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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 1158

29 June 1973

**INDUSTRIAL CONCILIATION ACT, 1956
BUILDING INDUSTRY, PORT ELIZABETH.—
AMENDMENT OF MAIN AGREEMENT**

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that all the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Building Industry, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 9 May 1975, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 5 of Part I and 7 of Part II, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 9 May 1975, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the Magisterial Districts of Port Elizabeth and Uitenhage and in that portion of the Magisterial District of Hankey which, prior to 1 November 1963, fell within the Magisterial District of Port Elizabeth; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in paragraph (b) of this notice and with effect from the second Monday after the date of publication of this notice and for the period ending 9 May 1975, the provisions of the Amending Agreement, excluding those contained in clauses 5 of Part I and 7 of Part II, shall *mutatis mutandis* be binding upon all Bantu employed in the said Industry by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN ARBEID

No. R. 1158

29 Junie 1973

**WET OP NYWERHEIDSVERSOENING, 1956
BOUNYWERHEID, PORT ELIZABETH.—
WYSIGING VAN HOOFOOREENKOMS**

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat al die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en op die Bounywerheid betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 9 Mei 1975 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 5 van Deel I en 7 van Deel II, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 9 Mei 1975 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Nywerheid in die landdrosdistrikte Port Elizabeth en Uitenhage en in daardie gedeelte van die landdrosdistrik Hankey wat voor 1 November 1963 binne die landdrosdistrik Port Elizabeth geval het; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 5 van Deel I en 7 van Deel II, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 9 Mei 1975 eindig, in die gebiede gespesifiseer in paragraaf (b) van hierdie kennisgewing *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Nywerheid by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY,
PORT ELIZABETH

AGREEMENT

in accordance with provisions of the Industrial Conciliation Act, 1956, made and entered into between the

Port Elizabeth Master Builders' and Allied Trades Association
and the

Electrical Contractors Association (South Africa)

(hereinafter referred to as the "employers" or the "employers' organisations"), of the one part, and the

Amalgamated Society of Woodworkers of South Africa

Amalgamated Union of Building Trade Workers of South Africa

South African Electrical Workers Association

and the

Operative Plumbers' Association of Port Elizabeth

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the Industrial Council for the Building Industry, Port Elizabeth.

The Main Agreement published under Government Notice R. 656 dated 28 April 1971, as amended by Government Notices R. 2027 of 12 November 1971 and R. 2181 of 1 December 1972, is hereby further amended as follows:

PART I

1. CLAUSE 3.—DEFINITIONS

Delete the definition of "Republic Day".

2. CLAUSE 4.—WAGES

(1) In subclause (1) (a), substitute the following for subparagraphs (i), (ii), (v) and (x):

(i) Unskilled labourers.....	26
(ii) Semi-skilled labourers.....	37
(v) Drivers of mechanical vehicles with a payload—	
up to and including 2 722 kg.....	37
over 2 722 kg but not exceeding 4 536 kg.....	44
over 4 536 kg.....	47

(x) Watchmen: R14 per six day week."

(2) In subclause (1) (c) (i) substitute the following for subparagraph (aa), (bb) and (cc):

(aa) Unskilled labourers.....	33
(bb) Semi-skilled labourers.....	42
(cc) Drivers of mechanical vehicles with a payload—	
up to and including 2 722 kg.....	42
over 2 722 kg but not exceeding 4 536 kg.....	49
over 4 536 kg.....	53."

(3) In subclause (1) (c), insert the following new subparagraphs (vi), (vii), (viii) and (ix) after subparagraph (v):

"(vi) In the event of an employee mentioned in paragraph (c) (i) hereof being prevented from working on any working day or part of a working day during any week due to the breakdown and/or inavailability of any public transport normally at his disposal on the most direct route between his normal place of abode and the job, yard or workshop where he is employed and such employee having worked all the remaining ordinary hours of work of the week, the employer shall pay such employee for such remaining ordinary hours of work at the hourly rate prescribed in paragraph (c) (i) hereof.

(vii) In the event of an employee mentioned in paragraph (c) (i) hereof being unable to complete a full week to continue working on any day or days due to slackness of work or unavoidable delays in securing delivery of materials, or other causes beyond the control of the employer, and such employee having worked all the remaining days of the week, the employer shall pay such employee for the remaining days worked at the hourly rate prescribed in paragraph (c) (i) hereof.

(viii) In the event of an employee mentioned in paragraph (c) (i) hereof being unable to complete a full week due to sickness or absence from work due to an accident which is compensable under the Workmen's Compensation Act, 1941, and such employee having worked all the remaining working days of the week, the employer shall pay such employee for the remaining working days at the hourly rate prescribed in paragraph (c) (i) hereof: Provided that an employer may require the employee to produce satisfactory proof substantiating the nature and duration of his incapacity: Provided further that if he

BYLAE

NYWERHEIDSRAAD VIR DIE BOUNYWERHEID,
PORT ELIZABETH

OOREENKOMS

ingevolge die Wet op Nywerheidsversoenig, 1956, aangegaan deur die

Port Elizabeth Master Builders' and Allied Trades Association
en

The Electrical Contractors' Association (South Africa)

(hierna die "werkgewers" of die "werkgewersorganisasies" genoem), aan die een kant, en die

Amalgamated Society of Woodworkers of South Africa

Amalgamated Union of Building Trade Workers of South Africa

South African Electrical Workers Association

en die

Operative Plumbers' Association of Port Elizabeth

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Port Elizabeth.

Die Hoofooreenkoms, gepubliseer by Goewermenskennisgewing R. 656 van 28 April 1971, soos gewysig by Goewermenskennisgewings R. 2027 van 12 November 1971 en R. 2181 van 1 Desember 1972, word hierby soos volg verder gewysig:

DEEL I

1. KLOUSULE 3.—WOORDOMSKRYWINGS

Skrap die omskrywing van "Republiekdag".

2. KLOUSULE 4.—LONE

(1) In subklousule (1) (a), vervang subparagrafe (i), (ii), (v) en (x) deur die volgende:

(i) Ongeskoolde arbeiders.....	26
(ii) Halfgeskoolde arbeiders.....	37
(v) Drywers van meganiese voertuie met 'n loonvrag van—	

hoogstens 2 722 kg.....	37
meer as 2 722 kg maar hoogstens 4 536 kg.....	44
meer as 4 536 kg.....	47

(x) Wagte: R14 per ses dag week."

(2) In subklousule (1) (c) (i) vervang subparagrafe (aa), (bb) en (cc) deur die volgende:

(aa) Ongeskoolde arbeiders.....	33
(bb) Halfgeskoolde arbeiders.....	42
(cc) Drywers van meganiese voertuie met 'n loonvrag van—	

hoogstens 2 722 kg.....	42
meer as 2 722 kg maar hoogstens 4 536 kg.....	49
meer as 4 536 kg.....	53"

(3) In subklousule (1) (c), voeg die volgende nuwe subparagrafe (vi), (vii), (viii) en (ix) in na subparagraaf (v):

"(vi) Ingeval enige openbare vervoer wat normaalweg tot sy beskikking is oor die kortste roete tussen sy normale woonplek en die werk, werkplaas of werkwinkel waar hy in diens is, onderbreek word en/of nie beskikbaar is nie en dit 'n werknemer in paragraaf (c) (i) hiervan genoem, verhoed om op 'n werkdag of deel van 'n werkdag gedurende 'n bepaalde week te werk en sodanige werknemer al die oorblywende gewone werkure van die week gewerk het, moet die werkgewer sodanige werknemer vir sodanige oorblywende gewone werkure betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf.

(vii) Ingeval 'n werknemer in paragraaf (c) (i) hiervan genoem, vanweë werksklapte of onvermydelike vertraging met die aflewering van materiaal of ander oorsake buite die beheer van die werkgewer, nie 'n volle week kan voltooi nie en dit onmoontlik is om op enige dag of dae voort te gaan met werk en sodanige werknemer al die oorblywende dae van die week gewerk het, moet die werkgewer sodanige werknemer vir die oorblywende dae betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf.

(viii) Ingeval 'n werknemer in paragraaf (c) (i) hiervan genoem, vanweë siekte of afwesigheid van die werk weens 'n ongeluk waarvoor skadeloosstelling kragtens die Ongevalwet, 1941, betaalbaar is, nie 'n volle week kan voltooi nie en sodanige werknemer al die oorblywende werkdae van die week gewerk het, moet die werkgewer sodanige werknemer vir die oorblywende werkdae betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf: Met dien verstande dat 'n werkgewer van die werknemer kan vereis om bevredigende bewys te lewer van die aard en duur van sy ongeskiktheid: Voorts met dien verstande dat indien hy aan alkoholisme, dwelmverslaaftheid

was suffering from alcoholism, drug addiction or their sequelae or was incapacitated through sickness due to his own wilful negligence or misconduct he shall not be entitled to the rate prescribed in paragraph (c) (i) hereof.

(ix) Any disputes concerning the interpretation, meaning or intention of any of the provisions referred to in subparagraphs (ii) to (viii) which the employer and employee are unable to settle shall be referred to the Council for decision. The decision of the Council shall be final and binding on the employer and employee and the Council shall not be obliged to give reasons for any decision."

(4) Substitute the following for subclause (3):

"(3) The wages prescribed in subclauses (1) (a) (i), (ii), (iii), (iv), (v), (viii), (ix), (x) and (xii), and subclause (1) (c) (i) shall be subject to the following annual adjustments in respect of wages payable on and as from the second pay-day in February after publication of the *Government Gazette* in January each year, reflecting the change in the index figure ("Index figure" means the consumer price index figure for Port Elizabeth relating to all items, as published by the Department of Statistics in the *Government Gazette* in respect of the said area compared with itself in April 1970.):

(a) Journeymen in painting, French polishing and glazing trades.—The index figure multiplied by 88c and divided by 100.

(b) Journeymen in all other trades and occupations, foremen and general foremen.—The index figure multiplied by 90c and divided by 100.

(c) (i) Employees for whom wages are prescribed in subclauses (1) (a) (i), (ii), (v) and (xii).—The index figure multiplied by the relevant wage prescribed as at 9 July 1973 and divided by 120.

(ii) Employees for whom wages are prescribed in subclause (1) (c) (i).—The index figure multiplied by the relevant wage prescribed as at 9 July 1973 and divided by 120.

(d) *Watchmen*.—The index figure multiplied by R14 and divided by 120.

The results reached in paragraphs (a), (b), (c) and (d) shall be rounded off to the nearest whole cent which, shall then constitute the new wage."

3. CLAUSE 15.—SPECIAL PROVISIONS COVERING THE PERFORMANCE OF CERTAIN CLASSES OF WORK

Substitute the following for subclauses (5), (6), (7), (8) and (11):

"(5) *Scaffolding and Plant*.—An employer shall ensure that a scaffold shall be provided for workmen for all work that cannot safely be done from a ladder or by other means, and that all scaffolding is properly constructed of suitable and sound material, that it is erected under competent supervision, and—

(A) an employer shall cause—

(a) scaffold standards to be firmly supported and secured against displacement and to be kept vertical except in the case of putlog scaffolds which shall incline slightly towards the structure;

(b) (i) standards to be spaced not more than 1,8 m, 2,4 m and 3 m apart in the case of high, medium and low mass loads, respectively, if constructed of steel and not more than 3 m apart if constructed of timber;

(ii) ledgers to be spaced not more than 2,1 m apart vertically;

(iii) putlogs or transoms to be spaced not more than 1,5 m, 1,8 m and 2,4 m apart in the case of high, medium and low mass loads, respectively.

For the purpose of this clause high, medium and low loads shall mean mass loads of not more than 375, 250 and 125 kg/m², respectively;

(c) every member of a scaffold frame which is constructed of timber to have a diameter of not less than 75 mm or to have a section of equivalent strength;

(B) no employer shall use, or cause to be used, any scaffold unless it is—

(a) securely and effectively braced to ensure stability in all directions;

(b) secured at suitable vertical and horizontal distances to the structure on which work is being performed unless it is designed to be completely self-supporting;

(c) so constructed as to have a factor of safety of not less than four;

(d) inspected by a competent person at least once a week and after inclement weather;

(C) no employer shall require or permit—

(a) scaffolding, the supporting frame of which is constructed of timber, to exceed a height of 25 m;

(b) scaffolding to be erected, altered or taken down other than by or under the personal supervision of a competent person.

of die gevolge daarvan gelyk het, of ongeskik was vanweë siekte te wyte aan sy eie opsetlike nalatigheid of wangedrag, hy nie op die loon in paragraaf (c) (i) hiervan voorgeskryf, geregtig is nie.

(ix) Enige geskil oor die vertolking, betekenis of bedoeling van enige van die bepalings in subparagrafe (ii) tot (viii) bedoel, wat die werkgewer en werknemer nie kan skik nie, moet vir beslissing na die Raad verwys word. Die beslissing van die Raad is finaal en bindend vir die werkgewer en werknemer en die Raad is nie verplig om redes vir enige beslissing te verstrek nie."

(4) Vervang subklousule (3) deur die volgende:

"(3) Die lone in subklousule (1) (a) (i), (ii), (iii), (iv), (viii), (ix), (x) en (xii) en in subklousule (1) (c) (i) voorgeskryf, is onderworpe aan die volgende jaarlikse aanpassings ten opsigte van lone betaalbaar op en vanaf die tweede betaaldag in Februarie en publikasie van die *Staatskoerant* in Januarie elke jaar wat die verandering in die indekssyfer toon. ("Indekssyfer" beteken die verbruikersprysindekssyfer vir Port Elizabeth ten opsigte van alle items, soos deur die Departement van Statistiek in die *Staatskoerant* gepubliseer vir genoemde gebied, vergeleke met die toestand in dieselfde gebied in April 1970.):

(a) Ambagsmanne in die ambagte verf-, lakpolitoer- en ruitwerk: Die indekssyfer vermenigvuldig met 88c en gedeel deur 100.

(b) Ambagsmanne in alle ander ambagte en beroepe, voor- manne en algemene voormanne: Die indekssyfer vermenigvuldig met 90c en gedeel deur 100.

(c) (i) Werknemers vir wie lone in subklousule (1) (a) (i), (ii), (v) en (xii) voorgeskryf word: Die indekssyfer vermenigvuldig met die toepaslike voorgeskrewe loon soos op 9 Julie 1973 en gedeel deur 120.

(ii) Werknemers vir wie lone in subklousule (1) (c) (i) voorgeskryf word: Die indekssyfer vermenigvuldig met die toepaslike voorgeskrewe loon soos op 9 Julie 1973 en gedeel deur 120.

(d) *Wagte*.—Die indekssyfer vermenigvuldig met R14 en gedeel eur 120.

Die resultate wat in paragrafe (a), (b), (c) en (d) verkry word, moet tot die naaste volle sent afgerond word, en dit maak dan die nuwe loon uit."

3. KLOUSULE 15.—SPESIALE BEPALINGS BETREFFENDE DIE VERRIGTING VAN SEKERE KLASSE WERK

Vervang subklousules (5), (6), (7), (8) en (11) deur die volgende:

"(5) *Steiers en uitrusting*.—'n Werkgewer moet toesien dat steiers aan werkmanne verskaf word vir alle werk wat nie veilig van 'n leer af of op 'n ander manier verrig kan word nie, en dat alle steiers behoorlik opgerig word van geskikte en onbeskadigde materiaal en dat dit onder behoorlike toesig opgerig word, en—

(A) 'n werkgewer moet toesien dat—

(a) steierpale stewig gestut en teen verskuiwing bevestig is en dat hulle vertikaal bly, uitgesonderd in die geval van kortelingsteiers, wat effens in die rigting van die bouwerk moet oorhel;

(b) (i) staanders hoogstens 1,8 m, 2,4 m en 3 m van mekaar af is in die geval van onderskeidelik hoë, middelmatige en lae massalaste, indien hulle van staal vervaardig is, en hoogstens 3 m van mekaar af indien dit van hout vervaardig is;

(ii) steierbalkke hoogstens 2,1 m vertikaal van mekaar af is;

(iii) kortelings of kalwers hoogstens 1,5 m, 1,8 m en 2,4 m van mekaar af is in die geval van onderskeidelik hoë, middelmatige en lae massalaste.

Vir die toepassing van hierdie klousule beteken hoë, middelmatige en lae massalaste, massalaste van onderskeidelik hoogstens 375, 250 en 125 kg/m²;

(c) elke deel van 'n steierraamwerk wat van hout gemaak is, 'n diameter van minstens 75 mm of 'n profiel van gelyke sterkte het.

(B) geen werkgewer mag 'n steier gebruik of laat gebruik nie; tensy dit—

(a) stewig en doeltreffend gestut is om stabiliteit in alle rigtings te verseker;

(b) op geskikte vertikale en horisontale afstande vasgemaak is aan die bouwerk waaraan gewerk word, tensy dit ontwerp is om volkome vry te staan;

(c) so gebou is dat die veiligheidsfaktor daarvan minstens vier is;

(d) minstens een keer per week en na gure weer deur 'n bevoegde persoon nagegaan word;

(C) geen werkgewer mag vereis of toelaat dat—

(a) steierwerk waarvan die stutraam uit hout bestaan, hoër as 25 m is nie;

(b) steierwerk opgerig, verander of afgetakel word nie, behalwe deur of onder die persoonlike toesig van 'n bevoegde persoon.

(6) Scaffold platforms:

(a) every scaffold platform which is constructed of timber to be of planks at least 228 mm wide by 38 mm thick;

(b) every plank which forms part of a scaffold platform to rest on at least three supports, except in the case of trestle scaffolds, and to project at least 150 mm at intermediate supports and not more than 230 mm at the end supports;

(c) every board of a scaffold platform to be securely fastened to prevent its displacement;

(d) every platform to be so boarded as to prevent materials and tools from falling through.

(B) An employer shall cause every working platform of a scaffold—

(a) to be not less than 912 mm wide, which shall include a clear and unobstructed passage-way of not less than 456 mm: Provided that where a platform is used only as a gangway, or where low mass loads as defined in subclause (5) (A) (b) are supported, a total platform width of 456 mm shall be sufficient;

(b) which is more than 2 m above the floor or ground to be provided with—

(i) substantial guard rails at least 900 mm and not more than 1 100 mm high on all sides or the platform except the side facing the structure;

(ii) toe-boards on all sides of the platform, except the side facing the structure, which shall be not less than 150 mm high from the level of the platform and in the case of wood not less than 25 mm thick so affixed that no open space exists between the toe-board and the platform;

(c) to be so arranged that the gap between the platform and the structure does not exceed 75 mm: Provided that where workmen are required to sit whilst working, this distance may be increased to not more than 300 mm;

(d) to be kept free of waste, projecting nails or any other obstructions and to be maintained in a non-slippery state.

(C) No employer shall require or permit a working platform which is higher than 600 mm to be supported on a scaffold platform.

(D) An employer shall cause an additional guard rail to be provided at a height of 900 mm above every working platform which is supported on a scaffold platform.

(E) An employer shall cause convenient and safe access to be provided to every scaffold platform. Where such access is by means of ladders, the ladders shall be firmly supported at the base, shall extend to at least 900 mm beyond the platform at the top and shall be firmly secured.

(F) The provisions of this subclause shall also apply to any working platform from which building, demolition or excavation work is being performed.

(7) Ramps:

(A) No employer shall require or permit a ramp to be installed or used, the slope of which exceeds one vertical to one and one-half horizontal.

(B) An employer shall cause every ramp—

(a) the slope of which renders additional foothold necessary, and in every case where the slope is more than one vertical to four horizontal, to be provided with proper stepping laths which shall—

(i) be placed at suitable intervals, and

(ii) extend the full width of the ramp, except that they may be interrupted over a width of not more than 230 mm to facilitate the movement of barrows;

(b) which is more than 2 m high to be provided on both sides with hand rails and toe-boards to comply in all respects with the provisions of subclause (5) (B) (b) (i) and (ii) hereof.

(8) *Suspended Scaffolds.*—No employer shall require or permit a suspended scaffold to be used unless—

(A) outriggers are—

(a) of steel, and have a factor of safety of not less than four;

(b) properly supported, suitably spaced and securely anchored, other than by weight, at the inner ends: Provided that in the case of outriggers anchored by means of weights, the arrangement thereof shall be approved by an inspector;

(c) provided with a stop at the outer end, or other means, to prevent displacement of the rope.

For the purpose of this clause, an inspector means an inspector appointed or deemed to have been appointed under section 4 of the Factories, Machinery and Building Work Act, Act 22 of 1941, as amended;

(6) Steierplatforms:

(A) 'n Werkgewer moet toesien dat—

(a) elke steierplatform wat van hout gemaak is, uit planke van minstens 228 mm breed by 38 mm dik bestaan;

(b) elke plank wat deel van 'n steierplatform uitmaak, op minstens drie stutte rus, uitgesonderd in die geval van boksteiers, en dat dit minstens 150 mm by tussenstutte en hoogstens 230 mm by eindstutte verbystee;

(c) elke plank van 'n steierplatform stewig vasgesit is om te voorkom dat dit verskuif;

(d) elke platform op so 'n wyse met planke beklee is dat dit sal verhoed dat materiaal en gereedschap deurval.

(B) 'n Werkgewer moet toesien dat elke werkplatform van 'n steier—

(a) minstens 912 mm breed is, en 'n onbelemmerde en onversperde gang van minstens 456 mm insluit: Met dien verstande dat waar 'n platform slegs as deurgang gebruik word of waar lae massalaste soos omskryf in subklousule (5) (A) (b) gestut word, 'n totale platformwydte van 456 mm toereikend is;

(b) wat meer as 2 m bokant die vloer of grond is, voorsien is van—

(i) sterk skutrelings minstens 900 mm en hoogstens 1 100 mm hoog aan alle kante van die platform, behalwe aan die kant teenoor die bouwerk;

(ii) stootstukke aan alle kante van die platform, uitgesonderd die kant teenoor die bouwerk, wat minstens 150 mm hoog bokant die vlak van die platform moet wees en in die geval van hout minstens 25 mm dik moet wees en só aangebring moet word dat daar geen oop ruimte tussen die stootstuk en die platform bestaan nie;

(c) só ingerig is dat die opening tussen die platform en bouwerk hoogstens 75 mm is: Met dien verstande dat waar werkmanne moet sit terwyl hulle werk, hierdie afstand tot hoogstens 300 mm vergroot kan word;

(d) vry gehou moet word van afval, uitstaande spykers of ander hindernisse en dat dit in 'n glyvaste toestand gehou word.

(C) Geen werkgewer mag vereis of toelaat dat 'n werkplatform wat hoër as 600 mm is, op 'n steierplatform gestut word nie.

(D) 'n Werkgewer moet 'n bykomende skutreling laat aanbring op 'n hoogte van 900 mm bokant elke werkplatform wat op 'n steierplatform gestut word.

(E) 'n Werkgewer moet toesien dat daar gerieflike en veilige toegang tot elke steierplatform verskaf word. Waar sodanige toegang deur lere verleen word, moet die lere aan die onderkant stewig gestut wees, minstens 900 mm bokant die platform aan die bopunt uitsteek en stewig vasgesit word.

(F) Die bepalinge van hierdie subklousule is ook van toepassing op werkplatforms waarvandaan hou-, slops- of uitgrawingswerk verrig word.

(7) Oploep:

(A) Geen werkgewer mag vereis of toelaat dat 'n oploep aangebring of gebruik word waarvan die helling meer as een vertikaal tot een en 'n half horisontaal is nie.

(B) 'n Werkgewer moet toesien dat elke oploep—

(a) waarvan die helling bykomende vastrapplek nodig maak, en in elke geval waar die helling meer as een vertikaal tot vier horisontaal is, voorsien word van behoorlike traplatte wat—

(i) op geskikte afstande van mekaar geplaas moet word; en

(ii) oor die volle breedte van die oploep moet strek, uitgesonderd dat dit oor 'n breedte van hoogstens 230 mm onderbreek kan word om die beweging van kruiswaens te vergemaklik;

(b) wat meer as 2 m hoog is, aan albei kante voorsien word van handrelings en stootstukke wat in alle opsigte aan die bepalinge van subklousule 5 (B) (b) (i) en (ii) hiervan voldoen.

(8) *Hangsteiers.*—Geen werkgewer mag vereis of toelaat dat 'n hangsteier gebruik word nie, tensy—

(A) die kraanbalke—

(a) van staal is, met 'n veiligheidsfaktor van minstens vier;

(b) behoorlik gestut, goed gespasieer en aan die binneste ent stewig veranker is, maar nie met 'n gewig nie: Met dien verstande dat in die geval van kraanbalke wat deur gewigte geanker is, die inrigting daarvan deur 'n inspekteur goedgekeur moet word;

(c) aan die buitenste ent van 'n stuiters of 'n ander middel voorsien is om verskuiwing van die tou te voorkom.

Vir die toepassing van hierdie klousule beteken 'n inspekteur 'n inspekteur wat aangestel is of geag word aangestel te wees kragtens artikel 4 van die Wet op Fabriek, Masjinerie en Bouwerk, Wet 22 van 1941, soos gewysig;

(B) the working platform is suspended by at least two independent steel wire ropes the factor of safety of which is not less than 10 based on the maximum load which each rope is required to support;

(C) lifting machines or lifting tackle are so constructed and maintained as to prevent accidental movement of the working platform and so situated that they are readily accessible for inspection and that the rope connections to the outriggers are vertically above the working platform attachments;

(D) the working platform is—

(a) not less than 456 mm and not more than 912 mm wide for light suspended scaffolds and not less than 912 mm wide for heavy suspended scaffolds;

(b) so suspended as to be as close as practicable to the structure on which work is being performed and secured at every working position to prevent relative horizontal movement between the platform and the structure;

(c) provided with substantial guard rails at least 900 mm and not more than 1 100 mm above and on all sides of the platform, except the side facing the structure: Provided that, in the case of a light suspended scaffold, guard rails, which may be not less than 750 mm high, shall be provided on all sides of the platform;

(d) provided on all sides with toe-boards which shall be not less than 150 mm high from the level of the platform and in the case of wood not less than 25 mm thick and which shall be so installed that no open space exists between the toe-board and the platform: Provided that, in the case of heavy suspended scaffolds, the toe-boards facing the structure may be not less than 50 mm high from the level of the platform.

(11) *Trestle Scaffolds*.—No employer shall require or permit a trestle scaffold to be used which is more than 3 m high or which is constructed in more than two tiers.”

4. In clauses 21, 34, 35 and 36, substitute the expression “16 hours” for the words “eight hours” wherever they appear.

5. CLAUSE 31.—EMPLOYER ORGANISATIONS' LEVY

Substitute the expression “16 hours” for the words “eight hours” and in subclause (6), substitute “2½% (two and a half per cent)” for “5% (five per cent)”.

6. CLAUSE 35.—THE NATIONAL DEVELOPMENT FUND FOR THE BUILDING INDUSTRY

In subclause (2), after the words “eight cents per week”, insert the words “and after 8 January 1974, an amount of 12 cents per week”.

7. CLAUSE 36.—ANNUAL LEAVE, PAID PUBLIC HOLIDAYS AND PORT ELIZABETH BUILDING INDUSTRY HOLIDAY FUND

(1) Add the following to subclause (1) (a):

“Between 7.45 a.m. on 17 December 1974 and 7.45 a.m. on 7 January 1975.”

(2) Substitute the following for subclause (2):

“(2) (a) Good Friday, Easter Monday, Ascension Day, Settlers' Day, Day of the Covenant, Christmas Day and New Year's Day shall be compulsory paid holidays for all employees (except watchmen) for whom wages are prescribed in Part 1 of this Agreement and payment shall be made in the manner provided for and at the rates prescribed in the further provisions of this clause: Provided that apprentices, minors, learners, learner asphalters, and learner glaziers shall be paid as though they had, in fact, worked the ordinary hours of work on those days.

(b) Republic Day shall be a compulsory paid holiday for all employees (except watchmen) and payment shall be made on the first pay-day following the holiday referred to in this paragraph: Provided that—

(i) when Republic Day falls on a Saturday or on the same day as any of the compulsory paid holidays referred to in subclause (2) (a), an employee shall be paid at not less than his ordinary rate of wage as if he had on such day worked the ordinary hours of work;

(ii) if an employee is absent from work on the working day immediately prior to and/or following Republic Day he shall not be entitled to any payment referred to in proviso (1): Provided further that this proviso shall not apply in respect of an employee who is absent from work on the instructions or at the request of his employer.

(c) In the event of a compulsory paid holiday referred to in this subclause falling upon a Sunday, the Monday following shall be observed as a paid holiday.”

(B) die werkplatform hang aan minstens twee afsonderlike staalkabels met 'n veiligheidsfaktor van minstens 10, gebaseer op die maksimum wag wat elke kabel moet dra;

(C) die hysmasjiene of -toestelle so opgerig en in stand gehou word dat die werkplatform nie per ongeluk beweeg kan word nie en so gelei is dat hulle maklik vir inspeksie toeganklik is en dat die kabelverbindinge met die kraanbalke vertikaal bokant die werkplatformaanhegpoints is;

(D) die werkplatform—

(a) vir ligte hangsteiers minstens 456 mm en hoogstens 912 mm breed is en vir swaar hangsteiers minstens 912 mm breed is;

(b) so hang dat dit so na as moontlik is aan die bouwerk waaraan gewerk word en by elke werkposisie vasgesit is om relatiewe horisontale beweging tussen die platform en die bouwerk te voorkom;

(c) voorsien is van sterk skutrelings minstens 900 mm en hoogstens 1 100 mm bokant en aan alle kante van die platform, behalwe aan die kant teenoor die bouwerk: Met dien verstande dat, in die geval van ligte hangsteiers, skutrelings wat minstens 750 mm hoog is aan alle kante van die platform aangebring moet word;

(d) aan alle kante voorsien is van stootstukke wat minstens 150 mm hoog vanaf die vlak van die platform moet wees, en in die geval van hout, minstens 25 mm dik moet wees, en wat so aangebring moet word dat daar geen oop ruimte tussen die stootstuk en die platform bestaan nie: Met dien verstande dat in die geval van swaar hangsteiers, die stootstukke teenoor die bouwerk minstens 50 mm hoog vanaf die vlak van die platform kan wees.

(11) *Boksteiers*.—Geen werkgewer mag vereis of toelaat dat meer as twee rye bestaan nie.”

4. In klousule 21, 34, 35 en 36 vervang die uitdrukkings “8 uur” en “agt uur” deur die uitdrukking “16 uur”.

5. KLOUSULE 31.—HEFFINGS VIR WERKGEWERS-ORGANISASIES

Vervang die uitdrukking “agt uur” deur die uitdrukking “16 uur” en in subklousule (6), vervang “5% (vyf persent)” deur “2½% (twee en 'n half persent)”.

6. KLOUSULE 35.—DIE NASIONALE ONTWIKKELINGS-FONDS VIR DIE BOUNYWERHEID

In subklousule (2), voeg die woorde “en na 8 Januarie 1974” in bedrag van 12 sent per week” in na die woorde “8 sent per week”.

7. KLOUSULE 36.—JAARLIKSE VERLOF, OPENBARE VAKANSIEDAE MET BESOLDIGING EN DIE VAKANSIE-FONDS VIR DIE BOUNYWERHEID VAN PORT ELIZABETH

(1) Voeg die volgende by subklousule (1) (a):

“Tussen 7.45 vm. op 17 Desember 1974 en 7.45 vm. op 7 Januarie 1975.”

(2) Vervang subklousule (2) deur die volgende:

“(2) (a) Goeie Vrydag, Paasmaandag, Hemelvaartsdag, Setlaarsdag, Geloftedag, Kersdag en Nuwejaarsdag is verpligte vakansiedae met besoldiging vir alle werknemers (uitgesonderd wagte) vir wie lone in Deel I van hierdie Ooreenkoms voorgeskryf word, en betaling moet geskied op die wyse waarvoor daar voorsiening gemaak is en wel teen die loonskaal in die verdere bepalings van hierdie klousule voorgeskryf: Met dien verstande dat vakleerlinge, minderjariges, leerlinge, leerlingasfaltwerkers en leerlingglaswerkers betaal moet word asof hulle werklik die gewone werkure op daardie dae gewerk het.

(b) Republiekdag is 'n verpligte vakansiedag met besoldiging vir alle werknemers (uitgesonderd wagte) en betaling moet geskied op die eerste betaaldag wat volg op die vakansiedag in hierdie paragraaf bedoel: Met dien verstande dat—

(i) as Republiekdag op 'n Saterdag val of op dieselfde dag as enige van die verpligte vakansiedae met besoldiging in subklousule (2) (a) bedoel, 'n werknemer teen minstens sy gewone loon betaal moet word asof hy op sodanige dag die gewone werkure gewerk het;

(ii) as 'n werknemer van die werk afwesig is op die werkdag onmiddellik voor en/of na Republiekdag, hy op geen betaling in voorbehoudsbepaling (i) bedoel, geregtig is nie: Met dien verstande voorts dat hierdie voorbehoudsbepaling nie van toepassing is nie ten opsigte van 'n werknemer wat in opdrag of op versoek van sy werkgewer van die werk afwesig is.

(c) Ingeval 'n verpligte vakansiedag met besoldiging in hierdie subklousule bedoel, op 'n Sondag val, moet dit na die daaropvolgende Maandag verskuif word.”

(3) Substitute the following for subclause (3) (a) (i):

"(3) (a) In addition to the remuneration payable in terms of clause 4 of Part I of this Agreement, every employer shall pay to—

(i) each of the undermentioned employees in his employ in respect of the ordinary time worked by each such employee in his employ the following holiday fund allowance, which allowance shall include payment in respect of Good Friday, Easter Monday, Ascension Day, Settlers' Day, Day of the Covenant, Christmas Day and New Year's Day:

	Per hour Cents
(aa) Unskilled labourers.....	3
(bb) Semi-skilled labourers.....	4
(cc) Drivers of mechanical vehicles of a payload—	
up to and including 2 722 kg.....	4
over 2 722 kg but not exceeding 4 536 kg.....	4
over 4 536 kg.....	5
(dd) Journeymen.....	7½
(ee) Foremen.....	7½
(ff) General Foremen.....	7½
(gg) Journeyman's assistant.....	5."

(4) In subclause (3) (b) substitute the following for subparagraphs (aa), (bb), (cc) and (gg):

(aa) Unskilled labourers.....	1,20
(bb) Semi-skilled labourers.....	1,60
(cc) Drivers of mechanical vehicles of a payload—	
up to and including 2 722 kg.....	1,60
over 2 722 kg but not exceeding 4 536 kg.....	1,60
over 4 536 kg.....	2,00
(gg) Journeyman's assistant.....	2,80."

(5) In subclause (3) (c) substitute the figure "R2,80" for the figure "R2,40".

8. Insert the following new clause 40:

"40. Pension Fund

(1) Every employer shall in respect of every employee for whom wages are prescribed in clauses 4 (1) (a) (i), (ii), (v), (x) and (xii) of Part I and clauses 4 (1) (a) (iii), (iv), (v), (vi), (vii), (viii), (ix) and (xiii) (aa), (bb) and (cc) of Part II of this Agreement and who has worked for 16 hours or more during a week (excluding overtime) pay to the Council in accordance with the procedure prescribed in subclause (5) of this clause, the amount of 60 cents.

(2) In addition to any other remuneration payable in terms of this Agreement, an employer shall pay to every employee referred to in subclause (1), who has worked for him, an allowance of 0,75 cent in respect of every hour worked (excluding overtime) weekly: Provided that the said allowance shall be paid for not more than 40 hours in any one week.

(3) An employer shall be entitled in respect of the contributions made by him in terms of subclause (1), to deduct from the remuneration of an employee the amount of 60 cents per week: Provided that where an employee is employed by two or more employers during the same week the deduction shall only be made by the employer by whom he was first employed for not less than 16 hours during the week.

(4) (a) The amounts paid by employers in terms of subclause (1) shall be applied for a pension fund and life assurance scheme (hereinafter referred to as "the fund") for employees for whom contributions are made.

(b) For the purpose of implementing the objects of paragraph (a), the Council shall be entitled to enter into an agreement or agreements with an insurance company.

Copies of all rules relating to such fund shall be lodged with the Secretary for Labour with whom copies of all alterations or amendments thereto shall also from time to time be lodged.

(5) (a) For each amount paid to the Council in terms of subclause (1), the Secretary shall issue a stamp to such employer.

(b) Every employer shall on every pay-day referred to in clause 7 (1) of Part I and clause 5 (1) of Part II of this Agreement, issue such stamp to each of his employees in respect of whom payment has been made in terms of subclause (1).

(6) Every employee shall immediately affix such stamp issued to him by his employer in his contribution card, which shall be retained by him.

(7) Every employer shall, at all times, maintain an adequate supply of the stamps referred to in subclause (5) (a) hereof which shall be obtained from the Secretary of the Council: Provided that an employer shall immediately after the last day in Octo-

(3) Vervang subklousule (3) (a) (i) deur die volgende:

"(3) (a) Benewens die besoldiging wat ingevolge klousule 4 van Deel I van hierdie Ooreenkoms betaalbaar is, moet elke werkgever—

(i) aan elkeen van ondergenoemde werknemers in sy diens, vir die gewone tyd wat elke sodanige werknemer in sy diens gewerk het, die volgende vakansiefondstoelae betaal, en sodanige toelae moet betaling vir Goeie Vrydag, Paasmaandag, Hemelvaartsdag, Setlaarsdag, Geloftedag, Kersdag en Nuwejaarsdag insluit:

	Per uur Sent
(aa) Ongeskoolde arbeiders.....	3
(bb) Halfgeskoolde arbeiders.....	4
(cc) Drywers van meganiese voertuie met 'n loonvrag van—	
hoogstens 2 722 kg.....	4
meer as 2 722 kg maar hoogstens 4 536 kg....	4
meer as 4 536 kg.....	5
(dd) Ambagsmanne.....	7½
(ee) Voormanne.....	7½
(ff) Algemene voormanne.....	7½
(gg) Ambagsmanassistentente.....	5."

(4) In subklousule (3) (b), vervang subparagrafe (aa), (bb), (cc) en (gg) deur die volgende:

(aa) Ongeskoolde arbeiders.....	1,20
(bb) Halfgeskoolde arbeiders.....	1,60
(cc) Drywers van meganiese voertuie met 'n loonvrag van—	
hoogstens 2 722 kg.....	1,60
meer as 2 722 kg maar hoogstens 4 536 kg....	1,60
meer as 4 536 kg.....	2,00
(gg) Ambagsmanassistentente.....	2,80."

(5) In subklousule (3) (c), vervang die syfer "R2,40" deur die syfer "R2,80".

8. Voeg die volgende nuwe klousule 40 in:

"40. Pensioenfonds

(1) Elke werkgever moet ten opsigte van elke werknemer vir wie lone in klousule 4 (1) (a) (i), (ii), (v), (x) en (xii) van Deel I en klousule 4 (1) (a) (iii), (iv), (v), (vi), (vii), (viii), (ix) en (xiii) (aa), (bb) en (cc) van Deel II van hierdie Ooreenkoms voorgeskryf word en wat gedurende 'n week 16 uur of meer (uitgesonderd oortydwerk) gewerk het, in ooreenstemming met die prosedure in subklousule (5) van hierdie klousule voorgeskryf, die bedrag van 60 sent aan die Raad betaal.

(2) Benewens ander besoldiging betaalbaar ingevolge hierdie Ooreenkoms, moet 'n werkgever aan elke werknemer in subklousule (1) bedoel wat vir hom gewerk het, 'n toelae van 0,75 sent betaal ten opsigte van elke uur in 'n week gewerk (uitgesonderd oortydwerk): Met dien verstande dat genoemde toelae vir hoogstens 40 uur in 'n bepaalde week betaal word.

(3) 'n Werkgever is daarop geregtig om ten opsigte van die bydraes ingevolge subklousule (1) deur hom betaal, die bedrag van 60 sent per week van die besoldiging van 'n werknemer af te trek: Met dien verstande dat waar 'n werknemer gedurende dieselfde week by twee of meer werknemers in diens was, die bedrag afgetrek mag word slegs deur die werkgever by wie hy die eerste gedurende die week minstens 16 uur lank in diens was.

(4) (a) Die bedrae ingevolge subklousule (1) deur werkgevers betaal, moet aangewend word vir 'n pensioenfonds en lewensversekeringkema (hierna die 'fonds' genoem) vir werknemers vir wie bydraes gemaak word.

(b) Ten einde die oogmerke van paragraaf (a) te implementeer, is die Raad daarop geregtig om 'n ooreenkoms of ooreenkoms te met 'n versekeringsmaatskappy aan te gaan.

Eksemplare van alle reëls betreffende sodanige fonds moet voorgelê word aan die Sekretaris van Arbeid, by wie eksemplare van alle veranderings daaraan of wysigings daarvan ook van tyd tot tyd ingedien moet word.

(5) (a) Vir elke bedrag wat ingevolge subklousule (1) aan die Raad betaal word, moet die Sekretaris 'n seël aan sodanige werkgever uitreik.

(b) Elke werkgever moet op elke betaaldag in klousule 7 (1) van Deel I en klousule 5 (1) van Deel II van hierdie Ooreenkoms bedoel, sodanige seël uitreik aan elkeen van sy werknemers ten opsigte van wie betaling ingevolge subklousule (1) gedoen is.

(6) Elke werknemer moet sodanige seël wat deur sy werkgever aan hom uitgereik is, onmiddellik in sy bydraekaart plak, wat deur hom gehou moet word.

(7) Elke werkgever moet te alle tye 'n voldoende voorraad van die seëls in subklousule (5) (a) hiervan bedoel, aanhou en sodanige seëls moet van die Sekretaris van die Raad verkry word: Met dien verstande dat 'n werkgever enige ongebruikte seëls

ber each year, or on expiration of this Agreement, return any unused stamps to the Secretary of the Council who shall refund the value of any unused stamps to the employer concerned. Stamps obtained by an employer during any particular year shall not be issued to an employee after 31 October of that year, and for the purpose of this clause 'year' shall mean from 1 November to 31 October each year.

(8) An application for a contribution card shall be made by every employee upon whom the provisions of this Agreement are binding, within 21 days of accepting employment in the Industry, and every employer upon whom the provisions of this Agreement are binding shall ensure that such employee is in possession of a contribution card within 21 (twenty-one) days of the date of commencement of his employment.

(9) The contribution card and stamps referred to in this clause shall be in such form as may be determined by the Council from time to time.

(10) (a) Stamps issued in terms of this clause shall not be transferable and no employer shall issue stamps obtained in any manner otherwise than in accordance with the provisions of this clause to his employees.

(b) Any employer and/or employee who assigns, transfers, cedes, pledges, hypothecates, borrows, lends, and/or in any manner otherwise than in accordance with the procedure laid down in this Agreement, acquires and/or alienates stamp(s), shall forfeit such stamp(s) and any value or benefit attached thereto shall forthwith be forfeited to the Council. The value of stamps so seized by the Council shall accrue to the general funds of the Council.

(11) The Council may, at its discretion, combine the stamp referred to in this clause, with any other stamps issued by the Council in respect of any other funds administered by it.

(12) An employer who fails or omits to purchase and issue the stamps prescribed in terms of the provisions of this clause on due date shall pay interest at the rate of 10% (ten per cent) on the value of such stamps from the date on which they should have been purchased to the date on which they were actually purchased.

(13) The members of the Council and its employees shall not be liable for any debts and liabilities of the fund and they are hereby indemnified by the fund against all losses and expenses incurred by them in or about the bona fide discharge of their duties.

(14) In the event of the dissolution of the Council or in the event of it ceasing to function during the currency of this Agreement, the Registrar may appoint a trustee or trustees to perform the functions of the Council in respect of this clause, and the trustee(s) so appointed shall have all the powers vested in the Council for the purposes of this clause."

9. Renumber the existing clause 40 to read "41".

PART II

1. CLAUSE 2.—SCOPE AND APPLICATION

In subclause (3), substitute the expression ", 40 and 41" for the expression "and 40".

2. CLAUSE 3.—DEFINITIONS

Delete the definition of "Republic Day".

3. CLAUSE 4.—WAGES

(1) In subclause (1) (a), substitute the following for the existing paragraphs (iv), (v), (vi), (vii), (viii), (ix) and (xiii) (aa), (bb) and (cc):

"(iv) Machine minders and sawyers.....	43
"(v) Semi-skilled labourers.....	39
"(vi) Drivers of mechanical vehicles with a payload—	
up to and including 2 722 kg.....	37
over 2 722 kg but not exceeding 4 536 kg.....	44
over 4 536 kg.....	47
"(vii) Mechanical handling equipment drivers.....	43
"(viii) Unskilled labourers.....	26
"(ix) Watchmen: R14 per six-day week.....	
"(xiii) (aa) Semi-skilled worker, Grade I.....	32
(bb) Semi-skilled worker, Grade II.....	30
(cc) Semi-skilled worker, Grade III.....	29".

(2) Substitute the following for subclause (1) (b):

"(b) Bonus: In addition to the wages payable in terms of subclause (1) (a) hereof every employer shall pay to each of the undermentioned employees in his employ the following bonus:

Supervisors, foremen, general foremen, joiners, machinists, saw doctors, maintenance mechanics, glaziers in joinery shops and journeymen in all other trades: Half of a working day's wage for each completed month of employment, plus a quarter

onmiddellik na die laaste dag van Oktober elke jaar of by verstryking van hierdie Ooreenkoms moet terugbesorg aan die Sekretaris van die Raad wat die waarde van enige ongebruikte seëls aan die betrokke werkgewer moet terugbetaal. Seëls wat gedurende enige besondere jaar deur 'n werkgewer verkry is, mag nie na 31 Oktober van daardie jaar aan 'n werknemer uitgereik word nie, en vir die toepassing van hierdie klousule beteken 'jaar' van 1 November tot 31 Oktober elke jaar.

(8) Elke werknemer vir wie hierdie Ooreenkoms bindend is, moet aansoek om 'n bydraekaart doen binne 21 dae nadat hy diens in die Nywerheid aanvaar het en elke werkgewer vir wie hierdie Ooreenkoms bindend is, moet seker maak dat sodanige werknemer in besit is van 'n bydraekaart binne 21 (een-en-twintig) dae vanaf die aanvang van sy diens.

(9) Die bydraekaart en seëls in hierdie klousule bedoel, moet in sodanige vorm wees as wat die Raad van tyd tot tyd bepaal.

(10) (a) Seëls uitgereik ooreenkomstig hierdie klousule is nie oordraagbaar nie en geen werkgewer mag seëls wat op enige ander wyse verkry is as dié ooreenkomstig hierdie klousule aan sy werknemers uitreik nie.

(b) Enige werkgewer en/of werknemer wat seëls afstaan, oordra, seeder, verpand, verhipotekeer, leen, uitleen en/of verkry en/of vervoer op enige ander manier as dié ooreenkomstig die prosedure in hierdie Ooreenkoms uiteengesit, verbeur sodanige seël(s), en enige waarde of voordeel daaraan verbonde, word onmiddellik aan die Raad verbeur. Die waarde van seëls waarop aldus deur die Raad beslag gelê word, val die algemene fondse van die Raad toe.

(11) Die Raad kan na goeë dunks die seël in hierdie klousule bedoel, kombineer met enige ander seëls wat reeds deur die Raad uitgereik is ten opsigte van enige ander fondse wat deur hom geadministreer word.

(12) 'n Werkgewer wat versuim of nalaat om die seëls wat ingevolge hierdie klousule voorgeskryf is, op die bepaalde datum te koop en uit te reik, moet rente teen 10% (tien persent) op die waarde van sodanige seëls betaal vanaf die datum waarop hulle gekoop moes wees tot op die datum waarop hulle werklik gekoop is.

(13) Die lede van die Raad en sy werknemers is nie aanspreeklik vir enige skulde en aanspreeklikhede van die fonds nie en hulle word hierby deur die fonds gevrywaar teen alle verliese en uitgawes deur hulle aangegaan in of met betrekking tot die bona fide-uitvoering van hul pligte.

(14) Indien die Raad ontbind word of indien dit ophou om te funksioneer tydens die geldigheidsduur van hierdie Ooreenkoms, kan die Registrateur 'n trustee of trustees aanstel om die werksaamhede van die Raad te verrig ten opsigte van hierdie klousule, en die trustee(s) aldus aangestel besit al die bevoegdhede van die Raad vir die toepassing van hierdie klousule."

9. Hernommer die bestaande klousule 40 tot "41".

DEEL II

1. KLOUSULE 2.—TOEPASSINGSBESTEK

In subklousule (3), vervang die uitdrukking "en 40" deur die uitdrukking ", 40 en 41".

2. KLOUSULE 3.—WOORDOMSKRYWING

Skrap die woordomskrif van "Republiekdag".

3. KLOUSULE 4.—LONE

(1) In subklousule (1) (a), vervang die bestaande paragrawe (iv), (v), (vi), (vii), (viii), (ix) en (xiii) (aa), (bb) en (cc) deur die volgende:

"(iv) Masjienoppassers en saers.....	43
"(v) Halfgeskoolde arbeiders.....	39
"(vi) Drywers van meganiese voertuie met 'n loonvrag van—	
hoogstens 2 722 kg.....	37
meer as 2 722 kg maar hoogstens 4 536 kg....	44
meer as 4 536 kg.....	47
"(vii) Drywers van meganiese hanteeruistruktuur.....	43
"(viii) Ongeskoolde arbeiders.....	26
"(ix) Wagte: R14 per sesdagweek.....	
"(xiii) (aa) Halfgeskoolde werker, graad I.....	32
(bb) Halfgeskoolde werker, graad II.....	30
(cc) Halfgeskoolde werker, graad III.....	29".

(2) Vervang subklousule (1) (b) deur die volgende:

"(b) Bonus: Benewens die lone wat ingevolge subklousule (1) (a) hiervan betaalbaar is, moet elke werkgewer aan elkeen van ondergenoemde werknemers in sy diens die volgende bonus betaal:

Toesighouers, voormanne, algemene voormanne, skrynwerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, glaswerkers in skrynwerkwinkels en ambagsmanne in alle ander ambagte: Die helfte van die werkdag se loon vir elke voltooide

of a working day's wage for each month during which such employee has lost no working days other than through absence with the permission or approval of his employer.

The bonus shall be paid to such employee in accordance with the provisions of clause 11 of Part II of the Agreement and shall be in addition to the amounts payable to the employee in terms of that clause. An employee whose contract of employment terminates before the commencement of his annual leave shall be paid such bonus on the date of such termination.

(c) (i) Notwithstanding the provisions of subclause (1) (a) an employer shall pay to each of the undermentioned employees in his employ who has worked a full week of not less than 40 ordinary hours a wage of not less than:

	Wage per hour Cents
(aa) Journeyman's assistant.....	49
(bb) Sawyers.....	49
(cc) Machine minders.....	49
(dd) Semi-skilled labourers.....	44
(ee) Unskilled labourers.....	33
(ff) Drivers of mechanical vehicles of a payload—	
up to and including 2 722 kg.....	42
over 2 722 kg but not exceeding 4 536 kg.....	49
over 4 536 kg.....	53
(gg) Semi-skilled worker, Grade I.....	37
(hh) Semi-skilled worker, Grade II.....	35
(ii) Semi-skilled worker, Grade III.....	34
(jj) Mechanical handling equipment driver.....	49

(ii) In the event of a paid public holiday falling within any week and an employee mentioned in paragraph (c) (i) hereof having worked all the remaining working days of the week, the employer shall pay such an employee for the remaining days at the hourly rate prescribed in paragraph (c) (i) hereof.

(iii) In the event of inclement weather preventing an employee mentioned in paragraph (c) (i) hereof from working on any day or days during any week, and such employee having worked all the remaining working days of the week and having reported for work on such day or days on which inclement weather occurs, an employer shall pay such employee for such remaining days at the hourly rate prescribed in paragraph (c) (i) hereof.

(iv) In the event of an employee mentioned in paragraph (c) (i) hereof not being able to complete a full week due to termination of employment during that week, the employer shall pay such employee for the days worked at the hourly rate prescribed in paragraph (c) (i) hereof.

(v) In the event of an employee mentioned in paragraph (c) (i) hereof commencing employment with an employer during a week and working the remaining days of that week, the employer shall pay such employee for such remaining days at the hourly rate prescribed in paragraph (c) (i) hereof.

(vi) In the event of an employee mentioned in paragraph (c) (i) hereof being prevented from working on any working day or part of a working day during any week due to the breakdown and/or unavailability of any public transport normally at his disposal on the most direct route between his normal place of abode and the job, yard or workshop where he is employed, and such employee having worked all the remaining ordinary hours of work of the week, the employer shall pay such employee for such remaining ordinary hours of work at the hourly rate prescribed in paragraph (c) (i) hereof.

(vii) In the event of an employee mentioned in paragraph (c) (i) hereof being unable to complete a full week or to continue working on any day or days due to slackness of work or unavoidable delays in securing delivery of materials, or other causes beyond the control of the employer, and such employee having worked all the remaining days of the week, the employer shall pay such employee for the remaining days worked at the hourly rate prescribed in paragraph (c) (i) hereof.

(viii) In the event of an employee mentioned in paragraph (c) (i) hereof being unable to complete a full week due to sickness or absence from work due to an accident which is compensable under the Workmen's Compensation Act, 1941, and such employee having worked all the remaining working days of the week, the employer shall pay such employee for the remaining working days at the hourly rate prescribed in paragraph (c) (i) hereof: Provided that an employer may require the employee to produce satisfactory proof substantiating the nature and duration of his incapacity: Provided further that if he was suffering from alcohol-

maand diens, plus 'n kwart van 'n werkdag se loon vir elke maand waarin sodanige werknemer geen werkdag verloor het nie, uitgesonderd weens afwesigheid met die toestemming of goedkeuring van sy werkgever.

Die bonus moet ooreenkomstig klousule 11 van Deel II van die Ooreenkoms aan so 'n werknemer betaal word en moet betaal word benewens die bedrae wat ingevolge daardie klousule aan die werknemer betaalbaar is. 'n Werknemer wie se dienskontrak voor die begin van sy jaarlikse verlof eindig, moet sodanige bonus op die datum van sodanige beëindiging betaal word.

(c) (i) Ondanks subklousule (1) (a), moet 'n werkgever aan elk van ondergenoemde werknemers in sy diens wat 'n volle week van minstens 40 gewone werkure gewerk het, minstens die volgende loon betaal:

	Loon per uur Sent
(aa) Ambagsmansassistent.....	49
(bb) Saers.....	49
(cc) Masjienoppassers.....	49
(dd) Halfgeskoolde arbeiders.....	44
(ee) Ongeskoolde arbeiders.....	33
(ff) Drywers van meganiese voertuie met 'n loon- vrag van—	
hoogstens 2 722 kg.....	42
meer as 2 722 kg maar hoogstens 4 536 kg....	49
meer as 4 536 kg.....	53
(gg) Halfgeskoolde werker, graad I.....	37
(hh) Halfgeskoolde werker, graad II.....	35
(ii) Halfgeskoolde werker, graad III.....	34
(jj) Drywer van meganiese hanteeruitrusting.....	49

(ii) Ingeval 'n openbare vakansiedag met besoldiging binne 'n week val en 'n werknemer in paragraaf (c) (i) hiervan vermeld, al die ander werkdag van die week gewerk het, moet die werkgever sodanige werknemer vir die ander dae betaal teen 'n uurloon soos voorgeskryf in paragraaf (c) (i) hiervan.

(iii) Ingeval gure weer 'n werknemer in paragraaf (c) (i) hiervan vermeld, verhinder om op enige dag of dae gedurende enige week te werk, en sodanige werknemer al die ander werkdag van die week gewerk het en hom op die dag of dae waarop die gure weer voorkom, vir werk aangemeld het, moet 'n werkgever sodanige werknemer vir sodanige ander dae betaal teen die uurloon voorgeskryf in paragraaf (c) (i) hiervan.

(iv) Ingeval 'n werknemer in paragraaf (c) (i) hiervan vermeld, nie 'n volle week kan voltooi nie omdat sy diens gedurende daardie week beëindig is, moet die werkgever sodanige werknemer vir die dae wat hy gewerk het, betaal teen die uurloon voorgeskryf in paragraaf (c) (i) hiervan.

(v) Ingeval 'n werknemer in paragraaf (c) (i) hiervan vermeld, gedurende 'n week by 'n werkgever begin werk en vir die oorblywende dae van dié week werk, moet die werkgever sodanige werknemer vir sodanige oorblywende dae betaal teen die uurloon voorgeskryf in paragraaf (c) (i) hiervan.

(vi) Ingeval enige openbare vervoer wat normaalweg tot sy beskikking is oor die kortste roete tussen sy normale woonplek en die werk, werkplaas of werkwinkel waar hy in diens is, onderbreek word en of nie beskikbaar is nie en dit 'n werknemer in paragraaf (c) (i) hiervan genoem, verhinder om op 'n werkdag of deel van 'n werkdag gedurende 'n bepaalde week te werk en sodanige werknemer al die oorblywende gewone werkure van die week gewerk het, moet die werkgever sodanige werknemer vir sodanige oorblywende gewone werkure betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf.

(vii) Ingeval 'n werknemer in paragraaf (c) (i) hiervan genoem, vanweë werkslapte of onvermydelike vertraginge met die aflewering van materiaal of ander oorsake buite die beheer van die werkgever, nie 'n volle week kan voltooi nie en dit onmoontlik is om op enige dag of dae voort te gaan met werk en sodanige werknemer al die oorblywende dae van die week gewerk het, moet die werkgever sodanige werknemer vir die oorblywende dae betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf.

(viii) Ingeval 'n werknemer in paragraaf (c) (i) hiervan genoem, vanweë siekte of afwesigheid van die werk weens 'n ongeluk waarvoor skadeloosstelling kragtens die Ongevallewet, 1941, betaalbaar is, nie 'n volle week kan voltooi nie en sodanige werknemer al die oorblywende werkdag van die week gewerk het, moet die werkgever sodanige werknemer vir die oorblywende werkdag betaal teen die uurloon in paragraaf (c) (i) hiervan voorgeskryf: Met dien verstande dat 'n werkgever van die werknemer kan vereis om bevredigende bewys te lewer van die aard en duur van sy ongeskiktheid: Voorts met dien verstande dat indien hy aan alkoholisme, dwelmsverslaaftheid of die gevolge daarvan

lism, drug addiction or their sequelae or was incapacitated through sickness due to his own wilful negligence or misconduct he shall not be entitled to the rate prescribed in paragraph (c) (i) hereof.

(ix) Any disputes concerning the interpretation, meaning or intention of any of the provisions referred to in subparagraphs (ii) to (viii) which the employer and employee are unable to settle shall be referred to the Council for decision. The decision of the Council shall be final and binding on the employer and employee and the Council shall not be obliged to give reasons for any decision."

(3) Substitute the following for subclause (3):

"(3) The wages prescribed in subclause (1) (a) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (xiii) (aa), (bb), (cc) and subclause (1) (c) (i) shall be subject to the following annual adjustments in respect of wages payable on and as from the second pay-day in February after publication of the *Government Gazette* in January each year, reflecting the change in the index figure: (The 'index figure' means the consumer price index figure for Port Elizabeth relating to all items, as published by the Department of Statistics in the *Government Gazette* in respect of the said area compared with itself in April 1970.):

(a) *glaziers in joinery shop*.—The index figure multiplied by 81c and divided by 100.

(b) *Joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades*.—The index figure multiplied by 90c and divided by 100.

(c) (i) *Employees for whom wages are prescribed in subclause (1) (a) (iii), (iv), (v), (vi), (vii), (viii) and (xiii) (aa), (bb) and (cc)*.—The index figure multiplied by the relevant wage prescribed as at 9 July 1973 and divided by 120.

(ii) *Employees for whom wages are prescribed in subclause (1) (c) (i)*.—The index figure multiplied by the relevant wage prescribed as at 9 July 1973 and divided by 120.

(d) *Watchmen*.—The index figure multiplied by R14 and divided by 120.

The results reached in paragraphs (a), (b), (c) and (d) shall be rounded off to the nearest whole cent which shall then constitute the new wage."

4. CLAUSE 8.—OVERTIME

In subclause 3 (a), substitute the following for the existing paragraphs (ii), (iii) and (v):

- | | |
|--|----|
| "(ii) Sawyers, machine minders, mechanical handling equipment drivers and journeyman's assistants... | 5 |
| (iii) Semi-skilled workers, Grades I, II and III and semi-skilled labourers..... | 4 |
| (v) Unskilled labourers..... | 3" |

5. CLAUSE 11.—ANNUAL LEAVE AND PAID PUBLIC HOLIDAYS

(1) Add the following to subclause (1) (a):

"Between 7.45 a.m. on 17 December 1974, and 7.45 a.m. on 7 January 1975."

(2) Substitute the following for subclause (4):

"(4) For the purpose of this clause the expression 'employment' shall be deemed to include any period or periods during which an employee is—

(a) absent on leave in terms of subclause (1) hereof;

(b) undergoing military training in pursuance of the Defence Act, 1957;

(c) absent from work on the instruction or at the request of his employer;

(d) on sick leave in terms of section 21A of the Factories Machinery and Building Work Act, 1941;

amounting in the aggregate to not more than 10 weeks in respect of paragraphs (a), (c) and (d), plus not more than four months of any period of any military training undergone in that year, and shall be deemed to commence—

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

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

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

gely het, of ongeskik was vanweë siekte te wyte aan sy eie opsetlike nalatigheid of wangedrag, hy nie op die loon in paragraaf (c) (i) hiervan voorgeskryf, geregtig is nie.

(ix) Enige geskil oor die vertolkings, betekenis of bedoeling van enige van die bepalings in subparagrafe (ii) tot (viii) bedoel, wat die werkgever en werknemer nie kan skik nie, moet vir beslissing na die Raad verwys word. Die beslissing van die Raad is finaal en bindend vir die werkgever en werknemer en die Raad is nie verplig om redes vir enige beslissing te verstrek nie."

(3) Vervang subklousule (3) deur die volgende:

"(3) Die lone voorgeskryf in subklousule (1) (a) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) en (xiii) (aa), (bb) en (cc) en subklousule (1) (c) (i) is onderworpe aan ondergenoemde jaarlikse aanpassings ten opsigte van lone wat betaalbaar is op en vanaf die tweede betaaldag in Februarie na die publikasie van die *Staatskoerant* in Januarie elke jaar waarin die verandering in die indekssyfer aangegee word. ('Indekssyfer' beteken die verbruikersprysindekssyfer vir Port Elizabeth ten opsigte van alle items, soos deur die Departement van Statistiek in die *Staatskoerant* gepubliseer vir genoemde gebied, vergeleke met die toestand in dieselfde gebied in April 1970.):

(a) *Glaswerkers in skrynerkwinkel*.—Die indekssyfer vermenigvuldig met 81c en gedeel deur 100.

(b) *Skrynerwerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne, algemene voormanne en ambagsmanne in alle ander ambagte*.—Die indekssyfer vermenigvuldig met 90c en gedeel deur 100.

(c) (i) *Werknemers vir wie lone in subklousule (1) (a) (iii), (iv), (v), (vi), (vii), (viii) en (xiii) (aa), (bb) en (cc) voorgeskryf word*.—Die indekssyfer vermenigvuldig met die toepasslike voorgeskrewe loon soos op 9 Julie 1973 en gedeel deur 120.

(ii) *Werknemers vir wie lone in subklousule (1) (c) (i) voorgeskryf word*.—Die indekssyfer vermenigvuldig met die toepasslike voorgeskrewe loon soos op 9 Julie 1973 en gedeel deur 120.

(d) *Wagte*.—Die indekssyfer vermenigvuldig met R14 en gedeel deur 120.

Die resultate wat in paragrafe (a), (b), (c) en (d) verkry word, moet tot die naaste volle sent afgerond word, en dit maak dan die nuwe loon uit."

4. KLOUSULE 8.—OORTYD

In subklousule (3) (a), vervang die bestaande paragrafe (ii), (iii) en (v) deur die volgende:

- | | |
|--|----|
| "(ii) Saers, masjienoppassers, drywers van meganiese hanteeruitrusting en ambagsmansassistentes..... | 5 |
| (iii) Halfgeskoolde werkers, graad I, II en III en half-geskoolde arbeiders..... | 4 |
| (v) Ongeskoolde arbeiders..... | 3" |

5. KLOUSULE 11.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE MET BESOLDIGING

(1) Voeg die volgende by klousule (1) (a):

Tussen 7.45 vm. op 17 Desember 1974 en 7.45 vm. op 7 Januarie 1975."

(2) Vervang subklousule (4) deur die volgende:

"(4) By die toepassing van hierdie klousule word die uitdrukking 'diens' geag enige tydperk of tydperke in te sluit waarin 'n werknemer—

(a) kragtens subklousule (1) hiervan met verlof afwesig is;

(b) militêre opleiding ingevolge die Verdedigingswet, 1957, ondergaan;

(c) op las of op versoek van sy werkgever van die werk afwesig is;

(d) met siekteverlof is kragtens artikel 21A van die Wet op Fabriek, Masjinerie en Bouwerk, 1941;

vir altesaam hoogstens 10 weke ten opsigte van paragrafe (a), (c) en (d), plus hoogstens vier maande van die tydperk van militêre opleiding wat in daardie jaar ondergaan is, en word geag soos volg te begin—

(i) in die geval van 'n werknemer wat op verlof geregtig geword het ingevolge enige wet voordat hierdie Ooreenkoms van krag word, vanaf die datum waarop sodanige werknemer laas op verlof kragtens sodanige wet geregtig geword het;

(ii) in die geval van 'n werknemer wat voor die inwerking-tredingsdatum van hierdie Ooreenkoms in diens was en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was, maar wat nie daarkragtens op verlof geregtig geword het nie, vanaf die datum waarop sodanige diens begin het;

(iii) in die geval van alle ander werknemers, vanaf die datum waarop sodanige werknemer in sy werkgever se diens getree het, of vanaf die datum waarop hierdie Ooreenkoms van krag word, naamlik die jongste datum."

6. CLAUSE 13.—NATIONAL DEVELOPMENT FUND FOR THE BUILDING INDUSTRY

In subclause (1) insert the words "and after 8 January 1974, an amount of 12 cents" after the words "eight cents".

7. CLAUSE 14.—EMPLOYER ORGANISATIONS' LEVY

In subclause (2), substitute "2½% (two and a half per cent)" for "5 per cent (five per cent)".

Signed on behalf of the parties at Port Elizabeth this 30th day of March 1973.

F. G. BLACK, Chairman.

J. V. V. MEYER, Vice-Chairman.

V. H. LE ROUX, Secretary.

6. KLOUSULE 13.—NASIONALE ONTWIKKELINGSFONDS VIR DIE BOUNYWERHEID

In subklousule (1), voeg die woorde "en na 8 Januarie 1974 'n bedrag van 12 sent" in na die woorde "8 sent".

7. KLOUSULE 14.—HEFFING VIR WERKGEWERS-ORGANISASIES

In subklousule (2), vervang "5% (vyf persent)" deur "2½% (twee en 'n half persent)".

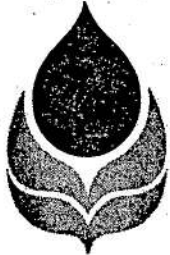
Namens die partye op hede die 30ste dag van Maart 1973 te Port Elizabeth onderteken.

F. G. BLACK, Voorsitter.

J. V. V. MEYER, Ondervoorsitter.

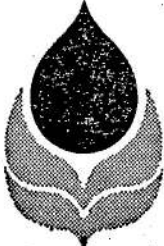
V. H. LE ROUX, Sekretaris.

Use it.

Don't abuse  it.

water is for everybody

Werk mooi daarmee.

Ons leef  daarvan

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