



REPUBLIC OF SOUTH AFRICA GOVERNMENT GAZETTE

STAATSKOERANT VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No. 1789

Registered at the Post Office as a Newspaper

PRICE 20c PRYS

OVERSEAS 30c OORSEER

POST FREE — POSVRY

REGULASIEKOERANT No. 1789

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 95]

PRETORIA, 18 MAY 1973
18 MEI

ISBN 0 621 0 1100 2

[No. 3890

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 793

18 May 1973

WAGE ACT, 1957

WAGE DETERMINATION 353.—HEAVY CLAY AND ALLIED PRODUCTS INDUSTRY, CERTAIN AREAS

By direction of the Minister of Labour it is hereby notified, in terms of section 14 (2) of the Wage Act, 1957, that the Minister, under the powers vested in him by section 14 (1) of the said Act, has made the Wage Determination in the Schedule hereto in respect of the Heavy Clay and Allied Products Industry, Certain Areas, and has fixed the fourth Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

SCHEDULE

1. AREA AND SCOPE OF DETERMINATION

This Determination shall apply to all the employers and all their employees other than managers, in the Heavy Clay and Allied Products Industry in the following areas, namely:

Cape Province.—The Magisterial Districts of Albany, Bellville, East London, George, Kimberley, Knysna, Mossel Bay, Oudtshoorn, Port Elizabeth, Simonstown, Somerset West, Stellenbosch, Strand, The Cape, Uitenhage and Wynberg;

Natal.—The Magisterial Districts of Dannhauser, Dundee, Durban, Estcourt, Inanda, Klip River, Newcastle, Pietermaritzburg and Pinetown;

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

Transvaal.—The Magisterial Districts of Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Middelburg, Nigel, Oberholzer, Potchefstroom, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria and Witbank.

2. DEFINITIONS

(a) Unless the context otherwise indicates, any expression which is used in this Determination and which is defined in the Wage Act, 1957, has the same meaning as in that Act and unless inconsistent with the context—

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

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 793

18 Mei 1973

LOONWET, 1957

LOONVASSTELLING 353.—SWAARKLEI- EN VERWANTE PRODUKTENYWERHEID, SEKERE GEBIEDE

In opdrag van die Minister van Arbeid, word hierby ingevoelge 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 Swaarklei- en Verwante Produktenywerheid, Sekere Gebiede, gemaak en die vierde Maandag na die datum van publikasie van hierdie kennisgewing bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

BYLAE

1. GEBIED EN OMVANG VAN DIE VASSTELLING

Hierdie Vasstelling is van toepassing op al die werkgewers en al hul werknemers, uitgesonderd bestuurders, in die Swaarklei- en Verwante Produktenywerheid in die volgende gebiede, naamlik:

Kaapprovinsie.—Die landdrostrikte Albany, Bellville, George, Die Kaap, Kimberley, Knysna, Mosselbaai, Oos-Londen, Oudtshoorn, Port Elizabeth, Simonstad, Somerset-Wes, Stellenbosch, Strand, Uitenhage en Wynberg;

Natal.—Die landdrostrikte Dannhauser, Dundee, Durban, Estcourt, Inanda, Kliprivier, Newcastle, Pietermaritzburg en Pinetown;

Oranje-Vrystaat.—Die landdrostrikte Bloemfontein, Kroonstad, Odendaalsrus, Sasolburg, Viljoenskroon, Virginia en Welkom;

Transvaal.—Die landdrostrikte Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Middelburg, Nigel, Oberholzer, Potchefstroom, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria en Witbank.

2. WOORDOMSKRYWINGS

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

(1) "ambagsman" 'n werknemer wat werk doen wat in die reël deur 'n geskoolde ambagsman verrig word, en by die toepassing van hierdie woordomskrywing, beteken die uitdrukking

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; (4)

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

(4) "blaster" means an employee who carries out blasting operations and who is a competent person within the meaning of the Mines and Works Act, No. 27 of 1956; (71)

(5) "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; (35)

(6) "casual employee" means an employee who is employed by the same employer on not more than three days in any week; (49)

(7) "ceramic ware" means electrical porcelain insulators or fittings, crockery, pottery, ovenware, white or colour glaze sanitary ware, laboratory equipment, bathroom fittings, wall tiles or floor tiles (other than quarry tiles); (36)

(8) "chargehand" means an employee who, under the general supervision of a foreman or assistant foreman, is in charge of Grade I employees and who, in addition, may supervise Grade II or Grade III employees or labourers; (64)

(9) "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; (9)

(10) "clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, storeman, despatch clerk and a telephone switchboard operator, but does not include any other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work; (37)

(11) "clerk, female, qualified," means a female clerk who has had not less than four years' experience; (40)

(12) "clerk, female, unqualified," means a female clerk who has had less than four years' experience; (41)

(13) "clerk, male, qualified," means a male clerk who has had not less than five years' experience; (38)

(14) "clerk, male, unqualified," means a male clerk who has had less than five years' experience; (39)

(15) "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; (42)

(16) "continuous process worker" means an employee who is engaged in an activity directly connected with the drying or burning processes, the generation of power or steam or the pumping of water in an establishment in which continuous working by means of three consecutive shifts per day on seven days per week is necessary; (12)

(17) "day" means the period of 24 hours from midnight to midnight: Provided that in the case of a continuous process worker or a shift worker, it shall mean a period of 24 hours reckoned from the time such an employee commences work; (10)

(18) "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, measuring, packing, marking, addressing or despatching of goods or packages; (79)

(19) "District A" means the Magisterial Districts of Bellville, Simonstown, Somerset West, Stellenbosch, Strand, The Cape and Wynberg; (13)

(20) "District B" means the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pine-town, Pretoria, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria; (14)

(21) "District C" means the Magisterial District of Port Elizabeth; (15)

"geskoolde ambagsman" iemand wat sy leertyd uitgedien het in 'n bedryf wat kragtens die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees, of wat in besit is van 'n vaardigheidsertifikaat deur die Registrateur van Vakleerlinge aan hom uitgereik ingevolge artikel 6 van die Wet op Opleiding van Ambagsmanne, 1951, of 'n sertifikaat deur genoemde Registrateur aan hom uitgereik ingevolge of artikel 2 (7) of artikel 7 (3) van genoemde Wet; (1)

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

(a) Die vuurmaakplekke of skoorstene van oonde skoonmaak, maar nie solank die oond brand nie;

(b) persele, installasie, masjinerie, gereedskap, gerei, uitrusting of ander artikels skoonmaak, was of ontsmet of oppervlaktes skoonmaak of skraap voordat dit geveer word;

(c) briewe, boodskappe of goedere binne 'n bedryfsinrigting te voet of deur middel van 'n fiets, driewieler of handvoertuig afhaal of aflewer;

(d) trokke, sleepwaens of koekepanne, uitgesonderd trokke wat aan die Suid-Afrikaanse Spoorweg- en Hawensadministrasie behoort, koppel of ontkoppel;

(e) draad volgens gestelde lengtes sny of lusse in draad draai;

(f) klei, grond, gruis, steenkool of ander materiaal graaf, met 'n skopgraaf of 'n pik bewerk of losmaak of stene of betonwerk opbreek;

(g) met die hand boor;

(h) die invoerwerk of afvoerwerk in verband met 'n masjien verrig;

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

(j) houers vul, verpak, toedraai, verseël of met band vasmaak;

(k) metaalkissies met die hand aan vuurvaste stene vassit;

(l) tuinwerk;

(m) pad- of spoorwegoorgange bewaak;

(n) artikels ophang, dra, verskuif, hanteer of opstapel maar nie deur middel van 'n kragtoestel nie;

(o) persele afwit;

(p) trokke of voertuie laai of aflaa;

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

(r) kartonhouers, dose of palette van klaargemaakte materiaal maak of dit herstel;

(s) tee, koffie of dergelyke drankte berei;

(t) sakke heelmaak, skoonmaak of uitskud;

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

(v) deure of poortdeure oop- of toemaak;

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

(x) 'n handvoertuig stoot of trek;

(y) ongebakte kleiprodukte, uitgesonderd stene, herrangskik terwyl dit besig is om droog te word;

(z) die drade van 'n outomatiese snymasjien, uitgesonderd 'n outomatiese draaisnymasjien, vervang;

(aa) as met die hand sif, stene skei (maar nie sorteer nie), sinter van stene afkap of gebakte kleiprodukte, strooiklip of ander grondstowwe opbreek;

(ab) sjabloneer of merk (maar nie adresseer nie) of gedrukte of vooraf geadresseerde etikette aan stene of ander produkte of aan dose, sakke, karton- of ander houers heg;

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

(ad) met 'n gestelde massameter die massa bepaal of met 'n gestelde maat meet; (55)

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

(4) "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)

(5) "bediener van 'n mobiele hystoestel" 'n werknemer wat 'n kragaangedrewe mobiele hystoestel bedien wat by die laai, aflaa, versit of opstapel van goedere gebruik word; (63)

(6) "bedryfsinrigting" 'n perseel waarop of in verband waarmee 10 of meer werknemers in die Swaarklei- en Verwante Produktenywerheid in diens is; (32)

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

(a) toesig oor,

(b) verantwoordelikheid vir, en

(c) leiding van,

(22) "District D" means the Magisterial Districts of Bloemfontein, East London, Kimberley, Pietermaritzburg, Uitenhage and that portion of the Magisterial District of Potchefstroom which falls within a radius of 25 kilometres from the General Post Office of Fochville; (16)

(23) "District E" means the Magisterial Districts of Klerksdorp, Kroonstad, Odendaalsrus, Sasolburg, Virginia and Welkom; (17)

(24) "District F" means the Magisterial Districts of George, Knysna, Middelburg, Mossel Bay, Oudtshoorn, Potchefstroom (other than that portion which falls in District D) and Witbank; (18)

(25) "District G" means all areas described in clause 1 and not mentioned in the definitions of "District A", "District B", "District C", "District D", "District E" and "District F"; (19)

(26) "driver of an earth-moving machine" means the driver or operator of an earth-moving machine; (20)

(27) "driver of a motor vehicle" means an employee, other than a chauffeur or a messenger, 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; (57)

(28) "driver of a motor vehicle, Class I" means a driver of a motor vehicle who drives the vehicle outside an establishment; (58)

(29) "driver of a motor vehicle, Class II" means a driver of a motor vehicle who is engaged in driving such vehicle within an establishment, including driving the vehicle—

- (a) to a workshop for maintenance or repair;
- (b) to a place of safety for the vehicle;
- (c) to another site of operations; (59)

(30) "earth-moving machine" means a power-driven front-end loader or off-loader of bucket or grab type, a bulldozer, scraper, digger or trencher and includes any tractor adapted to achieve any of the purposes of these machines but does not include an excavator or swinging boom type or a mobile hoist; (27)

(31) "emergency work" means—

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

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

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

(ii) 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; (62)

(32) "establishment" means any premises in or in connection with which 10 or more employees are employed in the Heavy Clay and Allied Products Industry; (6)

(33) "excavator driver" means a driver or operator of an excavator of the swinging boom type; (52)

(34) "excavator driver, qualified," means an excavator driver who has had not less than six months' experience; (53)

(35) "excavator driver, unqualified," means an excavator driver who has had less than six months' experience; (54)

(36) "experience" means in relation to—

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

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

(c) any other class of employee, the total period or periods of employment which an employee has had in his class in the Heavy Clay and Allied Products Industry; (65)

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk; (60)

(8) "bode" 'n werknemer wat boodskappe, briewe of dokumente aflewer deur middel van 'n twee- of driewielmotorfiets, bromponie of outofiets of 'n fiets wat met 'n hulpmotor toegerus is; (61)

(9) "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 werkgewer of van personeel, klante of besoekers en waarmee ook dokumente of pakkette vervoer mag word; (9)

(10) "dag" die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van 'n deurlopende-proseswerker of 'n skofwerker, dit beteken 'n tydperk van 24 uur, gereken vanaf die tydstop waarop so 'n werknemer begin werk; (17)

(11) "deeltydse klerk" 'n klerk wat per week of per maand in diens is vir hoogstens 30 gewone werkure in 'n week; (68)

(12) "deurlopendeproseswerker" 'n werknemer wat 'n werksaamheid verrig wat regstreeks in verband staan met bv. droogmaak- of bakprosesse, die ontwikkeling van krag of stoom of die pomp van water in 'n bedryfsinrigting ten opsigte waarvan daar deur middel van drie agtereenvolgende skofte per dag op sewe dae van die week deurlopend gewerk moet word; (16)

(13) "Distrik A" die landdrostdistrikte Bellville, Die Kaap, Simonstad, Somerset-Wes, Stellenbosch, Strand en Wynberg; (19)

(14) "Distrik B" die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Durban, Germiston, Inanda, Johannesburg, Kempton Park, Krugersdorp, Nigel, Oberholzer, Pinetown, Pretoria, Randfontein, Rodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria; (20)

(15) "Distrik C" die landdrostdistrik Port Elizabeth; (21)

(16) "Distrik D" die landdrostdistrikte Bloemfontein, Oos-Londen, Kimberley, Pietermaritzburg, Uitenhage en daardie gedeelte van die landdrostdistrik Potchefstroom wat binne 'n straal van 25 kilometer vanaf die Hoofposkantoor, Fochville, val; (22)

(17) "Distrik E" die landdrostdistrikte Klerksdorp, Kroonstad, Odendaalsrus, Sasolburg, Virginia en Welkom; (23)

(18) "Distrik F" die landdrostdistrikte George, Knysna, Middelburg, Mosselbaai, Oudtshoorn, Potchefstroom (uitgesonderd daardie gedeelte wat in Distrik D val) en Witbank; (24)

(19) "Distrik G" alle gebiede wat in klousule 1 aangedui word en wat nie in die omskrywings van "Distrik A", "Distrik B", "Distrik C", "Distrik D", "Distrik E" en "Distrik F" genoem is nie; (25)

(20) "drywer van 'n grondwerkmasjien" 'n drywer of bediener van 'n grondwerkmasjien; (26)

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

- (a) die Suid-Afrikaanse Rooikruisvereniging;
- (b) die St. John Ambulance Association; of
- (c) die Suid-Afrikaanse Noodhulpliga;

wat 'n eerstehulpbediener in die uitvoering van sy pligte behulpzaam is en wat gedurende sy afwesigheid namens hom kan waarnaem; (40)

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

- (a) die Suid-Afrikaanse Rooikruisvereniging;
- (b) die St. John Ambulance Association; of
- (c) die Suid-Afrikaanse Noodhulpliga;

en wat in beheer van 'n eerstehulpkamer is; (41)

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

- (a) Ontvange goedere nagaan deur dit te vergelyk met afleweringsbriewe of bestellings;
- (b) dokumente of briewe met die hand kopieer;
- (c) spoorwaens of motorvoertuie tel, nagaan of massameet of besonderhede ten opsigte daarvan aanteken;
- (d) besonderhede op tyd- of loonkaarte of ander rekords inskryf;

(37) "factory clerk" means an employee (other than a tally-man) who, under the supervision of a foreman, assistant foreman or a qualified male clerk, is engaged in one or more of the following activities:

- (a) Checking goods received against delivery notes or orders;
- (b) copying documents or letters by hand;
- (c) counting, checking or mass-measuring railway trucks or motor vehicles or recording particulars thereof;
- (d) entering particulars on time or wage cards or other records;
- (e) interpreting or translating Bantu languages;
- (f) issuing passes, certificates of service or time cards or registering the engagement or discharge of employees;
- (g) keeping, filing or sorting delivery notes, requisitions or time, wage or job cards;
- (h) keeping time or production records;
- (i) making out consignment or delivery notes other than invoices;
- (j) operating a punch card, duplicating, Addressograph, photostat, adding or copying machine other than a typewriter;
- (k) posting receipts or issues on bin cards or other forms of stores records;
- (l) scheduling sales, stock or other figures;
- (m) stamping tickets;
- (n) calculating money values in respect of any of the foregoing matters; (23)

(38) "factory clerk, qualified," means a factory clerk who has had not less than 12 months' experience; (24)

(39) "factory clerk, unqualified," means a factory clerk who has had less than 12 months' experience; (25)

(40) "first-aid assistant" 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 Noodhulpiga;

who assists a first-aid attendant in the performance of his duties and who may act for him during his absence; (21)

(41) "first-aid attendant" 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 Noodhulpiga;

and who is in charge of a first-aid room; (22)

(42) "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; (80)

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

- (a) Driver of a tractor;
- (b) driving a steam, electric or diesel locomotive on a track of a gauge less than 1 065 mm;
- (c) messenger;
- (d) operating a power-driven crushing machine;
- (e) operating a power-driven clay bat making machine;
- (f) operating an extrusion machine;
- (g) operating a power-driven hammer;
- (h) operating a power-driven press for making bricks, tiles, pipes or fittings;
- (i) mass-measuring or proportioning composite batches of materials; (82)

(44) "Grade I employee, qualified," means a Grade I employee who has had not less than 12 months' experience; (83)

(45) "Grade I employee, unqualified," means a Grade I employee who has had less than 12 months' experience; (84)

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

- (a) Assembling pipe fittings;
- (b) blacksmith's striker;
- (c) fireman of a kiln without automatic stoker, a gas producing plant, a stationary boiler, a steam locomotive or an oil-fired kiln;
- (d) kiln drawing by hand;

(e) uit Bantoetale tolk of vertaal;

(f) passe, dienssertifikate of tydkaarte uitreik of die indiensneming of ontslag van werknemers aanteken;

(g) afleweringsbriewe, rekwisities of tyd-, loon- of taakkaarte hou, liasseer of sorteer;

(h) tyd- of produksieregisters hou;

(i) vrag- of afleweringsbriewe, uitgesonderd fakture, uitmaak;

(j) 'n ponskaart-, dupliseer-, Addressograph-, fotostaat-, optel- of kopieermasjien, uitgesonderd 'n tikmasjien, bedien;

(k) ontvangste of uitreikings op bakkaarte plak of ander vorms van voorraadregisters hou;

(l) lyste opstel van verkoop-, voorraad- of ander syfers;

(m) kaartjies stempel;

(n) geldwaardes ten opsigte van enigeen van voornoemde sake bereken; (37)

(24) "fabrieksklerk, gekwalifiseerd," 'n fabrieksklerk met minstens 12 maande ondervinding; (38)

(25) "fabrieksklerk, ongekwalifiseerd," 'n fabrieksklerk met minder as 12 maande ondervinding; (39)

(26) "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; (50)

(27) "grondwerkmasjien" 'n kragaangedrewe voorlaaier of aflaaier van die bak- of skeptipe, 'n stootskrapeer, 'n skrapeer, graaf- of slootgraafmasjien en omvat dit ook 'n trekker wat so aangepas is dat dit vir enigeen van die doeleindes van hierdie masjiene gebruik word, maar nie ook 'n masjiengraaf van die swaaiarm-tipe of 'n mobiele hystoestel nie; (30)

(28) "handelsreisiger" 'n werknemer wat as 'n reisende verteenwoordiger van 'n bedryfsinrigting namens so 'n inrigting bestellings vra, werf of soek; (83)

(29) "handelsreisiger, gekwalifiseerd," 'n handelsreisiger met minstens vier jaar ondervinding; (84)

(30) "handelsreisiger, ongekwalifiseerd," 'n handelsreisiger met minder as vier jaar ondervinding; (85)

(31) "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; (86)

(32) "herstelwerkplaasassistent" 'n werknemer wat onder toesig van 'n ambagsman een of meer van die volgende werksaamhede verrig:

(a) Enige onderdeel of eenheid van 'n masjien, met inbegrip van 'n motorvoertuig, verwyder;

(b) die volgende in motorvoertuie vervang of installeer:

- Alternators;
- bakke;
- baklyswerk;
- enjinkappe;
- remtrommels, behalwe wanneer die trommel en naaf 'n volledige eenheid uitmaak;
- kajuite;
- kronkelvere, uitgesonderd die swaai-astipe;
- deure, uitgesonderd die finale verstellings;
- elektriese gloeilampies;
- enjinmonterings sonder die gebruik van handgereedskap;
- uitlaatleidings (uitgesonderd spruistukke) waar geen modifikasies nodig is nie;
- waaierbande waar geen meettoestelle nodig is nie;
- ratkassamestelle sonder die gebruik van handgereedskap;
- generators;
- glas, uitgesonderd windskerms of agterligte;
- roosters;
- handrelingsteune;
- lampe;
- bladvere, voor of agter;
- modderskerms;
- paneel of toebehore, uitgesonderd die wat gesweis moet word;
- dryfasse;
- verkoelers;
- verkoelerproppe;
- agterkantmonterings sonder die gebruik van handgereedskap;
- aansitters;
- omhulsels;

- (e) mixing machine attendant;
- (f) moulding bricks, pipe fittings, chimney pots, roofing tile accessories or other articles by hand;
- (g) moulding bricks by pneumatic or electric hammer;
- (h) oiling or greasing motor vehicles;
- (i) operating a double drum scraper winch for moving material;
- (j) operating a machine, other than an automatic machine, for making crucibles;
- (k) operating a power-driven cutting, bending or punching machine for the working of sheet metal;
- (l) operating a power-driven grinding machine;
- (m) operating a power-driven grinding or cutting machine for finishing or improving burnt clay products;
- (n) operating a power-driven grooving or fettling machine;
- (o) operating a power-driven pulverising machine;
- (p) packing earthenware pipes or fittings into railway trucks;
- (q) packing or setting bricks or other articles for firing in a kiln or on kiln cars;
- (r) sorting finished products into categories;
- (s) tallyman; (85)

(47) "Grade II employee, qualified," means a Grade II employee who has had not less than six months' experience; (86)

(48) "Grade II employee, unqualified," means a Grade II employee who has had less than six months' experience; (87)

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

- (a) Affixing stamps to letters, parcels or other articles;
- (b) assisting an artisan by holding articles or tools or otherwise working with him, other than by the independent use of tools;
- (c) attending an automatic stoker;
- (d) changing, removing or replacing wheels, tyres or tubes of motor vehicles, wheelbarrows or other vehicles or inflating or repairing tubes;
- (e) collecting or delivering letters, messages or goods outside an establishment on foot or by means of a bicycle, tricycle or manually propelled vehicle;
- (f) compressor attendant;
- (g) conveyor or tripper minder;
- (h) cooking rations in a compound kitchen;
- (i) cutting or trimming green blocks by hand to a template to form special shapes;
- (j) driving an animal-drawn vehicle outside an establishment;
- (k) driving a power-driven unit used solely for pushing or pulling kiln or dryer cars;
- (l) oiling or greasing machinery, other than motor vehicles, under supervision;
- (m) operating a cutting machine engaged in cutting plastic clay columns or products;
- (n) operating an electrical appliance to remove dust or dirt;
- (o) operating a hand franking machine for the franking of envelopes;
- (p) operating a hand-powered brick or tile press;
- (q) operating a machine for the mass-measuring or filling of bags or other containers;
- (r) operating a jackhammer, power-driven drill or paving breaker;
- (s) operating a power-driven screening machine;
- (t) placing letters or other written, typed or printed matters in envelopes;
- (u) preparing clay to a rough shape, preparatory to moulding;
- (v) re-arranging green bricks in the course of drying;
- (w) regulating the flow of materials to a belt or pan;
- (x) replacing wires of an automatic rotary cutting machine;
- (y) sorting green products preparatory to packing or setting in a kiln;
- (z) stacking green products by hand for drying;
- (aa) trimming or fettling green products by hand;
- (ab) winch (other than a double drum scraper winch), haulage or lift operator or attendant; (88)

(50) "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; (26)

aanslagplate;
oliebakmoere en -boute;
skerm;
klepdeksels;
waterslange;
vensterrame;

(c) in 'n masjiën (uitgesonderd 'n motorvoertuig) enige onderdeel of eenheid vervang of installeer, wat geen modifikasies deur hom verg nie;

(d) V-bande vervang of stel;

(e) stikswais;

(f) betonblokke lê sonder die gebruik van 'n ambagsman se gereedskap;

(g) houtrame maak om oondboë te steun deur gebruik te maak van leipatrone of setmate wat vooraf deur 'n ambagsman vervaardig is;

(h) masjinerie (met inbegrip van laai of aflaai of aansit of stopsit) van steenmaakmasjiënkomponente in lotte op 'n freesmasjiën, sterkarmskaafmasjiën, boor- of slypmasjiën wat vooraf deur 'n ambagsman opgestel is; (71)

(33) "herstelwerkplaasassistent, gekwalifiseerd," 'n herstelwerkplaasassistent met minstens 12 maande ondervinding; (72)

(34) "herstelwerkplaasassistent, ongekwalifiseerd," 'n herstelwerkplaasassistent met minder as 12 maande ondervinding; (73)

(35) "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; (5)

(36) "keramiekware" elektriese isolators of toebehore van porselein, breekgoed, erdewerk, oondware, wit of gekleurde sanitêre glasuurware, laboratoriumuitrusting, badkamertoebehore, muur- of vloerteëls (uitgesonderd steengroefteëls); (7)

(37) "klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander soort klerklike werk verrig en omvat dit ook 'n kassier, magasynman versendingsklerk en 'n telefoonskakelbordoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se werk; (10)

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

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

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

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

(42) "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; (15)

(43) "korttyd" 'n tydelike vermindering van die getal gewone werkure weens 'n slapte in die bedryf, wisselvalligheid van die weer, '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; (76)

(44) "laboratoriumassistent" 'n werknemer wat roetine-toetsing uitvoer van grondstowwe of afgewerkte of gedeeltelik afgewerkte produkte, of wat monsters volgens formules voorberei; (52)

(45) "laboratoriumassistent, gekwalifiseerd," 'n laboratoriumassistent met minstens twee jaar ondervinding; (53)

(46) "laboratoriumassistent, ongekwalifiseerd," 'n laboratoriumassistent met minder as twee jaar ondervinding; (54)

(47) "lokomotiefdrywer" 'n werknemer wat 'n stoom-, elektriese of diesellokomotief dryf op 'n spoor met 'n wydte van minstens 1 065 mm; (58)

(48) "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 voorbehoedsbepaling 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

(51) "Heavy Clay and Allied Products Industry" means the industry in which employers and employees are associated in establishments where 10 or more employees are engaged in—

(a) the manufacture of any one or more of the following articles (other than ceramic ware), namely, bricks, silica sand bricks, quarry tiles, roof tiles, slabs, hollow blocks, refractories, acid-proof or fireproof earthenware, earthenware pipes, earthenware pipe fittings, ventilators, insulating products or any other article which in the process of being manufactured is hardened by burning in a kiln or by any other heat process and which is made from clay or of which clay or any other heat resisting or insulating mineral, ore or material or a combination of clay and such other mineral, ore or material forms the principal component;

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

and includes all operations incidental to or consequent on any of the afore-said activities; (75)

(52) "laboratory assistant" means an employee who is engaged in making routine tests of raw materials or finished or partly finished products, or preparing samples according to formulae; (44)

(53) "laboratory assistant, qualified," means a laboratory assistant who has had not less than two years' experience; (45)

(54) "laboratory assistant, unqualified," means a laboratory assistant who has had less than two years' experience; (46)

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

(a) Cleaning kiln fireholes or flues excepting during the burning of the kiln;

(b) cleaning, washing or disinfecting premises or plant, machinery, tools, utensils, equipment or other articles or cleaning or scraping surfaces preparatory to painting;

(c) collecting or delivering letters, messages or goods within an establishment on foot or by means of a bicycle, tricycle or manually propelled vehicle;

(d) coupling or uncoupling trucks, trailers or cocopans other than trucks belonging to the South African Railways and Harbours Administration;

(e) cutting wire to set lengths or twisting loops in wire;

(f) digging, shovelling, picking or loosening clay, soil, gravel, coal or other material or breaking brick or concrete work;

(g) drilling by hand;

(h) feeding into or taking off from a machine;

(i) filling or emptying chutes, bins, skips or hoppers;

(j) filling, packing, wrapping, sealing or strapping containers;

(k) fixing metal cases to refractory bricks by hand;

(l) gardening work;

(m) guarding road or rail crossings;

(n) lifting, carrying, moving, handling or stacking articles, other than by means of a power-driven device;

(o) limewashing premises;

(p) loading or unloading trucks or vehicles;

(q) making or maintaining fires other than in locomotives or kilns; or removing refuse or ashes;

(r) making or repairing cartons, boxes or pallets from ready-prepared material;

(s) making tea, coffee or similar beverages;

(t) mending, cleaning or shaking out bags;

(u) oiling or greasing vehicles other than motor vehicles;

(v) opening or closing doors or wickets;

(w) operating a hoist or grab by hand;

(x) pushing or pulling a manually propelled vehicle;

(y) re-arranging green clay products, other than bricks, in the course of drying;

(z) replacing wires of an automatic cutting machine other than an automatic rotary cutting machine;

(aa) screening ashes by hand, separating bricks (other than sorting), knocking off clinker from bricks or breaking up burnt clay product, cobbing stone or other raw material;

(ab) stencilling or marking (but not addressing) or affixing printed or pre-addressed labels to bricks or other products or to boxes, bags, cartons or other containers;

(ac) tending, harnessing or unharnessing animals, minding vehicles or driving an animal-drawn vehicle within an establishment;

(ad) mass-measuring to a set mass meter or measuring to a set measure; (2)

voorsiening gemaak word, omvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie; (88)

(49) "los werknemer" 'n werknemer wat hoogstens drie dae in 'n week by dieselfde werkgever in diens is; (6)

(50) "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 verbruiksafdeling in 'n bedryfsinrigting of vir versending te lewer; (77)

(51) "masjiënfaaktotum" 'n werknemer wat kleinere herstelwerk of verstellers 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; (59)

(52) "masjiëgraafdrywer" 'n drywer of bediener van 'n masjiëgraaf van die swaaiarmtipe; (33)

(53) "masjiëgraafdrywer, gekwalifiseerd," 'n masjiëgraafdrywer met minstens ses maande ondervinding; (34)

(54) "masjiëgraafdrywer, ongekwalifiseerd," 'n masjiëgraafdrywer met minder as ses maande ondervinding; (35)

(55) "mengmasjiëbediener" 'n werknemer wat die vloei van water na die klei in 'n mengmasjië reguleer en wat die masjië kan aansit of stopsit; (62)

(56) "motorvoertuig" 'n kragaangedrewe voertuig wat gebruik word vir die vervoer van goedere, uitgesonderd 'n handelsreisiger se monsters, en omvat dit ook 'n voorhaker maar nie 'n mobiele hystoestel, 'n grondwerkmasjië of 'n trekker nie; (64)

(57) "motorvoertuigdrywer" 'n werknemer, uitgesonderd 'n chauffeur of 'n bode, 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 vrag en alle tydperke wat hy verplig is om op sy pos te bly gereed om te dryf; (27)

(58) "motorvoertuigdrywer klas I" 'n motorvoertuigdrywer wat die voertuig buite 'n bedryfsinrigting dryf; (28)

(59) "motorvoertuigdrywer klas II" 'n motorvoertuigdrywer wat sodanige voertuie binne 'n bedryfsinrigting dryf, en omvat dit ook die dryf van die voertuig—

(a) na 'n werkwinkel vir onderhouds- of herstelwerk;

(b) na 'n veilige bewaarplek vir die voertuig;

(c) na 'n ander werkzaamheidsterrein; (29)

(60) "nagskof" enige werktydperk waarvan die grootste deel tussen 8-uur nm. en 6-uur vm. val; (65)

(61) "'n kragaangedrewe masjië bedien" om in beheer van 'n kragaangedrewe masjië te wees en die toevoer van materiaal na so 'n masjië te reguleer of om die werk wat deur die masjië gedoen word, noukeurig te ondersoek of na te gaan, en omvat dit ook minder belangrike lopende verstelwerk aan die masjië en die aan- of stopsit van die masjië waar sodanige werk gedoen word deur die werknemer wat in beheer van die masjië is; (66)

(62) "noodwerk"—

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

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

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

(ii) 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 werktuie verrig kan word nie; (31)

(63) "onbelaste massa" die massa van 'n motorvoertuig, grondwerkmasjië of sleepwa soos aangegee in 'n lisensie of sertifikaat wat ten opsigte van so 'n motorvoertuig, grondwerkmasjië 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 die onbelaste massa van 'n motorvoertuig, grondwerkmasjië of sleepwa wat nie gelisensieer of geregistreer hoef te word nie, die massa is wat deur die fabrikant van sodanige voertuig, masjië of sleepwa gespesifiseer word; (87)

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

(56) "law" includes the common law; (89)

(57) "leading hand" means an employee who, under the general supervision of a foreman, assistant foreman or chargehand, is in charge of any one or more of the following classes of employee, namely, Grade II employees, Grade III employees or labourers; (70)

(58) "locomotive driver" means an employee who is engaged in driving a steam, electric or diesel locomotive on a track of a gauge of not less than 1 065 mm; (47)

(59) "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; (51)

(60) "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; (7)

(61) "messenger" means an employee who is engaged in delivering messages, letters or documents by means of a two- or three-wheeled motor cycle, motor scooter or autocycle or a cycle fitted with an auxiliary engine; (8)

(62) "mixing machine attendant" means an employee who is engaged in regulating the flow of water to the clay in a mixing machine and who may start and stop the machine; (55)

(63) "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; (5)

(64) "motor vehicle" means any power-driven vehicle used for conveying goods, other than a traveller's samples, and includes a mechanical horse but does not include a mobile hoist, an earth-moving machine or a tractor; (56)

(65) "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. (60)

(66) "operating a power-driven machine" means being in control of a power-driven machine and regulating the flow of material to such machine or scrutinising or checking the work done by the machine and includes the making of minor running adjustments to the machine and the starting or stopping of the machine where such work is done by the employee in control of the machine; (61)

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

- (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 (5); (66)

(68) "part-time clerk" means a clerk who is employed by the week or month for not more than 30 ordinary hours of work in any week; (11)

(69) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (74)

(70) "quarryman" means an employee who is in charge of the quarrying operations in a quarry; (72)

(71) "repair-shop assistant" means an employee who, under the supervision of an artisan, is engaged in any one or more of the following activities:

- (a) Removing any part or unit from any machine, including a motor vehicle;
- (b) replacing or installing in motor vehicles—
 - alternators;
 - bodies;
 - body mouldings;
 - bonnets;
 - brake drums, except where the drum and hub are one complete unit;
 - cabs;

(65) "ondervinding" met betrekking tot—

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

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

(c) alle ander klasse werknemers, die totale tydperk of tydperke wat 'n werknemer in sy klas in die Swaarklei- en Verwante Prokuktenywerheid werksaam was; (36)

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

(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 (5) voorgeskryf, vir sy werkgever werk nie; (67)

(67) "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; (74)

(68) "skofwerker" 'n werknemer wat 'n werksaamheid verrig wat regstreeks in verband staan met die maal- of verpoeiingsprosesse waarin deurlopende werk deur middel van drie skofte per dag op vyf of ses dae per week nodig is; (75)

(69) "sleepwa" enige vervoermiddel wat deur 'n motorvoertuig getrek word; (82)

(70) "spanleier" 'n werknemer wat, onder die algemene toesig van 'n voorman, assistent-voorman, of onderbaas, aan die hoof staan van een of meer van die volgende klasse werknemers, naamlik werknemers graad II, graad III of arbeiders; (57)

(71) "springstofwerker" 'n werknemer wat skietwerk met springstof verrig en wat binne die betekenis van die Wet op Myne en Bedrywe, No. 27 van 1956, 'n bevoegde persoon is; (4)

(72) "steengroefbaas" 'n werknemer wat verantwoordelik is vir die steengroefwerk in 'n steengroef; (70)

(73) "stropier" 'n werknemer wat onder toesig van 'n ambagsman een of meer van die volgende werksaamhede verrig:

- (a) Vervanging, uitgesonderd die verwydering, van—
 - uitlaatlidings;
 - waaierbande;
 - generators;
 - roosters;
 - bladvere;
 - verkoelers;
 - aansitters;
 - skerm;
 - waterslange;

(b) vervanging of verwydering van—

- stampers;
- deurhandvatsels of beslag;
- vloerbedekkings of planke;
- vliegwieltrekstukke, afneembare;
- brandstoffen;
- gruispanne;
- plaatbakke;
- treeplanke;
- veiligheidsgordels, waar ankerpunte verskaf word;
- sitplekke;
- los sitplekkoortreksels, waar geen verstelling vereis word nie;
- spatbakke;
- ruitslingers, handtipe;

(c) nagaan van en, indien defek, aan 'n ambagsman verslag doen oor—

- deurhandvatsels;
- slotte en sleutels;
- elektriese verbruikerspunte;
- ruitslingers, handtipe;
- ruitveers of ruitspuitte;

(d) masjiene nagaan vir water- of olieëkke en aan 'n ambagsman daarvoor verslag doen; (78)

(74) "stukwerk" 'n stelsel waarvolgens 'n werknemer se besoldiging gegrond word op die hoeveelheid werk wat verrig is; (69)

coil springs, excluding swinging axle type;
doors, excluding final adjustments;
electric bulbs;
engine assemblies without the use of hand tools;
exhaust lines (excluding manifolds) where no modification is required;
fan belts where no measuring devices are necessary;
gearbox assemblies without the use of hand tools;
generators;
glass, excluding windscreens or rear lights;
grilles;
handrail brackets;
lamps;
leaf springs, front or rear;
mudguards;
panels or fittings, other than where welded;
propeller shafts;
radiators;
radiator plugs;
rear assemblies without the use of hand tools;
self starters;
shells;
striking plates;
sump nuts and bolts;
valances;
valve covers;
water hoses;
window frames;

(c) replacing or installing in any machine (other than a motor vehicle) any part or unit which does not require modification by him;

(d) replacing or adjusting Vee-belts;

(e) stitch welding;

(f) laying concrete blocks without the use of artisan's tools;

(g) making wooden frames for supporting kiln arches using templates or jigs previously made by an artisan;

(h) machining (including loading or unloading or starting or stopping) of brick-making machine components in batches on a milling, shaping, drilling or grinding machine previously set up by an artisan; (32)

(72) "repair-shop assistant, qualified," means a repair-shop assistant who has had not less than 12 months' experience; (33)

(73) "repair-shop assistant, unqualified," means a repair-shop assistant who has had less than 12 months' experience; (34)

(74) "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; (67)

(75) "shift-worker" means an employee who is engaged in an activity directly connected with the grinding or pulverising process in which continuous working by means of three shifts per day on five or six days per week is necessary; (68)

(76) "short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, vagaries of the weather, shortage of raw materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings; (43)

(77) "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; (50)

(78) "stripper" means an employee who, under the supervision of an artisan, is engaged in any one or more of the following activities:

(a) Removing but not replacing—

exhaust lines;
fan belts;
generators;
grilles;
leaf springs;
radiators;
self starters;
valances;
water hoses;

(75) "Swaarklei- en Verwante Produktenywerheid" die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is in bedryfsinrigtings waar 10 of meer werknemers betrokke is by—

(a) die vervaardiging van een of meer van die volgende artikels (uitgesonderd keramiekware), naamlik bakstene, silika-sandstene, steengroefteëls, dakpanne, plate, hol blokke, vuurvaste produkte, suur- of vuurvaste erdewerk, erdepype, erdepyp toebehore, lugroosters, isoleerprodukte of enige ander artikel wat in die vervaardigingsproses verhard word deur dit in 'n oond te bak of enige ander verhittingsproses te laat ondergaan en wat van klei gemaak is of waarvan klei of enige ander hittevaste of isolerende mineraal, erts of materiaal of verbinding van klei en sodanige ander mineraal, erts of materiaal die hoofbestanddeel vorm;

(b) die ekstraheer, myn, win of bereiding van die klei of hittevaste of isolerende mineraal, erts of materiaal wat gebruik word by die vervaardiging van enigeen van die artikels in paragraaf (a) genoem, indien uitgeoefen deur werkgewers wat by sodanige vervaardiging betrokke is;

en omvat dit alle werksaamhede wat met enigeen van voornoemde bedrywighede in verband staan of daaruit voortspruit; (80)

(76) "tegniese of professionele werknemer" 'n werknemer wat in opdrag van sy werkgewer werk van 'n tegniese of professionele aard verrig; (80)

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

(a) Artikels nagaan, tel, massameet of meet;

(b) hoeveelhede in verskillende stadiums in die produksieproses aanteken;

(c) gereedskap of uitrusting op aanvraag uitreik en sodanige gereedskap of uitrusting terugontvang in die magasyn; (79)

(78) "trekker" 'n kragaangedrewe trekker wat gebruik word om een of meer sleepwaens te trek, maar uitgesonderd 'n kragaangedrewe eenheid wat uitsluitlik gebruik word om oond- of droogwaens te stoot of te trek; (81)

(79) "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; (18)

(80) "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; (42)

(81) "wag" 'n werknemer wat 'n perseel of eiendom bewaak; (89)

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

(a) Drywer van 'n trekker;

(b) 'n stoom-, elektriese of diesellokomotief dryf op 'n spoor met 'n wydte van minder as 1 065 mm;

(c) bode;

(d) 'n kragaangedrewe stampmeul bedien;

(e) 'n kragaangedrewe kleibeslagmasjien bedien;

(f) 'n uitpersmasjien bedien;

(g) 'n kragaangedrewe hamer bedien;

(h) 'n kragaangedrewe pers vir die vervaardiging van stene, teëls pype of toebehore bedien;

(i) saamgestelde lottie materiaal massameet of afmeet; (43)

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

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

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

(a) Pyp toebehore inmeekaarsit;

(b) grofsmid se hamerslaner;

(c) stoker van 'n oond sonder 'n outomatiese stooktoestel, 'n gasinstallasie, 'n vaste stookketel, 'n stoomlokomotief of 'n oond wat met olie gestook word;

(d) vuur met die hand uit oond krap;

(e) mengmasjienbediener;

(f) stene, pyp toebehore, skoorsteenpote, dakpanbybehore of ander artikels met die hand vorm;

(b) removing or replacing—

bumpers;
door handles or trim pads;
floor covers or boards;
flywheel covers, detachable;
fuel tanks;
gravel pans;
platform bodies;
running boards;
safety belts, where anchor points are provided;
seats;
seat covers, loose, where no alteration is required;
splash trays;
window winders, manual;

(c) checking and reporting thereon to an artisan if defective—

door handles;
locks and keys;
electrical consumer points;
window winders, manual;
windscreen wipers or washers;

(d) checking machines for water or oil leaks and reporting thereon to an artisan; (73)

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

- (a) Checking, counting, mass-measuring or measuring articles;
- (b) recording quantities at stages in the production process;
- (c) issuing tools or equipment against a requisition and receiving such tools or equipment back into store; (77)

(80) "technical or professional employee" means an employee who is charged by his employer with the performance of work of a technical or professional character; (76)

(81) "tractor" means a power-driven tractor used for drawing one or more trailers but excluding a power-driven unit used solely for pushing or pulling klin or dryer cars; (78)

(82) "trailer" means any conveyance drawn by a motor vehicle; (69)

(83) "traveller" means an employee who, as a travelling representative of an establishment, invites, canvasses or solicits orders on behalf of such establishment; (28)

(84) "traveller, qualified," means a traveller who has had not less than four years' experience; (29)

(85) "traveller, unqualified," means a traveller who has had less than four years' experience; (30)

(86) "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; (31)

(87) "unladen mass" means the mass of any motor vehicle, earth-moving machine or trailer as recorded in a licence or certificate issued in respect of such motor vehicle, earth-moving machine or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that the unladen mass of a motor vehicle, earth-moving machine or trailer which is not required to be licensed or registered, shall be the mass specified by the manufacturer of such vehicle, machine or trailer; (63)

(88) "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; (48)

(89) "watchman" means an employee who is engaged in guarding premises or property. (81)

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

(g) stene met 'n druklug- of elektriese hamer vorm;

(h) motorvoertuie olie of smeer;

(i) 'n skrapervindas met dubbele trommels vir die verskuiwing van materiaal bedien;

(j) 'n masjien, uitgesonderd 'n outomatiese masjien, vir die vervaardiging van kroese bedien;

(k) 'n kragaangedrewe sny- of buig- of ponsmasjien vir die bewerking van plaatmetaal bedien;

(l) 'n kragaangedrewe slypmasjien bedien;

(m) 'n kragaangedrewe slyp- of snymasjien vir die afwerking of verbetering van produkte van gebakte klei bedien;

(n) 'n kragaangedrewe groef- of poetsmasjien bedien;

(o) 'n kragaangedrewe verpoetingsmasjien bedien;

(p) erdepype of -toebehore in spoorwaens verpak;

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

(r) voltooide produkte in kategorieë sorteer;

(s) telklerk; (46)

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

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

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

(a) Seëls op briewe, pakkette of ander artikels plak;

(b) 'n ambagsman help deur artikels of gereedskap vas te hou of op 'n ander manier met hom saam te werk sonder om sodanige gereedskap selfstandig te gebruik;

(c) 'n outomatiese stooktoestel bedien;

(d) wiele, buite- of binnebande van motorvoertuie, kruiswaens of ander voertuie omruil, afhaal of vervang of binnebande oppomp of herstel;

(e) briewe, boodskappe of goedere buite 'n bedryfsinrigting te voet of deur middel van 'n trapfiets, driewieler of handvoertuig afhaal of aflewer;

(f) kompressorbediener;

(g) vervoer- of storttoestelbediener;

(h) rantsoene in 'n kampongkombuis kook;

(i) ongebakke blokke met die hand volgens 'n leipatroon sny of afwerk om spesiale fatsoene te vorm;

(j) 'n dierevoertuig buite 'n bedryfsinrigting dryf;

(k) 'n kragaangedrewe eenheid dryf wat uitsluitlik gebruik word om oond- of droogwaens te stoot of te trek;

(l) masjinerie, uitgesonderd motorvoertuie, onder toesig olie of smeer;

(m) 'n snymasjien bedien wat plastiekkleipilare of -produkte sny;

(n) 'n elektriese toestel bedien wat stof of vuilgoed verwyder;

(o) 'n handfrankeermasjien vir die frankering van koeverte bedien;

(p) 'n steen- of teëlpers bedien wat met die hand gewerk word;

(q) 'n masjien vir die massameet of vul van sakke of ander houers bedien;

(r) 'n klopboor, kragaangedrewe boor of placeiselbreker bedien;

(s) 'n kragaangedrewe sifmasjien bedien;

(t) briewe of ander geskrewe, getikte of gedrukte stukke in koeverte plaas;

(u) klei in 'n ruwe fatsoen berei vir vormwerk;

(v) ongebakke stene in die loop van die droogproses herrangskik;

(w) die toevoer van materiaal na 'n vervoerband of bak reguleer;

(x) die drade van 'n outomatiese draaisnymasjien vervang;

(y) ongebakke produkte sorteer voordat dit in 'n oond gepak of ingesit word;

(z) ongebakke produkte met die hand opstapel om droog te word;

(aa) ongebakke produkte met die hand afwerk of repareer;

(ab) vindas- (uitgesonderd 'n skrapervindas met dubbele trommels) trektoestel- of hyserbediener; (49)

(89) "wet" ook die gemene reg. (65)

(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 and part-time clerks:*

(i)	In all districts Per week R
Artisan.....	46,00
Assistant foreman.....	35,88
Assistant quarryman.....	28,06
Blaster.....	35,42
Chauffeur.....	13,11
Clerk, female, unqualified—	
during the first year of experience.....	12,46
during the second year of experience.....	14,54
during the third year of experience.....	16,62
during the fourth year of experience.....	18,69
Clerk, female, qualified.....	20,77
Clerk, male, unqualified—	
during the first year of experience.....	13,85
during the second year of experience.....	17,08
during the third year of experience.....	20,54
during the fourth year of experience.....	23,77
during the fifth year of experience.....	27,23
Clerk, male, qualified.....	30,46
First-aid assistant.....	12,42
First-aid attendant.....	15,64
Foreman.....	48,30
Handyman.....	21,16
Laboratory assistant, unqualified—	
during the first year of experience.....	14,72
during the second year of experience.....	17,02
Laboratory assistant, qualified.....	19,32
Locomotive driver.....	35,88
Machine handyman.....	25,30
Quarryman.....	37,26
Repair-shop assistant, unqualified—	
during the first six months of experience.....	17,48
during the second six months of experience.....	18,86
Repair-shop assistant, qualified.....	20,24
Stripper.....	13,34
Traveller, unqualified—	
during the first year of experience.....	30,00
during the second year of experience.....	32,54
during the third year of experience.....	35,08
during the fourth year of experience.....	37,62
Traveller, qualified.....	40,38
Traveller's assistant.....	13,00
(ii)	

	In Districts A, B, C, D and E Per week R	In Districts F and G Per week R
Driver of a motor vehicle, Class I, the unladen mass of which vehicle together with the unladen mass of any trailers drawn by such vehicle—		
(i) does not exceed 2 700 kg.....	18,63	15,64
(ii) exceeds 2 700 kg but not 6 750 kg.....	22,31	18,63
(iii) exceeds 6 750 kg.....	26,45	22,31
Driver of a motor vehicle, Class II, the unladen mass of which vehicle together with the unladen mass of any trailers drawn by such vehicle—		
(i) does not exceed 2 700 kg.....	13,11	10,58
(ii) exceeds 2 700 kg but not 6 750 kg.....	15,87	13,11
(iii) exceeds 6 750 kg.....	18,63	15,87
Driver of an earth-moving machine, the unladen mass of which—		
(i) does not exceed 2 700 kg.....	13,11	11,04
(ii) exceeds 2 700 kg.....	21,16	18,63
Excavator driver—		
unqualified.....	26,68	21,85
qualified.....	31,28	26,45

3. BESOLDIGING

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

(a) *Werknemers uitgesonderd los werknemers en deelydse klerke:*

(i)	In alle distrikte Per week R
Ambagsman.....	46,00
Assistent-voorman.....	35,88
Assistent-steengroefbaas.....	28,06
Springstofwerker.....	35,42
Chauffeur.....	13,11
Klerk, vrou, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	12,46
gedurende die tweede jaar ondervinding.....	14,54
gedurende die derde jaar ondervinding.....	16,62
gedurende die vierde jaar ondervinding.....	18,69
Klerk, vrou, gekwalifiseerd.....	20,77
Klerk, man, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	13,85
gedurende die tweede jaar ondervinding.....	17,08
gedurende die derde jaar ondervinding.....	20,54
gedurende die vierde jaar ondervinding.....	23,77
gedurende die vyfde jaar ondervinding.....	27,23
Klerk, man, gekwalifiseerd.....	30,46
Eerstehulpassistente.....	12,42
Eerstehulpbediener.....	15,64
Voorman.....	48,30
Faktotum.....	21,16
Laboratoriumassistent, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	14,72
gedurende die tweede jaar ondervinding.....	17,02
Laboratoriumassistent, gekwalifiseerd.....	19,32
Lokomotiefdrywer.....	35,88
Masjienfaktotum.....	25,30
Steengroefbaas.....	37,26
Herstelwerkplaasassistent, ongekwalifiseerd—	
gedurende die eerste ses maande ondervinding.....	17,48
gedurende die tweede ses maande ondervinding.....	18,86
Herstelwerkplaasassistent, gekwalifiseerd.....	20,24
Stroper.....	13,34
Handelsreisiger, ongekwalifiseerd—	
gedurende die eerste jaar ondervinding.....	30,00
gedurende die tweede jaar ondervinding.....	32,54
gedurende die derde jaar ondervinding.....	35,08
gedurende die vierde jaar ondervinding.....	37,62
Handelsreisiger, gekwalifiseerd.....	40,38
Handelsreisiger se assistent.....	13,00

(ii)

	In Distrikte A, B, C, D en E Per week R	In Distrikte F en G Per week R
Motorvoertuigdrywer, klas I, waar die onbelaste massa van die voertuig, tesame met die onbelaste massa van enige sleepwaens wat deur sodanige voertuig getrek word—		
(i) hoogstens 2 700 kg is.....	18,63	15,64
(ii) meer as 2 700 kg maar minder as 6 750 kg is.....	22,31	18,63
(iii) meer as 6 750 kg is.....	26,45	22,31
Motorvoertuigdrywer klas II, waar die onbelaste massa van die voertuig tesame met die onbelaste massa van enige sleepwaens wat deur sodanige voertuig getrek word—		
(i) hoogstens 2 700 kg is.....	13,11	10,58
(ii) meer as 2 700 kg maar minder as 6 750 kg is.....	15,87	13,11
(iii) meer as 6 750 kg is.....	18,63	15,87
Drywer van 'n grondwerkmasjien, waarvan die onbelaste massa—		
(i) hoogstens 2 700 kg is.....	13,11	11,04
(ii) meer as 2 700 kg is.....	21,16	18,63
Graafmasjiendrywer—		
ongekwalifiseerd.....	26,68	21,85
gekwalifiseerd.....	31,28	26,45

(iii)

	For the first 12 months after this Determination becomes binding							Thereafter						
	District A	District B	District C	District D	District E	District F	District G	District A	District B	District C	District D	District E	District F	District G
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Boiler attendant.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Chargehand.....	13,80	13,11	12,19	11,04	10,81	10,12	9,43	14,26	13,57	12,65	11,50	11,27	10,58	9,89
Factory clerk, unqualified—														
during the first six months of experience.....	11,73	11,50	11,27	11,04	10,81	9,89	9,66	12,19	11,96	11,73	11,50	11,27	10,35	10,12
during the second six months of experience.....	12,88	12,65	12,42	12,19	11,96	11,04	10,81	13,34	13,11	12,88	12,65	12,42	11,50	11,27
Factory clerk, qualified.....	14,72	14,49	14,26	14,03	13,80	12,88	12,65	15,18	14,95	14,72	14,49	14,26	13,34	13,11
Grade I employee, unqualified—														
during the first six months of experience.....	11,50	11,04	10,35	9,43	8,97	8,28	7,59	11,96	11,50	10,81	9,89	9,43	8,74	8,05
during the second six months of experience.....	11,96	11,50	10,58	9,66	9,20	8,74	7,82	12,42	11,96	11,04	10,12	9,66	9,20	8,28
Grade I employee, qualified.....	12,42	11,96	11,04	10,12	9,66	9,20	8,05	12,88	12,42	11,50	10,58	10,12	9,66	8,51
Grade II employee, unqualified—														
during the first three months of experience.....	10,12	9,66	8,97	8,28	8,05	7,36	6,67	10,58	10,12	9,43	8,74	8,28	7,59	6,90
during the second three months of experience.....	10,58	10,12	9,43	8,51	8,28	7,59	6,90	11,04	10,58	9,89	8,97	8,51	7,82	7,13
Grade II employee, qualified.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Grade III employee, female.....	9,20	8,74	8,05	7,59	7,36	6,67	5,98	9,66	9,20	8,51	7,82	7,59	6,90	6,21
Grade III employee, male.....	10,12	9,66	8,97	8,28	8,05	7,36	6,67	10,58	10,12	9,43	8,74	8,28	7,59	6,90
Labourer, female.....	8,74	8,28	7,59	7,13	6,90	6,21	5,52	9,20	8,74	8,05	7,36	7,13	6,44	5,75
Labourer, male—														
under the age of 18 years.....	7,59	7,13	6,90	6,21	5,98	5,52	4,83	8,05	7,59	7,36	6,44	6,21	5,75	5,06
of the age of 18 years or over.....	9,66	9,20	8,51	7,82	7,59	6,90	6,21	10,12	9,66	8,97	8,05	7,82	7,13	6,44
Leading hand.....	11,50	11,04	10,35	9,43	8,97	8,28	7,59	11,96	11,50	10,81	9,89	9,43	8,74	8,05
Operator of a mobile hoist with an operational capacity of—														
900 kg or less.....	11,27	11,04	10,81	10,58	10,35	9,89	9,66	11,73	11,50	11,27	11,04	10,81	10,35	10,12
more than 900 kg.....	15,41	15,18	14,95	14,72	14,49	13,57	13,34	15,87	15,64	15,41	15,18	14,95	14,03	13,80
Watchman.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Employee not specifically mentioned elsewhere in this clause..	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36

(iii)

	Vir die eerste 12 maande nadat hierdie Vastelling bindend word							Daarna						
	Distrik A	Distrik B	Distrik C	Distrik D	Distrik E	Distrik F	Distrik G	Distrik A	Distrik B	Distrik C	Distrik D	Distrik E	Distrik F	Distrik G
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
Ketelbediener.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Onderbaas.....	13,80	13,11	12,19	11,04	10,81	10,12	9,43	14,26	13,57	12,65	11,50	11,27	10,58	9,89
Fabrieksklerk, ongekwalifiseerd—														
gedurende die eerste ses maande ondervinding.....	11,73	11,50	11,27	11,04	10,81	9,89	9,66	12,19	11,96	11,73	11,50	11,27	10,35	10,12
gedurende die tweede ses maande ondervinding.....	12,88	12,65	12,42	12,19	11,96	11,04	10,81	13,34	13,11	12,88	12,65	12,42	11,50	11,27
Fabrieksklerk, gekwalifiseerd.....	14,72	14,49	14,26	14,03	13,80	12,88	12,65	15,18	14,95	14,72	14,49	14,26	13,34	13,11
Werknemer graad I, ongekwalifiseerd—														
gedurende die eerste ses maande ondervinding.....	11,50	11,04	10,35	9,43	8,97	8,28	7,59	11,96	11,50	10,81	9,89	9,43	8,74	8,05
gedurende die tweede ses maande ondervinding.....	11,96	11,50	10,58	9,66	9,20	8,74	7,82	12,42	11,96	11,04	10,12	9,66	9,20	8,28
Werknemer graad I, gekwalifiseerd.....	12,42	11,96	11,04	10,12	9,66	9,20	8,05	12,88	12,42	11,50	10,58	10,12	9,66	8,51
Werknemer graad II, ongekwalifiseerd—														
gedurende die eerste drie maande ondervinding.....	10,12	9,66	8,97	8,28	8,05	7,36	6,67	10,58	10,12	9,43	8,74	8,28	7,59	6,90
gedurende die tweede drie maande ondervinding.....	10,58	10,12	9,43	8,51	8,28	7,59	6,90	11,04	10,58	9,89	8,97	8,51	7,82	7,13
Werknemer graad II, gekwalifiseerd.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Werknemer graad III, vrou.....	9,20	8,74	8,05	7,59	7,36	6,67	5,98	9,66	9,20	8,51	7,82	7,59	6,90	6,21
Werknemer graad III, man.....	10,12	9,66	8,97	8,28	8,05	7,36	6,67	10,58	10,12	9,43	8,74	8,28	7,59	6,90
Arbeider, vrou.....	8,74	8,28	7,59	7,13	6,90	6,21	5,52	9,20	8,74	8,05	7,36	7,13	6,44	5,75
Arbeider, man—														
onder die ouderdom van 18 jaar.....	7,59	7,13	6,90	6,21	5,98	5,52	4,83	8,05	7,59	7,36	6,44	6,21	5,75	5,06
18 jaar en ouer.....	9,66	9,20	8,51	7,82	7,59	6,90	6,21	10,12	9,66	8,97	8,05	7,82	7,13	6,44
Spanleier.....	11,50	11,04	10,35	9,43	8,97	8,28	7,59	11,96	11,50	10,81	9,89	9,43	8,74	8,05
Bediener van 'n mobiele hystoestel met 'n bedryfsvermoë van—														
900 kg of minder.....	11,27	11,04	10,81	10,58	10,35	9,89	9,66	11,73	11,50	11,27	11,04	10,81	10,35	10,12
meer as 900 kg.....	15,41	15,18	14,95	14,72	14,49	13,57	13,34	15,87	15,64	15,41	15,18	14,95	14,03	13,80
Wag.....	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36
Werknemer nie elders in hierdie klousule uitdruklik vermeld nie	11,04	10,58	9,89	8,97	8,74	7,82	7,13	11,50	11,04	10,35	9,43	8,97	8,28	7,36

(b) *Casual employee*.—A casual employee shall be paid in respect of every day or part of a day of employment not less than one fifth of the weekly wage prescribed for an employee in the same area and of the same sex who performs the same class of work as the casual employee is required to do: Provided that—

(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.

(c) *Part-time clerk*.—A part-time clerk shall be paid not less than 70 per cent of the wage prescribed for a clerk of the same sex and with the same experience.

(2) *Basis of contract*.—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in 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) 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—

- | | |
|---|------------|
| (i) where the engine capacity of the vehicle, in which the employee so travelled, does not exceed 1 250 cm ³ | 4,5 cents; |
| (ii) where the engine capacity of such vehicle exceeds 1 250 cm ³ but not 2 500 cm ³ | 5,3 cents; |
| (iii) where the engine capacity of such vehicle exceeds 2 500 cm ³ | 6,9 cents. |

(b) *Los werknemer*.—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een-vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied en van dieselfde geslag wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word: Met dien verstande dat—

(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.

(c) *Deeltydse klerk*.—'n Deeltydse klerk moet minstens 70 persent van die loon voorgeskryf vir 'n klerk van dieselfde geslag en met dieselfde ondervinding betaal 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 bepaling 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 Vasstelling só uitgelê mag word dat dit 'n werkgever belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskrewe loon dieselfde of laer is as dié wat vir so 'n werknemer voorgeskryf word nie;

(4) *Loonberekening*.—(a) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur 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) '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 afgeleë het, 'n vervoertoelae betaal van minstens—

- | | |
|---|-----------|
| (i) waar die silinderinhoud van die voertuig waarmee die werknemer aldus gereis het hoogstens 1 250 cm ³ is..... | 4,5 sent; |
| (ii) waar die silinderinhoud van sodanige voertuig meer as 1 250 cm ³ maar hoogstens 2 500 cm ³ is..... | 5,3 sent; |
| (iii) waar die silinderinhoud van sodanige voertuig meer as 2 500 cm ³ is..... | 6,9 sent. |

(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 extends 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 30 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;

(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 aforementioned statement;

(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 tydstop waarop hy daarop geregtig geword het, moet indien maar dat hy nie meer as een eis in 'n week mag indien nie.

(b) 'n Werkgever 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 30 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 deurlopendeproseswerker, op 'n tydstop waarvoor sodanige werkgever en sy werknemer ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrigting moet wees, maar nie later nie as 24 uur na die gewone betaaldag) of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n 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) die getal ure wat die werknemer oortyd gewerk het;

(e) die getal ure wat die werknemer op 'n Sondag, 'n openbare vakansiedag in klousule 8 (1) 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 kovert of houer waarop hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat—

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

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

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

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

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

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

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

(a) With the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, subscriptions to trade unions, the cost of drugs or medicines supplied to an employee, dental or medical services or subscriptions to an employee's recreational or social club if such club is on the employer's premises;

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

(ii) no deduction shall be made in the case of short-time owing to a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings or the vagaries of the weather, 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.

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

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

(a) in the case of an employee who works a six-day week—
(i) forty-six in any week from Monday to Saturday, inclusive; and

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

(b) in the case of an employee who works a five-day week—
(i) forty-six in any week from Monday to Friday, inclusive; and

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

(ii) voornoemde inligting betreffende tyd gewerk nie verstrek hoef te word aan 'n werknemer wat ingevolge klousule 5 (11) (a) van die werkurebepalings uitgesluit is nie.

(2) *Los werknemer*.—'n Werkgever moet die besoldiging wat aan 'n los werknemer verschuldig 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 werkgever betaal of deur hom aangeneem word nie.

(4) *Koop van goedere*.—'n Werkgever 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 werkgever nie van sy werknemer vereis om kos of inwoning of kos en inwoning van hom of van enigiemand anders of op 'n plek deur hom aangewys, aan te neem nie.

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

(a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, versekerings-, spaar-, voorsorgs- of pensioenfonds. ledegeld van vakverenigings, die koste van artsenymiddels of medisyne wat aan 'n werknemer verskaf is, gelde vir tandheelkundige of mediese dienste of ledegeld van 'n ontspannings- of sosiale klub vir werknemers as sodanige klub op die perseel van die werkgever is;

(b) behoudens andersluidende bepalinge in hierdie Vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op 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 werkgever 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 werkgever aan te neem, 'n bedrag van hoogstens—

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

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

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

(ii) geen aftrekking ten opsigte van korttyd geskied nie vir die eerste uur waarin daar nie gewerk word nie weens 'n onklaaraking van masjinerie of installasie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word, of weens die wisselvalligheid van die weer tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgever 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. WERKURE, GEWONE EN OORTYD, EN BETALING VIR OORTYDWERK

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

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

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

(ii) behoudens 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; en

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

- (c) in the case of a part-time clerk—
 (i) thirty in any week, from Monday to Saturday, inclusive; and
 (ii) five on any day.
- (2) An employer shall not require or permit a continuous process worker to work—
 (a) more ordinary hours of work than—
 (i) forty-eight in any week from Sunday to Saturday, inclusive: Provided that any ordinary hours of work worked by a continuous process worker in any week in excess of 46 hours shall be paid for at a rate of not less than one and one-third times his ordinary wage, but this proviso shall not apply to a continuous process worker who normally works a five-day week;
 (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) *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 hours shall be deemed to be time worked;
 (iv) only one such interval during the ordinary hours of work of an employee on any day shall not form part of the ordinary hours of work;
 (v) when on any day by reason of overtime work an employer is required to give an employee a second meal interval, such interval may be reduced to not less than 15 minutes;
 (vi) a driver of a motor vehicle who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purposes of this subclause not to have worked during such interval;
 (vii) such interval need not be granted to an employee who is employed on task work and completes the task allotted to him on any day within seven consecutive hours calculated from the time he commenced work on that day and who is not required or permitted to perform any other work on such day;
 (viii) 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.
- (5) An employer shall grant to each of his continuous process workers one free period of not less than 24 consecutive hours in every week, but, if an employer requires or permits such 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).
- (6) (a) Every employer who employs continuous process workers shall, prior to the commencement of each shift cycle, display prominently in a conspicuous place upon his premises to be determined by him, a notice or time-table indicating the shifts which each such worker will be required to work during the ensuing shift cycle and the free periods of each such worker.

(b) The employer shall retain such notice or time-table for a period of three years subsequent to the date thereof.

- (c) in die geval van 'n deeltydse klerk—
 (i) dertig in 'n week van Maandag tot en met Saterdag; en
 (ii) vyf op 'n dag.
- (2) 'n Werkgewer mag nie van 'n deurlopendeproseswerker vereis of hom toelaat om—
 (a) meer gewone werkure te werk nie as—
 (i) agt-en-veertig in enige week van Sondag tot en met Saterdag: Met dien verstande dat 'n deurlopendeproseswerker vir elke gewone 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 werkswaak 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 mag wees.
- (3) 'n Werkgewer mag nie van 'n los werknemer vereis of hom toelaat om meer gewone werkure as agt en 'n half op 'n dag te werk nie.
- (4) *Etenspouses.*—'n Werkgewer mag nie van 'n werknemer vereis of hom toelaat om meer as vyf uur aaneen sonder 'n etenpouse 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 word, van 'n werkgewer vereis word om op 'n dag 'n tweede etenpouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;
 (vi) 'n motorvoertuigdrywer 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) sodanige pouse nie toegestaan hoef te word nie aan 'n werknemer wat taakwerk verrig en wat die taak wat aan hom toegewys is, op enige dag voltooi binne sewe agtereenvolgende ure gereken vanaf die tyd waarop hy op daardie dag met die werk begin het en van wie daar nie vereis word of wat nie toegelaat word om enige ander werk op sodanige dag te verrig nie;
 (viii) 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.
- (5) 'n Werkgewer moet elke week aan elkeen van sy deurlopendeproseswerkers een vry periode van minstens 24 agtereenvolgende ure toestaan, maar, indien 'n werkgewer van sodanige 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.
- (6) (a) Elke werkgewer wat deurlopendeproseswerkers in diens het, moet voor die aanvang van elke skofsiklus, op 'n opvallende plek in sy perseel wat hy self bepaal, 'n kennisgewing of rooster vertoon waarin die skofte wat elke sodanige werker gedurende die daaropvolgende skofsiklus sal moet werk en die vry periodes van elke sodanige werker gemeld word.
- (b) Die werkgewer moet sodanige kennisgewing of rooster vir 'n tydperk van drie jaar na die datum daarvan bewaar.

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

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

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

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

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

- (a) in the case of a casual employee, 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.

(10) *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.

(11) *Savings.*—(a) Subclauses (1) to (10), 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;
- (iii) a first-aid assistant, a first-aid attendant, a watchman or an employee who is wholly or mainly engaged in cooking rations in a compound kitchen, whose employer grants him a free period of 24 consecutive hours in every week of employment.

Provided that—

- (i) he makes no deduction from such employee's wage in respect thereof;
- (ii) an employer may, in lieu of granting such employee any such free period, pay such employee the wage which he would have received if he had not worked during such period, plus an amount of not less than double his daily wage in respect of such period not granted.

(b) Subclauses (4), (7) and (8) shall not apply to an employee while he is engaged on emergency work or to a chauffeur.

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, an employee who is wholly or mainly engaged in cooking rations in a compound kitchen or a watchman, 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;

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

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

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

- (a) in die geval van 'n los werknemer, twee uur op 'n dag; en
- (b) in die geval van enige ander werknemer 10 uur in 'n week.

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

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

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

- (a) tussen 6-uur nm. en 6-uur vm. te werk nie;
- (b) op meer as vyf dae in 'n week na 1-uur nm. te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd 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.

(11) *Voorbehoudsbepalings.*—(a) Subklousules (1) tot en met (10), 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;
- (iii) 'n eerstehulpassistent, 'n eerstehulpbediener, 'n wag of 'n werknemer wat uitsluitlik of hoofsaaklik rantsoene in 'n kampongkombuis kook en wie se werkgewer hom ten opsigte van elke week diens 'n vry periode van 24 agtereenvolgende ure verleen;

Met dién verstande dat—

- (i) hy geen bedrag van sodanige werknemer se loon ten opsigte daarvan aftrek nie;
- (ii) 'n werkgewer, in plaas daarvan dat hy sodanige vry periode aan sodanige werknemer toestaan, sodanige werknemer gedurende sodanige vry periode gewerk het nie, plus 'n bedrag van minstens dubbel sy dagloon ten opsigte van sodanige vry periode wat nie toegestaan is nie.

(b) Subklousules (4), (7) en (8) is nie op 'n werknemer van toepassing terwyl hy noodwerk verrig of op 'n chauffeur nie.

6. JAARLIKSE VERLOF

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

- (a) in die geval van 'n handelsreisiger, 'n handelsreisiger se assistent, 'n werknemer wat uitsluitlik of hoofsaaklik rantsoene in 'n kampongkombuis kook of 'n 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 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 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

(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 dienstydperk 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 Fabrieke, Masjinerie en Bouwerk, 1941.

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

(i) as sodanige verlof nie eerder verleen is nie, dit, behoudens 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 werkgever en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever 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 werkgever skriftelik daartoe instem, met enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, mag saamval nie;

(iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag binne die tydperk van sodanige verlof val, daar vir elke sodanige vakansiedag nog 'n werkdag by gemeelde tydperk gevoeg moet word as 'n verdere tydperk van verlof en dat die werknemer vir elke sodanige dag wat bygevoeg word, 'n bedrag van minstens sy dagloon betaal moet word;

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

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgever toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens oploop: 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 werkgever 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 diens-termyen van 12 maande eindig voordat die verloftydperk by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opge-loop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige diens-termyen 'n bedrag betaal word van minstens—

(a) in die geval van 'n werknemer in 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 werkgever 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 kennisgewingstermyen uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgever van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgever betaal het in plaas daarvan om aldus kennis te gee; of

(ii) wat sy diens sonder 'n regsgeldige rede verlaat; of

(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) (a) Notwithstanding anything to the contrary contained in this clause, an employer may for the purpose of annual leave at any time, but not more than once in any period of 12 months, close his establishment or 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

(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 guaran-

(iii) wat sonder kennisgewing deur sy werkgever 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 werkgever '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 werkgever;

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 opleidings tydperk as diens te eis nie;

en word diens geag te begin—

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

(ii) in die geval van 'n werknemer wat, voordat hierdie Vastelling bindend geword het, in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was maar wat nog nie 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 werkgever in diens getree het of op die datum waarop hierdie Vastelling bindend geword het, en wel op die jongste van die twee datums.

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

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

7. SIEKTEVERLOF

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

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

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

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

tees 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 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.

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 ver-skuldig 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, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte 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 opleidingstydperk 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 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 werkgever aan 'n werknemer, uitgesonderd 'n los werknemer, wat nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Gelofte of Kersdag werk nie, minstens sy weekloon betaal vir die week waarin so 'n dag val.

(2) Whenever an employer 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) 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 (11) (a) (i) and (ii);

(b) a casual employee, an employee who is wholly or mainly engaged in cooking rations in a compound kitchen or a watchman.

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;

(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.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag of Kersdag werk, moet sy werkgever 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 werkgever of—

(a) die werknemer—

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

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

(b) 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 werkgever 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 sal meebring wat die besoldiging in hierdie subklousule voorgeskryf, te bowe sal gaan nie.

(5) Wanneer 'n deurlopendeproseswerker gedurende sy vry periode werk, moet sy werkgever hom minstens dubbel sy gewone loon betaal ten opsigte van die totale tydperk wat hy gedurende sodanige vry periode werk: Met dien verstande dat 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) Subklousules (2) tot en met (6) is nie van toepassing nie—

(a) op 'n werknemer wat ingevolge klousule 5 (11) (a) (i) en (ii) van die werkurebepalings uitgesluit is;

(b) op 'n los werknemer, 'n werknemer wat uitsluitlik of hoofsaaklik rantsone in 'n kampongkombuis kook of 'n wag.

9. STUKWERK EN KOMMISSIEWERK

(1) 'n Werkgever kan, nadat hy minstens een week vooraf kennis aan sy werknemer, uitgesonderd 'n handelsreisiger, gegee het, 'n stukwerkstelsel invoer, en sodanige werkgever 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 werkgever, ongeag die hoeveelheid werk wat verrig is, sodanige werknemer moet betaal—

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

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

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

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die besoldiging wat daarvolgens van toepassing is, af te skaf of te wysig, moet aan sy werknemer wat volgens sodanige stelsel werk, minstens een maand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewingtermyn ooreen kan kom, en in so 'n geval mag die werkgever nie vir 'n korter termyn as dié waaroor daar ooreengekom is, kennis gee nie.

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

(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. PROHIBITION OF EMPLOYMENT

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

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT

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

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

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

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

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

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

Provided that this shall not affect—

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

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

(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

(5) 'n Handelsreisiger wat volgens 'n ooreenkoms met sy werk-gewer kommissiewerk onderneem, moet, voordat sodanige werk begin, deur sy werk-gewer 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 werk-gewer van tyd tot tyd bereid is om te aanvaar; en

(e) die dag waarop die kommissie, op bestellings wat die werk-gewer 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 Vasstelling: 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 werk-gewer 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 werk-gewer 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 Werk-gewer 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. VERBOD OP INDIENSNEMING

'n Werk-gewer mag niemand onder die leeftyd van 15 jaar in diens neem nie.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werk-gewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende kleren wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende kleren bly die eiendom van die werk-gewer.

12. BEÏNDIGING VAN DIENSKONTRAK

(1) 'n Werk-gewer 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;

vooral kennis van die beëindiging van die kontrak gee of 'n werknemer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werk-gewer, 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 werk-gewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;

(ii) 'n skriftelike ooreenkoms tussen 'n werk-gewer en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskryf word;

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

nie hierdeur geraak word nie; 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 werk-gewer hom betaal in plaas van kennis te gee, die uitdrukking

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 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, Class I, with a log-book as nearly as practicable in the following form:

DAILY LOG

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

Signature of driver

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

(2) Every such 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. TASK WORK

Nothing in this Determination shall be so construed as to preclude an employer from agreeing with his employee that the employee may go off duty upon the completion by him of an allotted task within the daily ordinary hours of work prescribed for such employee.

16. RATIO

An employer shall not employ a repair-shop assistant unless he has in his employ two artisans and for each additional two artisans in his employ he shall not employ more than one additional repair-shop assistant.

"ten tyde van sodanige beëindiging ontvang" geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie".

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

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

(i) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of enige tydperk van militêre opleiding wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan;

(ii) daar nie gedurende 'n werknemer se afwesigheid met siekteverlof ooreenkomstig klousule 7 kennis gegee mag word nie.

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

13. DIENSSERTIFIKAAT

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

14. LOGBOEK

(1) 'n Werkgewer moet sy motorvoertuigdrywer, klas I, voorsien van 'n logboek wat sover doenlik die volgende vorm het:

DAAGLIKSE LOG

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

Handtekening van motorvoertuigdrywer

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

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

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

15. TAAKWERK

Niks in hierdie Vasstelling moet so uitgelê word dat dit 'n werkgewer belet om met 'n werknemer ooreen te kom dat sodanige werknemer van diens af mag gaan wanneer hy 'n taak wat aan hom opgedra is, binne die daaglikse gewone werkure wat vir so 'n werknemer voorgeskryf is, voltooi het nie.

16. GETALSVERHOUDING

'n Werkgewer mag nie 'n herstelwerkplaasassistent in diens neem nie tensy hy twee ambagsmanne in diens het en vir elke addisionele twee ambagsmanne in sy diens mag hy hoogstens een addisionele herstelwerkplaasassistent in diens neem.

SCHEDULE

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

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, labourer.

No. R. 794 18 May 1973

Factories, Machinery and Building Work Act, 1941, AS AMENDED

HEAVY CLAY AND ALLIED PRODUCTS INDUSTRY, CERTAIN AREAS

I, Marais Viljoen, Minister of Labour, hereby in terms
 of section 22 (1) of the Factories, Machinery and Building
 Work Act, 1941, declare the provisions of the Wage Deter-
 mination for the Heavy Clay and Allied Products Industry,
 Certain Areas, published under Government Notice R. 793
 of 18 May 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. 795 18 May 1973

WAGE ACT, 1957

CANCELLATION OF THE PROVISIONS OF WAGE DETERMINATION 289.—HEAVY CLAY AND ALLIED PRODUCTS INDUSTRY, CERTAIN AREAS

I, Marais Viljoen, Minister of Labour, hereby, in terms
 of section 16 of the Wage Act, 1957, cancel with effect
 from the fourth Monday after the date of publication of
 this notice, all the provisions of Wage Determination 289
 published under Government Notice R. 1249 of 18 August
 1967.

M. VILJOEN, Minister of Labour.

BYLAE

Ek/Ons(a).....
 wat die Swaarklei- en Verwante Produktenywerheid 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 werkgewer of
 gemagtigde verteenwoordiger

(a) Skrap wat nie van toepassing is nie.

(b) Meld die beroep waarin die werknemer uitsluitlik of hoof-
 saaklik in diens was, bv. klerk, arbeider.

No. R. 794 18 Mei 1973

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

SWAARKLEI- EN VERWANTE PRODUKTE NYWERHEID, SEKERE GEBIEDE

Ek, Marais Viljoen, Minister van Arbeid, verklaar hier-
 by kragtens artikel 22 (1) van die Wet op Fabriek-
 Masjinerie en Bouwerk, 1941 dat die bepalings van die
 Loonvasstelling vir die Swaarklei- en Verwante Produk-
 tenywerheid, Sekere Gebiede, gepubliseer by Goewerments-
 kennisgewing R. 793 van 18 Mei 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. 795 18 Mei 1973

LOONWET, 1957

INTREKKING VAN DIE BEPALINGS VAN LOONVASSTELLING 289.—SWAARKLEI- EN VERWANTE PRODUKTENYWERHEID, 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
 289, gepubliseer by Goewermentskennisgewing R. 1249
 van 18 Augustus 1967, in.

M. VILJOEN, Minister van Arbeid.

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