make any adjustment to such machine except under the direct instruction of the machine operator, and the expression "minding a machine" has a corresponding meaning; (41)

(53) "machine operator" means an employee who operates, attends, starts or stops a power-driven machine, who scrutinises or checks the work done by the machine, who may make minor running adjustments to the machine and who may feed into or take off from such machine, and the expression "operating a machine" has a corresponding meaning; (39)

(68) "versendingsklerk" 'n werknemer wat verantwoordelik is vir die versending of verpakking van goedere vir vervoer of aflewering en wat toesig mag hou oor die byeenbring, nagaan, massameting, verpakking, merk, adresseer of versending van goedere of pakkette; (25)

(69) "versendingsklerk, gekwalifiseerd," 'n versendingsklerk met minstens twee jaar ondervinding; (26)

(70) "versendingsklerk, ongekwalifiseerd," 'n versendingsklerk met minder as twee jaar ondervinding; (27)

(71) "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; (36)

(72) "wag" 'n werknemer wat 'n perseel of eiendom bewaak; (83)

(73) "week" met betrekking tot 'n werknemer, die tydperk van sewe dae waarin die werkweek van daardie werknemer gewoonlik val; (85)

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

(a) Lope inmekeer sit vir skroefperse of dergelike masjinerie;

(b) 'n proseswerker help met die bediening van 'n deurlopende seepmaakinstallasie;

(c) oor seeppanne toesig hou of kontrolekookwerk doen of die uitklontproses aan die gang sit, onder die toesig van 'n voorman of 'n proseswerker;

(d) kok;

(e) 'n trekker of 'n rangeerder binne die bedryfsinrigting dryf;

(f) parfuum afmeet;

(g) mediese ordonnans;

(h) melk suurmaak vir die maak van kunsbotter;

(i) bediener van 'n mobiele hystoestel;

(j) 'n sirkelsaag bedien om duie vir houtkiste te saag;

(k) spesiale gereedskap of gereedskap vir ingenieurswerkwinkel ontvang, uitreik of bêre;

(l) toetser; (37)

(75) "werknemer graad I, gekwalifiseerd," 'n werknemer graad I met minstens twee jaar ondervinding; (38)

(76) "werknemer graad I, ongekwalifiseerd," 'n werknemer graad I met minder as twee jaar ondervinding; (39)

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

(a) Sorg vir die meganiese beweging van olie, vet, seep, suiweringmiddels, grondstowwe of neweprodukte of meganiese verwoerders of dergelike uitrusting bedien;

(b) kleppe, krane of pompe bedien;

(c) besonderhede van opbrengs op pakhuiskwitansies nagaan of aanteken;

(d) 'n fabriekslorrie binne 'n bedryfsinrigting dryf;

(e) 'n kraggoederehyser dryf behalwe waar die stop en aansit van die hyser outomaties beheer word;

(f) eerstehulpman;

(g) bestanddele vir seep, vet of dergelike preparate deur middel van 'n peilstok afmeet, of massameet (maar nie volgens 'n gestelde skaal nie);

(h) 'n sentrifugeermasjien bedien;

(i) 'n gliserienherwininstallasie sonder verdamer bedien;

(j) 'n kragmasjien bedien vir maal, sif, meng, vergruis, seep in koeke druk, sny, stamp, vul, sluit of etiketteer of klaar produkte toedraai of in kartonne verpak;

(k) 'n kragmasjien bedien om metaalplate te sny, te pons, te krul, te omkraal of te naat of om metaalblieke of -kanne te verseël;

(l) 'n kragmasjien bedien om houtkiste of riffelkarton- of veselborddose te bedruk of te bedraad;

(m) 'n kragmasjien bedien om oorpakke of filterdoeke te herstel of te stik;

(n) 'n kragmasjien bedien om karton- of papierhouers, kartonne of sakke te maak;

(o) 'n kragmasjien bedien om verjaarsdagkerse uit te druk;

(p) 'n voertuig wat kragaangedrewe is maar deur 'n voetganger beheer word, bedien om goedere te hys of te verskuif;

(q) konkas deur middel van 'n spuittoestel verf;

(r) olie uit besinksel, rouseep of oorblyfsels herwin;

(s) kerspitte of klampe regsit; oor pitte toesig hou of defekte kerse verwyder;

(54) "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; (5)

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

- (a) the South African Red Cross Society;
- (b) the St John Ambulance Association; or
- (c) die Suid-Afrikaanse Noodhulp Liga;

and who, under the supervision of a medical practitioner or a qualified nurse, is engaged in treating or dressing wounds or injuries or in administering medicines and who may give advice to employees concerning elementary hygiene and dietary matters and who may also maintain records concerning employee attendances for treatment and treatment and medicines administered; (42)

(56) "mobile hoist operator" means an employee who is engaged in operating a mobile power-driven hoist used in the loading, unloading, moving or stacking of goods; (3)

(57) "motor vehicle" means any power-driven vehicle used for conveying goods, other than traveller's samples, outside the employer's establishment and includes a mechanical horse and a tractor but does not include a mobile hoist; (43)

(58) "night shift" means any period of work the major portion of which falls between 8 o'clock p.m. and 6 o'clock a.m.; (44)

(59) "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), (3) or (4), but does not include any period during which an employee—

- (a) whose ordinary hours of work are prescribed in clause 5 (1), works for his employer on a Sunday;
- (b) whose ordinary hours of work are prescribed in clause 5 (2), works for his employer during his free period prescribed in clause 5 (6); (53)

(60) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (62)

(61) "plant operator" means an employee who is engaged in any one or more of the following activities:

- (a) Bleaching or deodorising edible oils or fats;
- (b) blending of edible oils or fats;
- (c) mechanical drying of soaps;
- (d) oil or fat splitting by Twitchell or similar process;
- (e) operating crushing or expelling machines;
- (f) operating a glycerine recovery plant with an evaporator;
- (g) operating a soap cooling plant;
- (h) preparation and issue of fat charges;
- (i) preparing crutcher charges for powder detergents;
- (j) soap or detergent powder blowing or spray drying;
- (k) sulphonating or neutralizing materials required in the manufacture of powder or liquid detergents;
- (l) vacuum bleaching of oils or fats for soap making; (23)

(62) "plant operator, qualified," means a plant operator who has had not less than three years' experience; (24)

(63) "plant operator, unqualified," means a plant operator who has had less than three years' experience; (25)

(64) "process worker" means an employee who is responsible for and engaged in any one or more of the following activities or processes:

- (a) Hydrogen gas plant operation;
- (b) operating a spray drying tower in the manufacture of powder detergent;
- (c) operating a refrigeration plant;
- (d) refining or hardening of edible oils or fats;
- (e) refining of crude glycerine;
- (f) revivifying-catalyst;
- (g) soap making, including continuous soap making;
- (h) solvent extraction of oil from oilseeds or oilcake; (54)

(65) "process worker, qualified," means a process worker who has had not less than four years' experience; (55)

(66) "process worker, unqualified," means a process worker who has had less than four years' experience; (56)

(t) kersmasjiene ophys of laat sak;

(u) ketelbediener; (40)

(78) "werknemer graad II, gekwalifiseerd," 'n werknemer graad II met minstens 18 maande ondervinding; (41)

(79) "werknemer graad II, ongekwalifiseerd," 'n werknemer graad II met minder as 18 maande ondervinding; (42)

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

- (a) Kiste, dose of ander houers met die hand of nie-kragmasjiene vasbind, bedraad of bande daarom sit;
- (b) adresse van ontvangers op kiste, sakke, konkas of pakkies vir versending brandmerk, merk of sjabloneer;
- (c) vol houers vir kontrole massameet;
- (d) blikke, vate, kiste, bottels, trommels of ander houers met die hand of met handbeheerde voertoestelle volgens vasgestelde volume of massa volmaak waar die werknemer beheer uitoefen; of houers massameet;
- (e) installasie, masjiene of voertuie, met inbegrip van motorvoertuie, onder toesig smeer of olie;
- (f) vol of leë houers of ander artikels nagaan vir vreemde stowwe, geskeurde omslae, vlekke of ander sigbare defekte voordat dit toegedraai, toegemaak of verpak word;
- (g) 'n opstapelspan lei en die buitekantse sakke of ander artikels reg plaas ten einde die stapel vas te bind;
- (h) eenvoudige aantekeninge maak op opgestelde vorms van aflesings op wyserplate of van meganiese tellers;
- (i) seepolie met 'n stoomproses smelt en dié olie na tenks toe pomp;

(j) enige kragmasjiene oppas;

(k) 'n kragpers, wasmasjiene of ontwatertoestel bedien;

(l) 'n kragmasjiene bedien wat gebruik word om houtkiste aanmekaar te sit of te spyker;

(m) 'n kraggoederehyser bedien waar aansit en stop van die hyser outomaties beheer word;

(n) 'n kragmasjiene bedien wat gebruik word om sakke skoon of toe te maak;

(o) 'n kragmasjiene bedien wat gebruik word om klaargesnyde riffelkarton of veselbordkartonne aanmekaar te sit of toe te maak;

(p) konkas met die hand verf;

(q) gietvorms vir vet voorberei deur omslae in die regte fatsoen te vou en dit in houers te plaas;

(r) platkiste, kratte of kiste met die hand heelmaak;

(s) soldeer;

(t) pos sorteer of uitdeel of boodskappe of artikels te voet of per trapfiets buitekant sy werkgever se bedryfsinrigting aflewer of bymeakaarmaak;

(u) seepsteentjies met 'n nie-kragmasjiene stempel;

(v) konkas, tenks of pype met stoom verhit;

(w) kelder; (43)

(81) "werknemer graad III, gekwalifiseerd," 'n werknemer graad III met minstens 12 maande ondervinding; (44)

(82) "werknemer graad III, ongekwalifiseerd," 'n werknemer graad III met minder as 12 maande ondervinding; (45)

(83) "werknemer graad IV" 'n werknemer wat een of meer van die volgende werksaamhede verrig:

(a) Gedrukte of klaar geadresseerde etikette met die hand aan toedraaimateriaal, houers of pakkies aanbring;

(b) kiste of kratte van duie of voorbereide materiaal met die hand aanmekaarsit;

(c) seeprame, onder toesig, aanmekaarsit of uitmekaarhaal;

(d) 'n ambagsman, faktotum of masjiene faktotum help deur artikels of gereedskap vas te hou of andersins met hom saam te werk, uitgesonderd deur die selfstandige gebruik van gereedskap;

(e) kiste, sakke, konkas of pakkette, uitgesonderd item (b) van werknemer graad III, brandmerk, merk of sjabloneer;

(f) deur middel van 'n nywerheidstofsuierskoonmaak;

(g) filterperse skoon-, oop- of toemaak, of rame of filterdoeke verwyder of terugsit;

(h) steen- of toiletseep met die hand sny;

(i) boodskappe of artikels binne 'n bedryfsinrigting aflewer of bymeakaarmaak, maar uitgesonderd die uitdeel of sorteer van pos;

(j) blikke, vate, sakke, bottels of ander houers met die hand of nie-kragmasjiene volmaak; volgens 'n gestelde volume of massa volmaak waar kontrole outomaties uitgeoefen word;

(67) "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; (57)

(68) "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 not more than six days per week are worked; (59)

(69) "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; (35)

(70) "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; (38)

(71) "supervisor" means an employee who, under the supervision of a foreman, is in charge of a group of Grade I employees, Grade II employees or Grade III employees or a combination of any of these grades and who additionally may be in charge of Grade IV employees and Grade V employees; (66)

(72) "team leader" means an employee who is in charge of a group of Grade IV employees or Grade V employees or Grade IV employees and Grade V employees; (61)

(73) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (63)

(74) "tester" means an employee who, under the supervision of a chemist, chemical technician, process worker or a foreman, is engaged in routine chemical tests; (67)

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

(76) "traveller" means an employee who, as a travelling representative of an establishment, invites, canvasses or solicits orders on behalf of such establishment; (19)

(77) "traveller, qualified," means a traveller who has had not less than four years' experience; (20)

(78) "traveller, unqualified," means a traveller who has had less than four years' experience; (21)

(79) "traveller's assistant" means an employee who accompanies a traveller and assists him in packing, unpacking or displaying his samples and who may drive the motor vehicle used by the traveller in the performance of his duties; (22)

(80) "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; (50)

(81) "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; (36)

(82) "waiter" means an employee who in a canteen for employees is engaged in serving meals or setting or clearing tables, and who may cut sandwiches and assist with the preparation of meals or beverages other than by cooking; (26)

(83) "watchman" means an employee who is engaged in guarding premises or property; (72)

(84) "watchman-in-charge" means a watchman who is engaged in supervising one or more watchmen; (65)

(85) "week" means, in relation to any employee, the period of seven days within which the working week of that employee ordinarily falls. (73)

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

(k) voerings, drukwerk, skywe of ringe in deksels of blikke of ander houers insit of drukwerk, uitgesonderd etikette, of houers vaslym;

(l) kampongs, latrines, buitegeboue of dergelike geboue of strukture afwit, met kleurekalk afwit of ontsmet;

(m) sakke met die hand heelmaak of sakke met die hand toewerk nadat hulle gevul is;

(n) krane of kleppe onder toesig oop- of toemaak;

(o) artikels van eenvormige grootte en getal verpak in houers wat spesiaal gemaak is om sulke artikels te bevat; houers in dose kartonne of sakke insit, maar nie vir versending nie;

(p) seep gedurende die kook- of afkoelproses met spane of kruisspane omroer;

(q) kersmateriaal in masjiene giet, pitte sny, kerse uit masjiene verwyder of oorskietmateriaal van bokant van masjiene afhaal;

(r) nagemmers verwyder, leegmaak, skoonmaak of omruil;

(s) leë sakke met die oog op beskadiging of vuilheid sorteer;

(t) gebuigde flense of houers met die hand reguit maak;

(u) moere, bonte of skroewe met handgereedskap onder die toesig van 'n ambagsman, faktotum of masjienfaktotum vas- of losdraai;

(v) seep, vet of kerse in onbedrukte of bedrukte omslae met die hand toedraai; (46)

(84) "werknemer graad V" 'n werknemer wat een of meer van die volgende werksaamhede verrig:

(a) Op aflewingsvoertuie help, uitgesonderd bestuur of herstelwerk doen;

(b) wassoda, sandklip of dergelike materiaal met die hand opbreek of materiaal met die hand sif;

(c) persele of voertuie, installasie, implemente, masjinerie, gereedskap, gerei, houers, meubels, oorpakke, voorskote of ander artikels skoonmaak, uitvee of was;

(d) hout-, riffelkarton- of veselbordkiste of kartonne, blikke, buise of dergelike houers met die hand toemaak;

(e) rantsone kook, tee of dergelike drankte maak of tee of ander verversings aan werknemers bedien, uitgesonderd soos vermeld in die woordskrywing van "kok" of "kelner";

(f) bome of plantegroei afkap, vernietig of verwyder, of heinings snoei;

(g) geboue of ander bouwerke onder toesig sloop;

(h) sout uit gliserienverdampkiste haal;

(i) blikke, vate, sakke, bottels of ander houers met die hand leegmaak; of sakke uitskud;

(j) materiaal met die hand in elevators, vervoerders of prosesvate, tenks of ander vate voer;

(k) houers of papier vou, uitgesonderd soos in item (g) van die woordskrywing van "werknemer graad III";

(l) tuinwerk; paaie of voetpaaie vee;

(m) goedere of artikels van enige beskrywing met die hand oplig, dra, uitpak, verskuif of opstapel, uitgesonderd die pligte genoem in item (g) van die woordskrywing van "werknemer graad III";

(n) laai of aflaa;

(o) klip, grond, klei of sand met die hand losmaak, uithaal breek of strooi; slote en fondamente met die hand grawe of ander uitgrawingswerk met die hand doen;

(p) vuurmaak, vure in stand hou of uithaal maar nie in stoomketels nie, of afval of as verwyder; klinkers sorteer;

(q) dagha, beton, klip of bitumen met die hand meng of beton of bitumen met skopgraaf, hark, vork of kruiwa strooi;

(r) kiste, bale, sakke, konkas of pakkies oopmaak of toemaak maar nie deur dit te soldeer nie;

(s) 'n pomp of hyser met die hand bedien;

(t) pale inplant of draadheining oprig, onder toesig;

(u) enige voertuig of trok, uitgesonderd deur middel van 'n kragtoestel, stoot of trek;

(v) sement of beton in gietvorms instamp of beton in fondamente vasstamp;

(w) rubberstempelwerk, waarby geen oordeel betrokke is nie;

(x) seep van afgesakte loog afskep; vet of olie van afsaktenks of vanginrigtings afskep;

(y) bestanddele met die hand in vate of panne roer;

(z) diere of voëls versorg of voertuie oppas;

(aa) seepoëiervoorrade met die hand omdraai;

(ab) riffelvelselbord of dergelike houers met die hand uitpak of oopmaak; klaargemaakte houers opstel; (47)

(85) "wet" ook die gemene reg. (50)

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

3. REMUNERATION

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

(a) *Employees other than casual employees or chargehands.*

(i)	In the Magisterial Districts of King William's Town, Queenstown and Viljoenskroon and the municipal area of Pietersburg	In all other areas
	Per week R	Per week R
Artisan.....	41,00	46,00
Assistant foreman.....	40,00	45,00
Boiler attendant-in-charge.....	30,00	38,00
Chauffeur.....	17,00	17,00
Checker, unqualified—		
during the first year of experience....	16,00	20,00
during the second year of experience....	17,50	21,50
Checker, qualified.....	19,00	23,00
Chemical technician, female, unqualified—		
during the first year of experience....	14,00	16,00
during the second year of experience....	17,50	20,00
during the third year of experience....	21,00	24,00
during the fourth year of experience....	24,50	28,00
during the fifth year of experience....	28,00	32,00
Chemical technician, female, qualified....	32,00	38,00
Chemical technician, male, unqualified—		
during the first year of experience....	16,00	20,00
during the second year of experience....	20,00	24,50
during the third year of experience....	24,00	29,00
during the fourth year of experience....	28,00	33,50
during the fifth year of experience....	32,00	38,00
Chemical technician, male, qualified....	38,00	44,00
Clerk, female, unqualified—		
during the first year of experience....	12,46	13,38
during the second year of experience....	14,54	15,46
during the third year of experience....	16,62	17,54
during the fourth year of experience....	18,69	19,62
Clerk, female, qualified.....	20,77	21,69
Clerk, male, unqualified—		
during the first year of experience....	13,85	14,54
during the second year of experience....	17,08	18,00
during the third year of experience....	20,54	21,46
during the fourth year of experience....	23,77	24,92
during the fifth year of experience....	27,23	28,38
Clerk, male, qualified.....	30,46	31,85
Despatch clerk, unqualified—		
during the first year of experience....	15,00	20,00
during the second year of experience....	19,00	24,00
Despatch clerk, qualified.....	23,00	28,00
Foreman.....	44,00	50,00
Handyman.....	18,00	21,00
Machine handyman.....	21,00	25,00
Plant operator, unqualified—		
during the first year of experience....	16,00	19,00
during the second year of experience....	18,50	21,50
during the third year of experience....	21,00	24,00
Plant operator, qualified.....	24,00	27,00
Process worker, unqualified—		
during the first year of experience....	28,00	32,00
during the second year of experience....	30,00	34,00
during the third year of experience....	32,00	36,00
during the fourth year of experience....	34,00	38,00
Process worker, qualified.....	36,00	40,00
Supervisor.....	18,00	21,00
Traveller, unqualified—		
during the first year of experience....	30,00	30,00
during the second year of experience....	33,46	33,46
during the third year of experience....	36,92	36,92
during the fourth year of experience....	40,38	40,38
Traveller, qualified.....	43,85	43,85
Traveller's assistant.....	15,50	15,50
Watchman-in-charge.....	18,00	21,00

3. BESOLDIGING

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

(a) *Werknemers uitgesonderd los werknemers of onderbase.*

(i)	In die landdrosdistrikte King William's Town, Queenstown en Viljoenskroon en die munisipale gebied Pietersburg	In alle ander gebiede
	Per week R	Per week R
Ambagsman.....	41,00	46,00
Assistent-voorman.....	40,00	45,00
Toesighoudende ketelbediener.....	30,00	38,00
Chauffeur.....	17,00	17,00
Nasiener, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	16,00	20,00
gedurende die tweede jaar ondervinding		
ding.....	17,50	21,50
Nasiener, gekwalifiseerd.....	19,00	23,00
Chemitegnikus, vrou, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	14,00	16,00
gedurende die tweede jaar ondervinding		
ding.....	17,50	20,00
gedurende die derde jaar ondervinding	21,00	24,00
gedurende die vierde jaar ondervinding	24,50	28,00
gedurende die vyfde jaar ondervinding	28,00	32,00
Chemitegnikus, vrou, gekwalifiseerd....	32,00	38,00
Chemitegnikus, man, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	16,00	20,00
gedurende die tweede jaar ondervinding		
ding.....	20,00	24,50
gedurende die derde jaar ondervinding	24,00	29,00
gedurende die vierde jaar ondervinding	28,00	33,50
gedurende die vyfde jaar ondervinding	32,00	38,00
Chemitegnikus, man, gekwalifiseerd....	38,00	44,00
Klerk, vrou, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	12,46	13,38
gedurende die tweede jaar ondervinding		
ding.....	14,54	15,46
gedurende die derde jaar ondervinding	16,62	17,54
gedurende die vierde jaar ondervinding	18,69	19,62
Klerk, vrou, gekwalifiseerd.....	20,77	21,69
Klerk, man, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	13,85	14,54
gedurende die tweede jaar ondervinding		
ding.....	17,08	18,00
gedurende die derde jaar ondervinding	20,54	21,46
gedurende die vierde jaar ondervinding	23,77	24,92
gedurende die vyfde jaar ondervinding	27,23	28,38
Klerk, man, gekwalifiseerd.....	30,46	31,85
Versendingsklerk, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	15,00	20,00
gedurende die tweede jaar ondervinding		
ding.....	19,00	24,00
Versendingsklerk, gekwalifiseerd.....	23,00	28,00
Voorman.....	44,00	50,00
Faktotum.....	18,00	21,00
Masjienfaktotum.....	21,00	25,00
Installasiebediener, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	16,00	19,00
gedurende die tweede jaar ondervinding		
ding.....	18,50	21,50
gedurende die derde jaar ondervinding	21,00	24,00
Installasiebediener, gekwalifiseerd.....	24,00	27,00
Proseswerker, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	28,00	32,00
gedurende die tweede jaar ondervinding		
ding.....	30,00	34,00
gedurende die derde jaar ondervinding	32,00	36,00
gedurende die vierde jaar ondervinding	34,00	38,00
Proseswerker, gekwalifiseerd.....	36,00	40,00
Toesighouer.....	18,00	21,00
Handelsreisiger, ongekwalifiseerd—		
gedurende die eerste jaar ondervinding	30,00	30,00
gedurende die tweede jaar ondervinding		
ding.....	33,46	33,46
gedurende die derde jaar ondervinding	36,92	36,92
gedurende die vierde jaar ondervinding	40,38	40,38
Handelsreisiger, gekwalifiseerd.....	43,85	43,85
Handelsreisiger se assistent.....	15,50	15,50
Toesighoudende wag.....	18,00	21,00

(ii)

	In the Magisterial Districts of Bloemfontein, East London, Kimberley, Kroonstad, Pietermaritzburg and Welkom	In the Magisterial Districts of King William's Town, Queenstown and Viljoenskroon, and the municipal area of Pietersburg	In all other areas
	Per week R	Per week R	Per week R
Driver of a motor vehicle 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.....	14,50	12,00	14,50
(ii) exceeds 450 kg, but not 2 700 kg.....	20,50	17,00	20,50
(iii) exceeds 2 700 kg but not 4 500 kg.....	24,00	20,00	24,00
(iv) exceeds 4 500 kg.....	29,00	24,00	29,00
Factory clerk, unqualified—			
during the first six months of experience.....	16,50	12,50	17,50
during the second six months of experience.....	17,50	14,00	18,50
during the third six months of experience.....	18,50	15,50	19,50
Factory clerk, qualified.....	20,00	17,00	21,00
Grade I employee, unqualified—			
during the first year of experience.....	14,00	12,00	14,50
during the second year of experience.....	15,25	12,75	16,00
Grade I employee, qualified.....	16,50	13,50	17,50
Grade II employee, unqualified—			
during the first six months of experience.....	12,60	10,40	13,30
during the second six months of experience.....	13,00	10,80	13,70
during the third six months of experience.....	13,40	11,20	14,10
Grade II employee, qualified.....	13,80	11,60	14,50
Grade III employee, unqualified—			
during the first six months of experience.....	11,20	9,70	12,20
during the second six months of experience.....	11,60	10,10	12,60
Grade III employee, qualified.....	12,00	10,50	13,00
Grade IV employee.....	9,00	7,50	12,00
Grade V employee, female.....	6,80	5,60	9,20
Grade V employee, male—			
under the age of 18 years.....	6,40	5,30	8,60
18 years of age or over.....	8,50	7,00	11,50
Team leader.....	9,75	8,00	13,00
Watchman.....	9,75	8,00	13,00
Employee not elsewhere in this subclause specifically mentioned.....	12,00	10,50	13,00

(ii)

	In die landdrosdistrikte Bloemfontein, Oos-Londen, Kimberley, Kroonstad, Pietermaritzburg en Welkom	In die landdrosdistrikte King William's Town, Queenstown en Viljoenskroon, en die munisipale gebied Pietersburg	In alle ander gebiede
	Per week R	Per week R	Per week R
Drywer van 'n motorvoertuig waarvan die onbelaste massa, tesame met die onbelaste massa van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word—			
(i) hoogstens 450 kg is.....	14,50	12,00	14,50
(ii) meer as 450 kg maar hoogstens 2 700 kg is.....	20,50	17,00	20,50
(iii) meer as 2 700 kg maar hoogstens 4 500 kg is.....	24,00	20,00	24,00
(iv) meer as 4 500 kg is.....	29,00	24,00	29,00
Fabrieksklerk, ongekwalifiseerd—			
gedurende die eerste ses maande ondervinding.....	16,50	12,50	17,50
gedurende die tweede ses maande ondervinding.....	17,50	14,00	18,50
gedurende die derde ses maande ondervinding.....	18,50	15,50	19,50
Fabrieksklerk, gekwalifiseerd.....	20,00	17,00	21,00
Werknemer graad I, ongekwalifiseerd—			
gedurende die eerste jaar ondervinding.....	14,00	12,00	14,50
gedurende die tweede jaar ondervinding.....	15,25	12,75	16,00
Werknemer graad I, gekwalifiseerd.....	16,50	13,50	17,50
Werknemer graad II, ongekwalifiseerd—			
gedurende die eerste ses maande ondervinding.....	12,60	10,40	13,30
gedurende die tweede ses maande ondervinding.....	13,00	10,80	13,70
gedurende die derde ses maande ondervinding.....	13,40	11,20	14,10
Werknemer graad II, gekwalifiseerd.....	13,80	11,60	14,50
Werknemer graad III, ongekwalifiseerd—			
gedurende die eerste ses maande ondervinding.....	11,20	9,70	12,20
gedurende die tweede ses maande ondervinding.....	11,60	10,10	12,60
Werknemer graad III, gekwalifiseerd.....	12,00	10,50	13,00
Werknemer graad IV.....	9,00	7,50	12,00
Werknemer graad V, vrou.....	6,80	5,60	9,20
Werknemer graad V, man—			
onder die ouderdom van 18 jaar.....	6,40	5,30	8,60
18 jaar of ouer.....	8,50	7,00	11,50
Spanleier.....	9,75	8,00	13,00
Wag.....	9,75	8,00	13,00
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie.....	12,00	10,50	13,00

(b) *Chargehand*.—For every week of employment, the weekly wage prescribed for the highest class of employee which he supervises, plus 10 per cent: Provided that if the wage of such class is prescribed on a rising scale the expression "weekly wage" shall mean the weekly wage prescribed for a qualified employee of that class.

(c) *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—

(i) 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;

(ii) 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) this subclause shall not apply where the difference between classes in terms of subclause (1) is based on age, experience or sex;

(ii) unless expressly otherwise provided in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring his employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee.

(4) *Calculation of wages*.—(a) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by the number of ordinary hours of work prescribed for such employee in any week.

(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 normally works a five-day week;

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

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

(5) *Transport allowance and expenses*.—In addition to paying any other remuneration due to—

(a) a traveller who uses his employer's motor transport or who is required to travel by train or any other means of conveyance than his own, his employer shall reimburse him all the reasonable expenses incurred by him in connection with such transport in the performance of his duties, and for the purpose of this subclause the cost of overnight garaging of motor transport shall be deemed to be a transport expense;

(b) *Onderbaas*.—Vir elke week diens, die weekloon voorgeskryf vir die hoogste klas werknemer oor wie hy toesig hou, plus 10 persent: Met dien verstande dat as lone op 'n stygende skaal vir sodanige klas werknemer voorgeskryf word, die uitdrukking "weekloon" die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word.

(c) *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—

(i) waar die werkgever 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;

(ii) waar die werkgever 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 kan 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 werkure wat ingevolge klousule 5 vir hom geld, of minder, gewerk het.

(3) *Differensiële loon*.—'n Werkgever 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) hierdie subklousule nie geld nie wanneer die verskil tussen die klasse ingevolge subklousule (1) op ouderdom, ondervinding of geslag berus;

(ii) tensy daar in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vastelling só uitgelê mag word dat dié 'n werkgever belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskryfde 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 die getal gewone werkure wat vir so 'n werknemer in enige week voorgeskryf is.

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

(i) vyf, in die geval van 'n werknemer wat normaalweg 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.

(5) *Vervoertoelae en -uitgawes*.—Benewens die betaling van enige ander besoldiging verskuldig aan—

(a) 'n handelsreisiger wat van sy werkgever se motorvoertuig gebruik maak of van wie vereis word om per trein of met enige ander vervoermiddel as sy eie te reis, moet sy werkgever hom vergoed vir alle redelike uitgawes wat hy in die uitvoering van sy pligte in verband met sodanige vervoer aangegaan het, en by die toepassing van hierdie subklousule word die koste verbonde aan die stalling van 'n motorvoertuig oornag, geag 'n vervoeruitgawe te wees;

(b) a traveller who is required to provide motor transport for the performance of his duties, his employer shall pay him for each kilometre travelled in the performance of his duties a transport allowance of not less than—

	cents
(i) where the engine capacity of the vehicle, in which the employee so travelled, does not exceed 1 250 cm ³	5,5
(ii) where the engine capacity of such vehicle exceeds 1 250 cm ³ but not 2 500 cm ³	6,6
(iii) where the engine capacity of such vehicle exceeds 2 500 cm ³	8,6

(6) *Subsistence allowance and expenses.*—In addition to paying any other remuneration due to—

(a) a traveller who, on any journey undertaken in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;

(ii) pay him a subsistence allowance of not less than R5 for each night where such absence extend over one or more nights;

(b) a traveller's assistant who, accompanying a traveller on any journey undertaken by the traveller in the performance of his duties, is absent from his place of residence and his employer's establishment for any period in excess of six consecutive hours, his employer shall—

(i) reimburse him all expenses reasonably incurred by him for any meals and teas for himself during each such period of absence not extending over a night;

(ii) pay him a subsistence allowance of not less than R1,80 for each night where such absence extends over one or more nights;

Provided that for the purpose of this subclause the expression "night" means the period between 11 o'clock p.m. and 4 o'clock a.m.

(7) (a) Any allowances and expenses payable to an employee in terms of subclauses (5) and (6) shall be paid by an employer within seven days of the employee's written claim therefor: Provided that an employee shall submit any such claims within one month of entitlement but shall not submit more than one claim in any one week.

(b) An employer may require his traveller to frame any claim so that it shall reflect—

(i) in respect of any claim in terms of subclause (5) (a), the mode of travel employed and the transport expenses incurred or the nature of any other expense for which reimbursement is claimed;

(ii) in respect of any claim in terms of subclause (5) (b), the distance travelled each day, the points of call and, except in municipal areas, the route followed;

(iii) in respect of any claim in terms of subclause (6), the times of commencement and ending of each period of absence;

and to enable him to comply with such a requirement, his employer shall, before any such journey is undertaken by such traveller, provide him with a suitable book or forms in or on which to maintain suitable records.

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clauses 3 (7) and 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 15 minutes of ceasing work, on the usual pay-day of the establishment for such employee (or in the case of a shift worker or a continuous process 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;

(b) 'n handelsreisiger van wie vereis word om 'n motorvoertuig vir die uitvoering van sy pligte te verskaf, moet sy werkgever hom vir elke kilometer wat hy in die uitvoering van sy pligte afgelê het, 'n vervoertoeleae betaal van minstens—

	sent
(i) waar die silinderinhoud van die voertuig waarmee die werknemer aldus gereis het hoogstens 1 250 cm ³ is	5,5
(ii) waar die silinderinhoud van sodanige voertuig meer as 1 250 cm ³ maar hoogstens 2 500 cm ³ is	6,6
(iii) waar die silinderinhoud van sodanige voertuig meer as 2 500 cm ³ is	8,6

(6) *Onderhoudstoelae en -uitgawes.*—Benewens die betaling van enige ander besoldiging verskuldig aan—

(a) 'n handelsreisiger wat op enige reis wat hy in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R5 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

(b) 'n handelsreisiger se assistent wat, wanneer hy 'n handelsreisiger vergesel op enige reis wat die handelsreisiger in die uitvoering van sy pligte onderneem, vir 'n langer tydperk as ses agtereenvolgende ure van sy woonplek en sy werkgever se bedryfsinrigting afwesig is—

(i) moet sy werkgever hom alle redelike uitgawes vergoed wat hy in elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;

(ii) moet sy werkgever hom 'n onderhoudstoelae van minstens R1,80 vir elke nag betaal as so 'n afwesigheid oor een of meer nagte strek;

Met dien verstande dat by die toepassing van hierdie subklousule die uitdrukking "nag" die tydperk tussen 11-uur nm. en 4 uur vm. beteken.

(7) (a) 'n Werkgever moet alle toelae en uitgawes wat ingevolge subklousules (5) en (6) aan 'n werknemer betaalbaar is, binne sewe dae nadat die werknemer dit skriftelik geëis het, aan hom betaal: Met dien verstande dat 'n werknemer elke sodanige eis binne een maand vanaf die tydstip waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as een eis in 'n week mag indien nie.

(b) 'n Werknemer kan van sy handelsreisiger vereis om elke eis so op te stel dat dit weergee—

(i) in die geval van 'n eis ingevolge subklousule (5) (a), die soort vervoer en die vervoerkoste of die aard van alle ander uitgawes waarvoor hy vergoeding eis;

(ii) in die geval van 'n eis ingevolge subklousule (5) (b), die afstand wat hy elke dag afgelê het, die plekke wat besoek is en, uitgesonderd in munisipale gebiede, die roete wat gevolg is;

(iii) in die geval van 'n eis ingevolge subklousule (6), die tyd waarop elke tydperk van afwesigheid begin en geëindig het;

en ten einde aan so 'n vereiste te kan voldoen, moet sy werkgever, voordat sodanige reis deur sodanige handelsreisiger onderneem word, aan hom 'n geskikte boek of vorms verskaf waarin of waarop gepaste aantekeninge gehou kan word.

4. BETALING VAN BESOLDIGING

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens klousules 3 (7) en 6 (4), moet elke bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant of per tjek betaal word gedurende die werkure, of binne 15 minute nadat die werk gestaak is, op die gewone betaaldag van die bedryfsinrigting vir so 'n werknemer (of in die geval van 'n skofwerker of 'n deurlopende proseswerker, op 'n tydstip waarvoor sodanige werknemer en sy werkgever 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 kovert of houer wees waarop, of wat vergesel gaan van 'n staat waarop, gemeld word—

(a) die werkgever 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) the number of overtime hours worked by the employee;
- (e) the number of hours worked by the employee on a Sunday, a public holiday, referred to 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 afore-mentioned statement;

(ii) the afore-mentioned 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 (13) (a).

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

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

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

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

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

(a) With the written consent of his employee, a deduction for holiday, sick benefit, insurance, medical aid, savings, provident or pension funds, or subscriptions to trade unions;

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

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

(d) 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 deductions 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 of shortage of raw materials, unless the employer has given his employee notice on the previous work-day of his intention to reduce the ordinary hours of work;

(iii) 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, or has undertaken to pay, 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.

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

(e) die getal ure wat die werknemer op 'n Sondag, 'n openbare vakansiedag in kousule 8 (1) bedoel, 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 aangegeven is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat—

(i) op die skriftelike versoek van die werknemer, die bedrag aan hom verskuldig gestort kan 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 kousule 5 (13) (a) 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) *Premies.*—Geen bedrag mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgewer betaal of deur hom aangeneem word nie.

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

(5) *Kos en inwoning.*—Behoudens 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) *Aftrakkings.*—'n Werkgewer mag sy werknemer geen boetes op of enige bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy die volgende kan aftrek:

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

(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 kousule 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 afrekkings hoogstens een derde van die werknemer se weekloon is, ongeag die getal ure waarmee die gewone werkure aldus verminder word;

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

(iii) geen afrekkings 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 gee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgewer betaal het of onderneem het om te betaal aan 'n munisipale raad of ander plaaslike owerheid 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 owerheid bewoon.

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, a watchman, a watchman-in-charge 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 or Tuesday to Saturday, inclusive; and

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

Provided that an employer shall not require or permit a female employee to work more ordinary hours of work in any week than 44.

(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;

(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) that an employer may require or permit his continuous process worker to work not more than seven shifts in any one week during any period of three consecutive weeks; and

(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) An employer shall not require or permit a watchman or a watchman-in-charge to work more ordinary hours of work in any week from Sunday to Saturday, inclusive, than—

(i) seventy-two hours; and

(ii) subject to paragraph (i) hereof, 12 per day on not more than six days in any such week.

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

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

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

(v) when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may 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;

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

(1) *Gewone werkure.*—'n Werkgewer mag nie van 'n werknemer, uitgesonderd 'n los werknemer, 'n wag, 'n toesighoudende wag 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 subparagraaf (i) hiervan, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, wanneer die ure op enigiene 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 of Dinsdag tot en met Saterdag; en

(ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag:

Met dien verstande dat 'n werkgewer nie van 'n vroulike werknemer mag vereis of haar toelaat om meer gewone werkure as 44 in 'n week te werk nie.

(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 werkuur 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 werkweek van vyf dae het 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 hoogstens sewe skofte in enige week gedurende enige tydperk van drie agtereenvolgende weke te werk; en

(iii) dat die gewone werkure van 'n deurlopendeproseswerker hoogstens 144 in enige sodanige tydperk van drie agtereenvolgende weke 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) 'n Werkgewer mag nie van 'n wag of 'n toesighoudende wag vereis of hom toelaat om meer gewone werkure in 'n week van Sondag tot en met Saterdag te werk nie as—

(i) twee-en-sewentig uur; en

(ii) behoudens paragraaf (i) hiervan, 12 per dag op hoogstens ses dae in enige sodanige week.

(5) *Etenspouse.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenspouse van minstens een uur te werk nie, en gedurende 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) werktidperke 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 werktid 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 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) such interval need not be granted to a continuous process worker during his ordinary hours of work on any shift if he is given the opportunity during such hours of having a meal 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.

(6) 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 a worker to work during his free period, the hours worked shall not form part of the ordinary hours of work prescribed in subclause (2).

(7) (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 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.

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

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

(10) *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; and

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

(11) *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.

(12) *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;

(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 25c in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(13) *Savings.*—(a) Subclauses (1) to (12), inclusive, shall not apply to—

(i) a traveller or a traveller's assistant;

(ii) 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) Subclauses (5), (8), (9) and (10) shall not apply to an employee while he is engaged on emergency work or to a chauffeur.

(c) Subclauses (5), (8) and (10) shall not apply to a watchman or a watchman-in-charge.

(d) Subclause (8) shall not apply to a driver of a motor vehicle, a Grade V employee assisting on a delivery vehicle, a first-aid dresser, a medical orderly, a cook or a waiter or a shift worker who works on the basis of three shifts per day.

(vii) sodanige pouse nie aan 'n deurlopendeproseswerker toegestaan hoef te word gedurende sy gewone werkure op enige skof nie indien aan hom gedurende sodanige ure die geleentheid verskaf word om 'n ete te nuttig terwyl hy op sy pos bly, tensy dit verbied word ooreenkomstig 'n kennisgewing wat ingevolge artikel 27 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, gepubliseer is;

(6) 'n Werkgever moet elke week aan elkeen van sy deurlopendeproseswerkers een vry periode van minstens 24 agtereenvolgende ure toestaan, maar, indien 'n werkgever van sodanige werker 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.

(7) (a) Elke werkgever wat 'n 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 werkgever moet sodanige kennisgewing of rooster vir 'n tydperk van 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.

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

(9) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (5), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(10) *Beperking van oortydwerk.*—'n Werkgever 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.

(11) *Betaling vir oortydwerk.*—'n Werkgever 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.

(12) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgever 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 op 'n dag oortyd te werk nie, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd mag werk, maar dan só 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) 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 25c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

(13) *Voorbehoudsbepalings.*—(a) Subklousules (1) tot en met (12), is nie van toepassing nie op—

(i) 'n handelsreisiger of 'n handelsreisiger se assistent;

(ii) 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer indien en solank so 'n werknemer gereeld 'n loon van minstens R300 per maand ontvang.

(b) Subklousules (5), (8), (9) en (10) is nie van toepassing op 'n werknemer terwyl hy noodwerk verrig, of op 'n chauffeur nie.

(c) Subklousules (5), (8) en (10) is nie van toepassing op 'n wag of 'n toesighoudende wag nie.

(d) Subklousule (8) is nie van toepassing nie op 'n drywer van 'n motorvoertuig, 'n werknemer graad V wat op 'n afleweringsvoertuig help, 'n eerstehulpman, 'n mediese ordonnans, 'n kok of 'n kelner of 'n skofwerker wat op 'n grondslag van drie skofte per dag werk.

6. ANNUAL LEAVE

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

(a) in the case of a traveller, traveller's assistant, watchman or a watchman-in-charge, 21 consecutive days' leave;

(b) in the case of any 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—

(i) the weekly wage of a traveller who is employed on commission work shall be calculated by dividing the remuneration payable to him by virtue of his agreement in accordance with clause 9 (7) in respect of the 12 months immediately preceding the date of the accrual of his leave by 52 or, if he has had less than 12 months of such employment, by dividing the total remuneration so payable to him during his period of such employment by the number of completed weeks in such period;

(ii) 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;

(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) 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

6. JAARLIKSE VERLOF

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

(a) in die geval van 'n handelsreisiger, 'n handelsreisiger se assistent, 'n wag of 'n toesighoudende wag 21 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—

(i) die weekloon van 'n handelsreisiger wat kommissiewerk doen, bereken word deur die besoldiging wat uit hoofde van sy ooreenkoms ingevolge klousule 9 (7) aan hom betaalbaar is ten opsigte van die 12 maande onmiddellik voor die datum waarop die verlof hom toekom, deur 52 te deel of, indien hy minder as 12 maande aldus gewerk het, deur die totale besoldiging wat aldus vir sodanige dienstrydperk aan hom betaalbaar is, deur die getal voltooide weke in sodanige tydperk te deel;

(ii) die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabricke, 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 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, Gelofte-dag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;

(iv) 'n werkgewer al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleen is gedurende die tydperk van 12 maande diens waarop die verloftydperk betrekking het, van sodanige verloftydperk kan aftrek.

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer 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) 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 dienstermyn van 12 maande eindig voordat die verloftydperk by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgehoop het, moet daar by sodanige diensbeëindiging, benewens enige

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 fourth proviso to subclause (2); provided further that, subject to clause 12 (4), 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 before this Determination became binding, had 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 this Determination became binding 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 on which this Determination became binding, whichever is the later.

(8) 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 a 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 the portion thereof in which he is employed, 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 the portion of the establishment, as the case may be.

7. SICK LEAVE

(1) Subject to 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 normally works a five-day week, not less than 20 work-days; and

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

- (a) in die geval van 'n werknemer in 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, behoudens klousule 12 (4), '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 Vasstelling 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 Vasstelling bindend geword het, in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie daarkragtens op 'n tydperk van verlof geregtig geword het nie, op die aanvangsdatum van sodanige diens;
- (iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgewer in diens getree het of op die datum waarop hierdie Vasstelling bindend geword het, en wel op die jongste van die twee datums.

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgewer 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 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 werkgewer 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 subklousule (2), moet 'n werkgewer 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 normaalweg vyf dae per week werk, altesaam minstens 20 werkdade, en

(b) in the case of any 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 of the payment of contributions by the employee the guaranteed rate may be reduced but to not less than the rate of accrual set out in the first proviso to this subclause;

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

(iv) if, in respect of any period of incapacity covered by this clause, an employer is required by any other law to pay to an employee his full wages, 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 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;

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

(ac) 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 on which this Determination became binding 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

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

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 voltooide tydperk van vyf weke diens en, in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooide maand diens;

(ii) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes wat minstens gelyk is aan dié wat die werknemer self bydra, 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 werkdag, 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, 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 werkdag; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goede 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 waarin die aard en duur van die werknemer se ongeskiktheid vermeld word: 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 kan 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 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;

(ab) op las of versoek van sy werkgever;

(ac) 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 verleen 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

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, SUNDAYS AND FREE PERIODS

(1) Subject to 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 of not less than double his ordinary wage in respect of the total period worked by him on such Sunday, or not less than double his daily wage, whichever is the greater; or

(b) pay the employee 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, subject to subclause (5), 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 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 free period: Provided that he shall be paid not less than double his daily wage.

(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) or on a Sunday 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) Whenever a watchman or a watchman-in-charge is required or permitted to work during his free period in any week the time so worked shall not form part of his ordinary hours of work or overtime and his employer shall pay such 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 during such free period or not less than double his daily wage, whichever is the greater.

(8) Subclauses (2) to (6), inclusive, shall not apply to—

(a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (13) (a) (ii);

(b) a casual employee, a traveller, a traveller's assistant, a watchman or a watchman-in-charge.

9. PIECE-WORK AND COMMISSION WORK

(1) An employer may, after at least one week's notice to his employee, other than a traveller, 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;

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, SONDAE EN VRY PERIODES

(1) Behoudens klousules 4 (6) en 6 (2), moet 'n werkgewer aan 'n werknemer, uitgesonderd 'n los werknemer, wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte-dag 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, Gelofte-dag of Kersdag werk, moet sy werkgewer hom, behoudens 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 deurlopendeproseswerker, op 'n Sondag werk, moet sy werkgewer 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) die werknemer 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 deurlopendeproseswerker op 'n Sondag werk, moet sy werkgewer hom, behoudens subklousule (5), 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 werk op 'n Sondag nie betaling vir oortyd moet meebring wat die besoldiging in hierdie subklousule voorgeskryf, te bowe gaan nie.

(5) Wanneer 'n deurlopendeproseswerker gedurende sy vry periode werk, moet sy werkgewer hom minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy gedurende sodanige vry periode werk: Met dien verstande dat hy minstens dubbel sy dagloon betaal moet word.

(6) Wanneer 'n deurlopendeproseswerker of 'n skofwerker 'n skof werk wat gedeeltelik op 'n openbare vakansiedag, in subklousule (1) bedoel, of op 'n Sondag 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) Wanneer daar van 'n wag of 'n toesighoudende wag vereis of hy toegelaat word om gedurende sy vry periode in 'n week te werk, maak die tyd aldus gewerk nie deel van sy gewone werktuure of oortydure uit nie, en die werkgewer moet dié werknemer—

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

(ii) as hy aldus vir 'n tydperk van meer as vier uur werk, betaal teen minstens twee maal sy gewone loon ten opsigte van die totale tydperk deur hom gedurende sodanige vry periode gewerk of minstens twee maal sy dagloon, naamlik die grootste bedrag.

(8) Subklousules (2) tot en met (6) is nie van toepassing nie—

(a) op 'n werknemer wat ingevolge klousule 5 (13) (a) (ii) van die werkerebepalings uitgesluit is;

(b) op 'n los werknemer, 'n handelsreisiger, 'n handelsreisiger se assistent, 'n wag of 'n toesighoudende wag.

9. STUKWERK EN KOMMISSIEWERK

(1) 'n Werkgewer kan nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, gegee het, 'n stukwerkstelsel invoer, en sodanige werkgewer moet, behoudens 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 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.

(5) A traveller who by agreement with his employer undertakes commission work shall be supplied by his employer, before such work is commenced, with a true copy of the agreement or a statement setting out the terms of the agreement, which shall include—

(a) the weekly or monthly wage payable to the traveller, where such wage is higher than that prescribed in clause 3 (1) for such traveller, and the rate or rates of the commission and the conditions of entitlement thereto;

(b) the day of the week or month on which commission earned is due and payable;

(c) the area in which the traveller is required or permitted to work;

(d) the type, description, number, quantity or value of orders (individual, weekly, monthly or otherwise) which the employer is from time to time prepared to accept; and

(e) the day of payment of commission in respect of orders accepted by the employer before termination of the contract of employment: Provided that such day of payment shall be not later than the last work day of the month succeeding the month during which employment was terminated.

(6) The terms of the agreement referred to in subclause (5) shall be financially not less favourable to the traveller than the relative terms of this Determination: Provided that the remuneration of a traveller on commission work shall be payable on the day stipulated in the agreement and in this respect clause 4 (1) shall not apply to such payment.

(7) Save as provided in clause 4 (6), an employer shall pay to his traveller who is employed on commission work remuneration at not less than the rate agreed upon between them: Provided that, irrespective of the number or value of orders accepted by the employer, the remuneration of such traveller in respect of any period shall be not less than that which would be due to him for that period in terms of clause 3 (1).

(8) An employer or a traveller who intends to cancel, or to negotiate for an alteration of, an agreement in regard to commission work, shall give written notice of such intention, and the period of such notice shall be not less than that required to terminate the contract of employment of such traveller in terms of clause 12.

10. RATIO

(1) An employer shall not employ an unqualified checker, chemical technician, Grade I employee, Grade II employee, plant operator or process worker unless he has in his employ a qualified checker, chemical technician, Grade I employee, Grade II employee, plant operator or process worker, respectively, and for each qualified checker, chemical technician, Grade I employee, Grade II employee, plant operator or process worker in his employ he shall not employ more than two unqualified checkers, chemical technicians, Grade I employees, Grade II employees, plant operators or process workers, respectively.

(2) An employer or a manager who is wholly or mainly engaged in his establishment in performing the duties of a foreman may be deemed to be a foreman.

(3) An employer or a manager may be deemed to be a chemist.

(4) For the purpose of this clause—

(a) an employer or a manager who is wholly or mainly engaged in his establishment in performing the work of any class of employee mentioned in subclause (1) may be deemed to be a qualified employee of that class;

(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 kennisgewingtermyn 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.

(5) 'n Handelsreisiger wat volgens 'n ooreenkoms met sy werkgewer kommissiewerk onderneem, moet, voordat sodanige werk begin, deur sy werkgewer voorsien word van 'n juiste kopie van die ooreenkoms of 'n verklaring wat die bepalinge van die ooreenkoms bevat en wat moet insluit—

(a) die week- of maandloon aan die handelsreisiger betaalbaar, indien sodanige loon hoër is as dié wat by klousule 3 (1) vir so 'n handelsreisiger voorgeskryf word, asook die kommissietarief of -tariewe en die voorwaardes waarop hy die reg daarop verkry;

(b) die dag van die week of maand waarop die verdiende kommissie verskuldig en betaalbaar is;

(c) die gebied waarin daar van die handelsreisiger vereis word of hy toegelaat word om te werk;

(d) die tipe, beskrywing, getal, hoeveelheid of waarde van die bestellings (individueel, weekliks, maandeliks of hoe ook al) wat die werkgewer van tyd tot tyd bereid is om te aanvaar; en

(e) die dag waarop die kommissie op bestellings wat die werkgewer voor die beëindiging van die dienskontrak aanvaar het, betaal moet word: Met dien verstande dat sodanige betaaldag uiterlik die laaste werkdag moet wees van die maand wat volg op die maand waarin die diens beëindig is.

(6) Die bepalinge van die ooreenkoms in subklousule (5) bedoel, mag vir die handelsreisiger geldelik nie minder voordelig wees nie as die betrokke bepalinge van hierdie Vastelling: Met dien verstande dat die besoldiging van 'n handelsreisiger wat kommissiewerk verrig, betaalbaar is op die dag wat in die ooreenkoms bepaal word, en in hierdie opsig is klousule 4 (1) nie op sodanige betaling van toepassing nie.

(7) Behoudens klousule 4 (6), moet 'n werkgewer sy handelsreisiger wat kommissiewerk onderneem minstens die besoldiging betaal waaroor hulle ooreengekom het: Met dien verstande dat, ongeag die getal of waarde van die bestellings wat die werkgewer aanvaar, die besoldiging van so 'n handelsreisiger vir elke tydperk nie minder mag wees nie as dié wat ingevolge klousule 3 (1) vir daardie tydperk aan hom verskuldig sou wees.

(8) 'n Werkgewer of 'n handelsreisiger wat voornemens is om 'n ooreenkoms in verband met kommissiewerk op te sê of oor 'n wysiging daarvan te onderhandel, moet van sodanige voorneme skriftelik kennis gee en die termyn van sodanige kennisgewing mag nie korter wees nie as dié wat by klousule 12 vir die beëindiging van die dienskontrak van so 'n handelsreisiger vereis word.

10. GETALVERHOUDING

(1) 'n Werkgewer mag nie 'n ongekwalfiseerde nasiener, chemitegnikus, werknemer graad I, werknemer graad II, installasiewerker of proseswerker in sy diens neem nie, tensy hy onderskeidelik 'n gekwalfiseerde nasiener, chemitegnikus, werknemer graad I, werknemer graad II, installasiewerker of proseswerker in sy diens het, en vir elke gekwalfiseerde nasiener, chemitegnikus, werknemer graad I, werknemer graad II, installasiewerker of proseswerker in sy diens mag hy onderskeidelik hoogstens twee ongekwalfiseerde nasieners, chemitegnikusse, werknemers graad I, werknemers graad II, installasiewerkers of proseswerkers in sy diens hê.

(2) 'n Werkgewer of 'n bestuurder wat hoofsaaklik of uitsluitlik in sy bedryfsinrigting die pligte van 'n voorman nakom, kan as 'n voorman gereken word.

(3) 'n Werkgewer of 'n bestuurder kan as 'n chemikus gereken word.

(4) Vir die toepassing van hierdie klousule—

(a) kan 'n werkgewer of 'n bestuurder wat hoofsaaklik of uitsluitlik die werk verrig van enige klas werknemer in subklousule (1) bedoel, as 'n gekwalfiseerde werknemer van daardie klas gereken word;

(b) an unqualified employee who receives a wage of not less than that prescribed in clause 3 (1) for a qualified employee of his class in the area in which he works may be deemed to be a qualified employee in that class.

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

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any cap, 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 cap, uniform, overall, gumboots or other protective clothing shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such cap, uniform, overall or protective clothing in which event the employer shall pay such employee an allowance of not less than 20c every week.

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

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

(b) after the first four weeks of employment, not less than one week's,

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

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

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

Provided that this shall not affect—

(i) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;

(ii) any written agreement between an employer and his employee which provides for a period of notice of equal duration on both sides and for longer than that prescribed in this clause;

(iii) the operation of any forfeitures or penalties which by law may be applicable in respect of an employee who deserts;

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

(2) Where there is an agreement in terms of the second proviso to 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 granted in terms of clause 7.

(4) Notwithstanding anything to the contrary in this Determination, where an employee terminates his contract of employment by leaving his employment without having given and served the required period of notice or without paying his

(b) kan 'n ongekwalifiseerde werknemer wat minstens die loon ontvang wat in klousule 3 (1) voorgeskrif word vir 'n gekwalifiseerde werknemer van sy klas in die gebied waarin hy werk as 'n gekwalifiseerde werknemer in daardie klas gereken word.

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

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle pette, uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige pette, uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om sodanige pet, uniform, oorpak of beskermende klere te was of te was en te stryk, en in so 'n geval moet die werkgewer so 'n werknemer 'n toelae van minstens 20c per week betaal.

12. BEEÏNDIGING 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 voorgeskrif word;

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

nie hierdeur geraak word nie; 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) voorgeskrif, 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 kan 'n werkgewer, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om die vereiste kennis te gee en sonder om die kennisgewingstermyn uit te dien

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: Provided that where an employer has so appropriated an amount in lieu of notice, it shall be deemed for the purpose of clause 6 (5), that the employee paid the employer 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 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.....

Date.....19..... (Signature of driver)

(2) Every driver of a motor vehicle 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.

15. PROHIBITION OF EMPLOYMENT

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

SCHEDULE

I/We (a).....
 carrying on trade in the Industry for the Manufacture of Soap, Candles, Detergents, Edible Oils or Fats 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.

Date.....19..... (Signature of employer or
 authorised representative)

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

No. R. 518 5 April 1973
**FACTORIES, MACHINERY AND BUILDING WORK
 ACT, 1941, AS AMENDED**

**INDUSTRY FOR THE MANUFACTURE OF SOAP,
 CANDLES, DETERGENTS, EDIBLE OILS OR FATS,
 CERTAIN AREAS**

I, Marais Viljoen, Minister of Labour, hereby, in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, declare the provisions of the Wage Determination for the Industry for the Manufacture of

of sonder om sy werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie Vasstelling skuld, aan homself 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal het in plaas van kennis te gee: Met dien verstande dat wanneer 'n werkgever 'n bedrag aldus aan homself toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgever betaal het in plaas van kennis te gee.

13. DIENSSERTIFIKAAT

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

14. LOGBOEK

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

DAAGLIKSE LOG

Naam van werkgever.....
 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.....

Datum.....19..... (Handtekening van drywer
 van motorvoertuig)

(2) Elke drywer van 'n motorvoertuig 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 werkgever indien.

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

15. VERBOD OP INDIENSNEMING

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

BYLAE

Ek/Ons (a).....
 wat die Nywerheid vir die Vervaardiging van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette 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.

Datum.....19..... (Handtekening van werkgever
 of gemagtigde verteenwoordiger)

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

No. R. 518 5 April 1973
**WET OP FABRIEKE, MASJINERIE EN
 BOUWERK, 1941, SOOS GEWYSIG**

**NYWERHEID VIR DIE VERVAARDIGING VAN
 SEEP, KERSE, SUIWERINGSMIDDELS, EETBARE
 OLIES OF VETTE, SEKERE GEBIEDE**

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby kragtens artikel 22 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, dat die bepalings van die Loonvasstelling vir die Nywerheid vir die Vervaardiging

Soap, Candles, Detergents, Edible Oils or Fats, Certain Areas, published under Government Notice R. 517 of 5 April 1973, 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. 519

5 April 1973

WAGE ACT, 1957

CANCELLATION OF THE PROVISIONS OF WAGE DETERMINATION 295

INDUSTRY FOR THE MANUFACTURE OF SOAP, CANDLES, EDIBLE OILS OR FATS, 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 295, published under Government Notice R. 203 of 16 February 1968.

M. VILJOEN, Minister of Labour.

van Seep, Kerse, Suiweringsmiddels, Eetbare Olies of Vette, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R. 517 van 5 April 1973, 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. 519

5 April 1973

LOONWET, 1957

INTREKKING VAN DIE BEPALINGS VAN LOONVASSTELLING 295

NYWERHEID VIR DIE VERVAARDIGING VAN SEEP, KERSE, EETBARE OLIES OF VETTE, 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 295, gepubliseer by Goewermentskennisgewing R. 203 van 16 Februarie 1968, in.

M. VILJOEN, Minister van Arbeid.

Die Afrikaanse Woordeboek

VOLUMES I, II, III, IV and V

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