



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

### REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## DEPARTEMENT VAN MANNEKRAG

No. R. 1314

29 Junie 1984

### LOONWET, 1957

#### LOONVASSTELLING 435.—ONGESKOOLDE ARBEID (PLAASLIKE OWERHEDE), SEKERE GEBIEDE

In opdrag van die Minister van Mannekrag, word hierby ingevolge artikel 14 (2) van die Loonwet, 1957, bekend gemaak 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 Ongeskoolde Arbeid (Plaaslike Owerhede), sekere Gebiede, gemaak en 1 Julie 1984, bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

#### BYLAE

##### 1. GEBIED EN OMVANG VAN VASSTELLING

(1) Hierdie vasstelling is van toepassing op alle werknemers wat by plaaslike owerhede, soos in subklousule (2) omskryf, ongeskoolde arbeid, soos in subklousule (3) omskryf, verrig en op alle sodanige plaaslike owerhede, uitgesonderd die afdelingsrade van Die Kaap, Kaffrarië en Stellenbosch en die stadsrade van Durban, Johannesburg, Kaapstad, Pinetown en Pretoria, in die volgende gebiede:

**Kaaprovinsie.**—Die landdrostdistrikte Bellville, Die Kaap, George (uitgesonderd die dorpsgebied van Pacaltsdorp), Goodwood, Kimberley (uitgesonderd die munisipale gebied van Ritchie), Knysna, Kuilsrivier, Mosselbaai (uitgesonderd die dorpsgebied van Herbertsdale), Oos-Londen, Paarl (uitgesonderd die munisipale gebied van Franschhoek), Port Elizabeth, Simonstad, Uitenhage en Wynberg en die munisipale gebiede van Grahamstad, Oudtshoorn, Somerset-Wes, Stellenbosch, Strand, Upington en Worcester;

**Natal.**—Die landdrostdistrikte Durban, Pietermaritzburg en Pinetown (uitgesonderd die munisipale, ontwikkelings- of gesondheidskomiteegebiede, na gelang van die geval, van Albert Falls, Ashburton, Crestholme, Everton, Gillitts/Emberton, Hilton, Mariannhill, Mount Michael, Plessislaer en Waterfall), en die munisipale gebiede van Empangeni, Ladysmith, Newcastle, Port Shepstone, Richardsbaai, Umhlanga en Verulam;

**Oranje-Vrystaat.**—Die landdrostdistrikte Bloemfontein (uitgesonderd die plaaslike rade van Bainsvlei en Bloemspuit), Odendaalsrus, Sasolburg (uitgesonderd die munisipale gebied van Deneyville), Virginia en Welkom en die munisipale gebiede van Bethlehem, Harrismith en Kroonstad;

**Transvaal.**—Die landdrostdistrikte Alberton, Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Kempton Park (uitgesonderd die gesondheidskomiteegebied van Modderfontein), Klerksdorp (uitgesonderd

## DEPARTMENT OF MANPOWER

No. R. 1314

29 June 1984

### WAGE ACT, 1957

#### WAGE DETERMINATION 435.—UNSKILLED LABOUR (LOCAL AUTHORITIES), CERTAIN AREAS

By direction of the Minister of Manpower 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 Unskilled Labour (Local Authorities), Certain Areas, and has fixed 1 July 1984 as the date from which the provisions of the said Wage Determination shall be binding.

#### SCHEDULE

##### 1. AREA AND SCOPE OF DETERMINATION

(1) This determination shall apply to all employees who are employed by local authorities, as defined in subclause (2), to perform unskilled labour, as defined in subclause (3), and to all such local authorities, excluding the City Councils of Cape Town, Durban, Johannesburg, Pinetown and Pretoria and the Divisional Councils of the Cape, Kaffraria and Stellenbosch, in the following areas:

**Cape Province.**—The Magisterial Districts of Bellville, East London, George (excluding the village area of Pacaltsdorp), Goodwood, Kimberley (excluding the municipal area of Ritchie), Knysna, Kuils River, Mossel Bay (excluding the village area of Herbertsdale), Paarl (excluding the municipal area of Franschhoek), Port Elizabeth, Simon's Town, The Cape, Uitenhage and Wynberg and the municipal areas of Grahamstown, Oudtshoorn, Somerset West, Stellenbosch, Strand, Upington and Worcester;

**Natal.**—The Magisterial Districts of Durban, Pietermaritzburg and Pinetown (excluding the municipal, development or health committee areas of Albert Falls, Ashburton, Crestholme, Everton, Gillitts/Emberton, Hilton, Mariannhill, Mount Michael, Plessislaer and Waterfall) and the municipal areas of Empangeni, Ladysmith, Newcastle, Port Shepstone, Richards Bay, Umhlanga and Verulam;

**Orange Free State.**—The Magisterial Districts of Bloemfontein (excluding the local boards of Bainsvlei and Bloemspuit), Odendaalsrus, Sasolburg (excluding the municipal area of Deneyville), Virginia and Welkom and the municipal areas of Bethlehem, Harrismith and Kroonstad;

**Transvaal.**—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Germiston, Johannesburg, Kempton Park (excluding the health committee area of Modderfontein), Klerksdorp (excluding the village

die dorpsraadgebied van Hartbeesfontein), Krugersdorp, Nigel (uitgesonderd die gesondheidskomiteegebied van Devon), Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria en Wonderboom en die munisipale gebiede van Ermelo, Lichtenburg, Middelburg, Nelspruit, Pietersburg, Potgietersrus, Rustenburg en Witbank.

(2) "plaaslike owerhede" beteken stadsrade, afdelingsrade, munisipale rade, dorpsrade, dorpsbestuursrade, gesondheidskomitees, gesondheidsrade, plaaslike gebiedskomitees van die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, ingestel kragtens die Ordonnansie tot Instelling van 'n Gesondheidsraad vir Buitestedelike Gebiede, 1943 (Ordonnansie 20 van 1943) van Transvaal, die Kommissie vir Plaaslike Gesondheid ingestel kragtens die Ordonnansie op die Kommissie vir Plaaslike Gesondheid (Beheer oor Openbare Gesondheidsgebiede), 1941 (Ordonnansie 20 van 1941) van Natal, of enige soortgelyke instellings of liggame bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet 32 van 1961).

(3) "ongeskoolde arbeid", sonder om die gewone betekenis enigsins te beperk, beteken—

(a) artikels van gelyke grootte en getal in houters verpak wat spesiaal gemaak is om sodanige artikels te bevat;

(b) artikels, pakkette, leë bottels, sakke of ander houters sorteer, vasbind of toedraai of ou metaal, afvalglas of afvalpapier sorteer of bymekaarmaak;

(c) artikels, geboue of uitrusting met die hand teer;

(d) asfalt met sand, gruis, klei of gebreekte klip met die hand meng, of gemengde asfalt met skopgrawe, harke, vurke of met kruwaens versprei, of asfalt met pype of kanne sprei, of asfalt vasstamp;

(e) baalperse of ander perse met die hand bedien of draad, hoepels, toue of metaalbande om kiste, sakke, vesel of bale sit of vasmaak;

(f) bakstene, klippe of beton met hamers, troffels of ander nie-krag-aangedrewe gereedskap skoonmaak of afvlak;

(g) batterye afhaal, byvul of terugsit;

(h) beton-, staal- of ander pype in posisie neerlê, verskuif of regsit;

(i) bokke, kratte of kiste met die hand herstel;

(j) boksele oorgooi of afhaal;

(k) boodskappe, pakkette, briewe of goedere te voet of per trapfiets, driewieler of handvoertuig aflewer of vervoer;

(l) bottels of soortgelyke houters in krag-aangedrewe masjiene plaas of daaruit neem; etikette van bottels, kaste of ander artikels met die hand verwyder of etikette daarop plak; etikette aan krag-aangedrewe etiketteer-masjiene voer;

(m) brandstoftens volmaak; oliebakke leegtap of volmaak;

(n) briewe, omsendbriewe, dokumente, biljette, advertensies of ander skriftelike, gedrukte, getikte of afgerolde dokumente in koevert plaas of in pakkies opmaak;

(o) briewe, pakkette, bottels, vate, kiste, blikke, platkissies, kartonne, konkas, sakke, bale of enige ander houer oopmaak, toemaak, volmaak of leegmaak; spoorwegwaens oop- of toemaak;

(p) deure of vensters oop- of toemaak;

(q) diere in- of uitspan;

(r) dra, ophang, sleep, stoot, trek, verpak, opstapel, rol of verskuif van enige artikel, voertuig of houer, hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwa, behalwe deur die gebruik van kragtoerusting; enige artikel begrawe;

(s) draad, tou of goingsak met die hand sny;

(t) draad behalwe elektriese draad, reg neerlê of vasmaak;

(u) drade op- of afrol, in posisie lê, sleep of trek;

(v) dryfrieme afhaal of terugsit;

(w) enige ou metaal, masjien, wrak, voertuig of brug met hamers, sae, beitels, koevoete of skroefseutels buig of opbreek, of onder toesig met blaaslamp buig of sny;

(x) etikette op artikels of houters plak of dit merk, brandmerk, stempel of sjabloneer, of etikette perforeer;

(y) filterperse oop- of toemaak of filterdoeke verwyder of vervang;

council area of Hartbeesfontein), Krugersdorp, Nigel (excluding the health committee area of Devon), Oberholzer, Potchefstroom, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria and Wonderboom and the municipal areas of Ermelo, Lichtenburg, Middelburg, Nelspruit, Pietersburg, Potgietersrus, Rustenburg and Witbank.

(2) "Local authorities" means city councils, divisional councils, municipal councils, town councils, town management boards, health committees, health boards, local area committees of the Transvaal Board for the Development of Peri-Urban Areas instituted under the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance 20 of 1943) of the Transvaal, the Local Health Commission constituted under the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance 20 of 1941) of Natal, or any similar institutions or bodies contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961).

(3) "Unskilled labour" means, without in any way limiting the ordinary meaning of the expression—

(a) affixing labels to or marking, branding, stamping or stencilling articles or containers or perforating labels;

(b) affixing stamps to letters, parcels or other articles;

(c) applying cement or lime mortar to walls by hand, with a bag, glove or by other similar means;

(d) assisting an artisan, other than by independently using the tools of his trade;

(e) attending the haulage, other than mechanical haulage (winch driving), including signalling;

(f) bending or breaking up by means of hammers, saws, chisels, crowbars or spanners, any scrap metal, machine, wreck, vehicle or bridge, or bending or cutting under supervision by means of a blowlamp;

(g) burning fire-breaks or extinguishing veld or bush fires under supervision;

(h) carrying, lifting, pulling, pushing, hauling, packing, stacking, rolling or moving any article, vehicle or container, whether in or on the workshop, store room, shed, premises, vehicle or railway truck, other than by the use of power equipment; burying any articles;

(i) checking, keeping tally or stacking of bags;

(j) chopping up wood or other material; sawing firewood by means of a hand saw;

(k) cleaning blockages of power station screens or culverts; cleaning drains or sewerage systems under supervision;

(l) cleaning or levelling bricks, stones or concrete by means of hammers, trowels or other non-power-driven tools;

(m) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, tanks, containers or other articles including polishing furniture, floors or vehicles or brushing carpets;

(n) collecting samples of rock or stone;

(o) connecting or disconnecting, screwing or unscrewing pipes;

(p) cooking rations or making tea or similar beverages for or serving it to employees or making tea or other refreshments for or serving it to employers or their guests;

(q) coupling or uncoupling cocopans; laying or bolting or unbolting tracks;

(r) covering with or removing tarpaulins;

(s) cutting or threading pipes under supervision;

(t) cutting wire, rope or hessian by hand;

(u) delivering or conveying messages, parcels, letters or goods on foot or by means of a bicycle, tricycle or manually propelled vehicle;

(v) destruction of vermin under supervision;

(w) drilling by hand;

(x) driving animal-drawn vehicles;

(y) erecting or hanging out road signs or putting up warning lamps;

(z) gistowwe onder toesig spuit, sprei of aanwend;

(aa) goedere volgens voorafbepaalde massa by herhaling massameet, of goedere volgens voorafbepaalde maat by herhaling meet;

(ab) goiing of jute met die hand pluus;

(ac) graan met grawe of skoppe oopsprei of omkeer;

(ad) groente, vrugte, blomme of ander plaasprodukte sorteer of verpak;

(ae) handdoeke, seep of toilet papier vervang;

(af) hout of ander materiaal fynkap; brandhout met 'n handsaag saag;

(ag) 'n hystoestel, goederehysbak, handpomp, kragboor, afrolmasjien, domkrag, windas, gangspil, naaimasjien of smidsblaasbalk bedien;

(ah) kables in posisie trek, kableslote toegooi of die grondoppervlakte herstel deur die opvulwerk vas te stamp of te rol;

(ai) kampons, latrines, stalle of buitegeboue witkalk, skoonmaak of ontsmet, of reinigings- of ontsmettingsmiddels aan houters van nagvuil aanwend;

(aj) klaargemaakte karton- of veselborddose of soortgelyke houters met die hand opstel of uitmekeer haal of papier met die hand vou;

(ak) klip, gruis, grond, klei, sand of ander grondstowwe losmaak, uithaal, breek of strooi, met 'n skopgraaf skep, slote, gate of fondamente grawe of ander uitgrawingswerk met die hand verrig; boomstompe uitgrawe;

(al) koekepanne koppel of ontkoppel; spore lê of vas- of losbout;

(am) konkas verf, of skoorstene onder toesig verf;

(an) kruiswaens, trollies, waentjies of ander handvoertuie trek of stoot;

(ao) laai of aflaai;

(ap) lewende hawe oppas, skoonmaak, aanjaag, voer of op enige ander wyse versorg;

(aq) lonte onder toesig aansteek;

(ar) metaalvate, tenks, pype, konkas of ander houters met stoom verhit;

(as) met die hand boor;

(at) met die hand omroer of meng;

(au) met die hand sif;

(av) mure onder toesig losmaak, afbreek of opbreek;

(aw) nagemmers verwyder, leegmaak, skoonmaak of vervang;

(ax) nasien, met 'n telbord telling hou of opstapel van sakke;

(ay) onder toesig voorbrande maak of veld- of bosbrande blus;

(az) onder toesig planke, balke of ander soorte timmerhout, dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreek of spykers daaruit verwyder;

(ba) onder toesig krane of kleppe oopmaak of toemaak of masjienhefbome verstel;

(bb) ongedierte onder toesig vernietig;

(bc) onsuiverhede uit goiing of jute met die hand verwyder;

(bd) oorpakke, uniforms of beskermende klere was;

(be) padtekens oprig of uithang of waarskuwingslampe opstel;

(bf) persele, deure, vensters, uitrusting, gereedskap, masjinerie, meubels, voertuie, tenks, houters of ander artikels skoonmaak of was, en dit sluit in meubels, vloere of voertuie polier of tapyte uitborsel;

(bg) persele of eiendom bewaak, maar omvat dit nie die werksaamhede van 'n sekuriteitswag nie;

(bh) vis skoonmaak;

(bi) posseëls op briewe, pakkette of ander artikels plak;

(bj) prosesvate, tenks of ander houters met die hand voer of daarvan uittap;

(bk) pype koppel of ontkoppel, vas- of losskroef;

(z) erecting scaffolding under supervision;

(aa) feeding or tapping from processing vats, tanks or other containers by hand;

(ab) feeding or taking off from conveyor belts, machines, hoppers, platforms or tanks;

(ac) filling fuel tanks, draining or filling oil sumps;

(ad) gardening, i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation or planting under supervision;

(ae) guarding premises or property, but does not include the duties of a security guard;

(af) harnessing or unharnessing animals;

(ag) heating metal vats, tanks, pipes, drums or other containers by steam;

(ah) cleaning fish;

(ai) laying or tamping rail track ballast or handling rails or sleepers in connection with the maintenance of railway tracks to power stations;

(aj) laying out or affixing wire, other than electric wire;

(ak) lighting fuses under supervision;

(al) limewashing, cleaning or disinfecting compounds, latrines, stables or outbuildings or applying cleansing or disinfecting substances to night soil containers;

(am) loading or unloading;

(an) loosening, excavating, breaking or spreading stone, gravel, soil, clay, sand or other raw materials; shovelling, digging trenches, holes or foundations or performing other excavation work by hand; digging out tree stumps;

(ao) loosening, demolishing or breaking up walls under supervision;

(ap) loosening or taking down planks, beams or other kinds of timbering, roof tiling, corrugated iron sheets, asbestos sheeting or other roofing material, or removing nails therefrom, under supervision;

(aq) making or maintaining fires, whether in hearths, ovens or any other fireplace; removing refuse or ashes; sorting out cinders;

(ar) mending, cleaning or shaking out bags; cutting bags by hand or machine;

(as) minding, cleaning, driving, feeding or in any other way tending livestock;

(at) minding a conveyor or tripper;

(au) mixing asphalt with sand, gravel, clay or crushed stone by hand, or spreading mixed asphalt by means of shovels, rakes, forks or wheelbarrows, or spreading asphalt with pipes or cans or ramming asphalt;

(av) moving, placing, dragging or lifting pipes or poles; driving in or planting poles;

(aw) oiling or greasing vehicles or machinery, but not electric generating machinery or motor vehicles;

(ax) opening or closing coal chutes;

(ay) opening or closing cocks or valves or adjusting machine levers under supervision;

(az) opening or closing doors or windows;

(ba) opening or closing filter presses or removing or changing filter cloths;

(bb) opening, closing, filling or emptying letters, parcels, bottles, casks, boxes, tins, trays, cartons, drums, bags, bales or any other container; opening or closing railway trucks;

(bc) operating baling presses or other presses by hand or placing or securing wire, hoops, ropes or metal bands around boxes, bags, fibre or bales;

(bd) operating a hoist, goods lift, hand-pump, power drill, duplicating machine, jack, winch, capstan, sewing machine or forge bellows;

(be) packing articles of uniform size and number in containers specially made to contain such articles;

(bf) painting drums, or painting chimneys under supervision;

(bg) painting traffic signs or street lines by hand; marking playing fields with lime or paint;

- (bl) pype onder toesig afsaag of skroefdraad daaraan sny;
- (bm) pype of pale verlê, regsit, sleep of ophang; pale indryf of inplant;
- (bn) rantsoen gaarmaak of tee of soortgelyke drank vir werknemers maak of aan hulle bedien of tee of ander verversings vir werkgewers of hul gaste maak of aan hulle bedien;
- (bo) rots- of klipmonsters versamel;
- (bp) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie;
- (bq) sand of gruis met die hand uitpomp, was of sif;
- (br) sakke heelmaak, skoonmaak of uitskud; sakke met die hand of masjien sny;
- (bs) sement of beton in vorms stamp of vasstamp of beton in fundamente vasstamp, onderdele van vorms vir sement of betonprodukte aan mekaar bout of op 'n ander manier saamvoeg of vorms uitmekeer haal;
- (bt) sement- of kalkdagha met die hand, met 'n sak, handskoen of op ander soortgelyke wyse aan mure smeer;
- (bu) spoorbaanballas lê of vasstamp of spore of dwarslêers in verband met die instandhouding van spoorbane na kragstasies hanteer;
- (bv) staalversterkingsmateriaal onder toesig met draad verbind of vasheg, of sodanige materiaal sny, buig of inmekeer;
- (bw) steenkoolstortgeute oop- of toemaak;
- (bx) steiers onder toesig oprig;
- (by) sypaadjies, strate, voetpadjies, parke, tuine, plesieroorde, swembaddens, watervore, rioolgate of slote vee of skoonmaak;
- (bz) trekwerk doen, behalwe meganiese trekwerk (windas), met inbegrip van sinjale gee;
- (ca) tuinmaak, dit wil sê, spit, hark, gras sny, strooi, meng, natmaak, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder, of onder toesig plant;
- (cb) 'n ambagsman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy ambag selfstandig te gebruik;
- (cc) verkeerstekens of straatlyne met die hand verf; speelgronde met kalk of verf merk;
- (cd) verstoppings van kragstasiesiwe of deurlope skoonmaak; rioleringsstelsels onder toesig skoonmaak;
- (ce) vervoerbande, masjiene, vultregters, platforms of tenks voer of daarvan afneem;
- (cf) 'n vervoerband of storter bedien;
- (cg) voertuie dryf wat deur diere getrek word;
- (ch) voertuie of masjinerie, maar nie elektriese opwekkingsmasjinerie of motorvoertuie nie, olie of smeer;
- (ci) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder; sintels uitsoek;
- (cj) wiele of buite- of binnebande van motorvoertuie, fietse of kruiwaens afhaal, terugsit, omruil of oppomp of binnebande herstel;

## 2. WOORDOMSKRYWING

Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie vasstelling geïllustreer is in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie wet, en by die toepassing van hierdie vasstelling word 'n werknemer geag in daardie klas te wees waarin hy uitsluitlik of hoofsaaklik werk; en, tensy onbestaanbaar met die sinsverband, beteken—

- (1) "aaneenlopende bedrywigheid" 'n bedrywigheid wat kragtens artikel 33 van die Wet op Basiese Diensvoorwaardes, 1983 (Wet 3 van 1983) as sodanig verklaar is (Goewermentskennisgewing R. 1855 van 26 November 1965);
- (2) "aaneenlopende bedrywigheid werknemer" 'n werknemer wat in 'n aaneenlopende bedrywigheid werksaam is;
- (3) "bedryfsinrigting" 'n perseel of 'n gedeelte daarvan waarop of in verband waarmee een of meer werknemers by 'n plaaslike owerheid ongeskoolde arbeid verrig;
- (4) "daaglikse werknemer" 'n werknemer wat by die dag in diens is en besoldig word soos in klousule 4 (2) voorgeskryf;

(bh) placing bottles or similar containers in power-driven machines or taking therefrom; removing labels from bottles, boxes or other articles by hand or affixing labels thereto; feeding labels to power-driven labelling machines;

(bi) placing letters, circulars, documents, handbills, advertisements or other written, printed, typed or roneoed documents in envelopes or making them up into bundles;

(bj) placing, moving or arranging concrete, steel or other pipes into position;

(bk) pulling cables into position, filling in cable trenches or reinstating ground surface by stamping or rolling filling;

(bl) pulling or pushing wheelbarrows, trolleys, barrows or other manually propelled vehicles;

(bm) pumping, washing or screening sand or gravel by hand;

(bn) ramming or stamping cement or concrete in moulds or ramming concrete in foundations, bolting or otherwise securing parts of or dismantling moulds for cement or concrete products;

(bo) removing impurities from hessian or jute by hand;

(bp) removing, emptying, cleaning or replacing sanitary pails;

(bq) removing, topping up or replacing batteries;

(br) removing or replacing belts;

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

(bt) repairing trestles, crates or boxes by hand;

(bu) repetitive mass measuring of goods to a predetermined mass or repetitive measuring of goods to a set measure;

(bv) replacing towels, soap or toilet paper;

(bw) setting up or taking apart ready-made cardboard or fibreboard boxes or similar containers or folding paper by hand;

(bx) sieving by hand;

(by) sorting or packing vegetables, fruit, flowers or other farm produce;

(bz) sorting, tying or wrapping articles, parcels, empty bottles, bags or other containers or sorting or collecting scrap metal, waste glass or waste paper;

(ca) spraying, spreading or applying toxins under supervision;

(cb) spreading or turning over grain by means of spades or shovels;

(cc) stirring or mixing by hand;

(cd) sweeping or cleaning pavements, streets, footpaths, parks, gardens, pleasure resorts, swimming baths, water furrows, gullies or sluits;

(ce) tarring articles, buildings or equipment by hand;

(cf) teasing hessian or jute by hand;

(cg) tying or securing steel reinforcing materials with wire under supervision, or cutting, bending or assembling such materials;

(ch) using rubber or other stamps where selection or discretion is unnecessary;

(ci) washing overalls, uniforms or protective clothing;

(cj) winding or unwinding, putting into position, dragging or pulling wire.

## 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—

(1) "continuous activity" means an activity declared as such under section 33 of the Basic Conditions of Employment Act, 1983 (Act 3 of 1983) (Government Notice R. 1855 of 26 November 1965);

(2) "continuous activity worker" means an employee who is engaged in a continuous activity;

(3) "daily employee" means an employee who is employed by the day and remunerated as set out in clause 4 (2);

(5) "dag" met betrekking tot 'n aaneenlopende bedrywigheid werknemer, 'n nagwag, skofwerker, wag of 'n werknemer wat in diens is vir die skoonmaak van persele, 'n tydperk van 24 agtereenvolgende ure bereken vanaf die tyd waarop sodanige werknemer met sy werk begin en met betrekking tot enige ander werknemer 'n tydperk van 24 agtereenvolgende ure wat om 24h00 begin;

(6) "korttyd" 'n tydelike vermindering van die getal gewone werkure weens die wisselvalligheid van die weer, 'n tekort aan grondstowwe of 'n algemene onklaarraking van masjinerie of installasie, of weens die feit dat die geboue onbruikbaar is of dreig om dit te word;

(7) "loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos by klousule 5 voorgeskryf: Met dien verstande dat as 'n werkgever 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal as dié by klousule 3 (1) voorgeskryf, dit sodanige hoër bedrag beteken, en het "gewone loon" en "weekloon" 'n ooreenstemmende betekenis, maar hierdie voorbehoudsbepaling word nie so uitgelê nie dat dit besoldiging bedoel of omvat wat 'n werknemer wat in diens is op die grondslag waarvoor daar in klousule 9 voorsiening gemaak word, ontvang bo en behalwe die bedrag wat hy sou ontvang het as hy nie op sodanige grondslag in diens was nie;

(8) "militêre diens" enige diens of opleiding ingevolge die Verdedigingswet, 1957 (Wet 44 van 1957);

(9) "nagwag" 'n werknemer wat tussen die ure 18h00 en 06h00 persele of eiendom bewaak;

(10) "noodwerk"—

(a) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, gewelddaad, sabotasie, nywerheidsnarus, epidemi of diefstal sonder versuim gedoen moet word;

(b) enige werk wat gedoen moet word vir die instandhouding of voorsiening van lig, krag of water of van telefoon-, openbare gesondheids-, sanitêre, reinigings-, openbare vervoer- of lughawediens;e;

(c) enige werk wat genoodsaak word deur 'n algemene onklaarraking van installasie of masjinerie of weens die feit dat die geboue onbruikbaar is of dreig om dit te word;

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

(e) enige werk in verband met die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Vervoerdienste of voertuie wat deur 'n vervoerkontraakteur gebruik word in die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Vervoerdienste;

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

(12) "openbare feesdag" Nuwejaarsdag (of die Maandag ná Nuwejaarsdag waar laasgenoemde op 'n Sondag val), Goeie Vrydag, Hemelvaartsdag, Republiekdag, Geloftedag en Kersdag;

(13) "sekuriteitswag" 'n werknemer wat een of meer van die volgende pligte verrig:

(a) Goedere, voertuie of persone deursoek;

(b) die gang van persone of voertuie deur kontrolepunte of hekke kontroleer of daarvoor verslag doen;

(c) oor nagwagte of wagte toesig hou of hulle beheer.

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

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

(16) "wag" 'n werknemer wat tussen die ure 06h00 en 18h00 persele of eiendom bewaak;

(17) "week" met betrekking tot 'n werknemer, die tydperk van sewe dae waarin die werksweek van die betrokke werknemer gewoonlik val;

(18) "wet" ook die gemene reg.

### 3. BESOLDIGING

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

(4) "day" in respect of a continuous activity worker, night watchman, shift worker, watchman or an employee employed to clean premises means a period of 24 consecutive hours reckoned from the time such an employee commences work, and, in respect of any other employee, a period of 24 consecutive hours commencing at 24h00;

(5) "emergency work" means—

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

(b) any work which has to be done for the maintenance or provision of light, power or water or telephone, public health, sanitary, cleansing, public transport, or airport services;

(c) any work necessitated by a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings;

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

(e) any work in connection with the loading or unloading of trucks or vehicles of the South African Transport Services or of vehicles used by a cartage contractor in the fulfilment of his contract as such with the South African Transport Services;

(6) "establishment" means any premises or part thereof in or in connection with which one or more employees perform unskilled labour for a local authority;

(7) "law" includes the common law;

(8) "military service" means any period of service or training in terms of the Defence Act, 1957 (Act 44 of 1957);

(9) "night watchman" means an employee who is engaged in guarding premises or property during the hours 18h00 and 06h00;

(10) "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 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 any employee works for his employer on a Sunday;

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

(12) "public holiday" means New Year's Day (or the succeeding Monday whenever New Year's Day falls on a Sunday), Good Friday, Ascension Day, Republic Day, the Day of the Vow and Christmas Day;

(13) "security guard" means an employee who is engaged in any one or more of the following duties:

(a) Searching goods, vehicles or persons;

(b) controlling or reporting on the movement of persons or vehicles through check-points or gates;

(c) supervising or controlling night watchmen or watchmen;

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

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

(16) "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 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, but this shall not be so construed as to refer to or include any remuneration which an employee who is employed on the basis provided for in clause 9 receives over and above the amount which he would have received had he not been employed on such a basis; and "ordinary wage" and "weekly wage" have corresponding meanings;

(17) "watchman" means an employee who is engaged in guarding premises or property during the hours 06h00 and 18h00;

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

### 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:

|                                                                            | In die munisipale gebiede van Empangeni en Richardsbaai |                       |                       | In die munisipale gebiede van Ermelo, Grahamstad, Harri-smith, Ladysmith, Lichtenburg, Port Shepstone en Potgietersrus |                       | In die landdrosdistrikte Mosselbaai (uitgesonderd die dorpsgebied van Herbertsdale) en die munisipale gebiede van Bethlehem, Fochville, Kroonstad, Mid-delburg (Tvl), Nelspruit, Newcastle, Oudtshoorn, Pietersburg, Rustenburg en Upington |                       | In die landdrosdistrikte George (uitgesonderd die dorpsgebied van Pacaltsdorp) en Knysna die munisipale gebied van Gonubie |                       | In die landdrosdistrikte Bloemfontein (uitgesonderd die plaaslike rade van Bainsvlei en Bloemspruit), Kimberley (uitgesonderd die munisipale gebied van Ritchie), Klerksdorp (uitgesonderd die dorpsraadgebied van Hartbeesfontein), Oden-daarus, Sasolburg (uitge-onderd die munisipale gebied van Deneysville), Vir-ginia, Welkom, die munisi-pale gebiede van Beacon Bay, Despatch, Oos-Londen, Pietermaritzburg, Potchef-stroom, Somerset-Wes, Stellenbosch, Strand, Witbank en Worcester en die gebiede van die plaaslike owerhede van Hillcrest, Kingsburgh en Kloof |                       | In alle ander gebiede |                        |
|----------------------------------------------------------------------------|---------------------------------------------------------|-----------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|------------------------|
|                                                                            | A                                                       | B                     | C                     | A                                                                                                                      | C                     | A                                                                                                                                                                                                                                           | C                     | A                                                                                                                          | C                     | A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C                     | A                     | C                      |
|                                                                            | Per dag                                                 | Per dag               | Per dag               | Per dag                                                                                                                | Per dag               | Per dag                                                                                                                                                                                                                                     | Per dag               | Per dag                                                                                                                    | Per dag               | Per dag                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Per dag               | Per dag               | Per dag                |
|                                                                            | R                                                       | R                     | R                     | R                                                                                                                      | R                     | R                                                                                                                                                                                                                                           | R                     | R                                                                                                                          | R                     | R                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | R                     | R                     | R                      |
| (a) Daaglikse werknemer .....                                              | 6,10<br>Per week<br>R                                   | 6,80<br>Per week<br>R | 7,40<br>Per week<br>R | 6,80<br>Per week<br>R                                                                                                  | 7,40<br>Per week<br>R | 7,00<br>Per week<br>R                                                                                                                                                                                                                       | 7,60<br>Per week<br>R | 7,50<br>Per week<br>R                                                                                                      | 8,30<br>Per week<br>R | 8,10<br>Per week<br>R                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 8,90<br>Per week<br>R | 9,10<br>Per week<br>R | 10,00<br>Per week<br>R |
| (b) Nagwag .....                                                           | 34,96                                                   | 38,64                 | 42,32                 | 38,64                                                                                                                  | 42,32                 | 39,56                                                                                                                                                                                                                                       | 43,70                 | 43,24                                                                                                                      | 47,38                 | 46,46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 50,60                 | 51,98                 | 57,04                  |
| (c) Wag .....                                                              | 31,74                                                   | 35,42                 | 39,10                 | 35,42                                                                                                                  | 39,10                 | 36,34                                                                                                                                                                                                                                       | 40,02                 | 39,56                                                                                                                      | 43,70                 | 42,32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 46,46                 | 47,38                 | 51,98                  |
| (d) Werknemer, uitgesonderd 'n daaglikse werknemer of 'n nagwag of 'n wag* | 28,98                                                   | 32,20                 | 35,42                 | 32,20                                                                                                                  | 35,42                 | 33,12                                                                                                                                                                                                                                       | 36,34                 | 35,88                                                                                                                      | 39,56                 | 38,64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 42,32                 | 43,24                 | 47,38                  |

\* Met dien verstande dat die loon van 'n werknemer gedurende die eerste vier weke van sodanige werknemer se eerste toetreding tot die werkgewer se diens met hoogstens 10 persent verminder mag word.

A vanaf 1 Julie 1984.

B vanaf 1 Januarie 1985.

C vanaf 1 Julie 1985.

|                                                                          | In the municipal areas of Empaneni and Richard's Bay |                       |                       | In the municipal areas of Ermelo, Grahams-town, Harrismith, Ladysmith, Lichtenburg, Port Shepstone and Potgietersrus |                       | In the Magisterial District Mossel Bay (excluding the township area of Herbertsdale) and the municipal areas of Bethlehem, Fochville, Kroonstad, Middelburg (Tvl), Nelspruit, Newcastle, Oudtshoorn, Pietersburg, Rustenburg and Upington |                       | In the Magisterial Districts George (excluding the township area of Pacaltsdorp) and Knysna and the municipal area of Gonubie |                       | In the Magisterial Districts Bloemfontein (excluding the local boards of Bainsvlei and Bloemspruit), Kimberley (excluding the municipal area of Ritchie), Klerksdorp (excluding the township area of Hartbeesfontein), Odendaalsrus, Sasolburg (excluding the municipal area of Deneyville), Virginia, Welkom, the municipal areas of Beacon Bay, Despatch, East London, Pietermaritzburg, Potchefstroom, Somerset West, Stellenbosch, Strand, Witbank and Worcester and the local authorities of Hillcrest, Kingsburgh and Kloof |                       | In all other areas    |                        |
|--------------------------------------------------------------------------|------------------------------------------------------|-----------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|------------------------|
|                                                                          | A                                                    | B                     | C                     | A                                                                                                                    | C                     | A                                                                                                                                                                                                                                         | C                     | A                                                                                                                             | C                     | A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | C                     | A                     | C                      |
|                                                                          | Per day                                              | Per day               | Per day               | Per day                                                                                                              | Per day               | Per day                                                                                                                                                                                                                                   | Per day               | Per day                                                                                                                       | Per day               | Per day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Per day               | Per day               | Per day                |
|                                                                          | R                                                    | R                     | R                     | R                                                                                                                    | R                     | R                                                                                                                                                                                                                                         | R                     | R                                                                                                                             | R                     | R                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | R                     | R                     | R                      |
| (a) Daily employee.....                                                  | 6,10<br>Per week<br>R                                | 6,80<br>Per week<br>R | 7,40<br>Per week<br>R | 6,80<br>Per week<br>R                                                                                                | 7,40<br>Per week<br>R | 7,00<br>Per week<br>R                                                                                                                                                                                                                     | 7,60<br>Per week<br>R | 7,50<br>Per week<br>R                                                                                                         | 8,30<br>Per week<br>R | 8,10<br>Per week<br>R                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 8,90<br>Per week<br>R | 9,10<br>Per week<br>R | 10,00<br>Per week<br>R |
| (b) Night watchman.....                                                  | 34,96                                                | 38,64                 | 42,32                 | 38,64                                                                                                                | 42,32                 | 39,56                                                                                                                                                                                                                                     | 43,70                 | 43,24                                                                                                                         | 47,38                 | 46,46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 50,60                 | 51,98                 | 57,04                  |
| (c) Watchman.....                                                        | 31,74                                                | 35,42                 | 39,10                 | 35,42                                                                                                                | 39,10                 | 36,34                                                                                                                                                                                                                                     | 40,02                 | 39,56                                                                                                                         | 43,70                 | 42,32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 46,46                 | 47,38                 | 51,98                  |
| (d) Employee, other than a daily employee, night watchman or a watchman* | 28,98                                                | 32,20                 | 35,42                 | 32,20                                                                                                                | 35,42                 | 33,12                                                                                                                                                                                                                                     | 36,34                 | 35,88                                                                                                                         | 39,56                 | 38,64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 42,32                 | 43,24                 | 47,38                  |

\* Provided that during the first four weeks of such employee entering the service of the employer for the first time his wage may be reduced by not more than 10 per cent.

A with effect from 1 July 1984.

B with effect from 1 January 1985.

C with effect from 1 July 1985.

(e) Ondanks andersluidende bepalings in hierdie subklousule moet 'n werknemer wat uitsluitlik of hoofsaaklik sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas of wat in die uitvoering van sy pligte suigpype aan tenks of ander rioolhouers of riooluitsigtenkvoertuie koppel of dit ontkoppel, riele trek of rioolverstopings verwyder, minstens die loon vir sy gebied in paragraaf (d) voorgeskryf, plus R2,25 per week, of, as hy 'n daaglikse werknemer is, minstens die loon vir sy gebied in paragraaf (a) voorgeskryf, plus 45c per dag, betaal word.

(f) Ondanks andersluidende bepalings in hierdie subklousule, moet die loon van 'n daaglikse werknemer, indien hy as wag of as nagwag in diens is, minstens dié wees wat in paragraaf (a) vir hom voorgeskryf word plus onderskeidelik 45c of 50c per dag: Met dien verstande dat die uitdrukking "dag" by die toepassing van hierdie paragraaf 'n tydperk van 24 agtereenvolgende ure beteken, gereken vanaf die tyd waarop die werknemer met sy werk begin, en, voorts, dat die ekstra 50c by die werknemer se dagloon gevoeg moet word ongeag die tydsduur van die werk wat hy in daardie 24 uur verrig gedurende die nag soos bedoel in klousule 2 (9).

(g) Ondanks andersluidende bepalings in hierdie klousule, wanneer 'n daaglikse werknemer op enige dag gewerk het of beskikbaar was vir werk waarvoor hy in diens geneem was maar wat hy weens onvoorsiene omstandighede buite sy beheer nie kon verrig nie, moet sy werkgever hom minstens sy dagloon betaal, afgesien daarvan of hy die dag agt en 'n half uur of minder gewerk het of aldus vir die werk beskikbaar was: Met dien verstande dat as van hom vereis was om te werk of om aldus beskikbaar te wees vir minder as vier uur op enige dag, sy loon vir dié dag met hoogstens 50 persent verminder mag word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n weeklike grondslag berus en, behoudens klousule 4 (6), moet hy vir 'n week minstens die volle weekloon betaal word wat by subklousule (1), gelees met die omskrywing van "loon" in klousule 2, vir 'n werknemer van sy klas in die gebied waarin hy werk, voorgeskryf word, afgesien daarvan of hy in so 'n week die maksimum getal gewone werkure wat ingevolge klousule 5 vir hom geld, of minder gewerk het.

(3) *Loonberekening.*—(a) Die uurloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal ure wat normaalweg deur die betrokke werknemer in 'n week gewerk word, en wat nie die gewone werkure wat vir 'n werknemer van sy klas in klousule 5 voorgeskryf word, oorskry nie.

(b) Die dagloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal dae wat hy gewoonlik in 'n week werk.

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

(4) *Nagskofftoelae.*—'n Werkgever wat van sy werknemer, uitgesonderd 'n daaglikse werknemer of 'n nagwag, vereis of hom toelaat om nagskoff te werk, moet aan so 'n werknemer, benewens sy loon, 'n toelae betaal van minstens 10 persent van sy uurloon vir elke uur of gedeelte van 'n uur wat so 'n werknemer binne sy gewone werkure nagskoff gewerk het: Met dien verstande dat hierdie subklousule nie van toepassing is nie op 'n werknemer wie se diens snags nodig is in verband met die instandhouding of voorsiening van lig of krag. Vir die toepassing van hierdie subklousule beteken "nagskoff" enige werktydperk tussen 18h00 en 06h00.

(5) *Fiets-toelae.*—'n Werkgever wat van 'n werknemer vereis om in die uitvoering van sy pligte sy eie fiets te gebruik, moet hom, benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens R1,50 per week of, as hy 'n daaglikse werknemer is, minstens 30c per dag betaal.

#### 4. BETALING VAN BESOLDIGING

(1) *Werknemers, uitgesonderd daaglikse werknemers.*—Behoudens klousule 6 (4) moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks, tweeweekliks of maandeliks in kontant betaal word gedurende sy gewone werkure, of binne 15 minute daarna, op die gewone betaaldag van die bedryfsinrigting vir sodanige werknemer (of in die geval van 'n werknemer wat nagskoff werk, op 'n tyd waarvoor sodanige werknemer en sy werkgever ooreengekom het en wat gedurende die gewone kantoorure van die bedryfsinrigting moet wees, maar nie later nie as 24 uur na die gewone betaaldag) of by diensbeëindiging, as dit voor die gewone betaaldag geskied, en sodanige bedrag moet in 'n verseëelde kovert of houer wees waarop of wat vergesel gaan van 'n staat waarop die volgende vermeld word:

- (a) Die werkgever se naam;
- (b) die werknemer se naam of sy nommer op die betaalstaat en sy klas;
- (c) die tydperk waarvoor die betaling geskied;
- (d) die getal gewone werkure wat die werknemer gewerk het;
- (e) die getal ure wat die werknemer gedurende daardie tyd oortyd gewerk het;
- (f) die getal ure wat die werknemer op 'n Sondag of 'n openbare feesdag soos omskryf gewerk het;
- (g) die werknemer se loon;
- (h) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;
- (i) besonderhede van enige bedrag wat afgetrek is; en

(e) Notwithstanding anything to the contrary contained in this subclause, an employee who is wholly or mainly engaged in removing, emptying, cleaning or replacing sanitary pails or who in the course of his duties connects suction pipes to or disconnects them from tanks or other sewage containers or sewage vacuum tank vehicles, rods sewers or removes sewer blockages shall be paid a wage of not less than that prescribed for his area in paragraph (d) plus R2,25 per week, or, if he is a daily employee, not less than that prescribed for his area in paragraph (a), plus 45c per day.

(f) Notwithstanding anything to the contrary contained in this subclause, if a daily employee is employed as a watchman or a night watchman his wage shall be not less than that prescribed for him in paragraph (a) plus 45c or 50c respectively, per day: Provided that for the purpose of this paragraph the expression "day" shall mean a period of 24 consecutive hours reckoned from the time the employee commences work: Provided further that the extra 50c shall be added to the employers wage of the duration of the work performed by him in such 24 hours during the night as contemplated in clause 2 (9).

(g) Notwithstanding anything to the contrary contained in this clause, where on any day a daily employee has worked or stood-by for the work for which he was engaged and which work he was precluded from doing through unforeseen circumstances beyond his control, his employer shall pay him not less than his daily wage irrespective of whether he has on that day worked or so stood-by for eight and a half hours or less: Provided that if he was required to work or so stand-by for less than four hours on any day, his wage in respect of such day may be reduced by not more than 50 per cent.

(2) *Basis of contract.*—For the purposes of this clause the contract of employment of an employee, other than a daily employee, shall be on a weekly basis, and save as provided in clause 4 (6), he 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 "wage" in clause 2, 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) *Calculation of wages.*—(a) The hourly wage of an employee, other than a daily employee, shall be his weekly wage divided by the number of ordinary hours of work normally worked by such employee in any week, which shall not be in excess of the ordinary hours of work prescribed in clause 5 for an employee of his class.

(b) The daily wage of an employee, other than a daily employee, shall be his weekly wage divided by the number of days normally worked by him in a week.

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

(4) *Night-shift allowance.*—An employer who requires or permits an employee, other than a daily employee or a night watchman, to work night-shift shall in addition to the employee's wage pay him an allowance of not less than 10 per cent of his hourly wage for each hour or portion of an hour during which such employee worked night-shift within his ordinary hours of work: Provided that this subclause shall not apply to an employee whose services are required at night in connection with the maintenance or provision of light or power. For the purposes of this subclause "night-shift" means any period of work between 18h00 and 06h00.

(5) *Bicycle allowance.*—An employer who requires of an employee to use his own bicycle in the performance of his duties shall pay him, in addition to any other remuneration due to him, an allowance of not less than R1,50 a week or, if he is a daily employee, at least 30c a day.

#### 4. PAYMENT OF REMUNERATION

(1) *Employees other than daily employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a daily employee, shall be paid in cash weekly, fortnightly or monthly during his ordinary hours of work or within 15 minutes thereafter on the usual pay-day of the establishment for such employee (or in the case of an employee working night-shift 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 of the establishment, 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 period in respect of which payment is made;
- (d) the number of ordinary hours of work worked by the employee in that period;
- (e) the number of overtime hours worked by the employee in that period;
- (f) the number of hours worked by the employee on a Sunday or a public holiday as defined;
- (g) the employee's wage;
- (h) details of any other remuneration arising out of the employee's employment;
- (i) details of any deductions made; and

(j) die netto bedrag wat aan die werknemer betaal word; en 'sodanige koeverf of houer waarop hierdie inligting aangeteken is of sodanige staat word die eiendom van die werknemer: Met dien verstande dat—

(i) die besonderhede hierbo voorgeskryf, in kodevorm op die koeverf of houer of staat opgeteken kan word en dat sodanige kode volledig uiteengesit en verduidelik moet word in 'n bygaande kennisgewing of 'n kennisgewing wat opgeplak gehou moet word op 'n opvallende plek in die bedryfsinrigting wat toeganklik is vir alle werknemers wat by die saak betrokke is;

(ii) met die toestemming van 'n werknemer, die bedrag aan hom verskuldig, per tjek betaal mag word of op sy skriftelike versoek gestort mag word in sy bouvereniging- of bankrekening deur die werkgever wat die betrokke kwitansie, tesame met voornoemde staat, aan hom moet oorhandig.

(2) *Daaglikse werknemers.*—'n Werkgever moet die besoldiging wat aan sy daaglikse werknemer verskuldig is, by die voltooiing van elke dag se werk in kontant aan hom betaal.

(3) *Premies.*—Behoudens die bepalinge van enige ander wet mag geen bedrag regstreeks of onregstreeks deur 'n werkgever van of ten behoeve van 'n werknemer aangeneem word vir die indiensneming of opleiding van daardie werknemer nie.

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

(5) *Huisvesting, etes of rantsoene.*—Behoudens die Swartes (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie van sy werknemer vereis om huisvesting, etes of rantsoene van hom of van enigiemand anders of op 'n plek deur hom aangewys, aan te neem nie.

(6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes oplê of enige bedrae van sy werknemer se besoldiging aftrek nie, uitgesonderd die volgende:

(a) Met die skriftelike toestemming van die werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, mediese hulp-, versekerings-, spaar-, voorsorg- of pensioenfonds of vir ledigheid van 'n vakvereniging;

(b) behoudens andersluidende bepalinge in hierdie vasstelling, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever van sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die grondslag van die loon wat sodanige werknemer ten tyde van sodanige afwesigheid ten opsigte van sy gewone werkure ontvang het;

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

(d) wanneer 'n werknemer daartoe instem of daar ingevolge die Swartes (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word om huisvesting, etes of rantsoene, van sy werkgever aan te neem, 'n bedrag van hoogstens:

|                                           | Per week | Per maand |
|-------------------------------------------|----------|-----------|
|                                           | R        | R         |
| (i) Huisvesting .....                     | 1,50     | 6,50      |
| (ii) Etes/rantsoene .....                 | 3,00     | 13,00     |
| (iii) Etes/rantsoene en huisvesting ..... | 4,50     | 19,50     |

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

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

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

(iii) geen aftrekking ten opsigte van korttyd geskied nie vir die eerste uur waarin daar nie gewerk word nie weens die wisselvalligheid van die weer of 'n algemene onklaarmaking van die installasie of masjinerie of weens die feit dat die geboue onbruikbaar is of dreig om dit 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—

(i) enige bankinstelling, bouvereniging, versekeringsonderneming, geregistreerde finansiële instelling, plaaslike owerheid of die Staat ten opsigte van 'n lening aan sodanige werknemer toegestaan om 'n woning te bekom;

(ii) enige organisasie of liggaam ten opsigte van die huur van 'n woning of akkommodasie in 'n hostel deur sodanige werknemer geokkupeer as sodanige woning of hostel voorsien is deur bemiddeling van sodanige organisasie of liggaam geheel of gedeeltelik uit fondse voorgesket vir daardie doel deur die Staat of 'n liggaam bedoel in paragraaf (i).

(j) the net amount paid to the employee;

and such envelope or container on which these particulars are recorded or such statement shall become the property of the employee: Provided that—

(i) 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 an accompanying notice or in a notice kept posted in some conspicuous place in the establishment that is accessible to all employees affected thereby;

(ii) with the consent of the employee the amount due to him may be paid by cheque or, at his written request, into his building society or bank account by his employer who shall hand to him the relevant receipt together with the aforementioned statement.

(2) *Daily employees.*—An employer shall pay the remuneration due to a daily employee in cash on completion of each day's work.

(3) *Premiums.*—Subject to the provisions of any other law no payment by or on behalf of an employee shall be accepted by an employer, either directly or indirectly, in respect of the employment or training of such 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) *Accommodation, meals and rations.*—Save as provided in the Blacks (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to accept accommodation, meals or rations from any person or at any place nominated by him.

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

(a) With the written consent of the employee, a deduction for a holiday, sick, medical, insurance, savings, provident or pension fund, or subscriptions to a trade union;

(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 Blacks (Urban Areas) Consolidation Act, 1945, or agrees to accept accommodation, meals or rations from his employer, a deduction not exceeding the following amounts:

|                                             | Per week | Per month |
|---------------------------------------------|----------|-----------|
|                                             | R        | R         |
| (i) Accommodation .....                     | 1,50     | 6,50      |
| (ii) Meals/rations .....                    | 3,00     | 13,00     |
| (iii) Accommodation and meals/rations ..... | 4,50     | 19,50     |

(e) Whenever the ordinary hours of work prescribed in clause 5 are reduced because of short-time, a deduction not exceeding the amount of the employee's (other than a daily 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 a 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, a general 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—

(i) any banking institution, building society, insurance business, registered financial institution, local authority or the State in respect of a payment on a loan granted to such employee to acquire a dwelling;

(ii) any organisation or body in respect of 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 organisation or body wholly or partly from funds advanced for that purpose by the State or a body referred to in paragraph (i).

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

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

(a) 'n daaglikse werknemer in 'n bedryfsinrigting waarin die werknemers gewoonlik werk op—

(i) nie meer as vyf dae in 'n week nie, nege en 'n kwart op enige dag;

(ii) meer as vyf dae in 'n week, agt en 'n half op enige dag;

(b) 'n skofwerker—

(i) 46 in 'n week vanaf Maandag tot en met Saterdag; en

(ii) behoudens subparagraaf (i), agt op enige dag;

(c) 'n werknemer wat uitsluitlik in diens is vir die verwydering van nagvuil—

(i) 42 in 'n week van Sondag tot en met Saterdag;

(ii) ses in 'n tydperk van 24 agtereenvolgende ure:

Met dien verstande dat as daar nie van sodanige werknemer vereis word om in 'n week in meer as ses sodanige tydperke van 24 uur te werk nie, die beperking van 42 uur in daardie week met hoogstens vier uur, en die beperking van ses uur in enige sodanige tydperk van 24 agtereenvolgende ure met hoogstens een uur en 40 minute te bowe gegaan mag word;

(d) 'n nagwag of 'n wag—

(i) 60 in 'n week vanaf Maandag tot en met Saterdag; en

(ii) behoudens subparagraaf (i), in die geval van 'n nagwag of wag wat normaalweg op—

(aa) nie meer as vyf dae in 'n week werk nie, 12 op enige dag;

(ab) meer as vyf dae in 'n week werk, 10 op enige dag;

(c) enige ander werknemer—

(i) 46 in 'n week vanaf Maandag tot en met Saterdag; en

(ii) behoudens subparagraaf (i), in die geval van 'n werknemer wat normaalweg op—

(aa) hoogstens vyf dae in 'n week werk, nege en 'n kwart op 'n dag;

(ab) meer as vyf dae in 'n week werk, agt op 'n dag, tensy die ure op een dag hoogstens vyf is, in welke geval die ure op enigen van die ander dae tot agt en 'n half verleng kan word.

(2) *Etenspouses.*—'n Werkgever mag nie van 'n werknemer vereis of hom toelaat om onafgebroke vir meer as vyf uur sonder 'n etenspouse van minstens een uur te werk nie en gedurende sodanige pouse mag daar nie van sodanige werknemer vereis word of mag hy nie toegelaat word om enige werk te verrig nie, en sodanige pouse maak nie deel van die gewone werkure of oortydure uit nie: Met dien verstande dat—

(i) 'n werkgever 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 werkgever die Afdelingsinspekteur, Departement van Mannekrag, vir sy gebied skriftelik in kennis gestel het van sodanige ooreenkoms, kan die pouse aldus verkort word;

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

(iii) as sodanige pouse langer as een uur duur, uitgesonderd waar voorbehoudbepaling (vi) van toepassing is, enige tyd wat een en 'n kwart uur te bowe gaan, geag word werktyd te wees;

(iv) slegs 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 oortyd wat gewerk is, van 'n werkgever vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;

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

(3) *Ruspouses.*—'n Werkgever moet, so na as doenlik aan die middel van elke eerste en tweede werktydperk van die dag, aan elkeen van sy werknemers 'n ruspouse van minstens 10 minute toestaan waarin daar nie van sodanige werknemer vereis of hy nie toegelaat mag word om werk te verrig nie, en daar word geag dat so 'n pouse deel van die gewone werkure van so 'n werknemer uitmaak.

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

(5) *Beperking van oortydwerk.*—'n Werkgever mag nie van 'n werknemer vereis of hom toelaat om oortyd te werk nie behalwe ingevolge 'n ooreenkoms wat hy met die werknemer aangegaan het en mits sodanige oortyd nie, in die geval van—

(a) 'n daaglikse werknemer, drie uur op 'n dag;

(b) 'n nagwag of 'n wag, 12 uur in 'n week;

(c) enige ander werknemer, drie uur op enige dag en 10 uur in 'n week oorskry nie.

## 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, in the case of—

(a) a daily employee in an establishment in which the employees normally work on—

(i) not more than five days in a week, nine and a quarter on any day; and

(ii) more than five days in a week, eight and a half on any day;

(b) a shift worker—

(i) 46 in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (i), eight on any day;

(c) an employee employed solely on the removal of night soil—

(i) 42 in any week from Sunday to Saturday, inclusive;

(ii) six in any period of 24 consecutive hours:

Provided that if such employee is not required to work in more than six such periods of 24 hours in any week, the restriction of 42 hours in that week may be exceeded by not more than four hours, and the restriction of six hours in any such period of 24 consecutive hours by not more than one hour and 40 minutes;

(d) a night watchman or watchman—

(i) 60 in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (i), in the case of a night watchman or watchman who normally works on—

(aa) not more than five days in a week, 12 on any day;

(ab) more than five days in a week, 10 on any day;

(c) any other employee—

(i) 46 in any week from Monday to Saturday, inclusive; and

(ii) subject to subparagraph (i), in the case of an employee who normally works on—

(aa) not more than five days in a week, nine and a quarter on any day;

(ab) more than five days in a week, 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.

(2) *Meal intervals.*—An employer shall not require or permit an employee to work continuously for more than five hours 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, 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 is longer than one hour, except when proviso (vi) 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) in the case of an employee who is wholly or mainly engaged in cleaning premises, if such interval is 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 his employee a rest interval of not less than 10 minutes as nearly as practicable in the middle of each first work period and second work period of the day, and during such interval the employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the employee's ordinary hours of work.

(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 otherwise than in accordance with an agreement concluded with the employee and provided that the overtime shall not exceed, in the case of—

(a) a daily employee, three hours on any day;

(b) a night watchman or a watchman, 12 hours in any week; and

(c) any other employee, three hours on any day and 10 hours in any week.

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

(a) in die geval van 'n daaglikse werknemer, een en 'n derde maal sy uurloon ten opsigte van die totale tydperk aldus deur hom op daardie dag gewerk;

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

(7) *Voorbehoudsbepalings.*—(a) Subklousules (2), (3), (4) en (5) is nie van toepassing nie op 'n werknemer terwyl hy noodwerk verrig of op 'n werknemer wat in 'n barak, biersaal, hospitaal, hostel, kampong, kliniek of verpleegsterstehuis werksaam is.

(b) Subklousules (2) en (3) is nie van toepassing nie op 'n werknemer wat uitsluitlik vir die verwydering van nagvuil in diens is of op 'n nagwag of 'n wag.

(c) Subklousules (1), (2), (3) en (4) is nie van toepassing nie op 'n aaneenlopende bedrywigheid werknemer.

## 6. JAARLIKSE VERLOF

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

(a) 'n nagwag of 'n wag wie se gewone werkkure nie 48 in 'n week oorskry nie en wat gewoonlik—

(i) op hoogstens vyf dae in 'n week werk, 15 agtereenvolgende werkdag-

(ii) op meer as vyf dae in 'n week werk, 18 agtereenvolgende werkdag-

(b) enige ander nagwag of wag wat gewoonlik—

(i) op hoogstens vyf dae in 'n week werk, 20 agtereenvolgende werkdag-

(ii) op meer as vyf dae in 'n week werk, 24 agtereenvolgende werkdag-

(c) enige ander werknemer wat gewoonlik—

(i) op hoogstens vyf dae in 'n week werk, 15 agtereenvolgende werkdag-

(ii) op meer as vyf dae in 'n week werk, 18 agtereenvolgende werkdag-

en die werknemer moet sodanige verlof neem en die werkgewer moet die werknemer ten opsigte van sodanige verlof betaal in die geval van—

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

(ab) 'n werknemer in paragraaf (b) bedoel, 'n bedrag van minstens vier maal die weekloon wat hy onmiddellik voor die aanvangsdatum van die verlof ontvang het.

Met dien verstande dat by die toepassing van hierdie klousule die weekloon op enige datum van 'n werknemer wat op stukwerk in diens is, geag word sy gemiddelde besoldiging vir die voorafgaande 13 weke te wees of, indien 'n korter tydperk gewerk is, vir die getal voltooide weke wat aldus gewerk is.

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

(a) as sodanige verlof nie eerder toegestaan is nie, dit, behoudens subklousule (3), so toegestaan en geneem moet word dat dit binne vier maande begin na voltooiing van die 12 maande diens waarop dit betrekking het of, as die werkgewer en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgewer sodanige verlof aan die werknemer moet toestaan en die werknemer die verlof moet neem met ingang van 'n datum uiterlik twee maande na die verstryking van genoemde tydperk van vier maande;

(b) die tydperk van verlof nie mag saamval nie met enige tydperk—

(i) wat 'n werknemer afwesig is met siekteverlof ingevolge klousule 7 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b), en wat altesaam hoogstens 10 weke in 'n tydperk van 12 maande beloop;

(ii) waartydens die werknemer onder kennisgewing van diensbeëindiging ingevolge klousule 12 is;

(iii) wat 'n werknemer afwesig is vir militêre diens;

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

(3) (a) Op die skriftelike versoek van sy werknemer kan 'n werkgewer toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens ooploop: Met dien verstande dat—

(i) sodanige werknemer so 'n versoek doen binne vier maande na verstryking van die eerste tydperk van 12 maande diens waarop die verlof betrekking het, en

(6) *Payment for overtime.*—An employer shall pay an employee who works overtime not less than—

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

(7) *Savings.*—(a) Subclauses (2), (3), (4) and (5) shall not apply to an employee while he is engaged on emergency work or to an employee employed in a barracks, beer hall, clinic, compound, hospital, hostel or nurses' quarters.

(b) Subclauses (2) and (3) shall not apply to an employee employed solely on the removal of night soil or to a night watchman or a watchman.

(c) Subclauses (1), (2), (3) and (4) shall not apply to a continuous activity worker.

## 6. ANNUAL LEAVE

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

(a) a night watchman or watchman whose normal hours of work do not exceed 48 in a week and who normally works on—

(i) not more than five days in a week, 15 consecutive workdays' leave;

(ii) more than five days in a week, 18 consecutive work-days' leave;

(b) any other night watchman or watchman who normally works on—

(i) not more than five days in a week, 20 consecutive workdays' leave;

(ii) more than five days in a week, 24 consecutive work-days' leave;

(c) any other employee who normally works on—

(i) not more than five days in a week, 15 consecutive work-days' leave;

(ii) more than five days in a week, 18 consecutive work-days' leave;

and the employee shall take such leave and the employer shall pay such employee in respect of such leave, in the case of—

(aa) an employee referred to in paragraph (a) or (c), 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;

(ab) an employee referred to in paragraph (b), an amount of not less than four 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 the weekly wage at any date of any employee who is employed on piece-work shall be his average remuneration for the preceding 13 weeks or, if a lesser period has been worked, for the number of completed weeks so worked.

(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—

(a) if such leave has not been granted earlier it shall, save as provided in subclause (3), be granted and be taken 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 and the employee shall take such leave as from a date not later than two months after the expiration of the said period of four months;

(b) the period of leave shall not be concurrent with—

(i) sick leave in terms of clause 7 or with absence from work owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b), amounting in the aggregate in any period of 12 months to not more than 10 weeks;

(ii) any period during which the employee is under notice of termination of employment in terms of clause 12; or

(iii) any period during which the employee is performing military service;

(c) 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 employment to which the annual 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) die werkgewer die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek tot minstens na verstryking van die verloftydperk bewaar.

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

(4) Die besoldiging ten opsigte van die verlof voorgeskryf by subklousule (1), gelees met subklousule (3), moet uiterlik op die laaste werkdag voor die aanvangsdatum van die verlof of, op die skriftelike versoek van die werknemer, uiterlik op die eerste betaaldag na verstryking van die verlof, betaal word.

(5) Aan 'n werknemer wie se diens gedurende enige dienstermyn van 12 maande eindig voordat die verloftydperk by subklousule (1) voorgeskryf ten opsigte van so 'n termyn opgeloopt het en geneem is, moet daar by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig mag wees, vir elke voltooide maand van sodanige dienstermyn 'n bedrag betaal word van minstens, in die geval van—

(a) 'n werknemer in subklousule (1) (a) en (c) bedoel, een vierde; en

(b) 'n werknemer in subklousule (1) (b) bedoel, een derde,

van die weekloon wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgewer ten opsigte van al die dae geleentheidsverlof wat op die skriftelike versoek van sy werknemer met volle besoldiging aan hom toegestaan is, 'n eweredige bedrag kan aftrek: Voorts met dien verstande dat, behoudens klousuleaf-trek: Voorts met dien verstande dat, behoudens klousule 12 (4), 'n werknemer op geen besoldiging uit hoofde van hierdie klousule geregtig is nie—

(i) indien hy sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige kennisgewing afgesien het of tensy die werknemer sy werkgewer betaal het in plaas daarvan om aldus kennis te gee; of

(ii) indien hy sy diens sonder 'n regseldige rede verlaat.

(6) 'n Werknemer wat geregtig geword het op 'n tydperk van verlof voorgeskryf by subklousule (1), gelees met subklousule (3), en wie se diens eindig voordat sodanige verlof toegestaan en geneem is, moet by sodanige diensbeëindiging die bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van diensbeëindiging aan hom toegestaan en deur hom geneem was.

(7) By die toepassing van hierdie klousule word die uitdrukkings "diens" en "dienstermyn" geag te omvat—

(a) enige tydperk ten opsigte waarvan 'n werkgewer 'n werknemer ingevolge klousule 12 betaal in plaas van kennis gee;

(b) enige tydperk van altesaam hoogstens 10 weke in enige verlofsiklus wat 'n werknemer afwesig is—

(i) met verlof ingevolge hierdie klousule;

(ii) met siekteverlof ingevolge klousule 7 of weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b);

(iii) op las of versoek van sy werkgewer; en

(c) enige tydperk wat 'n werknemer afwesig is vir militêre diens: Met dien verstande dat 'n werknemer nie geregtig is om in enige tydperk van 12 maande diens meer as vier maande van sodanige afwesigheid as diens te eis nie;

en word diens geag te begin, in die geval van—

(i) 'n werknemer wat, voordat hierdie vasstelling bindend geword het, kragtens enige wet op 'n tydperk van jaarlikse verlof geregtig geword het, op die datum waarop hy laas kragtens daardie wet op verlof geregtig geword het;

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

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

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgewer vir die doel van jaarlikse verlof, te eniger tyd, maar hoogstens een maal in 'n tydperk van 12 maande, sy bedryfsinrigting vir 21 agtereenvolgende dae sluit, of 'n aktiwiteit vir 21 agtereenvolgende dae staak en moet hy in daardie geval sy werknemer beloon soos aangedui in subklousule (1) of in paragraaf (c), na gelang van die geval.

(b) As 'n openbare feesdag soos omskryf op 'n dag gevier word wat andersins vir die werknemer 'n werkdag sou gewees het, en binne die sluitings- of stakingstydperk in paragraaf (a) genoem, val, moet daar vir elke sodanige dag nog 'n werkdag by gemelde sluitings- of stakingstydperk gevoeg word as 'n verdere verloftyd en moet die werknemer vir elke sodanige bygevoegde dag 'n bedrag van minstens sy dagloon betaal word.

(c) 'n Werknemer wat op die datum waarop 'n bedryfsinrigting of 'n aktiwiteit waarin hy werksaam is, sluit of gestaak word, nie geregtig is nie op die volle tydperk van die jaarlikse verlof by subklousule (1) voorgeskryf, moet, ten opsigte van enige verlof wat aan hom verskuldig is, deur

(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), and with subclause (8), shall be paid not later than the last work-day before the date of commencement of the leave or, at the written request of the employee, not later than the first pay-day after the expiration 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 and been taken 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 in the case of an employee referred to—

(a) in subclause (1) (a) or (c), one fourth; and

(b) in subclause (1) (b), one third,

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 granted to an employee on full pay at his written request: Provided further that, subject to clause 12 (4), an employee shall not be entitled to any payment by virtue of this subclause—

(i) if he leaves his employment without having given and served the period of notice prescribed in clause 12 unless the employer has waived such notice or the employee has paid the employer upon termination or prior to termination of service in lieu of notice; or

(ii) if he leaves his employment without cause recognised by law as sufficient.

(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 and been taken, shall upon such termination be paid the amount he would have received in respect of the leave had the leave been granted to him and taken by him as at the date of the termination.

(7) For the purposes of this clause the expressions "employment" and "period of employment" shall be deemed to include—

(a) any period in respect of which an employer, pays an employee in lieu of notice in terms of clause 12;

(b) any period amounting in any leave cycle to not more than 10 weeks in the aggregate 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 (4) (a) or (b); or

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

(c) any period during which an employee is absent from work while on military service: Provided that an employee shall not be entitled to claim as employment, in any one period of 12 months employment, more than four months of such service;

and employment shall be deemed to commence in the case of—

(i) 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 he last became entitled to such leave under that law;

(ii) 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) 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 for 21 consecutive days or suspend an activity for 21 consecutive days and in that case shall remunerate his employee in terms of subclause (1) or in terms of paragraph (c), as the case may be.

(b) Whenever a public holiday as defined is observed on a day which would otherwise be a work-day for an employee and which falls within the closed or suspension period referred to in paragraph (a), another work-day shall be added to the said closed or suspension period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added.

(c) An employee who, at the date on which an establishment or the activity in which he is employed, is closed or suspended, is not entitled to the full period of annual leave prescribed in subclause (1) shall, in respect

sy werkgever besoldig word op die grondslag in subklousule (5) vermeld, en vir die doel van jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting of aktiwiteit aldus sluit of gestaak word.

## 7. SIEKTEVERLOF

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

(a) 'n werknemer wat normaalweg op nie meer as vyf dae in 'n week werk nie, altesaam minstens 30 werkdag; en

(b) enige ander werknemer, altesaam minstens 36 werkdag,

gedurende elke siklus van 36 agtereenvolgende maande diens by hom, en moet hy die 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 siklus van 36 maande diens nie op meer siekteverlof met volle besoldiging geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van nie meer as vyf dae nie, 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) wanneer 'n werknemer gedurende die eerste sodanige siklus van 36 maande by dieselfde werkgever weens ongeskiktheid vir 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, hy geregtig is op besoldiging vir slegs dié siekteverlof wat hom dan toekom; maar sy werkgever moet, as hy dit nie reeds gedoen het nie, by verstryking van gemelde dienssiklus of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid uitbetaal teen die loon waarop hy by die aanvang van die ongeskiktheid geregtig was vir sover die siekteverlof wat hom ten tyde van sodanige verstryking of beëindiging toekom, nog nie geneem is nie.

(iii) waar 'n werkgever ingevolge enige wet gelde vir mediese- of hospitaalbehandeling ten opsigte van 'n werknemer moet betaal en sodanige gelde wel betaal, die bedrag wat aldus betaal is, afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;

(iv) die loon wat aan 'n werknemer wat op stukwerk in diens is betaal moet word, vir 'n tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op die grondslag van minstens sy gemiddelde besoldiging vir die voorafgaande 13 weke of indien 'n korter tydperk gewerk is, vir die aantal voltooide weke wat gewerk 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 twee agtereenvolgende werkdag; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of 'n openbare feesdag soos omskryf;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregi-streerde mediese praktisyn onderteken is en waarin die aard en duur van die werknemer se ongeskiktheid vermeld word: Met dien verstande dat, wanneer 'n werknemer gedurende enige tydperk van hoogstens agt weke by twee of meer geleenthede besoldiging ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgever gedurende die tydperk van agt weke onmiddellik na die laaste sodanige geleentheid van hom kan vereis om so 'n sertifikaat ten opsigte van enige afwesigheid voor te lê.

(3) By die toepassing van hierdie klousule—

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

(i) enige tydperk van altesaam hoogstens 10 weke in enige periode van 12 maande 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);

(ii) enige tydperk wat 'n werknemer afwesig is vir militêre diens: Met dien verstande dat 'n werknemer nie geregtig is om in enige tydperk van 12 maande diens meer as vier maande van sodanige afwesigheid as diens te eis nie;

(iii) enige tydperk van diens by dieselfde werkgever onmiddellik voordat hierdie vasstelling bindend geword het en word alle siekteverlof wat met volle besoldiging aan so 'n werknemer gedurende sodanige tydperk toegestaan is, geag ingevolge hierdie vasstelling toegestaan te gewees het;

(b) beteken "ongeskiktheid", onvermoë om te werk weens siekte of besering, behalwe siekte of besering wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat sodanige onvermoë om te werk wat veroorsaak is deur 'n ongeval of vergoedingspligtige siekte soos omskryf in artikel 2 van die Ongevallewet, 1941 (Wet 30 van 1941), slegs as ongeskiktheid beskou word gedurende enige tydperk ten opsigte waarvan geen betaling vir arbeidsongeskiktheid ingevolge daardie wet betaalbaar is nie.

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 suspension of the activity.

## 7. SICK LEAVE

(1) Subject to subclause (2), an employer shall grant to his employee, other than a daily employee, who is absent from work through incapacity in the case of—

(a) an employee who normally works on not more than five days in a week, not less than 30 work-days; and

(b) any other employee, not less than 36 work-days,

sick leave in the aggregate during each cycle of 36 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 cycle of 36 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 on not more than five days in a week, one work-day in respect of each completed period of five weeks of employment and, in the case of any other employee, one work-day in respect of each completed month of employment;

(ii) where in such first cycle of 36 months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid in respect of only such leave as has so accrued; but his employer shall, if he has not previously done so, at the expiration of the said cycle of employment or on termination of employment before such expiration, pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiration or termination, had not been taken, at the rate of the employee's wage at the commencement of the incapacity;

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

(iv) 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 his average remuneration for the preceding 13 weeks or if a lesser period has been worked, for the number of completed weeks so worked.

(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 two consecutive work-days; or

(b) on the work-day immediately preceding or the work-day immediately succeeding a Sunday or a public holiday as defined:

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 shall during the period of eight weeks immediately succeeding the last such occasion not be bound to pay the said amount to the employee in respect of any absence from work, unless he produces such a certificate.

(3) For the purposes of this clause the expression—

(a) "employment" shall be deemed to include—

(i) any period amounting in the aggregate, in any period of 12 months, to not more than 10 weeks, 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);

(ii) any period during which an employee is absent on military service: Provided that an employee shall not be entitled to claim as employment, in any one period of 12 months of employment, more than four months of such service;

(iii) any period of employment which an employee has had with the same employer immediately before the date on which this determination became binding and any sick leave on full pay granted to such 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 as defined in section 2 of the Workmen's Compensation Act 1941 (Act 30 of 1941), shall only be regarded as incapacity during any period in respect of which no disablement payment is payable in terms of that Act.

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

(a) op 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes maak wat minstens gelykwaardig is aan die bydraes wat die werknemer betaal aan 'n fonds of organisasie wat deur die werknemer benoem is, welke fonds of organisasie in die geval van ongeskiktheid in die omstandighede in hierdie klousule uiteengesit, aan die werknemer die betaling waarborg van 'n bedrag wat nie minder is nie as die loon betaalbaar ingevolge subklousule (1);

(b) ten opsigte van 'n tydperk van ongeskiktheid van 'n werknemer ten opsigte waarvan daar by 'n ander wet van die werkgever vereis word om die werknemer sy volle loon te betaal.

## 8. OPENBARE FEESDAE EN SONDAE

(1) *Vergoeding vir werk op 'n openbare feesdag.*—(a) Wanneer 'n werknemer, uitgesonderd 'n daaglikse werknemer, nie op 'n openbare feesdag soos omskryf werk nie en sodanige dag op 'n dag val wat vir hom andersins 'n gewone werkdag is, moet sy werkgever hom ten opsigte van daardie dag 'n bedrag betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op daardie dag van die week gewerk word.

(b) Wanneer 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n openbare feesdag soos omskryf werk en sodanige dag op 'n dag val wat vir hom andersins 'n gewone werkdag is, moet sy werkgever hom ten opsigte van daardie dag 'n bedrag betaal minstens gelyk aan die bedrag wat hy ingevolge paragraaf (a) aan die werknemer sou moes betaal het as die werknemer nie op daardie dag gewerk het nie, plus—

(i) 'n bedrag bereken teen minstens sy loonskaal ten opsigte van die volle tyd deur hom op daardie dag gewerk of 'n bedrag minstens gelyk aan die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op daardie dag van die week gewerk, watter bedrag ook al die grootste is; of

(ii) 'n bedrag bereken teen 'n skaal van minstens een derde van sy loonskaal ten opsigte van die volle tyd deur hom op daardie dag gewerk en aan hom, binne sewe dae na daardie dag, een dag verlof toestaan en ten opsigte van sodanige verlof 'n bedrag aan hom betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op daardie dag van die week gewerk.

(c) Wanneer 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n openbare feesdag soos omskryf werk en sodanige dag op 'n dag val wat nie vir hom andersins 'n gewone werkdag is nie, moet die werkgever hom ten opsigte van daardie dag 'n bedrag betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op 'n werkdag gewerk, plus—

(i) 'n bedrag bereken teen minstens sy loonskaal ten opsigte van die volle tyd deur hom op daardie dag gewerk of 'n bedrag gelyk aan minstens die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op 'n werkdag gewerk, watter bedrag ook al die grootste is; of

(ii) 'n bedrag bereken teen 'n skaal van minstens een derde van sy loonskaal ten opsigte van die volle tyd deur hom op daardie dag gewerk, en aan hom, binne sewe dae na daardie dag, een dag verlof toestaan en ten opsigte van sodanige verlof 'n bedrag aan hom betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op 'n werkdag gewerk.

(d) Wanneer 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n openbare feesdag soos omskryf werk en dié dag op 'n Sondag val, moet hy vir sodanige werk vergoed word op die basis in paragraaf (c) uiteengesit.

(2) *Vergoeding vir werk op 'n Sondag.*—Behoudens subklousule (1) (d), wanneer 'n werknemer, uitgesonderd 'n daaglikse werknemer of 'n aan-eenlopende bedryfswaardige werknemer, op 'n Sondag werk, moet sy werkgever hom—

(a) indien hy hoogstens vier uur gewerk het, 'n bedrag betaal wat nie minder is nie as die loon betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op 'n weekdag gewerk; of

(b) indien hy langer as vier uur gewerk het 'n bedrag betaal wat nie minder is nie as ½ 'n bedrag bereken teen 'n skaal van dubbel sy loonskaal ten opsigte van die volle tyd deur hom op daardie Sondag gewerk, ½ 'n bedrag gelyk aan minstens dubbel die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op 'n weekdag gewerk, watter bedrag ook al die grootste is; of

(c) 'n bedrag betaal bereken teen 'n skaal van minstens een en een derde maal sy loonskaal ten opsigte van die volle tyd deur hom op daardie Sondag gewerk en aan hom, binne sewe dae na daardie Sondag, een dag verlof toestaan en ten opsigte van sodanige verlof hom 'n bedrag betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) gewoonlik deur hom op daardie dag van die week gewerk.

(3) *Vergoeding aan 'n daaglikse werknemer vir werk op 'n openbare feesdag of Sondag.*—Wanneer 'n daaglikse werknemer op 'n openbare feesdag soos omskryf of op 'n Sondag werk, moet sy werkgever hom ten

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

(a) to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee, in the event of his incapacity in the circumstances set out in this clause, the payment to him of an amount of not less than the wage payable in terms of subclause (1);

(b) in respect of any period of incapacity of an employee in respect of which the employers is required by any other law to pay the employee not less than his full wage.

## 8. PUBLIC HOLIDAYS AND SUNDAYS

(1) *Compensation for work on a public holiday.*—(a) Whenever an employee, other than a daily employee, does not work on a public holiday as defined and such day falls on a day which otherwise is an ordinary working day for the employee, his employer shall pay him in respect of that day an amount which shall be not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on that day of the week.

(b) Whenever an employee, other than a daily employee, works on a public holiday as defined and such day falls on a day which otherwise is an ordinary working day for the employee, his employer shall pay him in respect of that day an amount equal to at least the amount which he would had to pay to him in terms of paragraph (a) had the employee not worked on that day, plus—

(i) an amount calculated at a rate of not less than his wage rate in respect of the whole time worked by him on that day or an amount equal to at least the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on that day of the week, whichever amount is the greater; or

(ii) an amount calculated at a rate of not less than one third of his wage rate in respect of the whole time worked by him on that day and grant to him, within seven days of such day, one day's leave and pay him in respect of such leave an amount of not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on that day of the week.

(c) Whenever an employee, other than a daily employee, works on a public holiday as defined and such day falls on a day which otherwise is not an ordinary working day for the employee his employer shall pay him in respect of that day an amount which shall not be less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a working day, plus—

(i) an amount calculated at a rate of not less than his wage rate in respect of the whole time worked by him on such day or an amount equal to at least the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a working day, whichever amount is the greater; or

(ii) an amount calculated at a rate of not less than one third of his wage rate in respect of the whole time worked by him on such day, and grant to him, within seven days of such day, one day's leave and pay to him in respect of such leave an amount of not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a working day.

(d) Whenever an employee, other than a daily employee, works on a public holiday as defined which falls on a Sunday, he shall be remunerated for such work on the basis set out in paragraph (c).

(2) *Compensation for work on a Sunday.*—Subject to subclause (1) (d), whenever an employee, other than a daily employee or a continuous activity worker works on a Sunday, his employer shall pay him—

(a) if he so works for not more than four hours, an amount of not less than the wage payable in respect of the time (excluding overtime) ordinarily worked by him on a week-day; or

(b) if he so works for longer than four hours, an amount which shall not be less than either an amount calculated at a rate of double his wage rate in respect of the whole time worked by him on such Sunday, or an amount equal to at least double the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a week-day, whichever amount is the greater; or

(c) an amount calculated at a rate of not less than one and one third times his wage rate in respect of the whole time worked by him on such Sunday and grant him, within seven days of such Sunday, one day's leave and pay him in respect of such leave an amount of not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on that day of the week.

(3) *Compensation to a daily employee for work on a public holiday or a Sunday.*—Whenever a daily employee works on a public holiday as defined or on a Sunday, his employer shall pay him in respect of that day an

opsigte van daardie dag 'n bedrag betaal, gereken teen 'n koers van minstens dubbel sy uurloon vir elke uur of 'n gedeelte van 'n uur wat hy op daardie dag gewerk het: Met dien verstande dat die verwysing hierin na werk op 'n Sondag nie op 'n aanseende bedrywigheid werknemer van toepassing sal wees nie en vir die doeleindes van hierdie subklousule 'n daaglikse werknemer in 'n bedryfsinrigting waarin die werknemers gewoonlik—

(a) op nie meer as vyf dae in 'n week werk nie, geag word minstens nege en 'n kwart uur op daardie dag te gewerk het; en

(b) op meer as vyf dae in 'n week werk, geag word minstens agt en 'n half uur op daardie dag te gewerk het.

(4) *Vergoeding vir werk gedeeltelik op 'n openbare feesdag of Sondag.*—Wanneer 'n werknemer vir 'n tydperk werk wat—

(a) gedeeltelik op 'n openbare feesdag soos omskryf of 'n Sondag en gedeeltelik op enige ander dag val; of

(b) gedeeltelik op 'n openbare feesdag soos omskryf en gedeeltelik op 'n Sondag val,

word daar by die berekening van sy vergoeding geag dat die hele tydperk deur hom gewerk is op die dag waarop die grootste gedeelte van die tydperk val.

(5) Beloning wat ingevolge hierdie klousule aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, betaalbaar is, moet aan hom uitbetaal word nie later nie as die eersvolgende betaaldag na die dag ten opsigte waarvan die beloning betaalbaar is. 'n Daaglikse werknemer moet uitbetaal word soos in klousule 4 (2) bepaal.

### 9. STUKWERK

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

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

(b) 'n daaglikse werknemer, vir elke dag waarop stukwerk verrig word, minstens die bedrag wat die werkgewer sodanige werknemer vir daardie dag sou moes betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgewer moet 'n lys van die besoldiging in subklousule (1) bedoel, op 'n opvallende plek in sy bedryfsinrigting opgeplak hou of hy kan in plaas daarvan elke werknemer voorsien van 'n brief wat deur of namens hom onderteken is, waarin genoemde tariewe uiteengesit is.

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

(4) Ondanks andersluidende bepalings in hierdie klousule, is 'n werkgewer nie verplig om 'n daaglikse werknemer kennis te gee van sy voorname om 'n stukwerkstelsel in te voer of af te skaf of te wysig nie.

### 10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgewer moet alle uniforms, oorpakke, rubberstewels of ander beskermende klere wat hy van sy werknemer vereis om te dra of wat hy ingevolge enige wet verplig is om aan sy werknemer te verskaf, gratis verskaf en in 'n bruikbare en sindelike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgewer: Met dien verstande dat 'n werkgewer van 'n werknemer kan vereis om enige sodanige uniform, oorpakke of beskermende klere te was en/of stryk, in welke geval die werkgewer sodanige werknemer 'n toelae van minstens 90 sent per week moet betaal vir elke week wat die werknemer verplig word om die beskermende klere te dra.

### 11. VERBOD OP INDIENSNEMING

'n Werkgewer mag nie 'n persoon onder die leeftyd van 15 jaar in diens neem nie of van 'n swanger werknemer vereis of haar toelaat om te werk gedurende die tydperk wat vier weke voor die verwagte datum van haar bevalling begin en agt weke na die bevalling eindig nie.

### 12. BEÏNDIGING VAN DIENSKONTRAK

(1) 'n Werkgewer of sy werknemer, uitgesonderd 'n daaglikse 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,

amount calculated at a rate of not less than double his hourly wage in respect of each hour or part of an hour worked by him on that day: Provided that the reference herein to work on a Sunday shall not apply to a continuous activity worker and for the purposes of this subclause a daily employee in an establishment in which the employees normally work on—

(a) not more than five days in a week, shall be deemed to have worked at least nine and a quarter hours on that day; and

(b) more than five days in a week, shall be deemed to have worked at least eight and a half hours on that day.

(4) *Compensation for work partly on a public holiday or a Sunday.*—Whenever an employee works for a period which falls—

(a) partly on a public holiday as defined or on a Sunday and partly on any other day; or

(b) partly on a public holiday as defined and partly on a Sunday, the whole period shall for the purpose of calculating the compensation payable to such employee be deemed to have been worked on the day on which the major portion of that work period falls.

(5) Remuneration payable in terms of this clause to an employee, other than a daily employee, shall be paid to him not later than the pay-day next succeeding the day in respect of which such remuneration is payable. A daily employee shall be remunerated as set out in clause 4 (2).

### 9. PIECE-WORK

(1) An employer may, when engaging an employee or after at least one week's notice if the employee is already in his employ, introduce any piece-work system and, save as provided in clause 4 (6), such employer shall pay his employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee not less than in the case of—

(a) an employee other than a daily employee, in respect of each week in which piece-work is performed, the amount which the employer 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 daily employee, in respect of each day on which piece-work is performed, the amount which the employer would have been required to pay such employee for that day had he been remunerated on the basis of time worked.

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in subclause (1) or he may in lieu thereof supply the employee with a letter signed by himself, or on his behalf, setting out the said rates.

(3) An employer who intends to cancel or amend any piece-work system in operation or the rates applicable thereunder, shall give his employee 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 contained in this clause, an employer shall not be required to give a daily employee notice of his intention to introduce any piece work system or to cancel or amend it.

### 10. 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 required 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 and/or iron any such uniform, overall or protective clothing in which event the employer shall pay such employee an allowance of not less than 90c for each week in respect of which such employee is required to wear the protective clothing.

### 11. PROHIBITION OF EMPLOYMENT

An employer shall not employ any person under the age of 15 years of require or permit any female employee to work during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after the date of her confinement.

### 12. TERMINATION OF CONTRACT OF EMPLOYMENT

(1) An employer or his employee, other than a daily 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;

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

kennis van die beëindiging van die kontrak gee, wat behalwe deur 'n werknemer wat nie kan skryf nie, skriftelik moet wees, of 'n werkgever of 'n werknemer kan die kontrak sonder kennisgewing beëindig deur, in plaas van sodanige kennisgewing, aan die werknemer of die werkgever, na gelang van die geval, te betaal in die geval van—

- (i) een werkdag kennisgewing, minstens die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) een week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

- (aa) die reg van 'n werkgever of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;
- (ab) 'n skriftelike ooreenkoms tussen 'n werkgever en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskrif word;
- (ac) die werking van 'n verbeuring of boete wat regtens van toepassing mag wees op 'n werknemer wat dros;

nie hierdeur geraak word nie: Voorts met dien verstande dat, indien die loon van 'n werknemer op die datum van die beëindiging verminder is deur aftrekkings ten opsigte van korttyd en die werkgever hom betaal in plaas van kennis te gee, die uitdrukking "ten tyde van sodanige beëindiging ontvang" geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie".

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

(3) Die kennisgewing by subklousule (1) voorgeskrif, moet op 'n werkdag geskied: Met dien verstande dat—

(a) die kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met verlof ingevolge klousule 6 of siekteverlof ooreenkomstig klousule 7 of afwesigheid weens ongeskiktheid in die omstandighede uiteengesit in klousule 7 (4) (a) of (b) van altesaam hoogstens 10 weke in enige tydperk van 12 maande diens by dieselfde werkgever; en

(b) 'n kennisgewingstermyn nie mag saamval nie met, en die kennisgewing nie mag geskied nie gedurende 'n werknemer se afwesigheid met militêre diens, behalwe waar die werknemer dit sulks versoek en die werkgever skriftelik daarmee akkoord gaan.

(4) Ondanks andersluidende bepalings in hierdie vasstelling mag 'n werkgever, in die geval waar 'n werknemer sy dienskontrak beëindig deur sy diens te verlaat sonder om kennis te gee en sonder om die kennisgewingstermyn uit te dien of sonder om sy werkgever te betaal in plaas van kennis te gee, uit enige geld wat hy sodanige werknemer uit hoofde van enige bepaling van hierdie vasstelling skuld, hom 'n bedrag toeëien van hoogstens dié wat die werknemer hom sou moes betaal het in plaas van kennis te gee: Met dien verstande dat wanneer 'n werkgever hom aldus 'n bedrag toeëien het in plaas van kennisgewing, daar by die toepassing van klousule 6 (5) geag word dat die werknemer die werkgever betaal het in plaas van kennis te gee.

### 13. DIENSSERTIFIKAAT

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

#### DIENSSERTIFIKAAT

Ek/Ons.....  
 .....  
 verklaar hierby dat..... identiteitsnommer.....  
 indiens was van die (naam van plaaslike owerheid) vanaf.....  
 tot..... as (\*).  
 By diensbeëindiging was hierdie werknemer se loon R.....

Handtekening van gemagtigde  
 verteenwoordiger

Datum .....

### 14. BYWONINGSREGISTER

(1) 'n Werkgever moet in sy bedryfsinrigting 'n bywoningsregister wat wesenlik die onderstaande vorm het, voorsien, waarin hy in ink of inktlood die naam en klas van elk van sy werknemers moet aanteken, en indien sodanige werknemer nie in staat is om te skryf nie, moet sy werkgever namens hom vir elke dag gewerk en op daardie dag die vereiste inskrywings ten opsigte van punte (a) tot en met (f) van subklousule (2) maak, en sodanige inskrywings onderteken.

(\*) Meld die klas waarin die werknemer uitsluitlik of hoofsaaklik in diens was, bv wagens.

notice of termination of contract, which shall be in writing except when given by an employee who is unable to write, 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 in the case of—

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

Provided that this shall not affect—

- (aa) the right of an employer or his employee to terminate the contract without notice for any cause recognised by law as sufficient;
- (ab) 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;
- (ac) 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 had no deduction been made in respect of short-time".

(2) Where there is an agreement in terms of proviso (ab) 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) shall be given on any work-day: Provided that—

(a) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or on sick leave granted in terms of clause 7 or owing to incapacity in circumstances set out in clause 7 (4) (a) or (b) where such absences amount in the aggregate to not more than 10 weeks in any period of 12 consecutive months' employment with the same employer; and

(b) a period of notice shall not run concurrently with, and notice shall not be given during an employee's absence on military service, except where an employee otherwise requests and his employer agrees thereto in writing.

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

### 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 daily 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 wage of the employee on the date of such termination.

#### CERTIFICATE OF SERVICE

I.....  
 .....  
 hereby certify that..... identity number.....  
 was employed by the (name of local authority).....  
 from..... to.....  
 (\*).....  
 At the termination of employment this employee's wage was R.....  
 .....  
 (Signature of authorised  
 representative)  
 Date.....

### 14. ATTENDANCE REGISTER

(1) An employer shall provide in his establishment an attendance register substantially in the following form, in which he shall record in ink or indelible pencil the name and class of each of his employees and, if such employee is unable to write, his employer shall on his behalf for each day worked and on that day make the necessary entries in respect of items (a) to (f) inclusive of subclause (2) and sign such entries.

(\*) State class in which employee was wholly or mainly engaged, e.g. watchman etc.

# BYWONINGSREGISTER

| (Naam van werknemer)                        |                 |                                  |                     |     |    |     |    |     |                                       | (Klas van werknemer)    |    |                      |              |                   |                   |                                                                                                                 |                      |  |
|---------------------------------------------|-----------------|----------------------------------|---------------------|-----|----|-----|----|-----|---------------------------------------|-------------------------|----|----------------------|--------------|-------------------|-------------------|-----------------------------------------------------------------------------------------------------------------|----------------------|--|
| Inskrywings moet deur werknemer gemaak word |                 |                                  |                     |     |    |     |    |     |                                       | Opmerkings (as daar is) |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| Jaar .....                                  | Maand .....     | Tyd waarop<br>werk<br>begin word | Pouses van diens af |     |    |     |    |     | Tyd waarop<br>werk beëin-<br>dig word | Oortyd<br>gewerk        |    | Totale aantal<br>ure |              | Hand-<br>tekening | Deur<br>werknemer | Deur werkgewer, indien werknemer afwesig was. Redes vir<br>sy afwesigheid (moet deur werkgewer onderteken word) | Deur inspek-<br>teur |  |
| Datum                                       | Dag van<br>week |                                  | Af                  | Aan | Af | Aan | Af | Aan |                                       | Aan                     | Af | Elke<br>dag          | Elke<br>week |                   |                   |                                                                                                                 |                      |  |
| 1                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 2                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 3                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 4                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 5                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 6                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 7                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 8                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 9                                           |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 10                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 11                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 12                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 13                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 14                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 15                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 16                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 17                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 18                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 19                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 20                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 21                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 22                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 23                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 24                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 25                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 26                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 27                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 28                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 29                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 30                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |
| 31                                          |                 |                                  |                     |     |    |     |    |     |                                       |                         |    |                      |              |                   |                   |                                                                                                                 |                      |  |

Nota.—Onder opskrif "Aan" en "Af" in kolom "Pouses van diens af", voeg in tyd wanneer pouse begin en tyd wanneer werk hervat word. 'n Werknemer word geag by die werk te wees vir enige pouse in sy werk indien dit die werknemer nie vrystaan om die bedryfsinrigting vir die hele pouse te verlaat nie.

# ATTENDANCE REGISTER

(Name of employee)

(Class of employee)

| Entries to be made by employee |             |                         |                    |    |     |    |     |    |                        |                 |     |                       | Remarks (if any) |           |             |                                                                                         |              |
|--------------------------------|-------------|-------------------------|--------------------|----|-----|----|-----|----|------------------------|-----------------|-----|-----------------------|------------------|-----------|-------------|-----------------------------------------------------------------------------------------|--------------|
| Year.....                      | Month.....  | Time of commencing work | Intervals off work |    |     |    |     |    | Time of finishing work | Overtime worked |     | Total number of hours |                  | Signature | By employee | By employer, if employee was absent. Reasons for his absence (to be signed by employer) | By inspector |
| Date                           | Day of week |                         | Off                | On | Off | On | Off | On |                        | On              | Off | Each day              | Each week        |           |             |                                                                                         |              |
| 1                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 2                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 3                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 4                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 5                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 6                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 7                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 8                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 9                              |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 10                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 11                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 12                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 13                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 14                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 15                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 16                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 17                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 18                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 19                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 20                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 21                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 22                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 23                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 24                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 25                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 26                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 27                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 28                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 29                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 30                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |
| 31                             |             |                         |                    |    |     |    |     |    |                        |                 |     |                       |                  |           |             |                                                                                         |              |

Note.—Under heading "Off" and "On" in column "Intervals off work" insert time when interval commences and time when work is resumed. An employee is deemed to be at work for any interval in his work if the employee is not free to leave the establishment for the whole of the interval.

(2) Tensy hy deur onvermydelike oorsaak verhinder word om dit te doen, moet elke werknemer ten opsigte van elke dag deur hom gewerk en op daardie dag, in ink of inktlood in sodanige bywoningsregister bedoel in subklousule (1) aanteken:

- (a) Die dag van die week;
- (b) die tyd waarop hy begin werk het;
- (c) die tyd waarop alle etens- en ander pouses wat nie as gewone werkure gereken word nie, begin en geëindig het;
- (d) die tyd waarop werk vir die dag beëindig is;
- (e) die tyd waarop oortyd gewerk vir die dag begin en beëindig is;
- (f) die totale aantal ure gewerk vir die dag;
- (g) sy handtekening.

(3) 'n Werkgewer mag in plaas van 'n bywoningsregister, 'n halfoutomatiese tydregistreerder met die nodige kaarte wat so na as moontlik in die volgende vorm sal wees, beskikbaar stel en elkeen van sy werknemers van so 'n kaart met die naam en nommer van die werknemer asook die datum van diensbeëindiging van die week waarvoor die kaart gebruik moet word, voorsien.

No. .... Naam van werknemer .....  
Klas van werknemer ..... Week geëindig ..... 19.....

| Dag            | In    | Uit   | In    | Uit   | Totaal |
|----------------|-------|-------|-------|-------|--------|
| Sondag.....    | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Maandag .....  | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Dinsdag.....   | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Woensdag.....  | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Donderdag..... | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Vrydag.....    | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |
| Saterdag.....  | ..h.. | ..h.. | ..h.. | ..h.. | ..h..  |

(4) 'n Werkgewer moet sodanige bywoningsregister of kaarte, na gelang van die geval, vir 'n tydperk van minstens drie jaar na die datum van die laaste inskrywing daarin of daarop, bewaar.

(*Kennisgewing.*—Kragtens artikel 18 van die Loonwet, 1957, vervang die Loonvasstelling in die bostaande Bylae die volgende Loonvasstellings:

394, gepubliseer by Goewermentskennisgewing R. 1075 van 30 Mei 1980, soos gewysig by Goewermentskennisgewings R. 2360 van 5 November 1982 en R. 1655 van 29 Julie 1983;

395, gepubliseer by Goewermentskennisgewing R. 1077 van 30 Mei 1980, soos gewysig by Goewermentskennisgewings R. 2361 van 5 November 1982 en R. 1656 van 29 Julie 1983;

396, gepubliseer by Goewermentskennisgewing R. 1097 van 30 Mei 1980, soos gewysig by Goewermentskennisgewings R. 2362 van 5 November 1982 en R. 1657 van 29 Julie 1983;

397, gepubliseer by Goewermentskennisgewing R. 1081 van 30 Mei 1980, soos gewysig by Goewermentskennisgewings R. 2363 van 5 November 1982 en R. 1658 van 29 Julie 1983;

398, gepubliseer by Goewermentskennisgewing R. 1083 van 30 Mei 1980, soos gewysig by Goewermentskennisgewings R. 2364 van 5 November 1982 en R. 1659 van 29 Julie 1983.).

(2) Unless prevented from doing so by unavoidable cause, an employee shall in respect of each day worked by him and on that day record the following particulars in ink or indelible pencil in the attendance register referred to in subclause (1):

- (a) The day of the week;
- (b) the time he commenced work;
- (c) the time of commencement and termination of all meal or other intervals which are not reckonable as ordinary hours of work;
- (d) the time of finishing work for the day;
- (e) the time of commencement and termination of overtime worked for the day;
- (f) the total number of hours worked for the day; and
- (g) his signature.

(3) An employer may, instead of an attendance register, provide a semi-automatic time recorded together with the necessary cards, which shall be as nearly as practicable in the following form, and supply to each employee such a card indicating the name or number of the employee and the date of termination of the week in respect of which it is to be used:

No. .... Name of employee .....  
Class of employee ..... Week ending ..... 19.....

| Day            | In    | Out   | In    | Out   | Total |
|----------------|-------|-------|-------|-------|-------|
| Sunday.....    | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Monday.....    | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Tuesday.....   | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Wednesday..... | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Thursday.....  | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Friday.....    | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |
| Saturday.....  | ..h.. | ..h.. | ..h.. | ..h.. | ..h.. |

(4) An employer shall retain the attendance register or the cards, referred to in subclause (3), as the case may be, for a period of not less than three years after the date of the last entry therein or thereon.

(*Note.*—In terms of section 18 of the Wage Act, 1957, the above Schedule supersedes the following Wage Determinations:

394, published under Government Notice R. 1075 of 30 May 1980, as amended by Government Notices R. 2360 of 5 November 1982 and R. 1655 of 29 July 1983;

395, published under Government Notice R. 1077 of 30 May 1980, as amended by Government Notices R. 2361 of 5 November 1982 and R. 1656 of 29 July 1983;

396, published under Government Notice R. 1097 of 30 May 1980, as amended by Government Notices R. 2362 of 5 November 1982 and R. 1657 of 29 July 1983;

397, published under Government Notice R. 1081 of 30 May 1980, as amended by Government Notices R. 2363 of 5 November 1982 and R. 1658 of 29 July 1983;

398, published under Government Notice R. 1083 of 30 May 1980, as amended by Government Notices R. 2364 of 5 November 1982 and R. 1659 of 29 July 1983.).

# KOOP VERDEDIGINGSBONUSOBLIGASIES BUY DEFENCE BONUS BONDS

**INHOUD**

| <i>No.</i>                                                                                                        | <i>Bladsy<br/>No.</i> | <i>Staats-<br/>koerant<br/>No.</i> |
|-------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------|
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