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GOEWERMENTSKENNISGEWINGS

GOVERNMENT NOTICES

DEPARTEMENT VAN MANNEKRAG

DEPARTMENT OF MANPOWER

No. R. 2072

21 September 1984

No. R. 2072

21 September 1984

LOONWET, 1957

WAGE ACT, 1957

LOONVASSTELLING 438

WAGE DETERMINATION 438

ONGESKOOLDE ARBEID, SEKERE GEBIEDE

UNSKILLED LABOUR, CERTAIN AREAS

In opdrag van die Minister van Mannekrag, word hierby ingevoelge artikel 14 (2) van die Loonwet, 1957, bekendgemaak dat die Minister kragtens die bevoegdheid aan hom verleen by artikel 14 (1) van genoemde Wet, die Loonvasstelling wat in die Bylae hiervan verskyn ten opsigte van ongeskoolde arbeid, sekere gebiede gemaak en die vierde Maandag na die datum van publikasie van hierdie kennisgewing bepaal het as die datum waarop die bepalings van genoemde Loonvasstelling bindend word.

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, Certain Areas, and has fixed the fourth Monday after the date of publication of this notice as the date from which the provisions of the said Wage Determination shall be binding.

BYLAE

SCHEDULE

1. GEBIED EN OMVANG VAN VASSTELLING

1. AREA AND SCOPE OF DETERMINATION

(1) Behoudens subklousule (2) is hierdie vasstelling van toepassing op alle werknemers wat ongeskoolde arbeid soos in subklousule (3) (a) omskryf, verrig in enige van die bedrywe en gebiede in onderskeidelik paragrawe (b) en (c) van subklousule (3) omskryf, en op die werkgewers van sodanige werknemers.

(1) Save as provided in subclause (2), this determination shall apply to all employees who perform unskilled labour as defined in subclause (3) (a) in any of the trades and areas defined in paragraphs (b) and (c) of subclause (3), respectively, and to employers of such employees.

(2) Hierdie vasstelling is nie van toepassing op werknemers van plaaslike owerhede soos in subklousule (3) (d) omskryf nie, nóg op werknemers in die bounywerheid soos in subklousule (3) (e) omskryf of in bedrywe ten opsigte waarvan 'n nywerheidsraad jurisdiksie het of 'n order, ander loonvasstelling of loonreëlende maatregel bindend is, nóg op die werkgewers van sodanige werknemers.

(2) This determination shall not apply to employees of local authorities as defined in subclause (3) (d), nor to employees in the building industry as defined in subclause (3) (e) or in trades falling under the jurisdiction of industrial councils or in respect of which an order, other wage determination or wage regulating measure is binding, nor to employers of such employees.

(3) By die toepassing van hierdie klousule beteken—

(3) For the purposes of this clause—

(a) "ongeskoolde arbeid", sonder om die gewone betekenis van die uitdrukking enigsins te beperk, enige van die volgende pligte:

(a) "unskilled labour" means, without in any way limiting the ordinary means of the expression, any of the following duties:

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

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

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

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

(iii) afval van gesmelte lood verwyder;

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

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

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

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

(v) carrying, lifting, pulling, pushing, hauling, packing, stacking, rolling, moving or burying any articles, vehicles or containers, whether in or on the workshop, storeroom, shed, premises, vehicle or railway truck, other than by the use of power equipment;

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

(vi) batterye uithaal, volmaak of terugsit;

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

(viii) boksele of plastiekbedekking oorgooi of afhaal;

(ix) bottels of soortgelyke houers in kragaangedrewe masjiene plaas of daaruit neem; etikette van bottels, kiste of ander artikels met die hand verwyder, of daarop plak; etikette aan kragaangedrewe etiketteermasjiene voer;

(x) brandstoftanks volmaak of oliebakke leegtap of volmaak;

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

(xii) briewe, omsendbriewe, dokumente, biljette, advertensies of ander geskrewe, gedrukte, getikte of afgerolde geskrifte in koeverte plaas of in pakkies opmaak;

(xiii) deure of vensters oop- of toemaak;

(xiv) dra, oplik, trek, stoot, sleep, verpak, opstapel, rol, oprol, verskuif of begrawe van enige artikels, voertuie of houers, betsy in of op die werkplek, pakkamer, skuur, perseel, voertuig of spoorwa, behalwe deur die gebruik van kraguitrusting;

(xv) draad, tou of goiing met die hand sny;

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

(xvii) enige onsuiverheid uit goiing of jute met die hand verwyder;

(xviii) einge ou metaal, masjiën, wrak, voertuig, of brug met hamers, sae, beitels, koevoete of skroefskutels buig of opbreek, of onder toesig met 'n blaaslamp buig of sny;

(xix) etikette op artikels of houers plak of dit merk, brandmerk, stempel of sjabloner of etikette perforeer;

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

(xxi) gars of ander graansoorte met gawe of skopgrawe oopsprei of omkeer;

(xxii) goiing of jute met die hand pluus;

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

(xxiv) handdoeke, seep of toilet papier vervang;

(xxv) 'n hystoestel, goederehysbak, handpomp, afrolmasjiën, domkrag, windas, gangspil of naaimasjiën bedien;

(xxvi) kampongs, latrines, stalle of buitegeboue afwit, skoonmaak of ontsmet of reinigings- of ontsmetingsmiddels aan houers van nagvuil aanwend;

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

(xxviii) klaargemaakte karton- of veselborddose of soortgelyke houers met die hand opstel of uitneembaar haal, of papier met die hand vou;

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

(xxx) koekepanne koppel, ont koppel of rem; spore lê of vas- of losboud;

(xxxi) konkas verf; roesweermiddels op artikels aanwend;

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

(xxxiii) laai of aflaai;

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

(xxxv) metaalvate, tenks, pype, konkas of ander houers met stoom verhit;

(xxxvi) die massa van goedere op 'n gestelde massameter by herhaling bepaal, of goedere volgens voorafbepaalde maat by herhaling meet;

(xxxvii) met die hand boor, afskraap of skuur of artikels met 'n skropborsel of draadborsel skoonmaak;

(xxxviii) met die hand omroer of meng; uitskep;

(xxxix) mure losmaak, afbreek of opbreek;

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

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

(xlii) onder toesig krane of kleppe oopmaak of toemaak of masjiënhefbome verstel;

(xliii) oorpakke, uniforms of beskermende klere was;

(xliv) persele, deure, vensters, uitrusting, gereedskap, masjinerie, meubels, voertuie, tenks, houers of ander artikels skoonmaak of was, en dit sluit in vloere, meubels of voertuie poleer of tapyte uitborsel of tapyte onder toesig met 'n masjiën skoonmaak;

(vii) cleaning or levelling bricks, stones or concrete with hammers, trowels or other non-power-driven tools;

(viii) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, tanks, containers or other articles, including polishing floors, furniture or vehicle or brushing carpets or cleaning carpets by machine under supervision;

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

(x) 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 the employer or his guests;

(xi) coupling, uncoupling or braking cocopans; laying or bolting or unbolting tracks;

(xii) covering with or removing tarpaulins or plastic covering;

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

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

(xv) drilling, scraping or sandpapering by hand or cleaning articles with a scrubbing brush or a wire brush;

(xvi) erecting or unrigging scaffolding under supervision;

(xvii) feeding or taking off from conveyor belts, machines, hoppers, platforms or tanks by hand;

(xviii) filling fuel tanks or draining or filling oil sumps;

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

(xx) guarding premises or property;

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

(xxii) lime-washing, cleaning or disinfecting compounds, latrines, stables or outbuildings or applying cleansing or disinfecting substances to nightsoil containers;

(xxiii) loading or unloading;

(xxiv) loosening, excavating, removing, 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;

(xxv) loosening, demolishing or breaking up walls;

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

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

(xxviii) mending, cleaning or shaking out bags; cutting bags by hand or machine; turning bags inside out;

(xxix) minding, driving, cleaning, feeding or in any other way tending livestock (including racehorses);

(xxx) moving, placing, dragging or lifting pipes or poles; driving in or planting poles; fitting concrete slabs between slots;

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

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

(xxxiii) opening or closing doors or windows;

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

(xxxv) opening, closing, filling or emptying letters, parcels, bottles, casks, boxes, tins, trays, cartons, drums, bags, bales or any other containers; opening or closing railway trucks or ships' holds;

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

(xxxvii) operating a hoist, goods lift, handpump, duplicating machine, jack, winch, capstan or sewing machine;

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

(xxxix) painting drums; applying anti-corrosives to articles;

(xl) 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;

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

(xlv) persele of eiendom bewaak;

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

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

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

(xlix) pype of pale verlê, regsit, sleep of oplik; pale indryf of implant; betonskywe tussen gleuwe inpas;

(l) rantsone gaarmaak of tee of soortgelyke drank vir werknemers maak of aan hulle bedien of tee of ander verversings vir die werkgewer of sy gaste maak of aan hulle bedien;

(li) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie;

(lii) sakke heelmaak, skoonmaak of uitskud; sakke met die hand of met 'n masjien sny; sakke omdop;

(liii) sand, klip of sement volgens voorafbepaalde maat by herhaling afmeet; dagha, beton, klip of bitumen met die hand of deur middel van 'n masjien meng;

(liv) sand of gruis met die hand uitpomp, was of sif;

(lv) sement of beton vasstamp;

(lvi) steiers onder toesig oprig of aftakel;

(lvii) tuinmaak, dit wil sê spit, hark, grassny, strooi, meng, natmaak, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder of onder toesig plant;

(lviii) 'n vakman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy vak selfstandig te gebruik;

(lix) vervoerbande, masjiene, vultregters, platforms of tenks met die hand voer of daarvan afneem;

(lx) voertuie, spore of masjinerie, uitgesonderd elektriese opwekkingsmasjinerie of motorvoertuie, olie of smeer;

(lxi) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder, sintels uitsoek;

(lxii) wiele of buite- of binnebande van motorvoertuie, fietse of kruiwaens afhaal, terugsit, omruil of oppomp, of binnebande herstel;

(lxiii) woonhuise, geboue, pakhuse of skure gereedmaak vir berokking, woonhuise, geboue, pakhuse of skure met 'n handpomp bespuit vir plaagbestrydingsdoelindes;

(b) "bedrywe"—

(i) afleweringdienste, met inbegrip van bodedienste (uitgesonderd aflewering met kragaangedrewe voertuie);

(ii) behandeling van timmerhout met hitte of chemikalieë;

(iii) bierbrou of die bottel van bier;

(iv) bunkerwerk;

(v) distillering van spiritualieë;

(vi) handel in ou metaal;

(vii) handel in tweedehandse bottels;

(viii) herwinning van afvalglas;

(ix) herwinning van afvalpapier;

(x) klipbreek;

(xi) mark- of kommissie-agentskappe;

(xii) nywerheidsverfwerk, met inbegrip van roesbehandeling en sandstraling;

(xiii) oprigting van voorafvervaardigde betonmure;

(xiv) opwekking of verspreiding van elektrisiteit;

(xv) plaagbestrydingsdienste;

(xvi) raffineer of skoonmaak van olie;

(xvii) skeepsagentskappe;

(xviii) skoonmaak van geboue (met inbegrip van vensters);

(xix) skoonmaak van matte;

(xx) sloping van geboue;

(xxi) suiwering, maal of verpakking van sout;

(xxii) tuinmaakdienste;

(xxiii) uitgrawe, gelykmaak of uitpomp van sand, grond of gruis;

(xxiv) verhuur van kantore;

(xxv) verhuur van konstruksiemasjinerie;

(xxvi) verkoop of aflewering van sand, grond of gruis;

(xxvii) versorging van landbou- of nywerheidskouterreine;

(xxviii) versorging van reisesperde;

(xxix) vervaardiging en verskaffing van aangemaakte beton;

(xxx) vervaardiging of herstel van goiing- of jutesakke;

(xlii) preparing dwellings, buildings, warehouses or sheds for fumigation; fumigating dwellings, buildings, warehouses or sheds by hand pump for pest control purposes;

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

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

(xlv) removing dross from molten lead;

(xlv) removing any impurities from hessian or jute by hand;

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

(xlviii) removing, topping up or replacing batteries;

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

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

(li) repetitive gauging of sand, stone and cement to a set measure; mixing mortar, concrete, stone or bitumen by hand or machine;

(lii) repetitive mass-measuring to a set mass-measurer or repetitive measuring of goods to a set gauge;

(liii) replacing towels, soap or toilet paper;

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

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

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

(lvii) spreading or turning over barley or other kinds of grain with spades or shovels;

(lviii) stirring or mixing by hand; ladling;

(lix) tamping cement or concrete;

(lx) teasing hessian or jute by hand;

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

(lxii) washing overalls, uniforms or protective clothing;

(lxiii) winding or unwinding, putting into position, dragging or pulling wire;

(b) "trades" means—

(i) brewing or bottling of beer;

(ii) bunkering;

(iii) carpet cleaning;

(iv) cleaning of buildings (including windows);

(v) delivery services, including messenger services (except delivery by means of power-driven vehicles);

(vi) demolition of buildings;

(vii) distillation of spirituous liquors;

(viii) erection of pre-cast concrete walls;

(ix) excavating, levelling or pumping sand, soil or gravel;

(x) gardening services;

(xi) generation or distribution of electricity;

(xii) grease manufacture;

(xiii) industrial painting, including rust treatment and sand blasting;

(xiv) letting of offices;

(xv) maintenance of agricultural or industrial showgrounds;

(xvi) manufacture of bone meal;

(xvii) manufacture of carpets;

(xviii) manufacture of food for domestic animals, livestock feeds or malt where not undertaken in conjunction with the grinding, gristing or crushing of cereals or the production of any raw cereal products by grinding, gristing or crushing;

(xix) manufacture of fertiliser, save in the area occupied by AECL Limited in the Magisterial Districts of Durban and Kempton Park;

(xx) manufacture of glucose, dextrose, cornflour, starch or gelatine;

(xxi) manufacture of lead-acid or dry-cell batteries;

(xxii) manufacture of tanning extract;

(xxiii) manufacture or distribution of gas, save in the area occupied by—

(aa) AECL Limited in the magisterial Districts of Durban, Johannesburg and Kempton Park and the municipal area of Sasolburg;

(xxxii) vervaardiging of verspreiding van gas, uitgesonderd in die gebied wat—

(aa) deur AECI Limited in die landdrostrikte Durban, Johannesburg en Kempton Park en in die munisipale gebied van Sasolburg geokkupeer word; en

(ab) deur Klipfontein Organiese Produktiekorporasie Beperk in die landdrostrikte Kempton Park geokkupeer word;

(xxxiii) vervaardiging van beenmeel;

(xxxiv) vervaardiging van ghries;

(xxxv) vervaardiging van glukose, dekstrose, melieblom, stysel of gelatien;

(xxxvi) vervaardiging van kunsmis, uitgesonderd in die gebied wat deur AECI Limited in die landdrostrikte Durban en Kempton Park geokkupeer word;

(xxxvii) vervaardiging van looiekskroon;

(xxxviii) vervaardiging van matte;

(xxxix) vervaardiging van voedsel vir huisdiere, voedingsmiddels vir lewende hawe of mout, waar dit nie tesame met die maal, vergruis of breek van graan of die produksie van enige rougraanprodukte deur maal, vergruis of breek onderneem word nie;

(xl) verwydering van nagvuil;

(xli) voorbereiding van terreine vir bou- of ander doeleindes;

(c) "gebiede"—

In die Kaapprovinsie.—Die landdrostrikte Bellville, Die Kaap, George, Goodwood, Knysna, Kuilsrivier, Mosselbaai (uitgesonderd die dorpsgebied van Herbertsdale), Oos-Londen, Oudtshoorn, Paarl, Port Elizabeth, Simonstad, Somerset-Wes, Stellenbosch, Strand, Uitenhage, Wellington en Wynberg en die munisipale gebiede van Grahamstad, Kimberley, Upington en Worcester;

In Natal.—Die landdrostrikte Durban, Inanda, Pietermaritzburg, Pinetown en Port Shepstone en die munisipale gebiede van Empangeni, Ladysmith, Newcastle en Richardsbaai;

In die Oranje-Vrystaat.—Die landdrostrikte Bloemfontein, Odendaalsrus, Virginia en Welkom en die munisipale gebiede van Bethlehem, Harrismith, Kroonstad en Sasolburg;

In die Transvaal.—Die landdrostrikte Alberton, Benoni, Boksburg, Brakpan, Germiston, Hoëveldrif, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria en Wonderboom en die munisipale gebiede van Brits, Ermelo, Fochville, Lichtenburg, Middelburg, Nelspruit, Pietersburg, Potchefstroom, Potgietersrus, Rustenburg en Witbank;

(d) "plaaslike owerhede" stadsrade, afdelingsrade, munisipale rade, dorpsrade, dorpsbestuursrade of enige soortgelyke instellings of liggame bedoel in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961, en omvat dit ook administrasie ingestel kragtens artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971), gemeenskapsrade ingestel kragtens artikel 2 van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977) en stadsrade en dorpsbestuursrade ingestel kragtens artikel 2 van die Wet op Swart Plaaslike Bestuur, 1982 (Wet 102 van 1982);

(e) "bounywerheid", sonder om die gewone betekenis van die uitdrukking enigerwyse te beperk, die nywerheid waarin werkgewers en werknemers met mekaar geassosieer is met die doel om geboue of bouwerke op te rig, te voltooi, op te knap, te herstel, te onderhou of te verbou en omvat dit enige werksaamhede wat daarmee in verband staan of daaruit voortspruit.

2. WOORDOMSKRYWING

Tensy die sinsverband anders aandui, het elke uitdrukking wat in hierdie vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde betekenis as in daardie wet, en 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;

(2) "bedryfsinrigting" 'n perseel of gedeelte daarvan waarop of in verband waarmee een of meer werknemers in een of meer van die bedrywe in klousule 1 (3) (c) vermeld in diens is;

(3) "dag" die tydperk van 24 uur van middernag tot middernag: Met dien verstande dat, in die geval van 'n werknemer wat in 'n aaneenlopende bedrywigheid werksaam is, 'n skofwerker, 'n sanitasiewerker, 'n wag of 'n werknemer wat diens verrig by die skoonmaak van persele, dit beteken 'n tydperk van 24 uur, gereken vanaf die tydperk waarop so 'n werknemer begin werk;

(4) "deeltydse skoonmaker" 'n werknemer wat per week of per maand in diens is om op hoogstens ses dae in 'n week en vir hoogstens 24 gewone werkure in enige week kantoorsele of kantoormeubels skoon te maak;

(ab) Klipfontein Organic Products Corporation Limited in die magisterial District of Kempton Park;

(xxiv) manufacture and supply of premixed concrete;

(xxv) manufacture or mending of hessian or jute bags;

(xxvi) market or commission agencies;

(xxvii) nightsoil removal;

(xxviii) pest control services;

(xxix) plant hire services;

(xxx) preparing sites for building or other purposes;

(xxxi) purification, grinding, or packing of salt;

(xxxii) quarrying;

(xxxiii) refining or cleaning of oil;

(xxxiv) sale or delivery of sand, soil or gravel;

(xxxv) scrap metal dealing;

(xxxvi) second-hand bottle dealing;

(xxxvii) shipping agencies;

(xxxviii) tending of racehorses;

(xxxix) treatment of timber with heat or chemicals;

(xl) waste glass recovery;

(xli) waste paper recovery;

(c) "areas" means—

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

In Natal.—The Magisterial Districts of Durban, Inanda, Pietermaritzburg, Pinetown and Port Shepstone and the municipal areas of Empangeni, Ladysmith, Newcastle and Richards Bay;

In the Orange Free State.—The Magisterial Districts of Bloemfontein, Odendaalsrus, Virginia and Welkom and the municipal areas of Bethlehem, Harrismith, Kroonstad and Sasolburg;

In the Transvaal.—The Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Germiston, Highveld Ridge, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Nigel, Oberholzer, Pretoria, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging, Westonaria and Wonderboom and the municipal areas of Brits, Ermelo, Fochville, Lichtenburg, Middelburg, Nelspruit, Pietersburg, Potchefstroom, Potgietersrus, Rustenburg and Witbank;

(d) "local authority" means any city council, divisional council, municipal council, town council, town management board or any similar institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961, and includes an administration board established in terms of section 2 of the Black Affairs Administration Act, 1971 (Act 45 of 1971), a community council established in terms of section 2 of the Community Councils Act, 1977 (Act 125 of 1977), and a town council or a village council established in terms of section 2 of the Black Local Authorities Act, 1982 (Act 102 of 1982);

(e) "building industry" means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings or structures, and includes any activities incidental thereto or consequent thereon.

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; and further, unless inconsistent with the context—

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

(2) "continuous activity" means an activity declared as such under section 33 of the Basic Conditions of Employment Act, 1983 (Act 3 of 1983);

(3) "day" means the period of 24 hours from midnight to midnight: Provided that, in the case of an employee employed in a continuous activity, a shift worker, an employee who removes night-soil, a watchman or an employee engaged in the cleaning of premises, it means any period of 24 hours calculated from the time such employee commences work;

(4) "emergency work" means—

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

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

(6) "loon" die bedrag wat ingevolge klousule 3 (1) aan 'n werknemer betaalbaar is ten opsigte van sy gewone werke soos by klousule 5 voorgeskryf: Met dien verstande dat as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werke 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;

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

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

(9) "nagwerk" werk, uitgesonderd oortyd, wat tussen die ure 20h00 en 06h00 verrig word;

(10) "noodwerk"—

(a) enige werk wat weens onvoorsiene omstandighede soos 'n brand, storm, ongeluk, epidemie, geweld, diefstal, nywerheidsnors of sabotasie, of weens die feit dat die gebou onbruikbaar is of dreig om dit te word, sonder versuim gedoen moet word;

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

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

(i) skepe;

(ii) spoorwaens of voertuie van die Suid-Afrikaanse Vervoerdienste of

(iii) voertuie wat deur 'n vervoerkontraakteur gebruik word in die nakoming van sy kontrak as sodanig met die Suid-Afrikaanse Vervoerdienste;

(iv) bederfbare produkte van voertuie met die doel om dit op te berg teen bederf;

(d) 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 lughawedienste, of vir die lewering van goedere aan hospitale of die polisie- of militêre magte;

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

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

(13) "sanitasiewerker" 'n werknemer wat sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas of wat suigpype aan tanks of ander rioolhouers of rioolzuigtenkvoertuie koppel of ontkoppel;

(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, uitgesonderd 'n sekuriteitswag, wat 'n perseel of eiendom bewaak, en by die toepassing van hierdie omskrywing beteken sekuriteitswag 'n werknemer wat een of meer van die volgende pligte verrig—

(a) goedere, voertuie of persone deursoek;

(b) oor wagt toetsing hou of hulle beheer;

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

(17) "week" die tydperk van sewe dae waarin die werkweek van die betrokke werknemer gewoonlik val;

(18) "werkdag" enige dag, uitgesonderd 'n Sondag of 'n openbare feesdag soos omskryf, waarop 'n werknemer gewoonlik werk;

(19) "wet" ook die gemene reg.

3. BESOLDIGING

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

(a) *Werknemers, uitgesonderd los werknemers:*

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

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

(i) ships;

(ii) trucks or vehicles of the South African Transport Services;

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

(iv) perishables from vehicles with a view to preserving them in storage;

(d) any work necessary for the maintenance or provision of light, power, water, telephone, public health, sanitary, cleansing, public transport or airport services or for the supply of goods to hospitals or the police or military forces;

(5) "establishment" means any premises or part thereof in or in connection with which one or more employees are employed in any one or more of the trades mentioned in clause 1 (3) (c);

(6) "law" includes the common law;

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

(8) "night work" means any period of work, other than overtime, which falls between 20h00 and 06h00;

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

(10) "part-time cleaner" means an employee employed by the week or month to clean office premises or office furniture on not more than six days a week and for not more than 24 ordinary hours of work in any week;

(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) "sanitary worker" means an employee who removes, empties, cleans or replaces sanitary pails or who connects suction pipes to or disconnects them from tanks or other sewage containers or sewage vacuum tank vehicles;

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

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

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

(17) "watchman" means an employee, other than a security guard, who is engaged in guarding premises or property; and for the purposes of this definition a security guard means an employee who is engaged in one or more of the following duties—

(a) searching goods, vehicles or persons;

(b) supervising or controlling watchmen;

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

(18) "week" means the period of seven days within which the working week of the employee concerned ordinarily falls;

(19) "workday" means any day, other than a Sunday or a public holiday as defined, on which an employee ordinarily works.

3. REMUNERATION

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

(a) *Employees other than casual employees:*

	Die landdrosdistrikte Alberton, Bellville, Benoni, Boksburg, Brakpan, Die Kaap, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuilsrivier, Nigel, Oberholzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Rodepoort, Simonstad, Springs, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom en Wynberg, en die munisipale gebied van Sasolburg		Die landdrosdistrikte Bloemfontein, Klerksdorp, Odendaarsrus, Oos-Londen, Pietermaritzburg, Virginia en Welkom, en die munisipale gebiede van Kimberley, Potchefstroom, Somerset-Wes, Stellenbosch, Strand en Witbank		Die landdrosdistrikte George, Hoëveldrif, Oudtshoorn en Wellington; daardie gedeeltes van die landdrosdistrikte Somerset-Wes, Stellenbosch en Strand wat buite die munisipale gebiede van Somerset-Wes, Stellenbosch en Strand onderskeidelik val; en die munisipale gebiede van Brits, Fochville, Kroonstad, Newcastle en Worcester		Die landdrosdistrikte Knysna en Mosselbaai (uitgesonderd die dorpsgebied van Herbertsdale), en die munisipale gebiede van Bethlehem, Ladysmith, Middelburg (Tvl.), Nelspruit, Pietersburg, Rustenburg en Upington		Die landdrosdistrik Port Shepstone, en die munisipale gebiede van Empangeni, Ermelo, Grahamstad, Harrismith, Lichtenburg, Potgietersrus en Richardsbaai	
	Gedurende die eerste 12 maande nadat hierdie Vastelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vastelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vastelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vastelling bindend word	Daarna	Gedurende die eerste 12 maande nadat hierdie Vastelling bindend word	Daarna
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
(i) Wag.....	55,20	60,60	50,40	55,20	45,60	49,80	43,80	48,00	41,40	45,60
(ii) Sanitasiewerker	48,40	53,20	44,20	48,40	40,00	43,70	38,40	42,10	36,50	40,00
(iii) Deeltydse skoonmaker	27,60	30,30	25,20	27,60	22,80	24,90	21,90	24,00	20,70	22,80
(iv) Werknemer (uitgesonderd 'n wag, 'n sanitasiewerker of 'n deeltydse skoonmaker)	46,00	50,50	42,00	46,00	38,00	41,50	36,50	40,00	34,50	38,00
	The Magisterial Districts of Alberton, Bellville, Benoni, Boksburg, Brakpan, Durban, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Krugersdorp, Kuils River, Nigel, Oberholzer, Paarl, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Rodepoort, Simon's Town, Springs, The Cape, Uitenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom and Wynberg, and the municipal area of Sasolburg		The Magisterial Districts of Bloemfontein, East London, Klerksdorp, Odendaarsrus, Pietermaritzburg, Virginia and Welkom, and the municipal areas of Kimberley, Potchefstroom, Somerset West, Stellenbosch, Strand and Witbank		The Magisterial Districts of George, Highveld Ridge, Oudtshoorn and Wellington; those portions of the Magisterial Districts of Somerset West, Stellenbosch and Strand falling outside the municipal areas of Somerset West, Stellenbosch and Strand, respectively; and the municipal areas of Brits, Fochville, Kroonstad, Newcastle and Worcester		The Magisterial Districts of Knysna and Mossel Bay (excluding the village area of Herbertsdale), and the municipal areas of Bethlehem, Ladysmith, Middelburg (Tvl), Nelspruit, Pietersburg, Rustenburg and Upington		The Magisterial District of Port Shepstone, and the municipal areas of Empangeni, Ermelo, Grahamstown, Harrismith, Lichtenburg, Potgietersrus and Richards Bay	
	During the first 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	Thereafter	During the first 12 months after this Determination becomes binding	Thereafter
	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R	Per week R
(i) Watchman.....	55,20	60,60	50,40	55,20	45,60	49,80	43,80	48,00	41,40	45,60
(ii) Sanitary worker	48,40	53,20	44,20	48,40	40,00	43,70	38,40	42,10	36,50	40,00
(iii) Part-time cleaner	27,60	30,30	25,20	27,60	22,80	24,90	21,90	24,00	20,70	22,80
(iv) Employee (other than a watchman, a sanitary worker or a part-time cleaner)	46,00	50,50	42,00	46,00	38,00	41,50	36,50	40,00	34,50	38,00

(b) *Los werknemers.*—Vir elke dag of gedeelte van 'n dag diens, uitgesonderd diens op 'n openbare feesdag soos omskryf op 'n Sondag, minstens—

(i) een vyfde, indien die maksimum voorgeskrewe gewone werkure van sodanige werknemer nege en 'n kwart is;

(ii) een sesde, indien sodanige maksimum agt en 'n half is;

van die weekloon voorgeskryf vir 'n werknemer in dieselfde gebied wat dieselfde klas werk verrig as dié wat van die los werknemer vereis word, *plus 10 persent*: Met dien verstande dat 'n werkgewer aan 'n los werknemer wat op enige dag gewerk het of beskikbaar was vir werk waarvoor hy in diens geneem is maar wat hy verhinder was om te verrig weens omstandighede buite sy beheer, minstens sy dagloon moet betaal, afgesien daarvan of hy op dié dag nege en 'n kwart of agt en 'n half uur, na gelang van die geval, of minder gewerk het of aldus vir die werk beskikbaar was: Voorts met dien verstande dat as van hom vereis was om te werk of om aldus beskikbaar te wees vir minder as vier agtereenvolgende ure op enige dag, sy loon met hoogstens 50 persent ten opsigte van sodanige dag verminder kan word.

(2) *Kontrakgrondslag.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens 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) *Differensiële loon.*—'n Werkgewer wat van 'n lid van een klas van sy werknemers vereis of hom toelaat om langer as altesaam een uur op 'n dag of benewens sy eie werk of in die plek daarvan, werk van 'n ander klas te verrig waarvoor 'n hoër loon as dié van sy eie klas by subklousule (1) voorgeskryf word, moet ten opsigte van daardie dag aan sodanige werknemer betaal minstens die dagloon bereken teen die hoër tarief: Met dien verstande dat tensy daar in 'n skriftelike kontrak tussen die werkgewer en sy werknemer uitdruklik anders bepaal word, niks in hierdie vaststelling só uitgelê mag word dat dié die werkgewer belet om van sy werknemer te vereis om 'n ander klas werk te verrig waarvoor die voorgeskrewe loon dieselfde of laer is as dié wat vir so 'n werknemer voorgeskryf word nie;

(4) *Loonberekening.*—(a) Die uurloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur die getal 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, oorskryf nie.

(b) Die uurloon van 'n los werknemer is sy loon vir daardie dag gedeel deur die getal gewone ure wat hy op daardie dag gewerk het.

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

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

(5) *Fietstoelae.*—'n Werkgewer wat van 'n werknemer vereis of hom toelaat om by die uitvoering van sy pligte sy eie fiets te gebruik moet hom, benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens R2,00 per week of, as hy 'n los werknemer is, minstens 40 sent per dag betaal.

(6) *Nagwerktoelae.*—'n Werkgewer wat van sy werknemer vereis of hom toelaat om nagwerk te verrig, moet sodanige werknemer, benewens sy loon, 'n toelae betaal van nie minder nie as 10 persent van sy uurloon vir elke uur of gedeelte van 'n uur wat sodanige werknemer nagwerk gewerk het: Met dien verstande dat hierdie subklousule nie op 'n wag van toepassing is nie.

4. BETALING VAN BESOLDIGING

(1) *Werknemers, uitgesonderd los werknemers.*—Behoudens klousule 6 (4) moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks, tweewekliks 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 skofwerker, 'n werknemer op nagwerk of 'n werknemer werksaam in 'n deurlopende bedrywigheid, op 'n tyd waarvoor sodanige werknemer en sy werkgewer 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 koevert of houer wees waarop of wat vergesel gaan van 'n staat waarop die volgende vermeld word:

- Die werkgewer se naam;
- die werknemer se naam of sy nommer op die betaalstaat en sy klas;
- die tydperk waarvoor die betaling geskied;
- die getal gewone werkure wat die werknemer gewerk het;
- die getal ure wat die werknemer gedurende daardie tyd oortyd gewerk het;
- die getal ure wat die werknemer op 'n Sondag, of 'n openbare feesdag soos omskryf gewerk het;
- die werknemer se loon;

(b) *Casual employees.*—For each day or part of a day of employment, other than employment on a public holiday as defined or on a Sunday, not less than—

(i) one fifth, if the maximum prescribed ordinary hours of work of such employee is nine and a quarter;

(ii) one sixth, if such maximum is eight and a half;

of the weekly wage prescribed for an employee in the same area who performs the same class of work as the casual employee is required to do, *plus 10 per cent*: Provided that where on any day a casual employee has worked or stood by for the work for which he was engaged and which work he was precluded from doing through 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 nine and a quarter or eight and a half hours as the case may be: Provided further that if he was required to work or so stand by for less than four consecutive 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 casual 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) *Differential wage.*—An employer who requires or permits a member of one class of his employees to perform for longer than one hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which a wage higher than that of his own class, is prescribed in subclause (1), shall pay to such employee in respect of that day not less than the daily wage calculated at the higher rate: Provided that unless expressly otherwise provided in a written contract between an employer and his employee, nothing in this determination shall be so construed as to preclude an employer from requiring his employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee.

(4) *Calculation of wages.*—(a) The hourly wage of an employee, other than a casual employee, shall be his weekly wage divided by the number of 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 hourly wage of a casual employee shall be his wage for that day divided by the number of ordinary hours worked by him on such day.

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

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

(5) *Bicycle allowance.*—An employer who requires or permits 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 R2,00 per week, or, if the employee is a casual employee, not less than 40c per day.

(6) *Night work allowance.*—An employer who requires or permits an employee to do night work shall pay him, in addition to his wage, an allowance of not less than 10 per cent of his hourly wage for each hour or part of an hour worked by him on night work: Provided that this subclause shall not apply to a watchman.

4. PAYMENT OF REMUNERATION

(1) *Employees other than casual employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a casual 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 a shift worker, an employee performing night work or an employee employed in a continuous activity, at a time agreed upon between such employee and his employer, which time shall be during the usual office hours of the establishment but not later than 24 hours after the usual pay-day) or on termination of employment if this takes place before the usual pay-day, and such amount shall be contained in a sealed envelope or container on which shall be recorded, or which shall be accompanied by a statement showing—

- the employer's name;
- the employee's name or his number on the pay-roll and his class;
- the period in respect of which payment is made;
- the number of ordinary hours of work worked by the employee;
- the number of overtime hours worked by the employee in that period;
- the number of hours worked by the employee on a Sunday or a public holiday as defined;
- the employee's wage;

(h) besonderhede van enige ander besoldiging wat uit die werknemer se diens voortspruit;

(i) besonderhede van enige bedrag wat afgetrek is; en

(j) die netto bedrag wat aan die werknemer betaal word;

en sodanige koevert 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 koevert 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) *Los werknemers.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is, by die beëindiging van sy diens in kontant aan hom betaal, maar minstens een maal per week.

(3) *Premies.*—Behoudens die bepalinge van enige ander wet mag geen bedrag reëlsreeks of onreëlsreeks deur 'n werkgever van of ten behoeve van sy 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 enige iemand anders of op 'n plek deur hom aangewys, aan te neem nie.

(6) *Aftekings.*—'n Werkgever mag sy werknemer geen boetes ople 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 ledegeld 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 of rantsoene	3,00	13,00
(iii) Etes of 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 los werknemer of 'n deeltydse skoonmaker) 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 handelsslapte of 'n tekort aan grondstowwe ontstaan, geskied nie tensy die werkgever sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(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 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 sy 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);

(h) details of any other remuneration arising out of the employee's employment;

(i) details of any deductions made; and

(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 posted in some conspicuous place in the establishment, 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) *Casual employees.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment, but at least once a week.

(3) *Premiums.*—Subject to the provisions of any other act, 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 that 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) Consolidated Act, 1945, an employer shall not require his employee to accept accommodation, meals or rations from him or from any person or at any place nominated by him.

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

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

(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 or rations	3,00	13,00
(iii) Meals or rations and accommodation	4,50	19,50

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction not exceeding the amount of the employee's (other than a casual employee's or a part-time cleaner's) hourly wage in respect of each hour of such reduction. Provided that—

(i) such deduction shall not exceed one third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;

(ii) no deduction shall be made in the case of short-time arising out of slackness of trade or 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 or a breakdown of plant or machinery or because the buildings are unfit for use or are in danger of becoming unfit for use, 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);

(g) met die skriftelike toestemming van sy werknemer, die bedrag van enige lening of voorskot aan die werknemer toegestaan: Met dien verstande dat enige aftrekking vir die verhaal van sodanige lening of voorskot nie een derde van die werknemer se totale besoldiging wat op die betrokke betaal-deen aan hom verskuldig is, mag oorskry nie: Voorts met dien verstande dat geen sodanige aftrekking gemaak mag word nie gedurende enige tydperk waartydens die werknemer se loon kragtens paragraaf (e) verminder word.

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

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

(a) 'n loswerknemer 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 deeltydse skoonmaker—

(i) 24 in 'n week vanaf Maandag tot en met Saterdag; en
(ii) behoudens subparagraaf (i), vyf op enige dag;

(c) 'n wag—

(i) 60 'n in week vanaf Maandag tot en met Saterdag; en
(ii) behoudens subparagraaf (i), in die geval van 'n 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;

(d) 'n skofwerker—

(i) 46 in 'n week vanaf Maandag tot en met Saterdag; en
(ii) behoudens subparagraaf (i), agt op enige dag;

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

(ab) meer as vyf dae in 'n week werk, agt op enige 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) *Etenspouse.*—'n Werkgewer mag nie van sy 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 werkgewer met sy werknemer ooreen kan kom om die duur van sodanige pouse tot minstens 'n halfuur te verkort, en in dié geval en nadat die werkgewer die Afdelingsinspekteur, Departement van Mannekrag, vir sy gebied skriftelik in kennis gestel het van sodanige ooreen-koms, kan die pouse aldus verkort word;

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

(iii) as sodanige pouse langer as een uur duur, uitgesonderd waar voorbehoedsbepaling (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 werkgewer vereis word om op 'n dag 'n tweede etenspouse aan 'n werknemer toe te staan, sodanige pouse tot minstens 15 minute verkort mag word;

(vi) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik betrokke is by die skoonmaak van persele of lewende hawe versorg, waar 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) *Werkure moet agtereenvolgend wees.*—Behoudens subklousule (2), moet alle werkure van 'n werknemer op elke dag agtereenvolgend wees.

(4) *Beperking van oortydwerk.*—'n Werkgewer mag nie van sy 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 loswerknemer, drie uur op 'n dag;

(b) '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) *Betaling vir oortydwerk.*—'n Werkgewer moet sy werknemer wat oortyd werk, betaal teen minstens, in die geval van—

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

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

(g) with the written consent of the employee, a deduction of any amount loaned or advanced to him by the employer: Provided that any deduction for the repayment of such loan or advance shall not exceed one third of the total remuneration due to the employee on the pay-day concerned: Provided further that no such deduction shall be made in respect of any period during which the employee's wage is reduced in terms of paragraph (e).

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 casual 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;

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

(b) a part-time cleaner—

(i) 24 in any week from Monday to Saturday, inclusive; and

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

(c) a watchman—

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

(ii) subject to subparagraph (i), in the case of a 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;

(d) a shift worker—

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

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

(e) 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 when proviso (i) or (vi) 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 worked 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 or tending animals, 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) *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.

(4) *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 does not exceed, in the case of—

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

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

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

(5) *Payment for overtime.*—An employer shall pay an employee who works overtime at a rate of not less than, in the case of—

(a) a casual employee, one and a third times his hourly wage in respect of the total period so worked by such employee on any day;

(b) 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.

(6) *Werkspreading*.—Geen werkgever mag vereis of toelaat dat sy werknemer 'n werkspreading van meer as 12 uur werk nie: Met dien verstande dat as daar oortyd gewerk word bedoelde maksimum werkspreading verleng kan word in die mate waarin die gewone werkure van die betrokke werknemer in subklousule (1) vermeld plus die oortyd deur hom gewerk wat nie die maksimum daaglikse oortyd vermeld in subklousule (4) oorskry nie plus die tyd opgeneem deur 'n etenspouse wat die werknemer kragtens subklousule (2) vergun word, 12 uur gedurende 'n dag oorskry.

(7) *Voorbehoudsbepalings*.—(a) Subklousules (1), (2) en (3) is nie op 'n werknemer wat in 'n aanenlopende bedrywigheid werksaam is van toepassing nie.

(b) Subklousules (2), (3), (4) en (6) is nie van toepassing nie op 'n werknemer terwyl hy noodwerk verrig.

(c) Subklousules (2) en (6) is nie van toepassing nie op 'n sanitasiewerker of 'n wag.

(d) Subklousule (4) is nie van toepassing nie op 'n werknemer wat by bunkerwerk betrokke is.

6. JAARLIKSE VERLOF

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

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

(i) op hoogstens vyf dae in 'n week werk, 15 agtereenvolgende werkdae;

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

(b) 'n wag wie se gewone werkure 48 in 'n week oorskry en wat gewoonlik—

(i) op hoogstens vyf dae in 'n week werk, 20 agtereenvolgende werkdae;

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

(c) enige ander werknemer wat gewoonlik—

(i) op hoogstens vyf dae in 'n week werk, 15 agtereenvolgende werkdae;

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

moet die werknemer die verlof neem en moet sy werkgever hom ten opsigte van sodanige verlof betaal, in die geval van—

(aa) 'n werknemer in paragraaf (a) of (c) bedoel, 'n bedrag van minstens driemaal 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 voltooië 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 werkgever 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 werkgever en sy werknemer voor die verstryking van genoemde tydperk van vier maande skriftelik daartoe ooreengekom het, die werkgever 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 werkgever al die dae geleentheidsverlof wat op die skriftelike versoek van 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 die werkgever toelaat dat die verlof oor 'n tydperk van hoogstens 24 maande diens oploop: 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

(ii) die werkgever die datum van ontvangs van sodanige versoek daarop aanbring en dit onderteken en die versoek tot minstens na verstryking van die verloftydperk bewaar.

(6) *Spread-over*.—No employer shall require or permit an employee to work a spread-over of more than 12 hours: Provided that if overtime is worked the said maximum spread-over may be extended to the extent to which the ordinary hours of work mentioned in subclause (1), plus any overtime worked by him which does not exceed the maximum daily overtime mentioned in subclause (4) plus the time taken up by a meal interval which the employee is allowed in terms of subclause (2), exceed 12 hours during any day.

(7) *Savings*.—(a) Subclauses (1), (2) and (3) shall not apply to an employee engaged in a continuous activity.

(b) Subclauses (2), (3), (4) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) Subclauses (2) and (6) shall not apply to a sanitary worker or a watchman.

(d) Subclause (4) shall not apply to an employee employed in bunkering work.

6. ANNUAL LEAVE

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

(a) a watchman whose ordinary 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 work days' leave;

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

(b) a watchman whose ordinary hours of work exceed 48 in a week and who normally works on—

(i) not more than five days in a week, 20 consecutive work days' 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 him in respect of such leave, in due care 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 piecework shall be deemed to 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 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 any period—

(i) during which an employee is absent on sick leave in terms of clause 7 or owing to incapacity in the circumstances set out in clause 7 (4) (a) or (b) amounting in the aggregate to not more than 10 weeks in any period of 12 months;

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

(iii) during which the employee is doing 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 12 months 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) the date of 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.

7. SIEKTEVERLOF

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

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

(b) enige ander werknemer, altesaam minstens 36 werkdae;

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 on 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 werkgewer 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 werkgewer 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 werkgewer ingevolge enige wet gelde vir mediese- of hospitaalbehandeling ten opsigte van sy werknemer moet betaal en sodanige gelde wel betaal, die bedrag wat aldus betaal is, afgetrek kan word vir 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 deur hom gewerk is, vir die aantal voltooide weke wat hy gewerk het.

(2) 'n Werkgewer kan, as 'n opskortende voorwaarde vir die betaling, deur hom, van 'n bedrag wat sy werknemer kragtens hierdie klousule eis ten opsigte van enige afwesigheid van sy werk—

(a) vir langer as twee agtereenvolgende werkdae; of

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

van sy werknemer vereis om 'n sertifikaat voor te lê wat deur 'n geregistreerde mediese praktisyn onderteken is en waarin die aard en duur van die werknemer se ongeskiktheid vermeld word: Met dien verstande dat, wanneer die 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 werkgewer 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 30 weke in enige siklus van 36 maande wat 'n werknemer afwesig is—

(aa) met verlof ingevolge klousule 6;

(ab) op las of versoek van sy werkgewer;

(ac) met siekteverlof ingevolge subklousule (1) of weens ongeskiktheid in die omstandighede uiteengesit in subklousule (4);

(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 werkgewer 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 Ongevalwet, 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.

7. SICK LEAVE

(1) Subject to subclause (2), and employer shall grant to his employee, other than a casual 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 the first such 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 at the wage rate to which he was entitled at the commencement of such incapacity, to the extent to which the sick leave due to him at the time of such expiration or termination has not been taken;

(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 in piece-work for any period of absence on sick leave in terms of this clause shall be calculated on the basis of not less than 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 may, during the period of eight weeks immediately succeeding the last such occasion, require him to produce such a certificate in respect of any absence.

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

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

(i) any period amounting in the aggregate, in any cycle of 36 months, to not more than 30 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) or owing to incapacity in the circumstances set out in subclause (4);

(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 period of 12 months' 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 an employee during such period shall be deemed to have been granted under this determination;

(b) "incapacity" means inability to work owing to any sickness or injury, other than sickness or injury caused by an employee's own misconduct: Provided that any such inability to work, caused by an accident or a scheduled disease 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 werkgewer bydraes 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 werkgewer 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 los 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 werkgewer 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 los 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 werkgewer 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 los 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 sy werkgewer 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 los 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 los werknemer of 'n werknemer wat in 'n aaneenlopende bedrywigheid werksaam is op 'n Sondag werk, moet sy werkgewer 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 of 'n bedrag bereken teen 'n skaal van dubbel sy loonskaal ten opsigte van die volle tyd deur hom op daardie Sondag gewerk, of '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.

(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 employer 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 casual 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 not be 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 casual employee, works on a public holiday as defined and such day falls on a day which otherwise is an ordinary work 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 have 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 casual 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 is not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a work 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 work 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 work day.

(d) Whenever an employee, other than a casual employee, works on a public holiday as defined and such day 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 (d), whenever an employee, other than an employee engaged in a continuous activity or a casual employee, 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 weekday; 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 weekday, 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) *Vergoeding aan 'n los werknemer vir werk op 'n openbare feesdag of Sondag.*—Wanneer 'n los werknemer op 'n openbare feesdag soos omskryf of 'n Sondag werk, moet sy werkgever hom ten 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 van toepassing is op 'n werknemer wat in 'n aaneenlopende bedrywigheid werksaam is nie en vir die doeleindes van hierdie subklousule 'n los 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 los 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 Los werknemer moet uitbetaal word soos in klousule 4 (2) bepaal.

9. STUKWERK

(1) 'n Werkgever 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 werkgever moet, behoudens klousule 4 (6), sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tariewe wat ooreenkomstig sodanige stelsel van toepassing is. Met dien verstande dat die werkgever, ongeag die hoeveelheid werk wat verrig is, sodanige werknemer moet betaal, in die geval van—

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

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

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

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

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

10. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE

'n Werkgever 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 sinderlike toestand hou; en alle sodanige uniforms, oorpakke, rubberstewels of ander beskermende klere bly die eiendom van die werkgever.

11. VERBOD OP INDIENSNEEMING

'n Werkgever 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 Werkgever of sy werknemer, uitgesonderd 'n los werknemer, wat die dienskontrak wil beëindig, moet—

(a) gedurende die eerste vier weke diens, minstens een werkdag;

(b) na die eerste vier weke diens, minstens een week 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;

(3) *Compensation to a casual employee for work on a public holiday or a Sunday.*—Whenever a casual employee works on a public holiday as defined or on a Sunday, his employer shall pay him in respect of that day an 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 an employee employed in a continuous activity and, for the purposes of this subclause, a casual employee in an establishment in which the employees normally work on—

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

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

(4) *Compensation for work partly on a public holiday or 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 purposes of calculating the compensations payable to such employee, be deemed to have been worked on the day on which the major portion of such period falls.

(5) Remuneration payable in terms of this clause to an employee, other than a casual 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 casual 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 casual 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) a casual 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 every 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 piecework 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 in this clause, an employer shall not be required to give a casual 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.

11. PROHIBITION OF EMPLOYMENT

An employer shall not employ any person under the age of 15 years or 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 casual employee, who desires to terminate the contract of employment, shall give—

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

(b) after the first four weeks of employment, not less than one week's, notice of termination of contract, 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) een week kennisgewing, minstens die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat—

(aa) die reg van die werkgewer of sy werknemer om die kontrak op 'n regsgeldige grond sonder kennisgewing te beëindig;

(ab) 'n skriftelike ooreenkoms tussen die werkgewer en sy werknemer waarin voorsiening gemaak word vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat in hierdie klousule voorgeskryf 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 sy werknemer op die datum van die beëindiging verminder is deur aftrekkings ten opsigte van korttyd en die werkgewer hom betaal in plaas van kennis te gee, die uitdrukking "ten tyde van sodanige beëindiging ontvang" geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen bedrag weens korttyd afgetrek was nie".

(2) Indien daar 'n ooreenkoms ingevolge 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) voorgeskryf, moet op 'n werk-dag 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 werkgewer;

(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 werkgewer skriftelik daarmee akkoord gaan.

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

13. DIENSSERTIFIKAAT

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

DIENSSERTIFIKAAT

Ek wat die
bedryf beoefen te
verklaar hierby dat (Identiteitsnommer)
in my diens was vanaf die dag van 19
tot die dag van 19 as (*)

By diensbeëindiging was hierdie werknemer se loon R.

Handtekening van werkgewer of gemagtigde verteenwoordiger

Datum

14. BYWONINGSREGISTER

(1) 'n Werkgewer moet in sy bedryfsinrigting 'n bywoningsregister wat wesenlik die onderstaande vorm het, voorsien, waarin hy in ink of inktlood die naam en klas van elke van sy werknemers moet aanteken, en indien sodanige werknemer nie in staat is om te skryf nie, moet sy werkgewer namens hom vir elke dag gewerk en op daardie dag die vereiste inskrywings ten opsigte van punte (i) tot en met (vi) van subklousule (3) (a) maak, en sodanige inskrywings onderteken.

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

(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 the 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 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 so 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 grounds of desertion or where the employee is a casual employee, the employer shall, upon termination of any contract of employment, furnish the employee with a certificate of service substantially in the following form, showing the full names of the employer and of the employee, the class of the employee, the date of commencement and the date of termination of the contract and the weekly wage of the employee on the date of such termination.

CERTIFICATE OF SERVICE

I
carrying on trade in the trade at
hereby certify that (identity number)
was employed by me from the day
of 19 to the day
of 19 as (*)

At the termination of employment this employee's wage was R.

Signature of employer or 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 an 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 (i) to (vi) inclusive of subclause (3) (a), and sign such entries.

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

BYWONINGSREGISTER

(Naam van werknemer)

(Klas van werknemer)

Inskrywings moet deur werknemer gemaak word

Opmerkings (as daar is)

Jaar..... Maand.....		Tyd waarop werk be- gin word	Pouses van diens af						Tyd waarop werk be- ëindig word	Oortyd gewerk		Totale aantal ure		Hand- tekening	Deur werk- nemer	Deur werkgever as werknemer afwesig is; rede daarvoor (moet deur werkgever onderteken word)	Deur inspekteur
Datum	Dag van week		Af	Aan	Af	Aan	Af	Aan		Aan	Af	Elke dag	Elke week				
1																	
2																	
3																	
4																	
5																	
6																	
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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)

Year..... Month.....		Entries to be made by employee										Remarks (if any)						
Date	Day of week	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	
			Off	On	Off	On	Off	On		On	Off	Each day	Each week					
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Note.—Under the headings "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) '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

(3) Tensy hy deur onvermydelike oorsaak verhinder word om dit te doen, moet 'n werknemer ten opsigte van elke dag deur hom gewerk en op daardie dag—

(a) in die bywoningsregister bedoel in subklousule (1) in ink of inktlood aanteken:

- Die dag van die week;
- die tyd waarop hy begin werk het;
- die tyd waarop alle etens- en ander pouses wat nie as gewone werkkure gereken word nie, begin en geëindig het;
- die tyd waarop werk vir die dag beëindig is;
- die tyd waarop oortyd gewerk vir die dag begin en beëindig is;
- die totale aantal ure gewerk vir die dag;
- sy handtekening;

(b) in 'n bedryfsinrigting waarin 'n halfoutomatiese tydregistreerder verskaf word, inskrywings deur middel van sodanige toestel op 'n kaart maak wat ingevolge subklousule (2) verskaf word om aan te toon:

- Die tydstop waarop hy begin werk het;
- die tydstop waarop elke etens- of ander pouse wat nie as gewone werkkure gereken kan word nie, 'n aanvang neem en eindig; en
- die aflooptyd van sy werk vir die dag.

(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 19 van die Loonwet, 1957, vervang die Loonvasstelling in die bostaande Bylae die volgende Loonvasstellings:

378, gepubliseer by Goewermentskennisgewing R. 409 van 9 Maart 1979, soos gewysig by Goewermentskennisgewings R. 2217 van 23 Oktober 1981, R. 652 van 8 April 1982 en R. 1916 van 10 September 1982,

379, gepubliseer by Goewermentskennisgewing R. 411 van 9 Maart 1979, soos gewysig by Goewermentskennisgewing R. 2218 van 23 Oktober 1981, R. 653 van 8 April 1982, R. 1747 van 20 Augustus 1982 en R. 1917 van 10 September 1982.]

No. R. 2125

21 September 1984

LOONWET, 1957

LOONVASSTELLINGS 380, 381 EN 382:
ONGESKOOLDE ARBEID

Die Minister van Mannekrag is van voornemens om kragtens artikel 16 van die Loonwet, 1957, die volgende Loonvasstellings in te trek:

380, gepubliseer by Goewermentskennisgewing R. 413 van 9 Maart 1979, soos gewysig by Goewermentskennisgewings R. 2219 van 23 Oktober 1981, R. 654 van 8 April 1982, R. 1748 van 20 Augustus 1982, R. 1918 van 10 September 1982 en R. 1653 van 29 Julie 1983,

(2) An employer may, instead of an attendance register, provide a semi-automatic time recorder 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 and 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 ended 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

(3) Unless prevented from doing so by unavoidable cause, an employee shall in respect of each day worked by him and on that day—

(a) record in ink or indelible pencil in such attendance register referred to in subclause (1):

- The day of the week;
- the time he commenced work;
- the time of commencement and termination of all meal or other intervals which are not reckonable as ordinary hours of work;
- the time of finishing work for the day;
- the time of commencement and termination of overtime worked for the day;
- the total number of hours worked for the day; and
- his signature

(b) in an establishment where a semi-automatic time recorder is provided, make an entry by means of such recorder on a card supplied in terms of subclause (2) to show the following:

- The time he commenced work;
- the time of commencement and termination of all meal and other intervals which are not reckonable as ordinary hours of work; and
- the time of finishing work for the day.

(4) An employer shall retain such attendance register or cards, 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 Wage Determination in the above Schedule supersedes the following Wage Determinations:

378, published under Government Notice R. 409 of 9 March 1979, as amended by Government Notices R. 2217 of 23 October 1981, R. 652 of 8 April 1982 en R. 1916 van 10 September 1982,

379, published under Government Notice R. 411 of 9 March 1979, as amended by Government Notices R. 2218 of 23 October 1981, R. 653 of 8 April 1982, R. 1747 of 20 August 1982 and R. 1917 of 10 September 1982.]

No. R. 2125

21 September 1984

WAGE ACT, 1957

WAGE DETERMINATIONS 380, 381 AND 382:
UNSKILLED LABOUR

The Minister of Manpower proposes, in terms of section 16 of the Wage Act, 1957, to cancel the following Wage Determinations:

380, published under Government Notice R. 413 of 9 March 1979, as amended by Government Notices R. 2219 of 23 October 1981, R. 654 of 8 April 1982, R. 1748 of 20 August 1982, R. 1918 of 10 September 1982 and R. 1653 of 29 July 1983,

381, gepubliseer by Goewermentskennisgewing R. 415 van 9 Maart 1979, soos gewysig by Goewermentskennisgewings R. 2220 van 23 Oktober 1981, R. 655 van 8 April 1982, R. 1749 van 20 Augustus 1982 en R. 1919 van 10 September 1982,

382, gepubliseer by Goewermentskennisgewing R. 417 van 9 Maart 1979, soos gewysig by Goewermentskennisgewings R. 2221 van 23 Oktober 1981, R. 656 van 8 April 1982, R. 1750 van 20 Augustus 1982, R. 1920 van 10 September 1982 en R. 1654 van 29 Julie 1983.

Enige persoon wat kommentaar oor die voorgestelde in-trekking wil lewer, moet sodanige kommentaar binne 30 dae vanaf die publikasie hiervan aan die Direkteur-generaal: Mannekrag, Privaatsak X117, Pretoria, 0001, voorlê.

381, published under Government Notice R. 415 of 9 March 1979, as amended by Government Notices R. 2220 of 23 October 1981, R. 655 of 8 April 1982, R. 1749 of 20 August 1982 and R. 1919 of 10 September 1982,

382, published under Government Notice R. 417 of 9 March 1979, as amended by Government Notices R. 2221 of 23 October 1981, R. 656 of 8 April 1982, R. 1750 of 20 August 1982, R. 1920 of 10 September 1982 and R. 1654 of 29 July 1983.

Any person who desires to comment on the proposed cancellation must submit such comments within 30 days from the date of publication hereof to the Director-General: Manpower, Private Bag X117, Pretoria, 0001.

Maak uself asseblief deeglik vertrouwd met die "Voorwaardes vir Publikasie" van wetlike kennisgewings in die *Staatskoerant*, asook met die nuwe tariewe wat daarmee in verband staan

Please, acquaint yourself thoroughly with the "Conditions for Publication" of legal notices in the *Government Gazette*, as well as the new tariffs in connection therewith

Werk mooi daarmee.

Ons leef  daarvan.

water is kosbaar

Use it.

Don't abuse  it.

water is for everybody

INHOUD

<i>No.</i>		<i>Bladsy No.</i>	<i>Staats- koerant No.</i>
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Mannekrag, Departement van			
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