



RECEIVED IN LIBRARY

**REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE**

**STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA**

REGULATION GAZETTE No. 3211

PRICE (GST included) 30C PRYS (AVB ingesluit)

REGULASIEKOERANT No. 3211

Registered at the Post Office as a Newspaper

ABROAD 40c BUITELANDS

As 'n Nuusblad by die Poskantoor Geregistreer

POST FREE · POSVRY

VOL. 192]

CAPE TOWN, 19 JUNE 1981

[No. 7625

KAAPSTAD, 19 JUNIE 1981

GOVERNMENT NOTICES**DEPARTMENT OF MANPOWER
UTILISATION**

No. R. 1245]

[19 June 1981]

WAGE ACT, 1957

WAGE DETERMINATION 410

CEMENT PRODUCTS INDUSTRY, CERTAIN
AREAS

By direction of the Minister of Manpower Utilisation 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 Cement Products Industry, Certain Areas, and has fixed the second 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**

- (a) This determination shall apply to all the employers and all their employees, other than managers, in the Cement Products Industry in the following areas:
Cape Province.—The Magisterial Districts of Albany, Bellville, The Cape, De Aar, East London, George, Goodwood, Kimberley, King William's Town, Knysna, Kuils River,

GOEWERMENTSKENNISGEWINGS**DEPARTEMENT VAN
MANNEKRAGBENUTTING**

No. R.1245]

[19 Junie 1981]

LOONWET, 1957

LOONVASSTELLING 410

SEMENTPRODUKTENYWERHEID,
SEKERE GEBIEDE

In opdrag van die Minister van Mannekragbenutting, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van die Sementproduktenywerheid, Sekere Gebiede, gemaak en die tweede 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**

- (a) Hierdie vasstelling is van toepassing op al die werkgewers en al hulle werknemers, uitgesonderd bestuurders, in die Sementproduktenywerheid in die volgende gebiede:
Kaapprovincie.—Die landdrostdistrikte Albany, Bellville, De Aar, Die Kaap, George, Goodwood, Kimberley, King William's Town, Knysna, Kuilsrivier, Malmesbury, Mosselbaai,

Malmesbury, Mossel Bay, Oudtshoorn, Paarl, Port Elizabeth, Simonstown, Somerset West, Stellenbosch, Strand, Uitenhage, Upington, Wellington and Wynberg;
Natal.—The Magisterial Districts of Durban, Inanda, Klip River, Newcastle, Pietermaritzburg and Pinetown;
Orange Free State.—The Magisterial Districts of Bethlehem, Bloemfontein, Bothaville, Harrismith, Kroonstad, Odendaalsrus, Sasolburg, Virginia and Welkom;
Transvaal.—The Magisterial Districts of Alberton, Balfour, Benoni, Bethal, Boksburg, Brakpan, Brits, Delmas, Ermelo, Germiston, Heidelberg, Highveld Ridge, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Middelburg, Nigel, Oberholzer, Pietersburg, Piet Retief, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Rustenburg, Springs, Standerton, Vanderbijlpark, Vereeniging, Westonaria, Witbank and Wonderboom.

- (b) For the purposes of this determination "Cement Products Industry" means the Industry in which employers and employees are associated in establishments which are registered or liable for registration in terms of the Factories, Machinery and Building Work Act, 1941, for the purpose of manufacturing one or more of the following articles:

Bricks, tiles, roof tiles, blocks, pillars, pots, pipes, pipe fittings, ventilators or any other article of which cement or lime or both cement and lime form the principal binding material and which are not hardened by means of burning in a kiln or subjected to any other heat process except for purposes of drying or for the purpose of accelerating the hardening of the binding agent; and includes all operations incidental to or consequent on any of the aforesaid activities.

2. DEFINITIONS

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 for the purposes of this determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged; further unless inconsistent with the context—

A. In both sections of the Industry.

(1) "apprentice" means an employee as defined in the Apprenticeship Act, 1944, and includes a trainee under the Training of Artisans Act, 1951;

(2) "artisan" means an employee who is engaged in work normally performed by a skilled artisan, and for the purposes of this definition the expression "skilled artisan" means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section 6 of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section 2 (7) or section 7 (3) of the said Act and includes a patternmaker (other than a mould maker) and a welder (other than a spot, butt, jig or tack welder);

(3) "artisan's aid" means an employee, other than an apprentice, who under the direction and supervision of an artisan assists the latter in the performance of tasks which do not require the skill of or training as an artisan;

(4) "artisan's assistant" means an employee who assists an artisan by holding articles or tools or otherwise working with him including taking off or cleaning machine parts, taking out, putting on charge or replacing batteries of motor vehicles or topping up batteries, fuel, oil and water in motor vehicles or changing wheels or mending punctures;

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

(6) "assistant hostel manager" means an employee who, under the direction of a hostel manager, performs any of the activities and duties of such manager and who may act for the latter during his absence;

(7) "assistant machine operator" means an employee who, under the supervision of an operator of a machine, operates a machine;

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

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

(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, a telephone switchboard operator or any other office machine operator but does not include a factory clerk or any

Oos-Londen, Oudtshoorn, Paarl, Port Elizabeth, Simonstad, Somerset-Wes, Stellenbosch, Strand, Uitenhage, Upington, Wellington and Wynberg;

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

Oranje-Vrystaat.—Die landdrostdistrikte Bethlehem, Bloemfontein, Bothaville, Harrismith, Kroonstad, Odendaalsrus, Sasolburg, Virginia en Welkom;

Transvaal.—Die landdrostdistrikte Alberton, Balfour, Benoni, Bethal, Boksburg, Brakpan, Brits, Delmas, Ermelo, Germiston, Heidelberg, Hoëveldrif, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Middelburg, Nigel, Oberholzer, Pietersburg, Piet Retief, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Rustenburg, Springs, Standerton, Vanderbijlpark, Vereeniging, Westonaria, Witbank en Wonderboom.

- (b) Vir die toepassing van hierdie vasstelling beteken „Sementproduktenywerheid” die nywerheid waarin werkgewers en werkneemers met mekaar geassosieer is in bedryfsinrigtings wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is met die doel om een of meer van die volgende artikels te vervaardig:

Stene, teëls, dakpanne, blokke, pilare, potte, pype, pyptoebehore, lugroosters of enige ander artikel waarvan sement of kalk of beide sement en kalk die vernaamste bindmiddel vorm en wat nie deur middel van oondbrand gehard word of enige ander verhittingsproses ondergaan nie, behalwe vir drogingsdoeleindes of om die hardword van die bindmiddel te bespoedig; en omvat dit ook alle werksaamhede wat met enige van voorname bedrywighede in verband staan of daaruit voortspruit.

2. WOORDOMSKRYWINGS

Tensy uit die samehang anders blyk, het 'n uitdrukking wat in hierdie vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie Wet, en vir die toepassing van hierdie vasstelling word 'n werkneemers geag in die klas te wees waarin hy uitsluitlik of hoofsaklik werksaam is; voorts, tensy onbestaanbaar met die samehang, beteken—

A. In albei seksies van die Nywerheid.

(1) „vakleerling” 'n werkneemers soos omskryf in die Wet op Vakleerlinge, 1944, en sluit dit 'n kwekeling kragtens die Wet op Opleiding van Ambagsmanne, 1951, in;

(2) „ambagsman” 'n werkneemers wat werk doen wat in die reël deur 'n geskoold ambagsman verrig word, en vir die toepassing van hierdie woordomskrywing beteken die uitdrukking „geskoold 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 en omvat dit ook 'n modelmaker (uitgesonderd 'n vormmaker) en 'n swaizer (uitgesonderd 'n punt-, stuk-, setmaat- of hegswisser);

(3) „ambagsmanshulp” 'n werkneemers, uitgesonderd 'n vakleerling, wat onder leiding en toesig van 'n ambagsman laasgenoemde bystaan in die uitvoering van take wat nie die bedrewenheid van of opleiding as 'n ambagsman vereis nie;

(4) „ambagsman se assistent” 'n werkneemers wat 'n ambagsman help deur artikels op gereedskap vas te hou of andersins met hom saam te werk en wat ook masjiendele afhaal of skoonmaak, batterye van motorvoertuie afhaal, laai of terugplaas of batterye, brandstof, olie en water in motorvoertuie byvul of wiele omruil of lekke regmaak;

(5) „assistent-voorman” 'n werkneemers wat onder die algemene toesig van 'n bestuurder of 'n voorman enige van die pligte van 'n voorman vervul en wat gedurende laasgenoemde se afwesigheid namens hom kan waarnem;

(6) „assistent-tehuisbestuurder” 'n werkneemers wat onder die leiding van 'n tehuisbestuurder enige van die werksaamhede en pligte van sodanige bestuurder uitvoer en wat gedurende laasgenoemde se afwesigheid namens hom kan waarnem;

(7) „assistent-masjiendebieder” 'n werkneemers wat onder die toesig van 'n masjiendebieder 'n masjiendebieder;

(8) „ketelbediener” 'n werkneemers wat onder algemene toesig die waterpeil en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel mag maak, stook of uitlaai;

(9) „los werkneemers” 'n werkneemers wat hoogstens drie dae in 'n week by dieselfde werkgever in diens is;

(10) „klerk” 'n werkneemers wat skryf-, tik-, liasseer- of enige ander klerklike werk doen, en omvat dit 'n kassier, magasynman, versendingsklerk, telefoonskakelbordoperateur of enige ander kantoormasji-

other class of employee elsewhere defined in this clause notwithstanding the fact that clerical work may form a portion of such employee's work;

(11) "clerical assistant" means an employee who, under the supervision of a clerk, performs any one or more of the following activities:

- (a) adding or subtracting, also with the aid of a machine;
- (b) calculating wages;
- (c) filing documents according to written instructions or a list in alphabetical or numerical order or according to colour;
- (d) transferring names and addresses from completed documents to envelopes, labels or circulars in another manner than on a typewriter;
- (e) transferring particulars into registers in another manner than on a typewriter;

and who may generally assist a clerk;

(12) "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;

(13) "counter salesman" means an employee who over the counter of a beer hall or shop sells cigarettes, foodstuffs, liquor, soft drinks, sweets or any other article and who is responsible for ordering stocks and counting and recording of cash receipts;

(14) "crane driver" means an employee who operates and controls a power-driven crane other than a power-driven floor operated crane or hoist;

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

(16) "despatch clerk" means an employee who is responsible for the despatch or the packing of goods for transport or delivery and who may supervise the assembling, checking, mass-measuring, packing, marking, addressing or despatching of goods or packages;

(17) "despatch packer" means an employee who, under the supervision of a clerk or a foreman, is engaged in packing articles for despatch;

(18) "District A" means the Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuils River, Malmesbury, Nigel, Oberholzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simonstown, Somerset West, Springs, Stellenbosch, Strand, The Cape, Uitenhage, Vanderbijlpark, Vereeniging, Wellington, Westonaria, Wonderboom and Wynberg;

(19) "District B" means the Magisterial Districts of Bloemfontein, East London, Kimberley, Klerksdorp, Newcastle, Pietersburg, Pietermaritzburg, Rustenburg and Witbank;

(20) "District C" means the Magisterial Districts of Ermelo, George, Heidelberg, Highveld Ridge, King William's Town, Klip River, Knysna, Kroonstad, Middleburg, Mossel Bay, Odendaalsrus, Oudtshoorn, Potchefstroom, Standerton, Upington, Virginia and Welkom;

(21) "District D" means the Magisterial Districts of Albany, Balfour, Bethal, Bethlehem, Bothaville, Brits, De Aar, Delmas, Harrismith and Piet Retief;

(22) "driver of a motor vehicle" means an employee, other than a traveller's assistant, who is engaged in driving a motor vehicle, and for the purposes 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;

(23) "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, or a breakdown or threatened breakdown of buildings, must be done without delay;
- (b) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours;
- (c) any work in connection with the loading or unloading of—
 - (i) ships;
 - (ii) trucks or vehicles of the South African Railways and Harbours;
 - (iii) vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Railways and Harbours;

(24) "establishment" means any premises or part thereof, in or in connection with which one or more employees are employed in this industry;

(25) "examiner" means an employee who, under the general supervision of an inspector, examines or tests materials and tests, examines, gauges and measures any products for manufacturing defects but who is not responsible for the acceptance or rejection of such articles;

(26) "experience" means in relation to—

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

operator, maar omvat dit nie 'n fabrieksklerk of enige ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van sodanige werknemer se werk;

(11) „klerklike assistent” 'n werknemer wat onder die toesig van 'n klerk een of meer van die volgende werksaamhede verrig:

- (a) optel of aftrek, ook met behulp van 'n masjien;
- (b) lone bereken;
- (c) dokumente volgens skriftelike aanwysings of 'n lys in alfabetiese of numerieke volgorde of volgens kleur liasseer;
- (d) name en adresse van ingevulde dokumente op koerante, etikette of omsendbrieve oordra op 'n ander manier as met 'n tikmasjien;
- (e) besonderhede in registers oordra op 'n ander manier as met 'n tikmasjien;

en wat algemene bystand aan 'n klerk kan verleen;

(12) „kommissiewerk” 'n stelsel waarvolgens 'n handelsreisiger se besoldiging bereken word volgens die getal of waarde van die bestellings wat hy aan sy werkewer voorle en wat laasgenoemde aanvaar;

(13) „toonbankverkoopklerk” 'n werknemer wat oor die toonbank van 'n biersaal of winkel sigarette, lewensmiddele, drank, koeldrank, lekkergoed of enige ander artikel verkoop en wat verantwoordelik is vir die bestel van voorrade en die tel en opskryf van kontantontvangste;

(14) „hyskraandrywer” 'n werknemer wat 'n kraggedrewe hyskraan bedien en beheer, uitgesonderd 'n kraggedrewe hyskraan of hystoestel wat van die vloer af bedien word;

(15) „dag” die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat in die geval van 'n skofwerker dit 'n tydperk van 24 uur beteken, bereken vanaf die tyd wanneer so 'n werknemer begin werk;

(16) „versendingsklerk” 'n werknemer wat verantwoordelik is vir die versending of die verpakking van goedere vir vervoer of aflewering en wat toesig kan hou oor die byeenbring, nagaan, massameet, verpakking, merk, adresseer of versending van goedere of pakkette;

(17) „versendingsverpakker” 'n werknemer wat onder die toesig van 'n klerk of 'n voornam artikel vir versending verpak;

(18) „Distrik A” die landdrosdistrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuilsrivier, Malmesbury, Nigel, Oberholzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simonstad, Somerset-West, Springs, Stellenbosch, Strand, Uitenhage, Vanderbijlpark, Vereeniging, Wellington, Westonaria, Wonderboom en Wynberg;

(19) „Distrik B” die landdrosdistrikte Bloemfontein, Oos-Londen, Kimberley, Klerksdorp, Newcastle, Pietersburg, Pietermaritzburg, Rustenburg en Witbank;

(20) „Distrik C” die landdrosdistrikte Ermelo, George, Heidelberg, Hoëveldrif, King William's Town, Kliprivier, Knysna, Kroonstad, Middleburg (Tvl.), Mosselbaai, Odendaalsrus, Oudtshoorn, Potchefstroom, Standerton, Upington, Virginia en Welkom;

(21) „Distrik D” die landdrosdistrikte Albany, Balfour, Bethal, Bethlehem, Bothaville, Brits, De Aar, Delmas, Harrismith en Piet Retief;

(22) „motorvoertuigdrywer” 'n werknemer, uitgesonderd 'n handelsreisiger se assistent, wat 'n motorvoertuig dryf, en vir die toepassing van hierdie woordomskrywing omvat die uitdrukking „'n motorvoertuig dryf” alle tydperke wat hy dryf en enige tyd wat die drywer 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;

(23) „noodwerk”—

(a) enige werk wat weens onvoorsien omstandighede soos 'n brand, storm, ongeluk, epidemie, gewelddad, diefstal of 'n onklaarraking van 'n installasie of masjinerie, of weens die feit dat geboue onbruikbaar is of dreig om onbruikbaar te word, sonder versuim gedoen moet word;

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

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

- (i) skepe;
- (ii) trokke of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;

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

(24) „bedryfinrigting” 'n perseel of gedeelte daarvan, waarin of in verband waarmee een of meer werknemers in hierdie Nywerheid in diens is;

(25) „ondersoeker” 'n werknemer wat onder die algemene toesig van 'n inspekteur materiale ondersoek of toets en produkte vir vervaardigingsdefekte toets, ondersoek, yk en meet, maar wat nie verantwoordelik is vir die aanname of afwyse van sodanige artikels nie;

(26) „ondervinding”, met betrekking tot—

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

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

(27) "extra heavy motor vehicle" means a motor vehicle the gross vehicle mass of which exceeds 16 000 kg;

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

- (a) Checking, counting, recording, measuring (other than to set gauge or measure) or mass-measuring (other than to set scale);
- (b) copying batch cards, job cards, production cards or other factory documents by hand;
- (c) entering names or numbers on time or wage cards;
- (d) filing, keeping or sorting invoices, consignment or delivery notes, requisitions or time or wage cards in numerical or alphabetical order;
- (e) interpreting or translating Bantu languages;
- (f) issuing components, tools or engineering stock or equipment against requisitions or receiving tools or such stock or equipment and returning requisitions held;
- (g) registering the engagement, discharge or resignation of employees;
- (h) scheduling production figures;
- (i) stamping or writing tickets;
- (j) writing passes;
- (k) writing out consignment or delivery notes;
- (l) writing up stock cards;

(29) "fireman" means an employee who stokes, rakes, slices or draws the fire of a boiler and includes an attendant of a non-pressure boiler;

(30) "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 Noodhulpliga;

who is in charge of a first-aid room or sick bay and who may administer treatment to patients as prescribed and directed by a medical practitioner and keeps records;

(31) "foreman" means an employee who is incharge 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;

(32) "general worker" means an employee who is engaged in any one or more of the following activities or capacities;

(i) *In both Sections of the Industry:*

- (a) Cleaning bags, bins, dams, furniture, machinery, implements, tanks, tools, utensils or other articles or premises or vehicles;
- (b) cleaning, oiling or polishing moulds and mould parts;
- (c) cleaning by means of a power-driven floor polishing machine or vacuum cleaner;
- (d) cleaning surfaces with diluted acid solution;
- (e) cleaning screw threads on bolts by non-power-driven device;
- (f) collecting, carrying, moving, rolling or stacking goods, products or material by hand or pushing or pulling any vehicle otherwise than by power-driven device;
- (g) demoulding products;
- (h) demolishing buildings or other structures by hand;
- (i) dipping or coating pipes or other articles, other than in the plastic lining of pipes;
- (j) fixing hooks on to products or goods for hoisting;
- (k) fixing seals on to moulds by hand;
- (l) filling hoppers or other containers, other than for despatch;
- (m) filling mixer hoist buckets by hand;
- (n) gardening work;
- (o) grinding, brushing, rubbing, cleaning or sanding sheets, pipes, pipe fittings or other moulded articles by hand;
- (p) inserting pre-assembled reinforcing;
- (q) lifting or turning over frames or moulds;
- (r) loading or unloading by hand;
- (s) loosening, taking out, breaking or spreading stone, soil, sand or clay or digging trenches, holes, foundations or other excavation work by hand;
- (t) maning or mainraining fires or removing refuse, other than the work of a fireman;
- (u) mixing ash, cement, sand or stone by hand;
- (v) mixing colouring material with cement by hand;
- (w) operating a vibrating table or board, other than an automatic vibrator;
- (x) opening or closing doors, boxes, crates, bags or cartons;

(b) enige ander klas werknemer, die totale tydperk of tydperke diens wat sodanige werknemer in sy klas in hierdie Nywerheid gehad het;

(27) „ekstra swaar motorvoertuig” 'n motorvoertuig waarvan die voertuigmassa meer as 16 000 kg is;

(28) „fabrieksklerk” 'n werknemer wat onder die toesig van 'n tchuisbestuurder, 'n voorman of 'n klerk een of meer van die volgende pligte vervul:

- (a) Nagaan, tel, opteken, meet (uitgesonderd met 'n voorafgestelde meter of volgens vaste maat) of massameet (uitgesonderd met 'n voorafgestelde skaal);
 - (b) afskrifte van lotkaarte, werkkaarte, produksiekaarte of ander fabrieksdocumente met die hand maak;
 - (c) name of nommers op tyd- of loonkaarte inskryf;
 - (d) fakture, vrag- of afleveringsbrieve, rekwisities of tyd- of loonkaarte in numerike of alfabetiese volgorde llaas eer, hou of sorteer;
 - (e) Bantoe tale tolk of vertaal;
 - (f) onderdele, gereedskap of ingenieursvoorraad of -uitrusting teen rekwisities uitreik of gereedskap of sodanige voorraad of uitrusting ontvang en die rekwisities teruggee wat daarvoor gehou is;
 - (g) die indiensneming, ontslag of bedanking van werknemers aan teken;
 - (h) produksiesyferstate opstel;
 - (i) kaartjies stempel of uitskryf;
 - (j) passe uitskryf;
 - (k) vrag- of afleveringsbrieve uitskryf;
 - (l) voorraadkaarte bygewerk hou;
- (29) „stoker” 'n werknemer wat die vuur van 'n stoomketel stook, krap, met 'n vuurkop bewerk of die vuur uitkrap en omvat dit ook 'n bediener van 'n druklose stoomketel;

(30) „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,
- wat in beheer van 'n eerstehulpkamer of siekeboeg is, wat pasiënte volgens die voorskrifte en bevele van 'n mediese praktisyn kan behandel en wat rekords hou;

(31) „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 vervul;

(32) „algemene werker” 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoe danighede diens doen:

- (i) *In beide Seksies van die Nywerheid:*
 - (a) Sakke, bakke, damme, meubels, masjinerie, implemente, tenks, gereedskap, gerei of ander artikels of persele of voertuie skoonmaak;
 - (b) vorms en dele van vorms skoonmaak, olie of poleer;
 - (c) met behulp van 'n kraggedrewe vloerpoleermasjien of stofsuier skoonmaak;
 - (d) oppervlakte met verdunde suroplossing skoonmaak;
 - (e) skroefdraade aan boutes met 'n nie-kraggedrewe toestel skoonmaak;
 - (f) goedere, produkte of materiaal met die hand bymekaa maak, dra, verskuif, rol of opstapel of 'n voertuig op 'n ander wyse stoot of trek as met 'n kraggedrewe toestel;
 - (g) vormstukke verwijder;
 - (h) geboue of ander bouwerke met die hand sloop;
 - (i) pype of ander artikels indompel of bestryk, uitgesonderd by die plastiekbekleding van pype;
 - (j) hake aan produkte of goedere aanbring sodat dit opgehou kan word;
 - (k) digting met die hand aan vorms aanbring;
 - (l) geutbakke of ander houers vul, uitgesonderd vir versending;
 - (m) mengerhysemmers met die hand vul;
 - (n) tuinwerk;
 - (o) plate, pype, pyptoebehore of ander gevormde artikels met die hand slyp, borsel, vryf, skoonmaak of afskuur;
 - (p) wapening wat vooraf inmekaa gesit is, insit;
 - (q) rame of vorms oplig of omdraai;
 - (r) met die hand laai of aftlaai;
 - (s) klip, grond, sand of klei met die hand losmaak, uithaal, breeks of uitsprei of slotte, gate, fondamente of ander uitgrawingswerk met die hand verrig;
 - (t) vure maak of in stand hou of afval verwijder, uitgesonderd die werk van 'n stoker;
 - (u) as, cement, sand of klip met die hand meng;
 - (v) kleurstof en cement met die hand meng;
 - (w) 'n triftafel of -bord bedien, uitgesonderd 'n outomatiese triller;
 - (x) deure, kiste, kratte, sakke of kartonne oop- of toemaak;

- (y) opening or closing valves or cocks (under supervision), other than for the direct setting into motion or stopping of any power-driven machine;
- (z) operating a hand pump;
- (aa) packing articles into containers specially designed to contain such articles;
- (ab) preparing for despatch cast iron or fibre-reinforced components;
- (ac) pulling out nails, screws or bolts from articles;
- (ad) removing from and replacing dust bags on dust filters;
- (ae) removing bath moulds by means of block and tackle;
- (af) sanitation employee;
- (ag) shovelling materials;
- (ah) sorting, shaking out, bundling or mending by hand sacks or bags;
- (ai) spraying, watering or immersing articles;
- (aj) stirring materials;
- (ak) strapping pallets;
- (al) washing or polishing motor vehicles.
- (ii) In the Concrete Products Section of the Industry:
- (am) Assisting in the stacking of sleepers, other than by using a power-driven device;
- (an) caulking or grouting ends of sleepers by hand;
- (ao) cleaning mould components;
- (ap) fitting bobbins or spacers to reinforcing by hand;
- (aq) fixing lifting dollies, hooks or step irons in the manufacture of concrete products by hand;
- (ar) making holes in wet concrete products by hand.
- (iii) In the Fibre-reinforced Cement Products Section of the Industry:
- (as) Breaking off edges of sheets;
- (at) breaking fibre-reinforced cement materials or dry pulp by means of a hammer, steel rod or non-power-driven guillotine;
- (au) cleaning spray pipes on fibre-reinforced product making machines;
- (av) cutting sheets of fibre-reinforced cement mixture (other than from production roller) or rolling such sheets by hand for lifting or carrying;
- (aw) edge cutting or trimming wet fibre-reinforced cement sheets by hand;
- (ax) filling bags with ground fibre-reinforced cement hardwaste;
- (ay) mixing fibre;
- (az) off-loading silica from trucks by means of water hose;
- (ba) picking off lumps or matted fibre or cement mix from felt or canvas belt conveyor.
- (33) "grade I employee" means an employee who is engaged in any one or more of the following activities or capacities:
- (i) In the Concrete Products Section of the Industry:
- (a) Mixing colouring material with cement for roof tiles and feeding into a power-driven colour mixer;
- (b) operator of a batching plant where the mass-measuring is automatic;
- (c) operator of a cantileverend (non propped) boom scraper in a batching plant;
- (d) operator of a central concrete mixing plant in a concrete batching plant;
- (e) operator of a horizontal pipe making machine;
- (f) operator of a roof tile extrusion machine;
- (g) operator of a sleeper-moulding machine.
- (ii) In the Fibre-reinforced Cement Products Section of the Industry:
- (h) Checking thickness on cutting off sheets from production roller and regulating speed on a fibre-reinforced cement sheet making machine;
- (i) making fibre-reinforced cement fittings including gauging, turning by hand and glueing together components;
- (j) operator of an off-take installation of a fibre-reinforced cement sheet making machine.
- (34) "grade II employee" means an employee who is engaged in any one or more of the following activities or capacities:
- (i) In both Sections of the Industry:
- (a) Mixing acid and water for treating roof tiles;
- (b) operator of testing machine;
- (c) operator of a waste recovery plant;
- (d) putting on screw threads on bolts by non-power-driven machine.
- (ii) In the Concrete Products Section of the Industry:
- (e) Applying rough surface facings, by means of a power-driven vibrator, to machine made roof tiles;
- (y) kleppe of krane onder toesig oop- of toemaak, uitgesonderd om 'n kraggedrewe masjien regstreeks aan die gang te sit of stop te sit;
- (z) 'n handpomp bedien;
- (aa) artikels in houers verpak wat spesiaal ontwerp is om sodanige artikels te bevat;
- (ab) gietyster- of veselversterkte onderdele vir versending gereedmaak;
- (ac) spykers, skroewe of boute uit artikels trek;
- (ad) stofsakke van stoffilters verwijder en weer daarop terugplaas;
- (ae) badvorms deur middel van 'n takelstel verwijder;
- (af) sanitasierknemer;
- (ag) materiale met 'n skopgraaf skep;
- (ah) sakke met die hand sorteer, uitskud, in bondels opmaak of heelmaak;
- (ai) artikels bespuit, natmaak of indompel;
- (aj) materiale roer;
- (ak) palette vasbind;
- (al) motorvoertuie was of poleer;
- (ii) in die Betonprodukteseksie van die Nywerheid:
- (am) Help om dwarslêers op te stapel, uitgesonderd deur gebruikmaking van 'n kraggedrewe toestel;
- (an) die ente van dwarslêers met die hand kalfater of met bry vul;
- (ao) die samstellende dele van vorms skoonmaak;
- (ap) tolle of skeiers met die hand aan wapening sit;
- (aq) hef-arms, hake of klimysters by die vervaardiging van betonprodukte met die hand vassit;
- (ar) met die hand gate in nat betonprodukte maak;
- (iii) in die Seksie Veselversterkte Sementprodukte van die Nywerheid:
- (as) Die rande van plate afbreek;
- (at) veselversterkte sementmateriale of droë pulp met behulp van 'n hamer, staalstang of nie-kraggedrewe guillotine breek;
- (au) sputtypre skoonmaak aan masjiene vir die maak van veselversterkte produkte;
- (av) plate veselversterkte sementmengsel sny (uitgesonderd van die produksierol af) of sodanige plate met die hand oprol sodat dit ooglig of gedra kan word;
- (aw) die rande van nat veselversterkte sementplate met die hand afsny of afwerk;
- (ax) sakke vul met gemaalde harde-afval van veselversterkte sement;
- (ay) vesels meng;
- (az) silika van vragmotors/trokke aflaai met behulp van 'n waterslang;
- (ba) klonte of gekoekte vesels of sementmengsel van filt- of seil-vervoerband verwijder;
- (33) „werknemer graad I“ 'n werknemer wat een of meer van die volgende werkzaamhede verrig of in een of meer van die volgende hoedanighede diens doen:
- (i) In die Betonprodukteseksie van die Nywerheid:
- (a) Kleurstof met sement meng vir dakpanne en in 'n kraggedrewe kleurmenger voer;
- (b) bediener van 'n produksielotaanleg waar die massameting outomatis geskied;
- (c) bediener van 'n vrydraer- (ongestutte) swaaiarmskrapser in 'n produksielotaanleg;
- (d) bediener van 'n sentrale betonmenginstallasie in 'n betonproduksielotaanleg;
- (e) bediener van 'n horizontale pypvervaardigingsmasjien;
- (f) bediener van 'n dakpanuitpersmasjien;
- (g) bediener van 'n dwarslêervormmmasjien;
- (ii) in die Seksie Veselversterkte Sementprodukte van die Nywerheid:
- (h) Dikte van plate nagaan wanneer hulle van produksieroller afgesny word en die spoed reguleer van 'n masjien vir die maak van veselversterkte sementplate;
- (i) toebehore van veselversterkte sement maak, asook samstellende dele meet, met die hand draai en aanmekaar lym;
- (j) bediener van 'n afneeminrigting van 'n masjien vir die maak van veselversterkte sementplate;
- (34) „werknemer graad II“ 'n werknemer wat een of meer van die volgende werkzaamhede verrig of in een of meer van die volgende hoedanighede diens doen:
- (i) In beide Seksies van die Nywerheid:
- (a) Suur en water meng vir die behandeling van dakpanne;
- (b) bediener van 'n toetsmasjien;
- (c) bediener van 'n afvalherwinaanleg;
- (d) skroefdrade aan boute aanbring met 'n nie-kraggedrewe masjien;
- (ii) in die Betonprodukteseksie van die Nywerheid:
- (e) Voorwerk met 'n ruwe oppervlak aan masjiengemaakte dakpanne aanbring deur middel van 'n kraggedrewe triller;

- (f) controlling the addition of water to a power-driven continuous feed concrete mixer for roof tiles;
 - (g) controlling the amount of coloured cement facings when sprayed by air operated guns onto concrete roof tiles;
 - (h) cutting pre-stressed or other wires by means of an acetylene cutting torch;
 - (i) inserting coloured cement facings in moulds in tile making (other than inserting one colour only);
 - (j) making bolts for insertion in concrete products;
 - (k) making roof tiles in a non-power-driven press;
 - (l) making sleeves to receive window sash pins;
 - (m) operator of a vertical pipe making machine;
 - (n) operator of a press in making blocks, bricks, slabs, tiles, roof tiles or other cement products;
 - (o) operator of a pole spinning machine;
 - (p) operator of a pre-stressing jack;
 - (q) operator of a reinforcement making machine.
- (iii) In the Fibre-reinforced Cement Products Section of the Industry:
- (r) Grinding, rubbing, smoothing or buffing fibre-reinforced cement articles by power-driven machine.

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

- (i) In both Sections of the Industry:
- (a) Assembling units or fixing units of ornamental concrete articles together;
 - (b) boiler attendant;
 - (c) cage welder;
 - (d) despatch packer;
 - (e) driver of animal drawn vehicle;
 - (f) finishing, coating or colouring ornamental work in pressed concrete articles;
 - (g) mass-measuring to set scale;
 - (h) making crates or boxes other than assembling from shooks by hand;
 - (i) oiling or greasing power-driven machinery or vehicles;
 - (j) operator of floor operated crane or hoist;
 - (k) operator of a portable power-driven hand tool;
 - (l) operator of an electric circular saw, non-portable cutting wheel or a power-driven guillotine, grinding or sanding machine all of which are pre-set;
 - (m) operating a clutch controlling off-take conveyer;
 - (n) operator of a grass rolling machine;
 - (o) recording distances travelled by motor vehicles;
 - (p) skip employee;
 - (q) vulcanising rubber rings;
 - (r) sand or stone sifting machine.
- (ii) In the Concrete Products Section of the Industry:
- (s) Assembling or dismantling moulds in the manufacture of concrete products;
 - (t) assembling or dismantling equipment for plastic lining of concrete pipes;
 - (u) assistant operator of a caging drum;
 - (v) adding water to unslaked lime;
 - (w) bagging putty lime;
 - (x) caster;
 - (y) caulking or grouting ends of sleepers by way of a machine;
 - (z) degreasing steel in the manufacture of sleepers;
 - (aa) drawing together (other than by welding) protruding ends of reinforcing of poles or filling or padding the ends with concrete;
 - (ab) feeding ingredients to a concrete mixer to fixed mass-measure or measure;
 - (ac) filling moulds for terrazzo;
 - (ad) gauging sleepers;
 - (ae) grinding terrazzo by means of carborundum stone by hand prior to slurring, polishing or finishing;
 - (af) making cement blocks by means of a non-power-driven machine;
 - (ag) operator of aggregate scraper machine;
 - (ah) operator of concrete mixing machine;
 - (ai) operator of straightening or stretching machine;
 - (aj) operator of butt or spot welding machine;
 - (ak) operator of caging machine or grid welder;
 - (al) operator of a reinforcement bending machine;
 - (am) operator of spooling or re-coiling machine;
 - (an) operator of a non-portable pallet cleaning machine;
 - (ao) operator of a polishing machine;
 - (ap) operator of a destranding machine;
 - (aq) operator of a drilling machine on the plastic lining of pipes;
 - (ar) operator of a mortar injection machine in the manufacture of sleepers;
 - (as) painting seats or ends of sleepers;

- (f) die toevoeging beheer van water in 'n kraggedrewre dakpan-betonmenger met ononderbroke toevoer;
 - (g) die hoeveelheid gekleurde cementvoorwerk beheer wanneer dit met lugspuite op betondakpanne gespuit word;
 - (h) voorgespanne of ander draad deur middel van 'n asetileen-vlamsnyer afsny;
 - (i) gekleurde cementvoorwerk by teelbakery in vorms insit (uitgesonderd die insit van slegs een kleur);
 - (j) boute maak vir invoeging in betonprodukte;
 - (k) dakpanne in 'n nie-kraggedrewre pers maak;
 - (l) hulse maak vir vensterstaartappenne;
 - (m) bediener van 'n vertikale pypvervaardigingsmasjien;
 - (n) bediener van 'n pers vir die maak van blokke, stene, plat-blokke, teëls, dakpanne of ander cementprodukte;
 - (o) bediener van 'n paaldraaimasjien;
 - (p) bediener van 'n voorspanningsdomkrag;
 - (q) bediener van 'n masjien vir die maak van wapening;
 - (iii) in die Seksie Veselversterkte Sementprodukte van die Nywerheid:
 - (r) Veselversterkte sementartikels deur middel van 'n kraggedrewre masjien skuur, vryf, glad maak of poets;
- (35) „werknaemer graad III“ 'n werknaemer wat een of meer van die volgende werkzaamhede verrig of in een of meer van die volgende hoedanighede diens doen:
- (i) In beide Seksies van die Nywerheid:
- (a) Eenhede inmekarsit of eenhede van ornamentele betonartikels aanmekaar vassit;
 - (b) ketelbediener;
 - (c) kooisweiser;
 - (d) versendingsverpakker;
 - (e) dryer van 'n trekdiervoertuig;
 - (f) sierverk in geperste betonartikels afwerk, bestryk of kleur;
 - (g) die massa met 'n voorafgestelde skaal meet;
 - (h) kratte of kiste maak, uitgesonderd om dit met die hand van kisplankies aanmekaar te sit;
 - (i) kraggedrewre masjinerie of voertuie olie of ghries;
 - (j) bediener van 'n kraan of hystoestel wat van die vloer af bedien word;
 - (k) bediener van 'n draagbare kraggedrewre handwerktyg;
 - (l) bediener van 'n elektriese sirkelsaag, nie-verplaasbare sny-wiel of 'n kraggedrewre guillotine, slyp- of skuurmajien, wat almal vooraf ingestel is;
 - (m) 'n afvoerband met koppelaarbeheer bedien;
 - (n) bediener van 'n grasrolmasjien;
 - (o) afstande wat motorvoertuie aflê, aanteken;
 - (p) hysbakwerker;
 - (q) rubberringe vulkaniseer;
 - (r) 'n sand- of klipsifmasjien bedien;
- (ii) in die Betonproduktseksie van die Nywerheid:
- (s) Vorms by die vervaardiging van betonprodukte inmekarsit of uitmekaar haal;
 - (t) uitrusting vir die plastiekbekleding van betonpype inmekarsit of uitmekaar haal;
 - (u) assistent-bediener van 'n kootrommel;
 - (v) water by ongebluste kalk byvoeg;
 - (w) sakke met kalkdeeg vul;
 - (x) betonskepper;
 - (y) die ente van dwarslêers deur middel van 'n masjien kalfvater of met bry vul;
 - (z) staal by die vervaardiging van dwarslêers ontghries;
 - (aa) uitsteekpunte van die wapening van pale na mekaar toe trek (sonder om dit te sveis) of die ente met beton oopvul of opstop;
 - (ab) bestanddele volgens 'n vaste massamaat of maat in 'n betonmenger voer;
 - (ac) vorms vir terrasso vul;
 - (ad) dwarslêers meet;
 - (ae) terrasso met die hand slyp deur middel van karborundumsteen voordat dit gefloder, gepoleer of afgewerk word;
 - (af) sementblokke met 'n nie-kraggedrewre masjien maak;
 - (ag) bediener van 'n aggregaatskraapmasjien;
 - (ah) bediener van 'n betonmengmasjien;
 - (ai) bediener van 'n rig- of rekmasjien;
 - (aj) bediener van 'n stuik- of puntsweisemasjien;
 - (ak) bediener van 'n inkooimasjien of roostersweiser;
 - (al) bediener van 'n wapeningbuigmasjien;
 - (am) bediener van 'n spoel- of herhaspelmasjien;
 - (an) bediener van 'n nie-verplaasbare paletskoonmaakmasjien;
 - (ao) bediener van 'n poleermasjien;
 - (ap) bediener van 'n ontylegmasjien;
 - (aq) bediener van 'n boormasjien by die plastiekbekleding van pype;
 - (ar) bediener van 'n betoninspuitmasjien by die vervaardiging van dwarslêers;
 - (as) die saals of ente van dwarslêers verf;

- (at) pouring plastic into concrete pipes;
- (au) priming inside of concrete pipes prior to plastic lining;
- (av) rubbing window frames for surface smoothing or repairing chippings or straight edging;
- (iii) *In the Fibre-reinforced Cement Products Section of the Industry:*
 - (aw) Attendant of a wood fibre shredding machine;
 - (ax) assisting a Grade I employee in the manufacture of fibre-reinforced cement pipe fittings;
 - (ay) assistant operator of a fibre-reinforced cement joint or pipe lathe;
 - (az) blending or mixing fibre;
 - (ba) chopper;
 - (bb) drilling, cutting or mitring fibre-reinforced cement products to set pattern, including the drilling of stopends;
 - (bc) hollander operator;
 - (bd) kollergang operator;
 - (be) operator of a calendar machine or loosening pipes;
 - (bf) operator of a automatic slate coating machine including checking for even flow of paint and changing spray nozzels;
 - (bg) operator of a de-watering press in making fibre-reinforced cement products;
 - (bh) operator of a repulping fibre-reinforced cement machine;
 - (bi) spray-painting fibre-reinforced cement products;
 - (bj) watching and controlling the addition of water and fibre-reinforced cement slurry into fibre-reinforced cement production machines.

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

- (i) *In both Sections of the Industry:*
 - (a) Artisan's assistant;
 - (b) assembling wooden boxes from shooks by hand;
 - (c) assisting an examiner in his duties which may include elementary gauging, testing and or measuring;
 - (d) cooking rations or making tea or similar beverages;
 - (e) cutting or trimming electric tubing, wire or reinforcing by hand or mechanical means other than by power-driven machine;
 - (f) delivering messages, letters, or goods on foot or by means of a bicycle, tricycle or other non-power-driven device;
 - (g) extracting collars, shoes, mandrels or moulds from pipes;
 - (h) filling, stamping, tamping or ramming material into moulds by hand;
 - (i) fireman;
 - (j) grinding, floating, rubbing or slurring concrete articles by hand;
 - (k) inserting or holding in position reinforcing for welding or bending reinforcing in a jig;
 - (l) loading or feeding materials into or taking off from machines, or feeding into or drawing off from tanks or vats under supervision;
 - (m) marking, branding or stencilling products;
 - (n) oiling or greasing non-power-driven machinery;
 - (o) operating a non-power-driven crane or hoist;
 - (p) operator of an automatic vibrator, other than a vibrating table or board;
 - (q) patching products;
 - (r) painting or lime washing buildings, fences, machinery or plant, other than painting or blending of paint normally done by an artisan.
- (ii) *In the Concrete Products Section of the Industry:*
 - (s) Attaching or detaching an external vibrator or holding a poker vibrator in position;
- (iii) *In the Fibre-reinforced Cement Products Section of the Industry:*
 - (t) Assisting a calender machine operator;
 - (u) assisting form plate repairer or cutting frame repairer;
 - (v) unwinding sheets of fibre-reinforced cement over flat pallets or sweeping over to smooth;
 - (w) unwinding sheets of fibre-reinforced cement over corrugated pallets or lapping sheets into corrugations or smoothing grooves by means of rods.

(37) "gross combination mass" in relation to a motor vehicle means the mass of any combination of motor vehicles, trailers or semi-trailers, of which such motor vehicle can form part, and the load, as specified by the manufacturer or, in the absence of such specification, as determined by the registering authority;

(38) "gross vehicle mass" in relation to a motor vehicle means the maximum mass of such vehicle and its load as specified by the manufacturer or, in the absence of such specification, as determined by the registering authority;

(39) "handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment used directly in the manufacture of the pro-

- (at) plastiek in betonpype giet;
- (au) die binnekant van betonpype 'n grondverflaag gee voordat dit met plastiek beklee word;
- (av) vensterrame afvryf om die oppervlak glad te maak of stukkende plekkies herstel of met die reihout werk;
- (iii) *in die Seksie Veselversterkte sementprodukte van die Nywerheid:*
 - (aw) Bediener van 'n houtveselsnippermasjien;
 - (ax) 'n werknemer graad I help by die vervaardiging van pyptoe-behore van veselversterkte sement;
 - (ay) assistent-bediener van 'n veselversterkte sementvoeg- of -pypdraaibank;
 - (az) vesels vermeng of meng;
 - (ba) uitsnyer;
 - (bb) veselversterkte sementprodukte volgens 'n vasgestelde patroon boor, afsny of verstek, asook doodloopente boor;
 - (bc) hollanderbediener;
 - (bd) kollergangbediener;
 - (be) bediener van 'n kalandermasjien of pype losmaak;
 - (bf) bediener van 'n outomatiiese leibestrykmasjien, asook die gelykmatige vloei van verf kontroleer en sproeikoppe omruil;
 - (bg) bediener van 'n ontwateringspers by die maak van veselversterkte sementprodukte;
 - (bh) bediener van 'n masjien vir die herverpulp van veselversterkte sement;
 - (bi) veselversterkte sementprodukte sputverf;
 - (bj) die toevoeging van water en veselversterkte sementflosser in masjiene vir die produksie van veselversterkte sement dophou en beheer;

(36) „werknemer graad IV“ 'n werknemer wat een of meer van die volgende werksaamhede verrig of in een of meer van die volgende hoedanighede diens doen

- (i) *In beide Seksies van die Nywerheid:*
 - (a) Ambagsman se assistent;
 - (b) houtkoste van kisplankies met die hand aanmekaar sit;
 - (c) 'n ondersoeker met sy pligtehelp, wat elementêre meting, toetsing en/of afmeting kan insluit;
 - (d) rantsoene kook of tee of dergelike dranke berei;
 - (e) elektriese pype, draad of wapening met die hand of op meganiese wyse, uitgesonderd met 'n kraggedrewe masjien, sny of afwerk;
 - (f) boodskappe, brieke of goedere te voet of met behulp van 'n fiets, driewiel of ander nie-kraggedrewe toestel aflewer;
 - (g) krae, slytstukke, drewels of vorms uit pype trek;
 - (h) materiaal met die hand in vorms instamp, stamp of vasstamp of dit daarmee vul;
 - (k) stoker;
 - (j) betonartikels met die hand slyp, afstryk, vryf of flosser;
 - (k) wapening insit of in posisie hou sodat dit gesweis kan word of wapening in 'n klemtoestel buig;
 - (l) materiale onder toesig in masjiene laai of voer of van masjiene afneem of in tenks of vate voer of daaruit aftap;
 - (m) produkte merk, van 'n handelsmerk voorsien of sjablonier;
 - (n) nie-kraggedrewe masjinerie olie of ghries;
 - (o) 'n nie-kraggedrewe hyskraan of hystoestel bedien;
 - (p) bediener van 'n outomatiiese triller, uitgesonderd 'n triftafel of -bord;
 - (q) produkte lap;
 - (r) geboue, heining, masjinerie of installasies verf of aflat, uitgesonderd verwerk of die vermenging van verf wat gewoonlik deur 'n ambagsman gedoen word;
- (ii) *in die Betonprodukteseksie van die Nywerheid:*
 - (s) 'n buitetriller vassit of afneem of 'n pooktriller in posisie hou;
- (iii) *in die Seksie Veselversterkte Sementprodukte van die Nywerheid:*
 - (t) 'n kalandermasjienbediener help;
 - (u) 'n kopieursjabloonhersteller of snyraamhersteller help;
 - (v) plate veselversterkte sement oor plat palette afrol of daaroor vee om dit glad te maak;
 - (w) plate veselversterkte sement oor gegolfde palette afrol of plate in golwings oormekaar plaas of groewe deur middel van stawe uitstryk;

(37) „bruto kombinasiemassa“, met betrekking tot 'n motorvoertuig, die massa van enige kombinasie van motorvoertuie, sleepwaens of leunwaens, waarvan sodanige motorvoertuig deel kan uitmaak, asook die vrag, soos gespesifieer deur die vervaardiger of, by gebreke aan sodanige spesifikasie, soos bepaal deur die registrasie-owerheid;

(38) „bruto voertuigmassa“, met betrekking tot 'n motorvoertuig, die maksimum massa van sodanige voertuig en sy vrag soos gespesifieer deur die vervaardiger of, by gebreke aan sodanige spesifikasie, soos bepaal deur die registrasie-owerheid;

(39) „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

ducts of an establishment, and who may effect minor repairs or renovations to buildings but who does not do work normally performed by an artisan;

(40) "heavy motor vehicle" means a motor vehicle the gross vehicle mass or gross combination mass of which exceeds 9 000 kg but does not exceed 16 000 kg;

(41) "hostel manager" means an employee who is responsible for the efficient running of a hostel which may include a sick bay and a beer hall and other sport and recreational facilities;

(42) "hostel overseer" means an employee who, under the direction of a hostel manager assists such manager in maintaining order and discipline in a hostel;

(43) "inspector" means an employee who is responsible for the acceptance or rejection of products of an establishment;

(44) "law" includes the common law;

(45) "light motor vehicle" means a motor vehicle the gross vehicle mass or gross combination mass of which does not exceed 3 500 kg;

(46) "local authority" means any borough council, city council, divisional council, municipal council, village council, village management board, or any similar institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), and includes any administration board established in terms of section 2 of the Black Affairs Administration Act, 1971 (Act 45 of 1971);

(47) "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;

(48) "machine minder" means an employee who attends, starts or stops a power-driven machine, and who may feed or take off from such machine but who does not set up or make adjustments to the machine other than pre-selected adjustments which form part of the operation of the machine;

(49) "machine operator" means an employee who attends, operates, starts or stops a power-driven machine, and who sets up or makes adjustments or minor repairs to such machine;

(50) "machine supervisor" means an employee who sets up or makes adjustments or minor repairs to more than one power-driven machine and who may, in addition, perform the duties of a machine operator or a machine minder or supervise one or more machine operators or machine minders;

(51) "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 or a department of an establishment and the employees engaged therein;

(52) "mechanical horse" means a motor vehicle designed or adapted to pull other vehicles and not to carry any load other than a trailer, semi-trailer or ballast resting on it, and does not include a tractor;

(53) "medium motor vehicle" means a motor vehicle the gross vehicle mass or the gross combination mass of which exceeds 3 500 kg but does not exceed 9 000 kg;

(54) "mobile hoist operator" means an employee engaged in operating a mobile power-driven hoist or a fork lift truck used in the loading, unloading, moving or stacking of goods and who may, in addition, check oil, fuel and water levels and if necessary, top up such levels and clean such vehicle;

(55) "motor vehicle" means any self-propelled vehicle with an engine capacity exceeding 50 cm³ and includes a mechanical horse, a motor cycle or a motor tricycle and a tractor, but does not include a mobile hoist;

(56) "operator of testing machine" means an employee who operates a machine in the testing of manufactured articles;

(57) "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) but does not include any period during which an employee works for his employer on a Sunday;

(58) "part-time driver of a motor vehicle" means an employee who is ordinarily engaged on duties other than driving a motor vehicle but who on more than two days in any week is engaged in driving a motor vehicle for not more than three hours in the aggregate on any such day, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver, while in charge of the vehicle, on work connected with the vehicle or the load;

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

(60) "sanitation employee" means an employee who is engaged in removing, emptying, cleaning or replacing sanitary pails or clearing sewerage pipes or points or cleaning or attending to sanitary conveniences or equipment;

bedryfsinrichting gebruik word, en wat ook kleinere herstelwerk of opknappings aan geboue mag doen maar wat nie werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie;

(40) „swaar motorvoertuig” 'n motorvoertuig waarvan die bruto voertuigmassa of bruto kombinasiemassa meer as 9 000 kg maar hoogstens 16 000 kg is;

(41) „tehuisebestuurder” 'n werknemer wat verantwoordelik is vir die doeltreffende bestuur van 'n tehuis, wat 'n siekeboeg en 'n biersaal en ander sport- en ontspanningsgeriewe kan insluit;

(42) „tehuiseopsigter” 'n werknemer wat onder leiding van 'n tehuisebestuurder sodanige bestuurder help om orde en dissipline in 'n tehuis te handhaaf;

(43) „inspekteur” 'n werknemer wat verantwoordelik is vir die aanneeming of afwyding van die produkte van 'n bedryfsinrichting;

(44) „wet” ook die gemene reg;

(45) „ligte motorvoertuig” 'n motorvoertuig waarvan die bruto voertuigmassa of bruto kombinasiemassa hoogstens 3 500 kg is;

(46) „plaaslike owerheid” 'n stadsraad, afdelingsraad, munisipale raad, dorpsraad, dorpsbestuur of 'n soortgelyke instelling of liggaaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961), en omvat dit 'n administrasieraad ingestel kragtens artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);

(47) „masjienfaktotum” 'n werknemer wat kleinere herstelwerk of verstellings doen aan masjinerie of uitrusting wat regstreeks by die vervaardiging van die produkte van 'n bedryfsinrichting gebruik word maar wat nie werk verrig wat gewoonlik deur 'n ambagsman gedoen word nie;

(48) „masjienbediener” 'n werknemer wat oor 'n kraggedrewe masjien toesig hou, dit aan- of afskakel, en wat sodanige masjien kan voer of daarvan afneem maar nie die masjien opstel of verstellings daaraan doen nie, uitgesonderd voorgekose verstellings wat deel uitmaak van die bediening van die masjien;

(49) „masjienoperateur” 'n werknemer wat oor 'n kraggedrewe masjien toesig hou, dit bedien, aan- of afskakel, en wat sodanige masjien opstel of verstellings van kleinere herstelwerk daaraan doen;

(50) „masjienopsigter” 'n werknemer wat meer as een kraggedrewe masjien opstel of verstellings of kleinere herstelwerk daaraan doen en wat daarbenewens die pligte van 'n masjienoperateur of 'n masjienbediener kan uitvoer of toesig kan hou oor een of meer masjienoperateurs of masjienbedieners;

(51) „bestuurder” 'n werknemer wat deur sy werkgewer belas is met die algemene—

- (a) toesig oor,
- (b) verantwoordelikheid vir, en
- (c) leiding van

die werkzaamhede van 'n bedryfsinrichting of 'n afdeling van 'n bedryfsinrichting en die werknemers wat daarin werk;

(52) „voorhaker” 'n motorvoertuig ontwerp of aangepas om ander voertuie te trek en nie om vrag te dra nie, uitgesonderd 'n sleepwa, leunwa of ballas wat daarop rus, en omvat dit nie 'n trekker nie;

(53) „medium motorvoertuig” 'n motorvoertuig waarvan die bruto voertuigmassa of die bruto kombinasiemassa meer as 3 500 kg maar hoogstens 9 000 kg is;

(54) „bediener van 'n mobiele hystoestel” 'n werknemer wat 'n kraggedrewe mobiele hystoestel of 'n vurkhyswa bedien wat by die laai, aflaai, verskuif of opstapel van goedere gebruik word, en wat daarbenewens olie-, brandstof- en waterpeile mag nagaan en indien nodig sodanige peile mag byvul en sodanige voertuig mag skoonmaak;

(55) „motorvoertuig” enige selfgedrewe voertuig met 'n enjinkapasiteit van meer as 50 cm³ en omvat dit ook 'n voorhaker, 'n motorfiets of 'n motordriewiel en 'n trekker maar nie 'n mobiele hystoestel nie;

(56) „bediener van 'n toetsmasjien” 'n werknemer wat 'n masjien bedien by die toetsing van vervaardige artikels;

(57) „oortyd” die gedeelte van enige tydperk wat 'n werknemer gedurende 'n week of op 'n dag, na gelang van die geval, vir sy werkgewer werk en wat langer is as die onderskeie gewone werkure by klou-sule 5 (1) vir sodanige werknemer voorgeskryf, maar omvat dit nie 'n tydperk wat 'n werknemer op 'n Sondag vir sy werkgewer werk nie;

(58) „deeltydse motorvoertuigdrywer” 'n werknemer wat in die reël ander pligte vervul as om 'n motorvoertuig te dryf maar wat op meer as twee dae in 'n week 'n motorvoertuig vir altesaam hoogstens drie uur op enige sodanige dag dryf, en vir die toepassing van hierdie woordomskrywing omvat die uitdrukking „'n motorvoertuig dryf” alle tydperke wat hy dryf en alle tyd wat die drywer, terwyl hy in beheer van die voertuig is, aan werk in verband met die voertuig of die vrag bestee;

(59) „stukwerk” 'n stelsel waarvolgens 'n werknemer se besoldiging gegronde word op die hoeveelheid werk wat verrig word;

(60) „sanitasiewerknemer” 'n werknemer wat sanitêre emmers verwieder, leegmaak, skoonmaak of vervang of wat riolopype of -punte oopmaak of sanitêre geriewe of uitrusting skoonmaak of versorg;

(61) "security guard" means an employee who is engaged in any one or more of the following activities—

- (a) searching persons;
- (b) supervising or controlling watchmen;
- (c) controlling or reporting on the movement of persons or vehicles through check-points or gates;

and who in the performance of his duties—

- (aa) is required to read, write and speak at least one of the official languages;
- (ab) may be required to perform any or all of the activities prescribed for a watchman;

(62) "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;

(63) "shift worker" means an employee who is engaged on shift work in an activity in an establishment in which two or three consecutive shifts per day are worked on not more than six days per week;

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

(65) "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 open stockyard or delivering goods from a store or warehouse or open stock yard to the consuming departments in an establishment or for despatch;

(66) "supervisor" means an employee who for longer than one work-day or one shift is in supervisory control of a group of employees in an establishment or section thereof and who is responsible for the efficient performance by them of their duties;

(67) "team leader" means an employee who is in charge of a group of grade III or grade IV employees or general workers.

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

(69) "tractor" means a motor vehicle, other than a mechanical horse, designed or adapted mainly to pull other vehicles and not to carry any load;

(70) "trailer" means a vehicle which is not self-propelled but designed or adapted to be pulled by a motor vehicle, and includes a semi-trailer;

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

(72) "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;

(73) "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—

- (a) 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;
- (b) 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;

(74) "watchman" means an employee who is engaged in any one or more of the following activities—

- (a) guarding, protecting or patrolling premises, buildings, structures or fixed or movable property;
- (b) handling dogs in the performance of any or all of the activities referred to in (a);

(75) "weekly wage" means, in relation to an employee for whom a wage on an hourly basis is prescribed in clause 3 (1), his hourly wage multiplied by—

- (a) 45 in the case of any such employee who regularly works 45 ordinary hours of work or less in a week;
- (b) 46 in the case of any other employee.

B. In the Concrete Products Section of the Industry.

(76) "caster" means an employee who shovels concrete by hand into a revolving pipe mould on a horizontal pipe making machine but who does not operate such machine;

(77) "operator of a central concrete mixing plant" means an employee who, under the supervision of a supervisor of a central concrete mixing plant or a foreman, operates a concrete mixing plant;

(78) "operator of a horizontal pipe making machine" means an employee who operates a horizontal pipe making machine and who

(61) „sekuriteitswag” 'n werknemer wat een of meer van die volgende werkzaamhede verrig:

- (a) Mense deursoek;
- (b) toesig hou of beheer uitoefen oor wagte;
- (c) die beweging van mense of voertuie deur kontrolepunte of hekke kontroleer of verslag daaroor doen, en van wie daar in die uitvoering van sy pligte—
- (aa) vereis word om ten minste een van die amptelike tale te kan lees, skryf en praat;
- (ab) vereis kan word om enige van of al die werkzaamhede wat vir 'n wag voorgeskryf word, te verrig;

(62) „senior bestuurs- of administratiewe werknemer” 'n werknemer wat in opdrag van sy werkgever werk verrig wat die verantwoordelikheid meebring om in die uitvoering van die bedryfsinrichting se werkzaamhede besluite van 'n administratiewe aard te neem;

(63) „skofwerker” 'n werknemer wat skofwerk doen in 'n werkzaamheid in 'n bedryfsinrichting waarin twee of drie agtereenvolgende skofte per dag op hoogstens ses dae per week gewerk word;

(64) „kortyd” 'n tydelike vermindering van die getal gewone werkure weens 'n slappe in die bedryf, 'n tekort aan grondstowwe, 'n onklaarraking van 'n installasie of masjienerie of weens die feit dat geboue onbruikbaar is of dreig om onbruikbaar te word;

(65) „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 of oop voorraadwerf te ontvang, op te berg, te verpak of uit te pak of om goedere uit 'n magasyn of pakhuis of oop voorraadwerf aan die verbruiksafdelings in 'n bedryfsinrichting of vir versending te lever;

(66) „toesighouer” 'n werknemer wat langer as een werkdag of een skof toesighoudende beheer uitoefen oor 'n groep werknemers in 'n bedryfsinrichting of 'n seksie daarvan en wat daarvoor verantwoordelik is dat hulle hul pligte doeltreffend vervul;

(67) „spanleier” 'n werknemer wat beheer het oor 'n groep werknemers graad III op graad IV of algemene werkers;

(68) „tegniese of professionele werknemer” 'n werknemer wat in opdrag van sy werkgever werk van 'n tegniese of professionele aard verrig;

(69) „trekker” 'n motorvoertuig, uitgesonderd 'n voorhaker, wat ontwerp of aangepas is hoofsaaklik om ander voertuie te trek en nie om vrag te dra nie;

(70) „sleepwa” 'n voertuig wat nie selfgedrewe is nie maar ontwerp of aangepas is om deur 'n motorvoertuig getrek te word, en omvat dit 'n leunwa;

(71) „handelsreisiger” 'n werknemer wat as 'n reisende verteenwoordiger van 'n bedryfsinrichting namens sodanige bedryfsinrichting bestellings vra, werk of opneem;

(72) „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 kan dryf wat die handelsreisiger in die uitvoering van sy pligte gebruik;

(73) „loon” die bedrag wat ingevolge klosule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klosule 5 voorgeskryf: Met dien verstande—

(a) as 'n werkgever 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié by klosule 3 (1) voorgeskryf, dit sodanige hoér bedrag beteken;

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

(74) „wag” 'n werknemer wat een of meer van die volgende werkzaamhede verrig:

(a) 'n Perseel, geboue, strukture of vaste of roerende eiendom bewaak, beskerm of patroolleer;

(b) honde hanter in die uitvoering van enige van of al die werkzaamhede in (a) bedoel;

(75) „weekloon”, met betrekking tot 'n werknemer vir wie 'nloon op 'n uurgrondslag in klosule 3 (1) voorgeskryf word, sy uurloon vermenigvuldig met—

(a) 45 in die geval van enige sodanige werknemer wat gereeld 45 gewone werkure of minder in 'n week werk;

(b) 46 in die geval van enige ander sodanige werknemer;

B. In die Betonprodukteseksie van die Nywerheid.

(76) „betonskepper” 'n werknemer wat beton met 'n graaf in 'n draaiende pypvorm op 'n horizontale pypvervaardigingsmasjien skep maar wat nie sodanige masjien bedien nie;

(77) „bediener van 'n sentrale betonmenginstallasie” 'n werknemer wat onder die toesig van 'n toesighouer van 'n sentrale betonmenginstallasie of 'n voorman 'n betonmenginstallasie bedien;

(78) „bediener van 'n horizontale pypvervaardigingsmasjien” 'n werknemer wat 'n horizontale pypvervaardigingsmasjien bedien en wat die

may fill the revolving mould on such machine by hand or other mechanical means;

(79) "operator of a plastic lining machine" means an employee who, under the supervision of a foreman, mass-measures plastic material on a set scale, adds material to a fixed mark and operates a lining machine;

(80) "pipe spinner" means an employee who is in charge of the operation of a concrete pipe spinning bench and who may assist with the filling of revolving moulds;

(81) "pole spinner" means an employee who is in charge of the operation of one or more spinning machines in the manufacture of concrete poles;

C. In the Fibre-reinforced Cement Products Section of the Industry.

(82) "attendant of a wood fibre shredding machine" means an employee who feeds logs into a wood fibre shredding machine and removes the remaining strips of wood;

(83) "chopper" means an employee who, from wet fibre-reinforced cement sheets, chops pieces of material using a template or measuring and marking the shapes and sizes to be chopped, for use by moulders;

(84) "moulder" means an employee who makes fibre-reinforced cement articles by filling, ramming, stamping or tamping wet sheets in moulds and then trims off the excess material;

(85) "mould maker" means an employee who makes "working moulds" in plaster of paris, concrete, glass fibre or fibre-reinforced cement from master moulds;

(86) "operator of a control table, panel or console of a fibre-reinforced cement pipe-making machine" means an employee who operates a control table, panel or console of a fibre-reinforced cement pipe-making machine;

(87) "operator of a fibre-reinforced cement pipe or joint lathe, boring mill or a multi-joint cutter" means an operator of a fibre-reinforced cement pipe or joint lathe, a boring mill or a multi-joint cutter including setting such machines;

(88) "operator of a slate coating machine" means an employee who operates an automatic slate coating machine and who is responsible for checking the even flow of the paint and the changing of spray nozzles;

(89) "pipe driller" means an employee who drills, taps or turns fibre-reinforced cement pipes, other than on a production lathe;

(90) "pulper operator" means an employee who is engaged in operating any type of machine for pulping or shredding cellulose or similar material;

(91) "shiftsman" means an employee who, under the supervision of a foreman or an assistant foreman, is in charge of one or more fibre-reinforced cement production units.

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;

draaiende vorm op sodanige masjien met die hand of op 'n meganiese wyse kan vul;

(79) „bediener van 'n plastiekbekledingsmasjien” 'n werknemer wat onder die toesig van 'n voorman die massa van plastiekmateriaal op 'n ingestelde massameter bepaal, materiaal byvoeg tot op 'n vaste merk en 'n bekledingsmasjien bedien;

(80) „pypdraaier” 'n werknemer wat verantwoordelik is vir die bediening van 'n betonpypdraibank en wat kan help om draaiende vorms te vul;

(81) „paaldraaier” 'n werknemer wat verantwoordelik is vir die bediening van een of meer draaimasjiene by die vervaardiging van betonpale;

C. In die Seksie Veselversterkte Sementprodukte van die Nywerheid.

(82) „bediener van 'n houtveselsnippermasjien” 'n werknemer wat blokke in 'n houtveselsnippermasjien voor en die oorblywende stroke hout verwyder;

(83) „uitsnyer” 'n werknemer wat stukke materiaal uit nat veselversterkte sementplate uitsny met behulp van 'n patroon, of die fatsoene en groottes wat uitgesny moet word, uitmeet en merk, vir gebruik deur vormers;

(84) „vormer” 'n werknemer wat veselversterkte sementartikels maak deur vorms met nat plate te vul, dit in vorms in te stamp, te stamp of vas te stamp en dan die oortollige materiaal af te sny;

(85) „vormmaker” 'n werknemer wat van hoofvorms af „werk-vorms” maak van gebrande gips, beton, glasvesel of veselversterkte sement;

(86) „bediener van 'n beheertafel, -paneel of -konsole van 'n masjien vir die maak van veselversterkte sementtype” 'n werknemer wat 'n beheertafel, -paneel of -konsole van 'n masjien vir die maak van veselversterkte sementtype bedien;

(87) „bediener van 'n veselversterkte sementtyp- of voegdraibank, 'n vertikale draai- en boorbank of 'n meervoegsnyer” 'n bediener van 'n veselversterkte sementtyp- of voegdraibank, 'n vertikale draai- en boorbank of 'n meervoegsnyer, en omvat dit ook die stel van sodanige masjiene;

(88) „bediener van 'n leibestrykmasjien” 'n werknemer wat 'n outomatiese leibestrykmasjien bedien en wat verantwoordelik is om die gelykmatige vloei van die verf te kontroleer en die spoeikoppe om te ruil;

(89) „pypboorder” 'n werknemer wat veselversterkte sementtype boor, moerdraaf daarin sny of dit draai, uitgesonderd op 'n produksiedraibank;

(90) „pulpmasjienbediener” 'n werknemer wat enige tipe masjien vir die verpulping of versnippering van sellulose of dergelike materiaal bedien;

(91) „skofbaas” 'n werknemer wat onder die toesig van 'n voorman of 'n assistent-voorman in beheer is van een of meer eenhede vir die produksie van veselversterkte sement.

3. BESOLDIGING

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

(a) Werknemers, uitgesonderd los werknemers;

(i)	District A		District B		District C		District D	
	(aa) Per week R	(ab) Per week R						
Assistant foreman.....	97,06	103,50	87,40	93,38	74,98	80,96	62,56	71,30
Assistant hostel manager.....	97,06	103,50	87,40	93,38	74,98	80,96	62,56	71,30
Clerk—								
during first year of experience	47,84	50,60	42,78	46,00	36,80	40,02	30,36	34,96
during second year of experience.....	60,26	63,94	54,28	57,96	46,46	50,14	38,64	44,16
during third year of experience	72,68	77,28	65,32	69,92	56,12	60,72	46,92	53,36
thereafter	85,10	90,62	76,82	82,34	65,78	70,84	55,20	62,56
Clerical assistant—								
during first six months of experience	41,40	43,70	36,80	39,56	31,74	34,50	26,22	30,36
during second six months of experience	44,16	46,92	39,56	42,32	34,04	36,80	28,06	32,20
thereafter	46,92	50,14	42,32	45,08	36,34	39,10	29,90	34,50
Counter salesman—								
during first year of experience	47,84	50,60	42,78	46,00	36,80	40,02	30,36	34,96
during second year of experience.....	60,26	63,94	54,28	57,96	46,46	50,14	38,64	44,16
during third year of experience	72,68	77,28	65,32	69,92	56,12	60,72	46,92	53,36
thereafter	85,10	90,62	76,82	82,34	65,78	70,84	55,20	62,56
Driver of motor vehicle outside an establishment—								
extra heavy motor vehicle	76,82	81,88	69,00	74,06	58,88	63,94	49,22	56,12
heavy motor vehicle	66,24	70,84	59,80	63,94	51,06	55,20	42,78	48,76
medium motor vehicle	57,50	61,18	51,52	55,20	44,16	47,84	36,80	41,86
light motor vehicle	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Driver of motor vehicle within an establishment—								
extra heavy motor vehicle	66,24	70,84	59,80	63,94	51,06	55,20	42,78	48,76
heavy motor vehicle	57,50	61,18	51,52	55,20	44,16	47,84	36,80	41,86
medium motor vehicle	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
light motor vehicle	43,24	46,00	39,10	41,86	33,58	36,34	28,06	31,74
First-aid attendant	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Foreman	115,00	122,36	103,50	110,86	88,78	96,14	74,06	84,18

(aa) During the first 12 months after this determination becomes binding

(ab) Thereafter

(i)	Distrik A		Distrik B		Distrik C		Distrik D	
	(aa) Per week R	(ab) Per week R						
Assistent-voorman	97,06	103,50	87,40	93,38	74,98	80,96	62,56	71,30
Assistent-tehuisbestuurder	97,06	103,50	87,40	93,38	74,98	80,96	62,56	71,30
Klerk—								
gedurende 1ste jaar ondervinding	47,84	50,60	42,78	46,00	36,80	40,02	30,36	34,96
gedurende 2de jaar ondervinding.....	60,26	63,94	54,28	57,96	46,46	50,14	38,64	44,16
gedurende 3de jaar ondervinding.....	72,68	77,28	65,32	69,92	56,12	60,72	46,92	53,36
daarna.....	85,10	90,62	76,82	82,34	65,78	70,84	55,20	62,56
Klerklike assistent—								
gedurende die eerste ses maande ondervinding	41,40	43,70	36,80	39,56	31,74	34,50	26,22	30,36
gedurende die tweede ses maande ondervinding	44,16	46,92	39,56	42,32	34,04	36,80	28,06	32,20
daarna.....	46,92	50,14	42,32	45,08	36,34	39,10	29,90	34,50
Toonbankverkoopklerk—								
gedurende 1ste jaar ondervinding	47,84	50,60	42,78	46,00	36,80	40,02	30,36	34,96
gedurende 2de jaar ondervinding.....	60,26	63,94	54,28	57,96	46,46	50,14	38,64	44,16
gedurende 3de jaar ondervinding.....	72,68	77,28	65,32	69,92	56,12	60,72	46,92	53,36
daarna.....	85,10	90,62	76,82	82,34	65,78	70,84	55,20	62,56
Motorvoertuigdrywer buite 'n bedryfsinringting—								
ekstra swaar motorvoertuig.....	76,82	81,88	69,00	74,06	58,88	63,94	49,22	56,12
swaar motorvoertuig	66,24	70,84	59,80	63,94	51,06	55,20	42,78	48,76
medium motorvoertuig	57,50	61,18	51,52	55,20	44,16	47,84	36,80	41,86
ligte motorvoertuig.....	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Motorvoertuigdrywer binne 'n bedryfsinringting—								
ekstra swaar motorvoertuig.....	66,24	70,84	59,80	63,94	51,06	55,20	42,78	48,76
swaar motorvoertuig	57,50	61,18	51,52	55,20	44,16	47,84	36,80	41,86
medium motorvoertuig	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
ligte motorvoertuig.....	43,24	46,00	39,10	41,86	33,58	36,34	28,06	31,74
Eerstehulpbediener	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Voorman	115,00	122,36	103,50	110,86	88,78	96,14	74,06	84,18

(aa) Gedurende die eerste 12 maande nadat hierdie vasstelling bindend word

(ab) Daarna

(i)	District A		District B		District C		District D	
	(aa) Per week R	(ab) Per week R						
Hostel manager.....	115,00	122,36	103,50	110,86	88,78	96,14	74,06	84,18
Hostel overseer.....	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Part-item driver of a vehicle.....	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Security guard.....	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Traveller—								
during first year of experience	82,34	87,86	74,06	79,58	63,48	69,00	52,90	60,26
during second year of experience	90,62	96,60	81,42	87,40	69,92	75,44	57,96	66,24
during third year of experience	98,90	105,34	88,78	95,22	76,36	81,88	63,02	72,22
during fourth year of experience	107,18	114,08	96,14	103,04	82,80	88,32	68,08	78,20
thereafter	115,00	122,82	103,50	110,86	89,24	94,76	73,14	84,18
Traveller's assistant.....	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Watchman	41,40	44,16	37,26	39,56	31,74	34,50	26,68	30,36

(ii)	District A		District B		District C		District D	
	(aa) Per hour c	(ab) Per hour c						
Artisan	242	257	217	233	186	202	155	177
Artisan's aid—								
during first six months of experience	99	95	80	86	69	75	57	66
during second six months of experience	96	102	86	92	74	80	61	70
thereafter	102	109	92	98	79	85	65	75
Crane driver	144	154	130	139	111	120	93	106
Examiner—								
during first year of experience	104	110	93	100	80	87	66	76
during second year of experience	131	139	118	126	101	109	84	96
during third year of experience	158	168	142	152	122	132	102	116
thereafter	185	197	167	179	143	154	120	136
Factory clerk—								
during first six months of experience	90	95	80	86	69	75	57	66
during second six months of experience	96	102	86	92	74	80	61	70
thereafter	102	109	92	98	79	85	65	75
General worker—								
18 years of age and older	78	83	70	75	60	65	50	57
under 18 years of age	62	66	56	60	48	52	40	46
Grade I employee	110	117	99	106	85	92	71	80
Grade II employee	102	109	92	98	79	85	65	75
Grade III employee	90	95	80	86	69	75	57	66
Grade IV employee	83	88	74	80	64	69	53	60
Handyman	125	133	112	120	96	104	80	91
Inspector	211	225	190	203	163	176	136	155
Machine handman	156	166	140	150	120	130	100	114
Mobile hoist operator	94	100	85	91	73	79	61	69
Moulder	90	95	80	86	69	75	57	66
Mould maker—								
during first year of experience	131	139	118	126	101	109	84	96
during second year of experience	158	168	142	152	122	132	102	116
thereafter	185	197	167	179	143	154	120	136
Operator of a control table, panel or console of a fibre-reinforced cement pipe-making machine	156	166	140	150	120	130	100	114
Operator of a fibre-reinforced cement pipe or joint lathe, boring mill or a multi-joint cutter	156	166	140	150	120	130	100	114
Operator of a plastic-lining machine	110	117	99	106	85	92	71	80
Pipe driller	110	117	99	106	85	92	71	80
Pipe spinner	110	117	99	106	85	92	71	80
Pole spinner	110	117	99	106	85	92	71	80
Pulper operator	110	117	99	106	85	92	71	80
Shiftsman	185	197	167	179	143	154	120	136
Supervisor—the highest wage prescribed in this subclause for the highest class of employee under his supervision, plus 10 per cent.								
Team leader	94	100	85	91	73	79	61	69
Employee not elsewhere in this subclause specifically mentioned	90	95	80	86	69	75	57	66

(aa) During the first 12 months after this determination becomes binding

(ab) Thereafter

(i)	Distrik A		Distrik B		Distrik C		Distrik D	
	(aa) Per week R	(ab) Per week R						
Tehuisbestuurder	115,00	122,36	103,50	110,86	88,78	96,14	74,06	84,18
Tehuisopsigter	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Deeltydse motorvoertuigdrywer	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Sekuriteitswag	50,60	53,82	45,54	48,76	39,10	42,32	32,66	36,80
Handelsreisiger—								
gedurende 1ste jaar ondervinding	82,34	87,86	74,06	79,58	63,48	69,00	52,90	60,26
gedurende 2de jaar ondervinding	90,62	96,60	81,42	87,40	69,92	75,44	57,96	66,24
gedurende 3de jaar ondervinding	98,90	105,34	88,78	95,22	76,36	81,88	63,02	72,22
gedurende 4de jaar ondervinding	107,18	114,08	96,14	103,04	82,80	88,32	68,08	78,20
daarna	115,00	122,82	103,50	110,86	89,24	94,76	73,14	84,18
Handelsreisiger se assistent	44,62	47,38	40,02	42,78	34,04	37,26	28,52	32,66
Wag	41,40	44,16	37,26	39,56	31,74	34,50	26,68	30,36

(ii)	Distrik A		Distrik B		Distrik C		Distrik D	
	(aa) Per uur c	(ab) Per uur c						
Ambagsman	242	257	217	233	186	202	155	177
Ambagsmanshulp—								
gedurende die eerste ses maande onder- vinding	90	95	80	86	69	75	57	66
gedurende die tweede ses maande onder- vinding	96	102	86	92	74	80	61	70
daarna	102	109	92	98	79	85	65	75
Hyskraandrywer	144	154	130	139	111	120	93	106
Ondersoeker—								
gedurende 1ste jaar ondervinding	104	110	93	100	80	87	66	76
gedurende 2de jaar ondervinding	131	139	118	126	101	109	84	96
gedurende 3de jaar ondervinding	158	168	142	152	122	132	102	116
daarna	185	197	167	179	143	154	120	136
Fabrieksklerk—								
gedurende die eerste ses maande onder- vinding	90	95	80	86	69	75	57	66
gedurende die tweede ses maande onder- vinding	96	102	86	92	74	80	61	70
daarna	102	109	92	98	79	85	65	75
Algemene werker—								
18 jaar en ouer	78	83	70	75	60	65	50	57
onder 18 jaar	62	66	56	60	48	52	40	46
Werknemer graad I	110	117	99	106	85	92	71	80
Werknemer graad II	102	109	92	98	79	85	65	75
Werknemer graad III	90	95	80	86	69	75	57	66
Werknemer graad IV	83	88	74	80	64	69	53	60
Faktotum	125	133	112	120	96	104	80	91
Inspekteur	211	225	190	203	163	176	136	155
Masjienvaktotum	156	166	140	150	120	130	100	114
Bediener van 'n mobiele hystoestel	94	100	85	91	73	79	61	69
Vormer	90	95	80	86	69	75	57	66
Vormmaker—								
gedurende 1ste jaar ondervinding	131	139	118	126	101	109	84	96
gedurende 2de jaar ondervinding	158	168	142	152	122	132	102	116
daarna	185	197	167	179	143	154	120	136
Bediener van 'n beheertafel, -paneel of -konsole van 'n masjienvir maak van veselversterkte sementpype	156	166	140	150	120	130	100	114
Bediener van 'n veselversterktepyp- of voeg- draibank, 'n vertikale draai- en boorbank of 'n meervoegsnyer	156	166	140	150	120	130	100	114
Bediener van 'n plastiekbekledingsmasjienv ..	110	117	99	106	85	92	71	80
Pypboorder	110	117	99	106	85	92	71	80
Pypdraaier	110	117	99	106	85	92	71	80
Paaldraaier	110	117	99	106	85	92	71	80
Pulpmasjiendieder	110	117	99	106	85	92	71	80
Skofbaas	185	197	167	179	143	154	120	136
Toesighouer—die hoogste loon by hierdie subklousule voorgeskryf vir die hoogste klas werknaem onder sy toesig, plus 10 percent.								
Spanleier	94	100	85	91	73	79	61	69
Werknemer nie elders in hierdie subklousule uitdruklik vermeld nie	90	95	80	86	69	75	57	66

(aa) Gedurende die eerste 12 maande nadat hierdie vassetting bindend word

(ab) Daarna

(b) *Casual employees.*—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 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 an employee of that class who is entitled to the highest wage tariff on the grounds of experience;
- (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 in respect of that day.

(2) *Basis of contract.*—For the purposes of this clause the contract of employment, 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 sub-clause (1), read with the definition of "weekly wage" and with sub-clause (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 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—

- (aa) this subclause shall not apply to an employee while undergoing training, for a period of not more than three weeks from the commencement of such training;
- (ab) this subclause shall not apply where the difference between classes in terms of subclause (1) is based on age or experience;
- (ac) 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 or an employee for whom an hourly wage is prescribed, 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 by any means of conveyance other 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 purposes of this subclause the cost of overnight garaging of a motor vehicle 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) 15c if the engine capacity of the vehicle in which the employee so travelled does not exceed 1 300 cm³;
 - (ii) 19c if the engine capacity of such vehicle exceeds 1 300 cm³ but not 2 500 cm³;
 - (iii) 22c if the engine capacity of such vehicle exceeds 2 500 cm³.

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

(b) *Los werknemers.*—'n Los werknemer moet vir elke dag of gedeelte van 'n dag diens minstens een vfyde betaal word van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied, 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" die weekloon beteken wat voorgeskryf word vir 'n werknemer van daardie klas, wat geregtig is op die hoogste loontarief op grond van ondervinding;
- (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 ten opsigte van daardie dag verminder mag word.

(2) *Kontrakgrondslag.*—Vir die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklike grondslag berus en, behoudens die bepalings van klousule 4 (6), moet 'n werknemer ten opsigte van 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met die omskrywing van „weekloon" en met subklousule (3), voorgeskryf word vir 'n werknemer van sy klas in die gebied waarin hy werk, afgesien daarvan of hy in daardie 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 langer as een uur op 'n dag of benewens sy eie werk of in die plek daarvan werk van 'n ander klas te verrig waarvoor—

- (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 sodanige werknemer soos volg 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 die kerf in die stygende skaal onmiddellik bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande dat—

- (aa) hierdie subklousule nie vir 'n werknemer geld nie onderwyd hy opleiding ondergaan vir 'n tydperk van hoogstens drie weke vanaf die aanvang van sodanige opleiding;
- (ab) hierdie subklousule nie geld nie wanneer die verskil tussen klasse ingevolge subklousule (1) op ouderdom of ondervinding berus;
- (ac) tensy daar in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie vasstelling so uitgelê mag word nie dat dit 'n werkgever belet om van sy werknemer te vereis om werk van 'n ander klas te verrig, vir welke klas dieselfde of 'n laer loon voorgeskryf word as dié voorgeskryf vir sodanige werknemer.

(4) *Loonberekening.*—

- (a) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer of 'n werknemer vir wie 'n uurloon voorgeskryf word, is sy weekloon gedeel deur die getal gewone werkure wat vir sodanige werknemer in 'n week voorgeskryf word.
- (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 motorvervoer 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 vir 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 motorvervoer vir die uitvoering van sy pligte te verskaf, moet sy werkgever hom vir elke kilometer wat hy in die uitvoering van sy pligte afgelê het, 'n vervoertoelae betaal van minstens—
 - (i) 15c indien die enjinkapasiteit van die voertuig waarmee die werknemer aldus gereis het, hoogstens 1 300 cm³ is;
 - (ii) 19c indien die enjinkapasiteit van sodanige voertuig meer as 1 300 cm³ maar hoogstens 2 500 cm³ is;
 - (iii) 22c indien die enjinkapasiteit van sodanige voertuig meer as 2 500 cm³ is.

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

- (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 reasonable expenses incurred by him for any meals and teas for himself during each period of absence not extending over a night;
 (ii) pay him a subsistence allowance of not less than R16,00 for each night where such absence extends over one or more nights;
- (b) a traveller's assistant who, in 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 reasonable expenses 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 R7,00 for each night where such absence extends over one or more nights:
 Provided that for the purposes of this subclause the expression "night" means the period between 23h00 and 04h00.
- (7) Payment of transport and subsistence allowances and expenses.—
 (a) An employer shall pay any allowances and expenses payable to an employee in terms of subclauses (5) and (6) within seven days of the employee's written claim therefor: Provided that an employee shall submit any such claims within one month of the time at which he has become entitled thereto 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 the case of any claim in terms of subclause (5) (a), the mode of transport employed and the transport expenses incurred or the nature of any other expenses for which reimbursement is claimed;
 (ii) in the case 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 the case of any claim in terms of subclause (6), the time of commencement and ending of each period of absence; and to enable his traveller to comply with such requirements, such employer shall, before any such journey is undertaken by such traveller, provide him with a suitable book or forms in or on which to keep the appropriate 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 every second week or monthly during the hours of work, or within 15 minutes of ceasing work on the usual pay-day of the establishment for such employee (or in the case of a shift worker at a time agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment but not later than 24 hours after the usual pay-day) or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in a sealed 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 class;
 - (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 or a public holiday;
 - (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 the particulars prescribed above may be recorded on such envelope or container or in such statement in code which code shall be fully set out and explained in a notice kept posted in some conspicuous place in

- (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 werkgewer se bedryfsinrichting afwesig is—
 (i) moet sy werkgewer hom alle redelike uitgawes vergoed wat hy gedurende elke tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;
 (ii) moet sy werkgewer hom 'n onderhoudstoelae van minstens R16,00 vir elke nag betaal as sodanige afwesigheid oor een of meer nage 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 werkgewer se bedryfsinrichting afwesig is—
 (i) moet sy werkgewer hom alle redelike uitgawes vergoed wat hy gedurende elke sodanige tydperk van afwesigheid wat nie oor 'n nag strek nie, aan etes en tee vir homself aangegaan het;
 (ii) moet sy werkgewer hom 'n onderhoudstoelae van minstens R7,00 vir elke nag betaal as sodanige afwesigheid oor een of meer nage strek:
 Met dien verstande dat, vir die toepassing van hierdie subklousule, die uitdrukking „nag” die tydperk tussen 23h00 en 04h00 beteken.
- (7) *Betaling van vervoer- en onderhoudstoelae en -uitgawes.*—
 (a) 'n Werkgewer moet enige toelaes 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 enige sodanige eis binne een maand na die tydstip waarop hy daarop geregelyk geword het, moet indien maar dat hy nie meer as een eis in een week mag indien nie.
- (b) 'n Werkgewer kan van sy handelsreisiger vereis om 'n eis so op te stel dat dit die volgende weergee:
 (i) In die geval van 'n eis ingevolge subklousule (5) (a), die soort vervoer waarvan gebruik gemaak is en die vervoerkoste wat aangegaan is of die aard van enige 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 aangedoen 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 sy handelsreisiger in staat te stel om aan sodanige vereistes te voldoen, moet sodanige werkgewer, voordat sodanige handelsreisiger so 'n reis onderneem, hom van 'n geskikte boek of vorms voorsien waarin of waarop gepaste aantekening gehou kan word.

4. BETALING VAN BESOLDIGING

- (1) *Werknemers, uitgesonderd los werknemers.*—Behoudens die bepalings van klosules 3 (7) en 6 (4) moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werknemer daartoe instem, elke tweede week of maandeliks in kontant of per tjk betaal word gedurende die werkure, of binne 15 minute nadat die werk gestaak is op die gewone betaaldag van die bedryfsinrichting vir sodanige werknemer (of in die geval van 'n skofwerker, op 'n tyd waaroor sodanige werknemer en sy werkgewer ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrichting 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 verseëerde koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop die volgende vermeld word:
- (a) die werkgewer se naam;
 - (b) die werknemer se naam of sy nommer op die betaalstaat en sy klas;
 - (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 of 'n openbare vakansiedag gewerk het;
 - (f) die werknemer se loon;
 - (g) die besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
 - (h) die besonderhede van enige bedrae wat afgetrek is;
 - (i) die werklike bedrag wat aan die werknemer betaal word; en
 - (j) die tydperk waarvoor die betaling geskied;
- en sodanige koevert of houer waarop hierdie besonderhede aangeteken word of sodanige staat word die eiendom van die werknemer: Met dien verstande dat die besonderhede hierbo voorgeskryf, in 'n kode op sodanige koevert of houer of in sodanige staat aangeteken kan word, welke kode volledig uiteengesit en verduidelik moet word in 'n kennisgewing wat op 'n opsigtelike plek in die bedryfsinrichting opgeplak moet

the establishment, accessible to all employees affected thereby; and provided further that—

- (i) at the written request of an employee the amount due to him may be paid into his building society or bank account by his employer who shall hand to him the relevant receipt together with the aforementioned statement;
- (ii) the aforementioned information relating to time worked need not be furnished in respect of an employee who is excluded from the hours of work provisions by virtue of clause 5 (8) (a) and (b).
- (2) *Casual employees.*—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) *Food and accommodation.*—Save as provided in the Blacks (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to accept food and accommodation or food or accommodation from him or from 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 any holiday, sick, medical, insurance, savings, provident or pension fund, or subscriptions to a trade union or to any institution for the benefit of the employee or to an employee's recreational club, if such club is on the employer's premises, and in the case of a Black employee a deduction for taxes due to the Government of the Republic;
- (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 is required in terms of the Black (Urban Areas) Consolidation Act, 1945, or agrees to accept food and accommodation or food or accommodation from his employer, a deduction not exceeding the amounts specified hereunder—

	<i>Per week</i>	<i>Per month</i>
	R	R
(i) Food	3,00	13,00
(ii) Accommodation	1,50	6,60
(iii) Food and accommodation	4,50	19,50

- (e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction not exceeding the amount of the employee's (other than a casual employee's) hourly wage in respect of each hour of such reduction: Provided that—
 - (i) such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
 - (ii) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
 - (iii) no deduction shall be made in the case of short-time owing to the vagaries of the weather or a breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available;
- (f) with the written consent of an employee, a deduction of any amount which the employer has paid or has undertaken to pay to any banking institution, building society, insurance business, local authority or registered financial institution in respect of a payment on a loan granted to such employee to acquire a dwelling;

- (g) with the written consent of an employee, a deduction of any amount which an employer has paid or has undertaken to pay to any other organisation in respect of—
 - (i) a payment on a loan granted to such employee to acquire a dwelling; or
 - (ii) the rent of a dwelling or accommodation in a hostel occupied by such employee,
- if such dwelling or hostel is provided through the instrumentality of such other organisation, wholly or partially from funds

bly en toeganklik moet wees vir alle werknemers wat daardeur geraak word; en voorts 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 sy werkgever, wat die betrokke kwitansie, tesame met voornoemde staat, aan hom moet oorhandig;
- (ii) voornoemde inligting betreffende tyd gewerk, nie verstrek hoef te word nie ten opsigte van 'n werknemer wat ingevolge klosule 5 (8) (a) en (b) van die werkurebepalings uitgesluit is.

(2) *Los werknemers.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is, by 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 by enige winkel of plek of van enige persoon deur hom aangewys, te koop nie.

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

(6) *Aftrekings.*—'n Werkgever mag sy werknemer geen boetes opêle 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-, siekte-, mediese, versekerings-, spaar-, voorsorgs- of pensioenfonds, of vir ledegelede aan 'n vakvereniging of aan enige inrigting vir die voordeel van die werknemer of aan 'n werknemer se ontspanningsklub, as sodanige klub op die werkgever se perseel is, en in die geval van 'n Swart werknemer 'n aftrekking vir belasting verskuldig aan die Regering van die Republiek;
- (b) behoudens andersluidende bepalings in hierdie vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of verzoek 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 ingevolge 'n bevel van 'n bevoegde hof moet of mag aftrek;
- (d) wanneer daarvan 'n werknemer ingevolge die Swartes (Stadsgebiede) Konsolidasiewet, 1945, vereis word of hy daartoe instem om kos en inwoning of kos of inwoning van sy werkgever aan te neem, 'n bedrag van hoogstens—

	<i>Per week</i>	<i>Per maand</i>
	R	R
(i) Kos	3,00	13,00
(ii) Inwoning	1,50	6,60
(iii) Kos en inwoning	4,50	19,50

- (e) wanneer die gewone werkure by klosule 5 voorgeskryf, weens korttyd verminder word, 'n bedrag van hoogstens die werknemer (uitgesonderd 'n los werknemer) se urlloon vir elke uur van sodanige vermindering: Met dien verstande dat—
 - (i) sodanige aftrekking hoogstens een derde van die werknemer se weekloon is, ongeag die getal ure waarmee die gewone werkure aldus verminder word;
 - (ii) geen aftrekking in die geval van korttyd wat deur 'n slapte 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 voorname om die gewone werkure te verminder;
 - (iii) geen aftrekking in die geval van korttyd geskied vir die eerste uur waarin daar nie gewerk word nie weens die wisselvalligheid van die weer of 'n onklaarraking van 'n installasie of masjinerie of weens die feit dat geboue onbruikbaar is of dreig om onbruikbaar te word, 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 die werkgever betaal het of onderneem het om te betaal aan 'n bankinstelling, bouvereniging, versekeringsonderneming, plaaslike owerheid of geregistreerde finansiële instelling ten opsigte van 'n betaling op 'n lening toegestaan aan sodanige werknemer om 'n woonhuis aan te koop;
 - (g) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgever betaal het of onderneem het om te betaal aan enige ander organisasie ten opsigte van—
 - (i) 'n betaling op 'n lening toegestaan aan sodanige werknemer om 'n woonhuis aan te koop; of
 - (ii) die huur van 'n woonhuis of huisvesting in 'n tehuis wat sodanige werknemer bewoon,
- as sodanige woonhuis of tehuis deur bemiddeling van sodanige ander organisasie verskaf word uitsluitlik of gedeeltelik van

advanced for that purpose by the State, a local authority or a building society.

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 to work more ordinary hours of work than—

- (a) in the case of an employee, other than a security guard or watchman, who works a six-day week—
 - (i) 46 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 a half;
- (b) in the case of an employee who works a five-day week—
 - (i) 46 in any week from Monday to Friday or from Tuesday to Saturday inclusive; and
 - (ii) subject to subparagraph (i) hereof, nine and a quarter on any day;
- (c) in the case of a security guard or a watchman—
 - (i) 72 in any week from Monday to Saturday, inclusive; and
 - (ii) 12 on any day;
- (d) in the case of a casual employee—nine on any day.

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

- (a) eight hours, in the case of a shift-worker or an employee engaged in the manufacture by power-driven machine process of fibre-reinforced cement products, and
- (b) five hours, in the case of any other employee, without a meal interval of not less than one hour during which interval such employee shall not be required or permitted to perform any work, and such interval shall not form part of the ordinary hours of work or overtime: Provided that—
 - (i) an employer may agree with his employee to reduce the period of such interval to not less than half an hour, and in that event, and after the employer has informed the Divisional Inspector, Department of Manpower Utilisation, 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 where proviso (i) or (v) applies, shall be deemed to be continuous;
 - (iii) if such interval be longer than one hour except when proviso (vii) applies 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 purpose of this subclause not to have worked during such interval;
 - (vii) in the case of an employee who is wholly or mainly engaged in cleaning premises if such interval be longer than three hours, any period in excess of three hours shall be deemed to form part of the ordinary hours of work.

(3) *Rest intervals.*—An employer shall grant to each of his employees, other than a driver of a motor vehicle, a part-time driver of a motor vehicle, a general worker accompanying a motor vehicle driver, a mobile hoist operator, a driver of an animal drawn vehicle, a shift-worker or an employee engaged in the manufacture by power-driven machine process of fibre-reinforced cement products or concrete sleepers, a rest interval of not less than 10 minutes as nearly as practicable—

- (a) in the middle of each first work period in a day, and
- (b) in the middle of each second work period in a day:

Provided that, at the request of an employee, his employer may, in lieu of the intervals prescribed in paragraphs (a) and (b) hereof, grant such an employee a single interval of not less than 20 minutes as nearly as practicable in the middle of each first work period in a day, and during such interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(4) *Hours of work to be consecutive.*—Save as provided in subclause (2), all hours of work of an employee on any day shall be consecutive.

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

fondse vir dié doel voorgeskiet deur die Staat, 'n plaaslike owerheid of 'n bouvereniging.

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

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

- (a) in die geval van 'n werknemer, uitgesonderd 'n sekuriteitswag of 'n wag, wat ses dae per week werk—
 - (i) 46 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, in welke geval die ure op enige 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) 46 in 'n week van Maandag tot en met Vrydag of van Dinsdag tot en met Saterdag; en
 - (ii) behoudens subparagraaf (i) hiervan, nege en 'n kwart op 'n dag;
- (c) in die geval van 'n sekuriteitswag of 'n wag—
 - (i) 72 in 'n week van Maandag tot en met Saterdag; en
 - (ii) 12 op 'n dag;
- (d) in die geval van 'n los werknemer—nege op 'n dag.

(2) *Etenspouses.*—'n Werkewer mag nie van 'n werknemer vereis of hom toelaat om onafgebroke meer as—

- (a) agt uur, in die geval van 'n skofwerker of 'n werknemer betrokke by die vervaardiging van veselversterkte cementprodukte deur middel van 'n proses waarin kraggedrewe masjinerie gebruik word, en

(b) vyf uur, in die geval van enige ander werknemer, sonder 'n etenspouse van minstens een uur te werk nie, en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis 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 werkewer 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 werkewer die Afdelingsinspekteur, Departement van Mannekragbenutting, vir sy gebied skriftelik van sodanige ooreenkoms verwittig het, die pouse aldus verkort kan word;

(ii) werktydperke wat deur pouses van minder as een uur onderbreek word, uitgesonderd waar voorbehoudsbepaling (i) of (v) van toepassing is, geag word onafgebroke te wees;

(iii) as sodanige pouse langer as een uur duur, uitgesonderd wanneer voorbehoudsbepaling (vii) van toepassing is, enige tydperk wat een en 'n kwart uur te boeie gaan, geag word werktyd te wees;

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

(v) wanneer daar vanweë oortydwerk van 'n werkewer vereis word om op enige dag 'n tweede etenspouse 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 doen as om in beheer van die voertuig te wees of te bly nie, vir die toepassing van hierdie subklousule geag word nie gedurende sodanige pouse te gewerk het nie;

(vii) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik betrokke is by die skoonmaak van 'n perseel, indien sodanige pouse langer as drie uur duur, enige tydperk wat drie uur te boeie gaan, geag word deel van die gewone werkure uit te maak.

(3) *Ruspouses.*—'n Werkewer moet aan elkeen van sy werknemers, uitgesonderd 'n motorvoertuigdrywer, 'n deeltydse motorvoertuigdrywer, 'n algemene werker wat 'n motorvoertuigdrywer vergesel, 'n bediener van 'n mobiele histoestel, 'n drywer van 'n trekdiervoertuig, 'n skofwerker of 'n werknemer wat betrokke is by die vervaardiging van veselversterkte cementprodukte of betondwarsleërs deur middel van 'n proses waarin kraggedrewe masjinerie gebruik word, 'n ruspouse van minstens 10 minute toestaan so na doenlik aan—

- (a) die middel van elke eerste werktydperk in 'n dag, en
- (b) die middel van elke tweede werktydperk in 'n dag:

Met dien verstande dat 'n werkewer, op versoek van sy werknemer, in plaas van die ruspouses in paragrafe (a) en (b) hiervan voorgeskryf, aan so 'n werknemer 'n enkele ruspouse van minstens 20 minute kan toestaan so na doenlik aan die middel van elke eerste werktydperk in 'n dag,

en gedurende sodanige ruspouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse word geag deel van die gewone werkure van sodanige werknemer uit te maak.

(4) *Werkure moet agtereenvolgend wees.*—Behoudens die bepalings van subklousule (2) moet alle werkure van 'n werknemer op 'n dag agtereenvolgend wees.

(5) *Bepering van oortydwerk.*—'n Werkewer mag nie van 'n werknemer vereis of hom toelaat om langer oortyd te werk nie as—

- (a) in the case of a casual employee, two hours on any day;
- (b) in the case of a security guard or a watchman, 12 hours in any week;
- (c) in the case of any other employee, 10 hours in any week.

(6) *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 18h00 and 06h00;
- (b) after 13h00 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 60c in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

(7) *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.

(8) *Savings.*—

- (a) This clause shall not apply to an assistant hostel manager, a first-aid attendant, a hostel manager, a hostel overseer, a traveller, a traveller's assistant or an employee who is wholly or mainly employed in a hostel kitchen.

- (b) This clause shall not apply to a foreman, a senior managerial or administrative employee or a technical or professional employee if and for so long as such an employee is in receipt of a regular wage at a rate of—

- (i) not less than R850 per month in the following areas:

Cape Province.—the Magisterial Districts of Bellville, East London, Goodwood, Kuils River, Paarl, Port Elizabeth, Simonstown, The Cape, Uitenhage and Wynberg and the municipal area of Kimberley;

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

Orange Free State.—the municipal areas of Bloemfontein, Odendaalsrus, Sasolburg, Virginia and Welkom;

Transvaal.—the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria and Wonderboom and the municipal area of Witbank;

- (ii) not less than R775 per month in the following areas:

Cape Province.—the Magisterial Districts of George, Knysna, Mossel Bay, Oudtshoorn, Somerset West, Stellenbosch, Strand, Wellington and the municipal areas of Grahamstown and King William's Town;

Natal.—the Magisterial Districts of Klip River and Newcastle;

Orange Free State.—the municipal areas of Bethlehem, Harrismith and Kroonstad;

Transvaal.—the municipal areas of Middelburg, Pietersburg, Rustenburg and Secunda;

- (iii) not less than R700 per month in any area not included in (i) and (ii) hereof.

- (c) Subclauses (2), (3), (4) and (5) shall not apply to an employee while he is engaged on emergency work.

- (d) Subclause (3) shall not apply to a boiler attendant, a driver of a motor vehicle or an employee who accompanies such driver of a motor vehicle.

- (e) Subclauses (2) and (3) shall not apply to a counter hand or a security guard or a watchman.

6. ANNUAL LEAVE

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

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van 'n sekuriteitswag of 'n wag, 12 uur in 'n week;
- (c) in die geval van enige ander werknemer, 10 uur in 'n week.

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

- (a) tussen 18h00 en 06h00 te werk nie;
- (b) op meer as vyf dae in 'n week na 13h00 te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie, behalwe dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd kan werk, maar dan só dat die oortydwerk nie 10 uur in 'n week te bowe gaan nie;
- (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 het en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of
 - (iii) sodanige werknemer minstens 60c betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat sy met die oortydwerk moet begin.

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

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

(8) *Voorbeholdsbeplings.*—

- (a) Hierdie klousule is nie van toepassing nie op 'n assistent-tehuisbestuurder, 'n eerstehulpbediener, 'n tehuisbestuurder, 'n tehuisopsigter, 'n handelsreisiger, 'n handelsreisiger se assistent of 'n werknemer wat uitsluitlik of hoofsaaklik in 'n tehuiskombuis werkzaam is.

- (b) Hierdie klousule is nie op 'n voorman, 'n senior bestuurs- of administratiewe werknemer of 'n tegniese of professionele werknemer van toepassing nie indien en solank so 'n werknemer 'n gereeld loon ontvang teen 'n tarief van—

- (i) minstens R850 per maand in die volgende gebiede:

Kaapprovincie.—die landdrosdistrikte Bellville, Die Kaap, Goodwood, Kuilsrivier, Oos-Londen, Paarl, Port Elizabeth, Simonstad, Uitenhage en Wynberg en die munisipale gebied Kimberley;

Natal.—die landdrosdistrikte Durban, Inanda, Pietermaritzburg en Pinetown;

Oranje-Vrystaat.—die munisipale gebiede Bloemfontein, Odendaalsrus, Sasolburg, Virginia en Welkom;

Transvaal.—die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria en Wonderboom en die munisipale gebied Witbank;

- (ii) minstens R775 per maand in die volgende gebiede:

Kaapprovincie.—die landdrosdistrikte George, Knysna, Mosselbaai, Oudtshoorn, Somerset-Wes, Stellenbosch, Strand en Wellington en die munisipale gebiede Grahamstad en King William's Town;

Natal.—die landdrosdistrikte Kliprivier en Newcastle;

Oranje-Vrystaat.—die munisipale gebiede Bethlehem, Harrismith en Kroonstad;

Transvaal.—die munisipale gebiede Middelburg, Pietersburg, Rustenburg en Secunda;

- (iii) minstens R700 per maand in enige gebied wat nie in (i) en (ii) hiervan ingesluit is nie.

- (c) Subklousules (2), (3), (4) en (5) is nie op 'n werknemer terwyl hy noodwerk verrig, van toepassing nie.

- (d) Subklousule (3) is nie op 'n ketelbediener, 'n motorvoertuigdrywer of 'n werknemer wat sodanige motorvoertuigdrywer vergesel, van toepassing nie.

- (e) Subklousules (2) en (3) is nie op 'n toonbankwerker of 'n sekuriteitswag of 'n wag van toepassing nie.

6. JAARLIKSE VERLOF

(1) Behoudens subklousule (2) moet 'n werkgever soos volg verlof verleen aan sy werknemer, uitgesonderd 'n los werknemer, en moet die werknemer dit neem, ten opsigte van elke voltooide tydperk van 12 maande diens by sy werkgever:

- (a) in the case of an employee who works a six-day week, 18 consecutive work-days leave;
- (b) in the case of an employee who works a five-day week, 15 consecutive work-days leave;

and shall pay such employee in respect of such leave 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: Provided that, for the purposes 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 an 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 and be taken, as the case may be, 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 shall 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—
 - (aa) sick leave in terms of clause 7 or with absence from work owing to incapacity in the circumstances set out in clause 7 (5) (a) or (b) amounting in the aggregate in any one year to not more than 10 weeks;
 - (ab) any period during which the employee is under notice of termination of employment in terms of clause 11; or
 - (ac) any period during which the employee is doing military training or service under the Defence Act, 1957;
- (iii) 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 that—

- (i) 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) 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 one-fourth 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 occasional leave on full pay granted to an employee at his written request; and provided further that, subject to clause 11 (4), an employee—

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 11, unless the employer has waived such notice or the employee has paid the employer in lieu of notice; or
- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice, shall not be entitled to any payment by virtue of this subclause.

(6) An employee who has become entitled to a period of leave prescribed in subclause (1), read with subclause (3), and whose employment terminates before such leave has been granted, shall, upon such

- (a) In die geval van 'n werknemer wat ses dae per week werk, 18 agtereenvolgende werkdae;
 - (b) in die geval van 'n werknemer wat vyf dae per week werk, 15 agtereenvolgende werkdae,
- en moet hy sodanige werknemer ten opsigte van sodanige verlof 'n bedrag betaal van minstens drie maal die weekloon wat die werknemer onmiddellik voor die aanvangsdatum van die verlof ontvang het: Met dien verstande dat, vir 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 opgelope 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, te deel deur die getal voltooiwe weke in sodanige tydperk;
- (ii) die weekloon van 'n werknemer wat stukwerk verrig, bereken word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof by subklousule (1) voorgeskrif, moet verleen word en geneem word, na gelang van die geval, op 'n tyd wat die werkewer bepaal: Met dien verstande dat—

- (i) as sodanige verlof nie eerder verleent is nie, dit behoudens die bepalings van subklousule (3), so verleent moet word dat dit binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het of, as die werkewer en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengeskik het, die werkewer sodanige verlof aan die werknemer moet verleent met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;
- (ii) die verloftydperk nie mag saamval nie met—
 - (aa) siekterverlof ingevolge klousule 7 of met afwesigheid van die werk weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (5) (a) of (b) en wat altesaam hoogstens 10 weke in een jaar bleep;
 - (ab) 'n tydperk wartydens die werknemer kennisgewing van diensbeëindiging ingevolge klousule 11 uitdien; of
 - (ac) 'n tydperk wartydens die werknemer militêre opleiding ondergaan of militêre diens doen ingevolge die Verdedigingswet, 1957;
- (iii) 'n werkewer al die dae geleenthedsverlof wat op die skriftelike versoek van sy werknemer met volle betaling aan hom verleent 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 werkewer toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens ooploep: Met dien verstande dat—

- (i) sodanige werknemer die versoek doen uiterlik vier maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het; en
- (ii) die werkewer die ontvangsdatum van die versoek daarop aanbring en dit onderteken en die versoek minstens tot 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 voorgeskrif 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 dienstermyne van 12 maande eindig voordat die verloftydperk voorgeskrif by subklousule (1) ten opsigte van genoemde termyn opgeloop het, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooiwe maand van sodanige dienstermyne 'n bedrag betaal word van minstens een kwart van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkewer 'n eweredige bedrag kan aftrek ten opsigte van 'n tydperk van geleenthedsverlof met volle betaling wat hy aan 'n werknemer op laasgenoemde se skriftelike versoek verleent; en voorts met dien verstande dat, behoudens klousule 11 (4), 'n werknemer—

- (i) wat sy diens verlaat sonder dat hy die kennis gegee en die kennisgewingstermyne uitgedien het wat by klousule 11 voorgeskrif word, tensy die werkewer van sodanige kennisgewing afgesien het of tensy die werknemer die werkewer betaal het in plaas daarvan om kennis te gegee het; of

- (ii) wat sy diens sonder 'n regsgeldige rede verlaat; of
- (iii) wat sonder kennisgewing deur sy werkewer ontslaan word om 'n rede wat vir sodanige ontslag sonder kennisgewing regsgeldig is,

op geen betaling uit hoofde van hierdie subklousule geregelt is nie.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskrif by subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof verleent is, moet by sodanige diens-

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 purposes of this clause the expression "employment" shall be deemed to include—

- (a) any period in respect of which an employer, in terms of clause 11, 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 or owing to incapacity in the circumstances set out in clause 7 (5) (a) or (b);
 - (iii) on the instructions or at the request of his employer; amounting in the aggregate, in any one year, to not more than 10 weeks; and
- (c) any period during which an employee is absent while undergoing military training or service in terms 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 or service;

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 purposes 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.
- (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) (a) or (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 purposes of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment or portion of the establishment, as the case may be.

7. SICK LEAVE

(1) Subject to 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 every other employee, one work-day in respect of each completed month of employment;
 - (ii) 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;
 - (iii) the wage payable to an employee who is employed on piece-work for any period of absence on sick leave in terms of this clause shall be calculated on the basis of not less than the remuneration paid to such employee on his last pay-day immediately preceding such absence.

(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

beëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom verleent was.

(7) Vir die toepassing van hierdie klousule word die uitdrukking „diens“ geag die volgende te omvat:

- (a) Enige tydperk ten opsigte waarvan 'n werkgever 'n werknemer ingevolge klousule 11 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 of weens ongesiktheid in die omstandighede in klousule 7 (5) (a) of (b) uiteengesit;
 - (iii) op las of versoek van sy werkgever, en wel tot altesaam hoogstens 10 weke in een jaar; en
- (c) enige tydperk wat 'n werknemer afwesig is terwyl hy ingevolge die Verdedigingswet, 1957, militêre opleiding ondergaan of militêre diens doen: Met dien verstande dat 'n werknemer nie geregty is om meer as vier maande van een sodanige opleidingstydperk of dienstydperk as diens te eis nie; en word diens geag te begin—
 - (i) in die geval van 'n werknemer wat, voordat hierdie vasstelling bindend geword het, kragtens enige wet op 'n tydperk van jaarlike verlof geregty geword het, op die datum waarop sodanige werknemer laas kragtens sodanige wet op sodanige verlof geregty geword het;
 - (ii) in die geval van 'n werknemer wat, voordat hierdie vasstelling bindend geword het, in diens was en op wie enige wet wat vir jaarlike verlof voorseenig maak, van toepassing was maar wat nog nie daarkragtens of 'n tydperk van verlof geregty 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 vasstelling bindend geword het, en wel op die vroegste van die twee datums.
- (8) (a) Ondanks andersluidende bepalings in hierdie klousule kan 'n werkgever vir die doel van jaarlike verlof te eniger tyd maar hoogstens eenmaal in 'n tydperk van 12 maande, sy bedryfsinrigting of 'n deel van sy bedryfsinrigting vir 14 agtereenvolgende dae sluit.
- (b) 'n Werknemer wat op die sluitingsdatum van 'n bedryfsinrigting of die deel daarvan waarin hy werkzaam is, nie op die volle tydperk van die jaarlike verlof by subklousule (1) (a) of (b) voorgeskryf, geregty is nie, moet ten opsigte van enige verlof wat aan hom verskuldig is, deur sy werkgever betaal word op die grondslag in subklousule (5) uiteengesit, en vir die doel van jaarlike 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 ongesiktheid 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 geregty 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) 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 ongesiktheid verskuldig is;
 - (iii) die loon wat aan 'n werknemer wat stukwerk verrig, betaalbaar is vir 'n tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op die grondslag van minstens die besoldiging wat aan sodanige werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(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 werkdae; of

- (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 Vow or Christmas Day, or
 (c) on the work-day immediately succeeding the Monday following New Year's Day, whenever the latter falls on a Sunday, 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 and 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 purposes 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 one year, to not more than 10 weeks; and
- (ii) any period during which an employee is absent from work owing to military training or service in terms 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 or service,

and any one 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 purposes 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.

(5) *Savings.*—This clause shall not apply—

- (a) to an employee at whose written request his employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for 20 or 24 work-days, as the case may be, in each cycle of 24 months of employment, except that during the first 24 months of the payment of contributions by the employee, the guaranteed rate may be reduced, but to not less than the rate of accrual set out in the first proviso to subclause (1);
- (b) in respect of any period of incapacity of an employee in respect of which the employer is required by any other law to pay to the employee not less than his full wages.

8. PUBLIC HOLIDAY AND SUNDAYS

(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 Vow or Christmas Day, or whenever New Year's Day falls on a Sunday and an employee does not work on the Monday immediately following such Sunday, his employer shall pay him for the week in which such day falls not less than his weekly wage.

(2) Whenever an employee works on New Year's Day, Good Friday, Ascension Day, Republic Day, the Day of the Vow or Christmas Day, or whenever New Year's Day falls on a Sunday and an employee works on the Monday immediately following such Sunday, 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

- (b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Republiekdag, Geloftedag of Kersdag; of
 (c) op die werkdag onmiddellik na die Maandag wat op Nuwejaarsdag volg wanneer laasgenoemde op 'n Sondag val, van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyen onderteken is en wat die aard en duur van die werknemer se ongeskiktheid meld: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleenthed 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 langer afwesig is as 'n siekteverloftydperk wat ten tyde van sodanige ongeskiktheid opgeloop het, is hy geregtig op slegs sodanige verlof as wat aldus opgeloop het en word hy slegs ten opsigte daarvan betaal; maar sy werkgever moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde tydkring diens of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover siekteverlof wat ten tyde van sodanige verstryking of beëindiging opgeloop het, nog nie geneem is nie.

(4) Vir die toepassing van hierdie klousule—

- (a) word die uitdrukking „diens“ geag die volgende te omvat:
 (i) 'n 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 altesam hoogstens 10 weke in een jaar beloop; en
- (ii) 'n tydperk wat 'n werknemer van die werk afwesig is weens militêre opleiding of diens ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie daarop geregtig is om meer as vier maande van een sodanige opleidingsydperk of dienstydperk as diens te eis nie, en word een tydperk van diens wat 'n werknemer by dieselfde werkgever gelewer het onmiddellik voor die datum waarop hierdie vasstelling bindend geword het, vir die toepassing van hierdie klousule geag diens ingevolge hierdie vasstelling te wees, en word alle siekteverlof met volle betaling wat aan so 'n werknemer gedurende sodanige tydperk verleen is, geag ingevolge hierdie vasstelling verleen te gewees het;

(b) beteken „ongeskiktheid“ onvermoë om te werk weens siekte of besering, uitgesonderd 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 Ongevallewet, 1941, betaalbaar is, as ongeskiktheid beskou word slegs gedurende 'n tydperk ten opsigte waarvan geen ongeskiktheidsbetaling ingevolge daardie Wet betaalbaar is nie.

(5) *Voorbehoudsbepalings.*—Hierdie klousule is nie van toepassing nie—

- (a) op 'n werknemer op wie se skriftelike versoek sy werkgever bydraes doen, wat minstens gelyk is aan dié wat die werknemer doen, tot 'n fonds of organisasie deur die werknemer aangewys, welke fonds of organisasie aan die werknemer in die geval van sy ongeskiktheid in die omstandighede uiteengesit in hierdie klousule, die betaling aan hom waarborg van minstens altesam die ekwivalent van sy loon vir 20 of 24 werkdae, na gelang van die geval, in elke tydkring van 24 maande diens, behalwe dat die gewaarborgde koers verminder kan word gedurende die eerste 24 maande van die betaling van bydraes deur die werknemer, maar tot minstens die oplopingskoers uiteengesit in die eerste voorbehoudsbepaling van subklousule (1);
- (b) ten opsigte van enige tydperk van ongeskiktheid van 'n werknemer, ten opsigte waarvan daar van die werkgever ingevolge enige ander wet vereis word om aan die werknemer minstens sy volle loon te betaal.

8. OPENBARE VAKANSIEDAE EN SONDAE

(1) Behoudens klousules 4 (6) en 6 (2) moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, indien hy nie op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Republiekdag, Geloftedag of Kersdag werk nie of wanneer Nuwejaarsdag op 'n Sondag val en 'n werknemer nie op die Maandag onmiddellik na sodanige Sondag werk nie, vir die week waarin sodanige dag val, minstens sy weekloon betaal.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Republiekdag, Geloftedag of Kersdag werk of wanneer Nuwejaarsdag op 'n Sondag val en 'n werknemer op die Maandag onmiddellik na sodanige Sondag werk, moet sy werkgever hom, behoudens die bepalings van klousule 4 (6), vir die week waarin sodanige dag val, minstens sy weekloon betaal, plus sy urlloon vir elke

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 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 of not less than one and a 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 shift worker works a shift which falls partly on any public holiday mentioned 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 part of such shift falls.

(5) Subclauses (2) to (4), inclusive, shall not apply to—

- (a) an employee who is excluded from the hours of work provisions by virtue of clause 5 (8) (b); or;
- (b) a traveller, a traveller's assistant or a casual employee.

9. PIECE-WORK AND COMMISSION WORK

(1) An employer may, after at least one week's prior 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 rate 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 in a conspicuous place in his establishment a schedule of the rates referred to in subclause (1).

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

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

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

- (a) the weekly or monthly wage payable to the traveller 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 areas 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

uur of deel van 'n uur wat die werknemer altesaam op sodanige dag gewerk het: Met dien verstande dat, waar daar van sodanige werknemer vereis word of hy toegelaat word om minder as vier uur op sodanige dag te werk, daar geag word dat hy vier uur gewerk het.

(3) Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever—
(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 'n tarief van minstens dubbel sy gewoneloon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk, of minstens dubbel sy dagloon betaal, en wel die bedrag wat die grootste is; of

(b) hom teen 'n tarief van minstens een en 'n derde maal sy gewoneloon betaal ten opsigte van die hele tydperk wat hy op sodanige Sondag werk en hom binne sewe dae na 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 is of hy toegelaat word om minder as vier uur op sodanige Sondag te werk, daar geag word dat hy vier uur gewerk het.

(4) Wanneer '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 werk is op die dag waarop die grootste deel van sodanige skof val.

(5) Subklousules (2) tot en met (4) is nie van toepassing nie—

- (a) op 'n werknemer wat uit hoofde van klousule 5 (8) (b) van die werkurebepalings uitgesluit word; of
- (b) op 'n handelsreisiger, 'n handelsreisiger se assistent of 'n los werknemer.

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 die bepalings van klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tarief wat ooreenkoms sodanige stelsel van toepassing is: Met dien verstande dat die werkgever, ongeag die hoeveelheid werk wat gedoen is, sodanige werknemer soos volg 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 sodanige werknemer vir daardie week sou moes betaal 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 sodanige werknemer vir daardie dag sou moes betaal as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die tariewe in subklousule (1) bedoel, op 'n opsigtelike plek in sy bedryfsinrichting opgeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe 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 kennisgewingstermyn ooreen kan kom, en in so 'n geval moet die werkgever vir 'n termyn kennis gee wat nie korter is as dié waaroor daar ooreengekom is nie.

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

(5) 'n Handelsreisiger wat volgens 'n ooreenkoms met sy werkgever kommissiewerk onderneem, moet voordat sodanige werk begin, deur sy werkgever voorsien word van 'n juiste afskrif van die ooreenkoms of 'n verklaring wat die bepalings van die ooreenkoms uiteensit en wat die volgende moet insluit:

- (a) Die week- of maandloon wat aan die handelsreisiger betaalbaar is, en die kommissietarief of -tariewe en die voorwaardes waarop hy die reg daarop verkry;
- (b) die dag van die week of maand waarop die verdiente kommissie verskuldig en betaalbaar is;
- (c) die gebiede 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 werkgever van tyd tot tyd bereid is om te aanvaar; en
- (e) die betaaldag van kommissie ten opsigte van bestellings wat die werkgever voor die beëindiging van die dienskontrak aanvaar het: 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 bepalings van die ooreenkoms in subklousule (5) bedoel, mag vir die handelsreisiger geldelik nie minder voordelig wees nie as die betrokke bepalings van hierdie vasstelling: Met dien verstande dat die besoldiging van 'n handelsreisiger wat kommissiewerk onderneem,

commission work shall be payable on the day stipulated in the agreement, and in this respect the provisions of 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 shall not require or permit an employee to undertake any work for him on the basis of commission only. Any amount payable to an employee as commission under an agreement entered into in terms of subclause (5) shall be aside from and in addition to the wage prescribed in clause 3 (1) read with the definition of "wage" in clause 2, for an employee of his class and experience, or to the wage agreed upon in terms of subclause (5) where such wage is higher than that provided in clause 3 (1).

(9) 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 11.

10. PROHIBITION OF EMPLOYMENT

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

11. 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 the employee is receiving at the time of such termination;
 - (ii) in the case of a week's notice, the weekly wage the employee is receiving at the time of such termination:

Provided that this shall not affect—

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

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

(2) Where there is an agreement in terms of the second proviso to subclause (1), the payment in lieu of notice shall be commensurate with the period of notice agreed upon.

(3) The notice prescribed in subclause (1) may be given on any work-day: Provided that—

- (i) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave in terms of clause 6 or during any period of military training or service which an employee is undergoing in pursuance of the Defence Act, 1957;
- (ii) notice shall not be given during an employee's absence on sick leave in terms of clause 7 or owing to incapacity in the circumstances set out in clause 7 (5) (a) and (b) amounting in the aggregate to not more than 10 weeks in any one year.

(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

betaalbaar is op die dag wat in die ooreenkomis bepaal word, en in hierdie oopsig is die bepalings van klosule 4 (1) nie op sodanige betrekking van toepassing nie.

(7) Behoudens die bepalings van klosule 4 (6) moet 'n werkewer sy handelsreisiger wat kommissiewerk onderneem, minstens die besoldiging betaal waaroor hulle ooreengekomm het: Met dien verstande dat, ongeag die getal of waarde van die bestellings wat die werkewer aanvaar, die besoldiging van sodanige handelsreisiger ten oopsigte van enige tydperk nie minder mag wees nie as dié wat ingevolge klosule 3 (1) vir daardie tydperk aan hom verskuldig sou wees.

(8) 'n Werkewer mag nie van 'n werknemer vereis of hom toelaat om werk vir hom slegs op 'n kommissiegrondslag te onderneem nie. 'n Bedrag betaalbaar aan 'n werknemer as kommissie kragtens 'n ooreenkomis aangegaan ingevolge subklosule (5), is afsonderlik van en bykomend by die loon by klosule 3 (1), gelees met die omskrywing van „loon" by klosule 2, voorgeskryf vir 'n werknemer van sy klas en ondervinding, of die loon waaroor ingevolge subklosule (5) ooreengekomm is, waar sodanige loon hoër is as dié waarvoor by klosule 3 (1) voorsiening gemaak word.

(9) 'n Werkewer of 'n handelsreisiger wat voornemens is om 'n ooreenkomis 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 klosule 11 vir die beëindiging van die dienskontrak van sodanige handelsreisiger vereis word.

10. VERBOD OP INDIENSNEMING

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

11. BEËINDIGING VAN DIENSKONTRAK

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

- (a) gedurende die eerste vier weke diens, minstens een werkdag,
 - (b) na die eerste vier weke diens, minstens een week,
- vooraf kennis van die beëindiging van die kontrak gee, of 'n werkewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur die werknemer of die werkewer, na gelang van die geval, in plaas van sodanige kennisgewing soos volg 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 werkewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;
 - (ii) 'n skriftelike ooreenkomis tussen 'n werkewer 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 klosule voorgeskryf word;
 - (iii) die werking van 'n verbeuring of boetes wat regtens van toepassing mag wees op 'n werknemer wat dros,
- nie hierdeur geraak word nie: Met dien verstande voorts dat, indien die loon van 'n werknemer op die datum van die beëindiging verminder is deur aftrekings ten oopsigte van korttyd en die werkewer hom betaal in plaas van kennis te gee, die uitdrukking „ten tyde van sodanige beëindiging ontvang" geag word te betekenis „ten tyde van sodanige beëindiging sou ontvang as geen bedrag ten oopsigte van korttyd afgerek was nie".

(2) Indien daar 'n ooreenkomis ingevolge die tweede voorbehoudsbespaling van subklosule (1) bestaan, moet die betaling in plaas van kennisgewing eweredig wees aan die kennisgewingstermyn waaraan daar ooreengekomm is.

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

- (i) die kennisgewingstermyn nie mag saamval met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klosule 6 of gedurende 'n tydperk van militêre opleiding of diens wat 'n werknemer ingevolge die Verdedigingswet, 1957, ondergaan of doen;
- (ii) kennis nie gegee mag word nie gedurende 'n werknemer se afwesigheid met siekteverlof ingevolge klosule 7 of weens ongeskiktheid in die omstandighede in klosule 7 (5) (a) en (b) uiteengesit, wat altesaam hoogstens 10 weke in een jaar belpo.

(4) Ondanks andersluidende bepalings in hierdie vasstelling kan 'n werkewer hom, in die geval waar sy werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder dat hy kennis gegee en die vereiste kennisgewingstermyn uitgedien het of sonder om sy werkewer te betaal in plaas van kennis te gee, uit enige geldte wat hy sodanige werknemer uit hoofde van enige bepalings van hierdie vasstelling skuld, 'n bedrag toeëien van hoogstens dié wat sodanige werknemer hom sou moes betaal in plaas van kennis te gee: Met dien verstande dat in die

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, the employee shall for the purposes of clause 6 (5) be deemed to have paid the employer in lieu of notice.

12. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall, gumboots or other protective clothing which he requires his employee to wear or which by any law he is compelled to provide for his employee, and any such uniform, overall, gumboots or other protective clothing shall remain the property of the employer: Provided that an employer may require an employee to wash or wash and iron any such uniform, overall or protective clothing, in which event the employer shall pay such employee an allowance of not less than 60c every week.

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 following form, showing the full names of the employer and of the employee, the class 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.

I/We (a)
carrying on trade in the Cement 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 R..... per week.

(Signature of Employer or
Authorised Representative)

Date

- (a) Delete whichever inapplicable.
- (b) State class in which employee was wholly or mainly engaged, e.g. clerk, traveller, grade I employee, general worker.

(NOTE.—In terms of section 18 of the Wage Act, 1957, the Wage Determination in the above Schedule supersedes Wage Determination 346, published under Government Notice R.1977 of 3 November 1972, as amended by Government Notice R.2514 of 9 December 1977.)

geval waar 'n werkewer hom 'n bedrag in plaas van kennisgewing aldus toegee het, daar vir die toepassing van klousule 6 (5) geag word dat die werknemer die werkewer betaal het in plaas van kennis te gee.

12. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkewer moet enige uniform, oorpak, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis voorsien en in 'n bruikbare en skoon toestand hou, en enige sodanige uniform, oorpak, rubberstewels of ander beskermende klere bly die eiendom van die werkewer: Met dien verstande dat 'n werkewer van 'n werknemer kan vereis om enige sodanige uniform, oorpak of beskermende klere te was of te was en te stryk, in welke geval die werkewer sodanige werknemer 'n toelae van minstens 60c elke week moet betaal.

13. DIENSSERTIFIKAAT

Behalwe waar 'n werknemer se dienskontrak op grond van diensverlating beëindig word of waar die werknemer 'n los werknemer is, moet die werkewer by beëindiging van 'n dienskontrak die werknemer van 'n dienssertifikaat voorsien wat wesentlik onderstaande vorm het en waarin die volle name van die werkewer en van die werknemer, die klas van die werknemer, die aanvangsdatum en die datum van beëindiging van die kontrak en die weekloon van die werknemer op die datum van sodanige beëindiging vermeld word.

Ek/Ons (a)
wat sake doen in die Sementproduktenwerheid 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 R..... per week.

(Handtekening van werkewer of
gemagtigde verteenwoordiger)

Datum

- (a) Skrap wat nie van toepassing is nie.
- (b) Meld die klas waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv. klerk, handelsreisiger, werknemer graad I, algemene werker.

(*KENNISGEWING.*—Kragtens artikel 18 van die Loonwet, 1957, vervang die Loonvasstelling in die bostaande Bylae Loonvasstelling 346, gepubliseer by Goewermentskennisgewing R.1977 van 3 November 1972, soos gewysig by Goewermentskennisgewing R.2514 van 9 Desember 1977.)

No. R. 1246]

[19 June 1981]

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

**CEMENT PRODUCTS INDUSTRY, CERTAIN
AREAS**

I, STEPHANUS PETRUS BOTHA, Minister of Manpower Utilisation, hereby in terms of section 22 (1) of the Factories, Machinery and Building Work Act, 1941, declare the provisions of the Wage Determination for the Cement Products Industry, Certain Areas, published under Government Notice R.1245 of 19 June 1981, 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.

S. P. BOTHA,
Minister of Manpower Utilisation

No. R. 1246]

[19 Junie 1981]

**WET OP FABRIEKE, MASJINERIE EN
BOUWERK, 1941**

**SEMENTPRODUKTENYWERHEID,
SEKERE GEBIEDE**

Ek, STEPHANUS PETRUS BOTHA, Minister van Mannekragbenutting, verklaar hierdy kragtens artikel 22 (1) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, dat die bepalings van die Loonvasstelling vir die Sementproduktenywerheid, Sekere Gebiede, gepubliseer by Goewermentskennisgewing R.1245 van 19 Junie 1981, oor die algemeen vir die werknemers wie se werkure en besoldiging 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.

S. P. BOTHA,
Minister van Mannekragbenutting

CONTENTS**Department of Manpower Utilisation****GOVERNMENT NOTICES**

No.		PAGE
R.1245	Wage Act, 1957: Wage Determination 410: Cement Products Industry, Certain Areas	1
R.1246	Factories, Machinery and Building Work Act, 1941: Cement Products Industry, Certain Areas	25

INHOUD**Departement van Mannekragbenutting****GOEWERMENTSKENNISGEWINGS**

No.		BLADSY
R.1245	Loonwet, 1957: Loonvasstelling 410: Sementproduktenwerheid, Sekere Gebiede	1
R.1246	Wet op Fabrieke, Masjinerie en Bouwerk, 1941: Sementproduktenwerheid, Sekere Gebiede	25