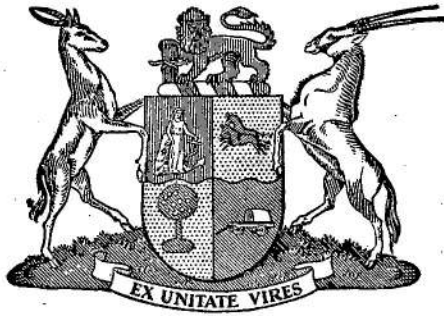


EXTRAORDINARY



11/15  
BUITENGEWONE

THE UNION OF SOUTH AFRICA

# Government Gazette

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## Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTMENT OF LABOUR.

DEPARTEMENT VAN ARBEID.

The following Bill is published for general information.

Onderstaande Wetsontwerp word ter algemene inligting gepubliseer.

# BILL

To provide for the prevention and settlement of native labour disputes and for the regulation of conditions of employment of natives; to amend the Industrial Conciliation Act, 1937, and to provide for other incidental matters.

(To be introduced by the MINISTER OF LABOUR.)

**BE IT ENACTED** by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

## Definitions.

1. In this Act the expression "the Wage Act" means the Wage Act, 1937 (Act No. 44 of 1937), and, unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned, bears, when used in this Act, the same meaning; further, unless the context otherwise indicates—

- (i) "board" means the central native labour board established under section *three*; (xi) 10
- (ii) "employee" means an employee who is a native; (xvi)
- (iii) "employer" means an employer of natives; (xv)
- (iv) "European" means a white person as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (iii) 15
- (v) "labour dispute" means any dispute between an employer or employers on the one hand and any two or more employees of such employer or employers on the other hand in connection with the employment or the conditions of employment of or refusal to re-employ any native, whether he is or was employed by the employer with whom the dispute arises or not, but shall not include—
  - (a) a dispute in regard to the termination of, or any other matter connected with, the employment of 25 an individual employee, unless in the opinion of the Minister a matter of principle is involved;
  - (b) a dispute in connection with the interpretation of any provision of this Act or of any order which is binding under this Act, or with any other 30 question of law; or
  - (c) a dispute arising during the period of operation of any order or any agreement negotiated by an industrial council or any award made in terms of War Measure No. 145 of 1942 (Proclamation 35 No. 318 of 1942), or any determination made under the Wage Act or under section *thirteen* of the Native Building Workers Act, 1951 (Act No. 27 of 1951), if such order, agreement, award or determination is binding upon the employers 40 and employees concerned and contains provisions dealing with the matter in dispute and (in the case of any such agreement) has been the subject of a report under sub-section (4) of section *eight* conveying the concurrence of the board 45 in the conditions of employment specified in that agreement and (in the case of any such determination) has been in operation for a period not exceeding two years; (ii)
- (vi) "Minister" means the Minister of Labour; (vi) 50
- (vii) "native" means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa; (vii)
- (viii) "native commissioner" means a native commissioner appointed in terms of section *two* of the Native 55 Administration Act, 1927 (Act No. 38 of 1927), and includes an additional and an assistant native commissioner; (ix)
- (ix) "native labour officer" means a native labour officer appointed in terms of section *seven*; (viii) 60

# WETSONTWERP

Om voorsiening te maak vir die voorkoming en beslegting van natuurle-arbeidsgeskille en vir die reëling van diensvoorwaardes van naturelle; tot wysiging van die Nywerheids- versoeningswet, 1937, en om voorsiening te maak vir ander sake wat daarmee in verband staan.

(Deur die MINISTER VAN ARBEID ingedien te word.)

**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken die uitdrukking „die Loonwet”, die Woordbepaling.  
 5 Loonwet, 1937 (Wet No. 44 van 1937), en tensy uit die samehang anders blyk, het enige uitdrukking waaraan in daardie Wet ’n betekenis toegeskryf is, dieselfde betekenis waar dit in hierdie Wet gebesig word; voorts, tensy uit die samehang anders blyk, beteken—
- 10 (i) „amptenaar”, ’n amptenaar op die vaste diensstaat van die Staatsdiens; (x)  
 (ii) „arbeidsgeskil”, ’n geskil tussen ’n werkgewer of werkgewers aan die een kant en twee of meer werknemers van daardie werkgewer of werkgewers aan die ander  
 15 kant, in verband met die indiënsneming of die diensvoorwaardes of weiering van herindiënsneming van ’n naturel, hetsy hy in diens is of was by die werkgewer met wie die geskil ontstaan, al dan nie, maar nie ook—
- 20 (a) ’n geskil in verband met die beëindiging van of enige ander aangeleentheid met betrekking tot die diens of indiënsneming van ’n enkele werknemer nie, tensy na die mening van die Minister ’n beginselsaak betrokke is;  
 25 (b) ’n geskil in verband met die uitleg van ’n bepaling van hierdie Wet of ’n order wat kragtens hierdie Wet bindend is of ’n ander regspraak nie; of  
 (c) ’n geskil wat ontstaan gedurende die tydperk waarvoor ’n order of ’n ooreenkoms deur ’n  
 30 nywerheidsraad tot stand gebring of ’n uitspraak kragtens Oorlogsmaatreël No. 145 van 1942 (Proklamasie No. 318 van 1942), gegee of ’n vasstelling kragtens die Loonwet of kragtens artikel dertien van die Wet op Naturellebouwerkers, 1951  
 35 (Wet No. 27 van 1951), gemaak, van krag is nie, indien daardie order, ooreenkoms, uitspraak of vasstelling bindend is vir die betrokke werkgewers en werknemers en bepalings bevat wat handel oor die geskilpunt en (in die geval van so  
 40 ’n ooreenkoms) die onderwerp was van ’n verslag kragtens sub-artikel (4) van artikel agt waarby die raad sy instemming met die diensvoorwaardes in daardie ooreenkoms vermeld, te kenne gegee het, en (in die geval van so ’n vasstelling) nog  
 45 nie vir ’n langer tydperk as twee jaar van krag is nie; (v)
- (iii) „blanke”, ’n blanke soos in artikel een van die Bevolkingsregistrasie Wet, 1950 (Wet No. 30 van 1950), omskryf; (iv)  
 50 (iv) „hierdie Wet”, ook enige regulasie ingevolge daarvan uitgevaardig; (xv)  
 (v) „loonreëlende maatreël”, ’n ooreenkoms, kennisgewing of uitspraak wat ingevolge die Nywerheids- versoeningswet gepubliseer of gegee is of geag word gepubliseer of gegee te gewees het, ’n vasstelling wat  
 55 ingevolge die Loonwet gemaak is of geag word te gemaak gewees het, of ’n vasstelling wat ingevolge die Wet op Naturellebouwerkers, 1951 (Wet No. 27 van 1951), gemaak is; (xvi)
- 60 (vi) „Minister”, die Minister van Arbeid; (vi)  
 (vii) „naturel”, iemand wat ’n lid van ’n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaang; (vii)

- (x) "officer" means an officer on the fixed establishment of the public service; (i)
- (xi) "order" means an order made under sub-section (4) or (5) of section *ten*; (x)
- (xii) "prescribed" means prescribed by regulation; (xiv) 5
- (xiii) "regional committee" means a regional native labour committee established under section *four*; (xiii)
- (xiv) "regulation" means any regulation made under this Act; (xii)
- (xv) "this Act" includes any regulation made thereunder; 10 (iv)
- (xvi) "wage regulating measure" means any agreement, notice or award published or made or deemed to have been published or made under the Industrial Conciliation Act, any determination made or deemed to have 15 been made under the Wage Act, or any determination made under the Native Building Workers Act, 1951 (Act No. 27 of 1951). (v)

**Application  
of Act.**

2. (1) This Act shall, subject to the provisions of sub-section (2), apply to every trade or section of trade. 20

(2) This Act shall not apply to natives in respect of their employment in farming operations, or in domestic service in private households, nor to natives employed by the Government of the Union (including the Railway Administration) or a provincial administration, in respect of their employment 25 as such, nor to the performance of work in a charitable institution for which the persons performing it receive no remuneration, nor to work in or in connection with any university, college, school or other educational institution maintained wholly or partly from public funds as part of the education or training of the persons performing it, nor, subject to the provisions of sub-section (3), to natives employed in the gold or the coal mining industry. 30

(3) The Governor-General may, by proclamation in the *Gazette*, apply the provisions of this Act to natives in respect 35 of their employment in the gold or the coal mining industry in any area with effect from a date to be specified in such proclamation, and may in like manner amend or withdraw any such proclamation.

**Establishment  
of Central  
Native Labour  
Board.**

3. (1) As from a date to be fixed by the Governor-General 40 by proclamation in the *Gazette*, there shall be established a body to be known as the Central Native Labour Board to perform the duties and functions assigned to it under this Act and to advise the Minister of any matter which the Minister may refer to it or on which, in the opinion of the board, advice 45 should be submitted to the Minister in the interests of natives employed in any trade.

(2) The board shall consist of so many members as the Minister may determine from time to time, of whom—

- (a) one shall be a European appointed by the Minister 50 to be chairman of the board; and
- (b) the remaining members shall be appointed by the Minister after consultation with the regional committees and shall be Europeans who, in the opinion of the Minister, are competent to represent the interests of 55 employees.

(3) The Minister may from time to time appoint an officer in his department to be deputy-chairman of the board to act as chairman at any meeting of the board whenever the chairman is for any reason unable to act thereat, and shall assign to the 60 board an officer in his department to act as secretary to the board.

(4) Members of the board shall be appointed for such periods as may be specified by the Minister upon their appointment and shall, in the case of members who are not in the full-time 65 employment of the State, receive such remuneration or allowances as the Minister may from time to time after consultation with the Minister of Finance determine: Provided that the Minister may at any time cancel the appointment of any member of the board if in his opinion there are good grounds 70 for doing so.

(5) Any vacancy that occurs on the board shall be filled by the appointment of another member in accordance with the provisions of sub-section (2).

(6) The decision of the majority of the members of the board 75 appointed under paragraph (b) of sub-section (2) who are present at a meeting thereof, shall constitute a decision of the board: Provided that in the event of an equality of votes the person presiding at the meeting shall have a casting vote.

- (viii) „naturelle-arbeidsamptenaar”, ’n naturelle-arbeidsamptenaar kragtens artikel *sewe* aangestel; (ix)
- (ix) „naturellekommissaris”, ’n naturellekommissaris kragtens artikel *twee* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), aangestel, en ook ’n addisionele en assistent-naturellekommissaris; (viii)
- (x) „order”, ’n order kragtens sub-artikel (4) of (5) van artikel *tien* gemaak; (xi)
- (xi) „raad”, die kragtens artikel *drie* ingestelde Sentrale Naturelle-arbeidsraad; (i)
- (xii) „regulasie”, ’n regulasie kragtens hierdie Wet uitgevaardig; (xiv)
- (xiii) „streekskomitee”, ’n streekskomitee vir naturelle arbeid kragtens artikel *vier* ingestel; (xiii)
- (xiv) „voorgeskryf”, by regulasie voorgeskryf; (xii)
- (xv) „werkgewer”, ’n werkgewer van naturelle; (iii) en
- (xvi) „werknemer”, ’n werknemer wat ’n naturel is. (ii)

2. (1) Behoudens die bepalings van sub-artikel (2), is hierdie Wet van toepassing op elke bedryf of onderdeel van ’n bedryf. Toepassing van Wet.

(2) Hierdie Wet is nie op naturelle ten opsigte van hul diens in verband met boerderywerksaamhede of huishoudelike diens in private huishoudings van toepassing nie, nog op naturelle in diens van die Unie-regering (insluitende die Spoorweg-administrasie) of ’n provinsiale administrasie, ten opsigte van hulle diens as sulks, nog op die verrigting van werk in ’n liefdadigheidsinrigting waarvoor die persone wat dit verrig geen beloning ontvang nie, nog op werk in of in verband met ’n universiteit, kollege, skool of ander opvoedkundige inrigting wat geheel of gedeeltelik uit openbare fondse onderhou word as deel van die opvoeding of opleiding van die persone wat dit verrig, nog, behoudens die bepalings van sub-artikel (3), op naturelle in diens by die goud- of die steenkoolmynnywerheid.

(3) Die Goewerneur-generaal, kan by proklamasie in die *Staatskoerant*, die bepalings van hierdie Wet op naturelle ten opsigte van hul diens in die goud- of steenkoolmynnywerheid in enige gebied toepas met ingang vanaf ’n datum in daardie proklamasie bepaal, en kan so ’n proklamasie insgelyks wysig of herroep.

3. (1) Vanaf ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, word daar ’n liggaam met die naam van die Sentrale Naturelle-arbeidsraad ingestel om die pligte en werksaamhede ingevolge hierdie Wet aan die raad toegewys, te verrig en die Minister van advies te dien in verband met enige aangeleentheid wat die Minister na die raad mag verwys of in verband waarmee daar, volgens die raad se oordeel in die belang van naturelle in diens by enige bedryf, advies aan die Minister verstrek behoort te word. Instelling van Sentrale Naturelle-arbeidsraad.

(2) Die raad bestaan uit soveel lede as wat die Minister van tyd tot tyd mag bepaal, van wie—

- (a) een ’n blanke moet wees wat deur die Minister as voorsitter van die raad aangestel word; en
- (b) die ander lede deur die Minister na oorlegpleging met die streekskomitees aangestel word, en blankes moet wees wat na die mening van die Minister bevoeg is om die belange van werknemers te verteenwoordig.

(3) Die Minister kan van tyd tot tyd ’n amptenaar in sy departement as adjunk-voorsitter van die raad aanstel om as voorsitter by enige vergadering van die raad op te tree wanneer die voorsitter om een of ander rede nie aldaar kan optree nie, en moet aan die raad ’n amptenaar in sy departement toewys om as sekretaris van die raad op te tree.

(4) Lede van die raad word aangestel vir die tydperke deur die Minister by hul aanstelling vasgestel, en ontvang, in die geval van lede wat nie voltyds in diens van die Staat is nie, die besoldiging of toelaes wat die Minister van tyd tot tyd in oorlegpleging met die Minister van Finansies, bepaal: Met dien verstande dat die Minister te eniger tyd die aanstelling van ’n lid van die raad kan intrek indien na sy mening grondige redes daartoe bestaan.

(5) Enige vakature wat in die raad ontstaan moet deur die aanstelling van ’n ander lid ooreenkomstig die bepalings van sub-artikel (2) gevul word.

(6) Die beslissing van die meerderheid van die ingevolge paragraaf (b) van sub-artikel (2) aangestelde lede van die raad wat op ’n vergadering daarvan teenwoordig is, maak ’n besluit van die raad uit: Met dien verstande dat in geval van ’n staking van stemme, die persoon wat op die vergadering voorsit ’n beslissende stem het.

Establishment  
of regional  
native labour  
committees.

4. (1) The Minister may by notice in the *Gazette* establish a regional native labour committee in respect of any area, and may in like manner withdraw or amend any such notice.

(2) A regional committee shall consist of so many members not being less than four, as the Minister may from time to time determine, of whom—

- (a) one shall be a native labour officer appointed by the Minister to be chairman of the committee; and
- (b) the remaining members shall be natives appointed by the Minister to represent the interests of employees in the area in respect of which the committee has been established.

(3) The provisions of sub-sections (3) to (6) inclusive of section *three* shall *mutatis mutandis* apply in respect of a regional committee.

(4) A regional committee may for the purpose of dealing with any matter affecting employees in any trade, co-opt as members of such committee one or more natives to represent the interests of employees in such trade at meetings of the committee at which such matter is to be considered, and any member so co-opted shall for the purpose of such meetings be deemed to be a member of the committee.

Meetings of  
board and  
regional  
committees.

5. (1) The first meeting of the board or a regional committee shall be held at a time and place to be determined by the chairman thereof, and all subsequent meetings of the board or any such committee shall be held at such times and places as may be determined in accordance with rules made by the board or that committee, as the case may be.

(2) The board and any regional committee may make rules as to—

- (a) the calling and conduct of meetings of the board or such committee, and the quorum for and procedure at such meetings;
- (b) the admittance to meetings of the board or such committee of persons other than those entitled under this Act to be present thereat; and
- (c) such other matters as may be necessary or expedient for the proper functioning of the board or such committee.

(3) Any rules made under sub-section (2) shall be subject to the approval of the Secretary for Labour.

Duties and  
functions of  
regional  
committees.

6. (1) A regional committee shall, in the area in respect of which it has been established, endeavour to further the interests of natives in relation to their employment, and for that purpose shall—

- (a) maintain contact with employees with a view to keeping itself informed as to the conditions of employment of employees in its area generally and in particular trades;
- (b) from time to time submit reports to the inspector defined by regulation in regard to any labour disputes which may exist or are in the opinion of the committee likely to arise;
- (c) in accordance with the provisions of sub-section (2) of section *nine*, assist in the settlement of labour disputes; and
- (d) from time to time submit to the board reports in regard to such matters as may be referred to it by the board.

(2) Any such committee may for the purpose of carrying out its functions receive such representations from employers and employees and make such enquiries in regard to any matter within its purview as it may deem necessary.

(3) Whenever in respect of any area no regional committee is in existence or any such committee established in respect of any area is for any reason unable to carry out its functions, the functions of a regional committee in that area shall be performed by the inspector defined by regulation.

Appointment  
and duties of  
native labour  
officers.

7. (1) The Minister may appoint any officer as a native labour officer in respect of any area.

(2) Any such officer shall—

- (a) acquaint himself with the wishes, aspirations and requirements of employees in the area in respect of which he has been appointed;

4. (1) Die Minister kan by kennisgewing in die *Staatskoerant* ten opsigte van enige gebied 'n streekskomitee vir natuurle-arbeid instel, en kan so 'n kennisgewing insgelyks herroep of wysig. Instelling van streekskomitees vir natuurle-arbeid.
- 5 (2) 'n Streekskomitee moet bestaan uit soveel lede, maar minstens vier, as wat die Minister van tyd tot tyd mag bepaal, van wie—
- (a) een 'n natuurle-arbeidsamptenaar moet wees wat deur die Minister as voorsitter van die komitee aangestel word; en
- 10 (b) die ander lede natuurle moet wees, deur die Minister aangestel om die belange van werknemers in die gebied ten opsigte waarvan die komitee ingestel is, te verteenwoordig.
- 15 (3) Die bepalings van sub-artikels (3) tot en met (6) van artikel drie is *mutatis mutandis* ten opsigte van 'n streekskomitee van toepassing.
- (4) 'n Streekskomitee kan, by die behandeling van 'n aangeleentheid wat werknemers in 'n bedryf raak, een of meer
- 20 natuurle as lede van die komitee koöpteer om die belange van werknemers in daardie bedryf by vergaderings van die komitee waar daardie aangeleentheid oorweeg moet word, te verteenwoordig, en 'n aldus gekoöpteerde lid word vir die doeleindes van sodanige vergaderings geag 'n lid van die komitee
- 25 te wees.
5. (1) Die eerste vergadering van die raad of 'n streekskomitee word gehou op 'n tyd en plek wat die voorsitter daarvan bepaal, en alle daaropvolgende vergaderings van die raad of so 'n komitee word gehou op die tye en plekke bepaal
- 30 ooreenkomstig die reëls wat al na die geval deur die raad of daardie komitee uitgevaardig word. Vergaderings van raad en streekskomitees.
- (2) Die raad en 'n streekskomitee kan reëls uitvaardig aangaande—
- (a) die byeenroep en hou van vergaderings van die raad of bedoelde komitee en die kworum en prosedure by sulke vergaderings;
- 35 (b) die verlening van toegang tot vergaderings van die raad of bedoelde komitee aan ander persone as diegene wat ingevolge hierdie Wet geregtig is om daarop aanwesig te wees; en
- 40 (c) die ander aangeleenthede wat vir die behoorlike uitvoering van die werksaamhede van die raad of bedoelde komitee nodig of dienstig mag wees.
- (3) Reëls kragtens sub-artikel (2) uitgevaardig is onderwerpe
- 45 aan die goedkeuring van die Sekretaris van Arbeid.
6. (1) 'n Streekskomitee moet, in die gebied ten opsigte waarvan die komitee ingestel is, daarna streef om die belange van natuurle met betrekking tot hulle diens te bevorder en vir daardie doel— Pligte en werksaamhede van streekskomitees.
- 50 (a) in aanraking bly met werknemers ten einde op hoogte te wees met die diensvoorwaardes van werknemers in sy gebied oor die algemeen en in besondere bedrywe;
- (b) van tyd tot tyd aan die inspekteur by regulasie bepaal verslag doen in verband met arbeidsgeskille wat mag bestaan of, na die mening van die komitee, waarskynlik sal ontstaan;
- 55 (c) ingevolge die bepalings van sub-artikel (2) van artikel nege hulp verleen in verband met die beslegting van arbeidsgeskille; en
- 60 (d) van tyd tot tyd aan die raad verslag doen in verband met sake wat deur die raad na die komitee verwys word.
- (2) So 'n komitee kan vir die verrigting van sy werksaamhede sodanige vertoë van werkgewers en werknemers ontvang
- 65 en sodanige navrae doen in verband met enige aangeleentheid binne sy bestek, as wat hy nodig ag.
- (3) Wanneer daar in 'n gebied geen streekskomitee bestaan nie of so 'n komitee wat ten opsigte van 'n gebied ingestel is om een of ander rede nie sy werksaamhede kan verrig nie,
- 70 moet die werksaamhede van 'n streekskomitee in daardie gebied deur die inspekteur by regulasie bepaal, verrig word.
7. (1) Die Minister kan ten opsigte van enige gebied 'n amptenaar as 'n natuurle-arbeidsamptenaar aanstel. Aanstelling en pligte van natuurle-arbeidsamptenare.
- (2) So 'n amptenaar moet—
- 75 (a) homself op hoogte stel omtrent die wense, strewe en behoeftes van werknemers in die gebied ten opsigte waarvan hy aangestel is;

- (b) maintain close contact with native commissioners and the inspector defined by regulation and keep them advised of any developments in that area in regard to native labour matters;
- (c) in collaboration with native commissioners, act as an intermediary between employees in that area and their employers; 5
- (d) keep the inspector defined by regulation and the regional committee concerned informed of any labour dispute which exists or may arise in that area and in collaboration with the said inspector endeavour to settle any such dispute; 10
- (e) act as chairman of a regional committee if so appointed in terms of this Act; and
- (f) perform such other functions as the Minister may from time to time assign to him. 15

Participation  
in deliberation  
affecting  
employees.

8. (1) Whenever any industrial council proposes to determine conditions of employment to be incorporated in any agreement under the Industrial Conciliation Act in respect of an undertaking, industry, trade or occupation in which natives are employed in the area in which such agreement is intended to apply, the secretary of that council shall send to the board and any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, a notice in the prescribed form of every meeting of the industrial council at which the matter is to be considered. 20 25

(2) The board may nominate one or more of its members, and the Secretary for Labour may at the request of the board designate an officer, to attend any meeting of an industrial council of which notice is required to be given in terms of sub-section (1), and the chairman of any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, or, if there is more than one such committee, the chairmen of such of those committees as may be designated by the board, may likewise attend any such meeting. 30 35

(3) Any person who attends a meeting by virtue of the provisions of sub-section (2), may take part in the proceedings at that meeting in so far as those proceedings may affect the interests of employees to whom the provisions of this Act apply, but shall not have the right to vote at any such meeting. 40

(4) As soon as possible after the industrial council has reached a decision on conditions of employment such as are referred to in sub-section (1), the chairman of the board shall submit to the Minister a report stating whether the board is in agreement with the industrial council's decision or whether, in its opinion, a recommendation should be obtained from the Wage Board in connection with any of the matters which formed the subject of the industrial council's decision. 45 50

(5) The provisions of sub-sections (1), (2), (3) and (4) shall *mutatis mutandis* apply in respect of the proceedings conducted by any conciliation board under the Industrial Conciliation Act, and for that purpose the reference in sub-section (1) to the secretary of an industrial council shall be deemed to be a reference to the inspector defined by regulation. 55

(6) Nothing contained in this section or in section *nine* shall affect the powers of the Minister to publish a notice in terms of sub-section (4) of section *forty-eight* of the Industrial Conciliation Act, or in terms of the said sub-section read with sub-section (3) of section *forty-nine* of the said Act, or the operation of any notice so published. 60

Settlement of  
disputes.

9. (1) Whenever a native labour officer has reason to believe that in the area in respect of which he has been appointed or any portion of that area a labour dispute exists or may arise in any trade, he shall forthwith report thereon to the regional committee concerned, to the inspector defined by regulation and, where an industrial council has been registered in respect of that trade and that area or any portion of that area, also to such industrial council. 65 70

(2) The native labour officer shall, with the assistance of the regional committee and of the inspector referred to in sub-section (1), endeavour to effect a settlement of the matters which form or might form the subject of any such labour dispute, and shall, failing such a settlement, refer the matter to the board 75

- (b) in noue verbinding bly met naturellekommissaris en die inspekteur by regulasie bepaal en hulle op hoogte hou omtrent verwikkelings in verband met naturelle-arbeidsaangeleenthede in daardie gebied;
- 5 (c) in samewerking met naturellekommissaris as skakel tussen werknemers in daardie gebied en hul werkgewers dien;
- (d) die inspekteur by regulasie bepaal en die betrokke streekskomitee op hoogte hou omtrent enige arbeidsgeskil wat bestaan of mag ontstaan in daardie gebied en in samewerking met bedoelde inspekteur pogings
- 10 aanwend om so 'n geskil te besleg;
- (e) as voorsitter van 'n streekskomitee optree indien ingevolge hierdie Wet daartoe aangestel; en
- 15 (f) die ander werksaamhede verrig wat die Minister van tyd tot tyd aan hom toewys.

8. (1) Wanneer 'n nywerheidsraad voornemens is om diensvoorwaardes te bepaal vir opname in 'n ooreenkoms kragtens die Nywerheid-versoeningswet ten opsigte van 'n onderneming, 20 nywerheid, bedryf of beroep waarin naturelle werksaam is in die gebied waarin die ooreenkoms bedoel is om van toepassing te wees, moet die sekretaris van daardie nywerheidsraad aan die raad en enige streekskomitee ingestel ten opsigte van die gebied of enige gedeelte van die gebied waarin daardie ooreenkoms bedoel is om toegepas te word, 'n kennisgewing in die voorgeskrewe vorm stuur van elke vergadering van die nywerheidsraad waar die aangeleentheid oorweeg staan te word.

Deelname in beraadslagings rakende werknemers.

(2) Die raad kan een of meer van sy lede nomineer en die Sekretaris van Arbeid kan op versoek van die raad 'n amptenaar 30 aanwys om 'n vergadering van 'n nywerheidsraad waarvan kragtens sub-artikel (1) kennis gegee moet word, by te woon, en die voorsitter van 'n streekskomitee ingestel ten opsigte van die gebied of enige gedeelte van die gebied waarin die betrokke ooreenkoms bedoel is om toegepas te word, of indien meer as 35 een so 'n komitee is, die voorsitters van sodanige van daardie komitees as wat die raad mag aanwys, kan insgelyks so 'n vergadering bywoon.

(3) Enige persoon wat uit hoofde van die bepalings van sub-artikel (2) 'n vergadering bywoon, kan aan die verrigtings op 40 daardie vergadering deelneem vir sover daardie verrigtings die belange raak van werknemers op wie die bepalings van hierdie Wet van toepassing is, maar is nie geregtig om op so 'n vergadering te stem nie.

(4) So gou doenlik nadat die nywerheidsraad tot 'n besluit 45 geraak het oor diensvoorwaardes soos in sub-artikel (1) bedoel, moet die voorsitter van die raad aan die Minister 'n verslag voorlê waarin te kenne gegee word of die raad met die besluit van die nywerheidsraad saamstem of die mening toegedaan is dat 'n aanbeveling van die Loonraad verkry behoort te word 50 in verband met enige aangeleentheid wat die onderwerp van die nywerheid se besluit uitgemaak het.

(5) Die bepalings van sub-artikels (1), (2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van die verrigtings van 'n versoeningsraad ingevolge die Nywerheid-versoeningswet, en 55 vir die doel word die verwysing in sub-artikel (1) na die sekretaris van 'n nywerheidsraad geag 'n verwysing te wees na die inspekteur by regulasie bepaal.

(6) Die bepalings van hierdie artikel of artikel *nege* maak op die bevoegdheid van die Minister om 'n kennisgewing 60 kragtens sub-artikel (4) van artikel *agt-en-veertig* van die Nywerheid-versoeningswet of kragtens genoemde sub-artikel gelees saam met sub-artikel (3) van artikel *nege-en-veertig* van genoemde Wet, te publiseer, of op die toepassing van 'n aldus gepubliseerde kennisgewing geen inbreuk nie.

65 9. (1) Wanneer 'n naturelle-arbeidsamptenaar rede het om te vermoed dat in die gebied ten opsigte waarvan hy aangestel is, of in enige gedeelte van daardie gebied, 'n arbeidsgeskil in 'n bedryf bestaan of mag ontstaan, moet hy onverwyld daaromtrent aan die betrokke streekskomitee, die inspekteur by 70 regulasie bepaal en, indien 'n nywerheidsraad ten opsigte van daardie bedryf en daardie gebied of gedeelte van daardie gebied geregistreer is, ook aan bedoelde nywerheidsraad verslag doen.

Beslegting van geskille.

(2) Die naturelle-arbeidsamptenaar moet met behulp van 75 die streekskomitee en die inspekteur in sub-artikel (1) bedoel, pogings aanwend om 'n skikking in verband met die aangeleentheid wat die onderwerp van so 'n arbeidsgeskil uitmaak of kan uitmaak, teweeg te bring, en moet by ontstentenis van so 'n skikking die aangeleentheid na die raad verwys wat

which shall thereupon endeavour in collaboration with such officer and such inspector to effect a settlement.

(3) Whenever a settlement cannot be effected under sub-section (2), the board shall report accordingly to the Minister and indicate whether in its opinion the matter should be referred to the Wage Board for a recommendation as to the conditions in accordance with which a settlement should be effected.

Procedure on  
request for  
reference to  
Wage Board.

10. (1) Upon the receipt of a report from the board in terms of sub-section (4) of section *eight* or sub-section (3) of section *nine*, the Minister shall, if the board so recommends, request the Wage Board to submit to him a recommendation, in the case of a report under sub-section (4) of section *eight*, on such matters as in the opinion of the Wage Board should be determined, and, in the case of a report under sub-section (3) of section *nine*, on all matters which form or might form the subject matter of the labour dispute referred to in that report.

(2) Every request to the Wage Board for a recommendation under this section shall be notified in the *Gazette* by the Secretary for Labour.

(3) The Wage Board shall, as soon as possible after the receipt of a request under sub-section (1), and after consultation with such persons or bodies, including employers or employees or representatives of any regional committee or the board, as in its opinion ought to be consulted, submit to the Minister a recommendation.

(4) The Minister may after consideration of any such recommendation make an order in accordance therewith or refer it back to the Wage Board for reconsideration in such respects as he may indicate.

(5) The Wage Board shall after reconsideration of any recommendation which has been referred back to it under sub-section (4), reaffirm and resubmit that recommendation to the Minister or amend it in such respects as the Wage Board may deem fit and submit it to the Minister as so amended, and the Minister shall thereupon make an order in accordance with the reaffirmed or amended recommendation.

(6) After making an order under sub-section (4) or (5), the Minister shall cause to be published in the *Gazette* a notice setting forth the provisions of that order and specifying the area in which it shall apply, as determined by the Minister, and the period, as so determined but not exceeding a period of three years, for which those provisions shall be binding upon the persons affected thereby and the said provisions shall thereupon be binding upon those persons within that area for the period so specified.

Collection of  
information.

11. (1) Every person engaged in or connected with any trade in respect of which a recommendation is required to be submitted by the Wage Board under section *ten*, or who possesses or has the custody or control of any book, document or thing relating thereto or to the establishment connected therewith, shall furnish to the best of his ability such information relating to the said trade or to any establishment therein, as the Wage Board may require and at the request of the Wage Board produce any such book, document or thing for examination, and the Wage Board may retain any book, document or thing so produced until such time as it is able to complete its examination thereof.

(2) Any person who fails to comply with any requirement of the Wage Board made under sub-section (1) or who, being required under that sub-section to furnish any information, furnishes to the Wage Board any information which he knows to be false, shall be guilty of an offence.

(3) The Wage Board may summon or direct to be summoned any person who in its opinion may be able to give material information concerning the subject of any recommendation which the Wage Board is required to submit, or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing on the subject of any recommendation, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced.

(4) A summons issued in the exercise of the powers conferred by sub-section (3) shall be signed by a member of the Wage Board or by an officer directed by the Wage Board to do so.

(5) The person presiding at any meeting of the Wage Board may call and administer an oath to any person present at the

daarop in samewerking met bedoelde amptenaar en bedoelde inspekteur pogings moet aanwend om tot 'n skikking te geraak.

- (3) Wanneer daar nie ingevolge sub-artikel (2) 'n skikking teweeggebring kan word nie, moet die raad dienooreenkomstig aan die Minister verslag doen en meld of die aangeleentheid volgens die raad se mening na die Loonraad verwys behoort te word vir 'n aanbeveling insake die voorwaardes waarvolgens tot 'n skikking geraak behoort te word.

10. (1) By ontvangs van 'n verslag van die raad ingevolge sub-artikel (4) van artikel *agt* of sub-artikel (3) van artikel *nege*, moet die Minister, indien die raad aldus aanbeveel, die Loonraad versoek om aan hom 'n aanbeveling voor te lê, ingeval van 'n verslag ingevolge sub-artikel (4) van artikel *agt*, oor sodanige aangeleenthede as wat na die mening van die Loonraad vasgestel behoort te word, en, in geval van 'n verslag ingevolge sub-artikel (3) van artikel *nege*, oor al die aangeleenthede wat die onderwerp van die in daardie verslag vermelde arbeidsgeskil uitmaak of kan uitmaak.

Prosedure met versoek om opdrag aan Loonraad.

- (2) Elke versoek aan die Loonraad om 'n aanbeveling ingevolge hierdie artikel moet deur die Sekretaris van Arbeid in die *Staatskoerant* bekendgemaak word.

- (3) Die Loonraad moet so gou doenlik na ontvangs van 'n versoek ingevolge sub-artikel (1), en na oorlegpleging met sodanige persone of liggeme, met inbegrip van werkgewers of werknemers of verteenwoordigers van enige streekskomitee of die raad, wat na die mening van die raad geraadpleeg behoort te word, aan die Minister 'n aanbeveling voorlê.

- (4) Die Minister kan na oorweging van so 'n aanbeveling 'n order daarvolgens maak of dit na die Loonraad terugverwys vir herooring in die opsigte deur hom vermeld.

- (5) Die Loonraad moet na herooring van 'n aanbeveling wat ingevolge sub-artikel (4) na hom terugverwys is, daardie aanbeveling bekragtig en weer aan die Minister voorlê, of wysig in die opsigte wat die Loonraad goedgevind en soos aldus gewysig aan die Minister voorlê, en die Minister moet daarop 'n order ooreenkomstig die bekragtigde of gewysigde aanbeveling maak.

- (6) Nadat hy ingevolge sub-artikel (4) of (5) 'n order gemaak het, moet die Minister 'n kennisgewing in die *Staatskoerant* laat publiseer wat die bepalinge van daardie order uiteensit en die gebied, soos deur die Minister bepaal, waarin die order van toepassing sal wees, en die tydperk soos aldus bepaal, maar hoogstens drie jaar, waarvoor bedoelde bepalinge bindend is vir die persone wat daardeur geraak word, vermeld, en genoemde bepalinge is daarop vir die aldus vermelde tydperk bindend vir daardie persone binne bedoelde gebied.

11. (1) Elke persoon betrokke by of verbonde aan 'n bedryf ten opsigte waarvan ingevolge artikel *tien* 'n aanbeveling deur die Loonraad voorgelê moet word, wat 'n boek, geskrif of saak wat daarop of op 'n daarby betrokke inrigting betrekking het, in sy besit of bewaring of onder sy beheer het, moet na sy beste vermoë sodanige inligting as wat die Loonraad mag verlang met betrekking tot bedoelde bedryf of enige inrigting daarin verstrek, en moet op versoek van die Loonraad so 'n boek, geskrif of saak vir ondersoek oorlê, en die Loonraad kan 'n boek, geskrif of saak wat aldus voorgelê is, behou totdat hy in staat is om sy ondersoek daarvan te voltooi.

Inwin van inligting.

- (2) Iemand wat versuim om aan 'n versoek van die Loonraad ingevolge sub-artikel (1) te voldoen, of wat wanneer hy ingevolge daardie sub-artikel versoek word om inligting te verstrek, wetens aan die Loonraad valse inligting verstrek, is aan 'n misdryf skuldig.

- (3) Die Loonraad kan enigeen wat na sy mening in staat mag wees om inligting van belang te verstrek omtrent die onderwerp van 'n aanbeveling wat die Loonraad moet voorlê, of wat na die Loonraad se vermoede of geloof 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer het wat met die onderwerp van 'n aanbeveling in verband staan, dagvaar of gelas dat hy gedagvaar word om op 'n tyd en plek in die dagvaarding vermeld voor die Loonraad te verskyn, om ondervra te word of om daardie boek, geskrif of saak oor te lê, en kan enige boek, geskrif of saak aldus oorgelê vir ondersoek behou.

- (4) 'n Dagvaarding uitgereik by die uitoefening van die deur sub-artikel (3) verleende bevoegdhede moet deur 'n lid van die Loonraad of deur 'n amptenaar wat die Loonraad daartoe gelas, onderteken word.

- (5) Die persoon wat by 'n vergadering van die Loonraad voorsit, kan enige persoon wat op die vergadering aanwesig

meeting who was or might have been summoned in terms of sub-section (3), and the person so presiding and any other member of the Wage Board may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control: Provided that the person presiding at the meeting may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being carried out by the Wage Board. 5

(6) If any person, being duly summoned under sub-section (3), fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Wage Board from further attendance, or if any person called in terms of sub-section (5) refuses to be sworn as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him or to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing before the Wage Board, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law, shall apply. 10 15 20

(7) Any witness who, after having been sworn, gives a false answer to any question put to him by the Wage Board, or makes a false statement on any matter, knowing that answer or statement to be false, shall be deemed to be guilty of perjury. 25

(8) The interrogation of any witness by the Wage Board shall be conducted in public unless the Wage Board otherwise decides: Provided that at the request of any witness the interrogation of that witness shall be conducted in private: Provided further, that the Wage Board may, in its discretion, and with the consent of the witness, authorize the presence of any specified person at the interrogation of that witness. 30

(9) Any person summoned to appear before the Wage Board may, if the Wage Board is satisfied that he has by reason of his appearance in obedience to the summons suffered any pecuniary loss or been put to any expense, be paid out of public moneys any allowances that may be prescribed by regulation, or the amount of such loss and such expense, whichever is the less. 35 40

(10) Any person who wilfully hinders or insults the Wage Board in the exercise of any of the powers conferred upon it by this section shall be guilty of an offence, and, if he is a witness, the Wage Board may order that no payment or only a reduced payment shall be made to him under sub-section (9). 45

Matters that may be dealt with in recommendations.

12. (1) A recommendation under section *ten* may—

- (a) include provisions as to all or any of the matters for which a wage regulating measure may lawfully provide;
- (b) provide for the administration of any order made in pursuance of the recommendation by a body constituted in such manner as may be specified in the recommendation, of which all the members shall be Europeans; 50
- (c) define the powers, duties and functions to be exercised or performed by any such body and empower any such body or any person designated by the Minister to grant exemption from any provision of such order and to determine in each case the conditions subject to which such exemption will be granted; 55
- (d) provide for the payment of contributions by employers and employees towards the expenses of administration of any such order or the attainment of the objects thereof; 60
- (e) prescribe the circumstances under which any such body shall be dissolved, and the manner in which its assets shall be disposed of on its dissolution, and provide for the disposal of any amounts contributed in pursuance of provision made under paragraph (d); and 65
- (f) provide for such other matters as the Minister may deem necessary. 70

(2) Any body established in pursuance of provision made under paragraph (b) of sub-section (1) may, subject to the approval of the Secretary for Labour, make rules relating to the calling and conduct of meetings of such body, the quorum for 75

is en kragtens sub-artikel (3) gedagvaar is of kon geword het, oproep en aan hom 'n eed oplê, en die persoon wat aldus voorsit en enige ander lid van die Loonraad kan hom ondervra en van hom verlang om enige boek, geskrif of ding in sy besit 5 of bewaring of onder sy beheer oor te lê: Met dien verstande dat die persoon wat by die vergadering voorsit, na goeddunke 'n vraag kan belet wat na sy mening nie op die ondersoek wat deur die Loonraad gedoen word, betrekking het nie.

(6) As 'n persoon wat kragtens sub-artikel (3) behoorlik 10 gedagvaar is, sonder voldoende rede versuim om op die in die dagvaarding vermelde tyd en plek te verskyn; of om aanwesig te bly totdat die Loonraad hom van verdere bywoning vrystel, of as 'n persoon wat kragtens sub-artikel (5) opgeroep is, weier om as 'n getuie ingesweer te word, of sonder voldoende rede 15 versuim om alle wettiglik aan hom gestelde vrae ten volle en op bevredigende wyse na sy beste wete en geloof te beantwoord, of om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer voor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat die regsreëls betreffende privilegie, soos toepas- 20 lik op 'n getuie wat gedagvaar is om in 'n geregshof getuienis af te lê of 'n boek, geskrif of saak oor te lê, van toepassing is in verband met die ondervraging van so 'n persoon deur, of die voorlegging van so 'n boek, geskrif of saak aan die Loonraad.

(7) 'n Getuie wat na beëdiging 'n valse antwoord gee op 'n vraag deur die Loonraad aan hom gestel, of 'n valse verklaring doen aangaande enige aangeleentheid, met wete dat daardie antwoord of verklaring vals is, word geag skuldig te wees aan meened.

(8) Die ondervraging van 'n getuie deur die Loonraad moet in die openbaar plaasvind tensy die Loonraad anders besluit: Met dien verstande dat op versoek van 'n getuie die ondervraging van daardie getuie onder vier oë moet plaasvind: Met dien verstande verder dat die Loonraad na goeddunke en met 35 toestemming van die getuie, die aanwesigheid van enige vermelde persoon by die ondervraging van daardie getuie kan magtig.

(9) Daar kan aan enige persoon wat gedagvaar is om voor die Loonraad te verskyn, as die Loonraad oortuig is dat hy as 40 gevolg van sy verskynning ooreenkomstig die dagvaarding enige geldelike verlies gely het, of enige onkoste moes aangaan, uit staatsgelde enige toelaes wat by regulasie voorgeskrewe mag wees of die bedrag van sodanige verlies of onkoste, na gelang watter die minste is, betaal word.

(10) Iemand wat die Loonraad by die uitoefening van 'n bevoegdheid deur hierdie artikel aan hom verleen, opsetlik hinder of beledig, is aan 'n misdryf skuldig en, as hy 'n getuie is, kan die Loonraad gelas dat geen betaling of slegs 'n verminderde betaling kragtens sub-artikel (9) aan hom gemaak 50 word.

## 12. (1) 'n Aanbeveling ingevolge artikel tien kan—

- (a) bepalings bevat aangaande enige van of al die aangeleenthede waarvoor wettiglik in 'n loonreëlende maat- 55 reël voorsiening gemaak kan word;
- (b) voorsiening maak vir die uitvoering, deur 'n liggaam saamgestel op 'n wyse in die aanbeveling vermeld en waarvan al die lede blankes moet wees, van 'n order ingevolge die aanbeveling gemaak;
- (c) die bevoegdhede, pligte en werksaamhede bepaal wat 60 deur so 'n liggaam uitgeoefen of verrig moet word, en so 'n liggaam of 'n deur die Minister aangewese persoon magtig om vrystelling van enige bepaling van bedoelde order te verleen en om in elke geval die voorwaardes te bepaal waarop so 'n vrystelling verleen sal word;
- (d) vir die betaling van bydraes deur werkgewers en wer- 65 nemers tot die koste van uitvoering van bedoelde order of die bereiking van die oogmerke daarvan voorsiening maak;
- (e) die omstandighede waaronder so 'n liggaam ontbind moet word en die wyse waarop by sy ontbinding oor sy bates beskik moet word, voorskrywe, en vir die beskikking van gelde bygedra ingevolge 'n bepaling kragtens paragraaf (d) voorsiening maak; en
- (f) voorsiening maak vir die ander aangeleenthede wat 75 die Minister nodig ag.

Aangeleenthede wat in 'n aanbeveling behandel kan word.

(2) Enige liggaam ingevolge 'n bepaling kragtens paragraaf (b) van sub-artikel (1) ingestel kan, onderworpe aan die goedkeuring van die Sekretaris van Arbeid, reëls uitvaardig aan- 80 gaande die byeenroep en hou van vergaderings van daardie

and procedure at such meetings, the keeping of minutes of the proceedings at such meetings, the keeping and audit of accounts of income and expenditure and the maintenance of records of the activities of such body and such other matters as may be specified in the relevant order or determined by the said Secretary (if authorized thereto by that order), and upon the publication of such rules by the said Secretary by notice in the *Gazette*, such body shall under a name to be determined by the said Secretary and specified in the notice, become a body corporate capable of suing and being sued in its corporate name, of acquiring, holding and alienating movable or immovable property and of performing all such acts as may be necessary for or incidental to the effective performance of its functions.

(3) The inspector defined by regulation or an officer nominated by him shall be entitled to attend any meeting of any body which administers an order, and to take part in the proceedings, but without the power to vote thereat, and such inspector shall be notified in writing by such body or any person authorized by it to do so, of the date, place and time of and the business to be discussed at every meeting of that body not less than four days before the date of the meeting in the case of ordinary meetings and, in the case of special meetings, in sufficient time to enable the inspector or the officer nominated by him to attend.

(4) Where provision is made in any order for the grant of exemption from any provision thereof, any person who is dissatisfied with the decision on an application made by him for such exemption, may at any time appeal from that decision to the Secretary for Labour who may, after considering any reasons which may be advanced in support of or against such decision, confirm that decision or give such other decision as in his opinion ought to have been given.

(5) A recommendation may provide for the award to employees of the cash equivalent of any or all of the benefits to which such employee will become entitled under an order made in pursuance of such recommendation in respect of any period prior to the date of commencement of such order, but commencing not earlier than the date on which the request to the Wage Board for a recommendation was notified in the *Gazette* in terms of sub-section (2) of section ten.

Application  
of orders to  
persons other  
than native  
employees.

13. (1) The Minister may, if in his opinion it is necessary to do so in order that the objects of any order may be attained, in any notice published by him under sub-section (6) of section ten or by a further notice in the *Gazette*, declare that as from a date and for a period specified in the notice, all the provisions of the order or such provisions thereof as he may specify, shall *mutatis mutandis* apply in respect of persons who are employees as defined in the Industrial Conciliation Act, and thereupon the provisions of the order or the provisions so specified shall be binding upon every employer (as so defined) of any such person and upon all such persons.

(2) Whenever any of the provisions of a wage regulating measure are inconsistent with any provision of an order, or any provision thereof which has by notice under sub-section (1) been declared to be applicable to persons who are employees as defined in the Industrial Conciliation Act, that wage regulating measure shall, in so far as it is in operation in the area or any portion of the area in which such order applies, and so long as such order or such notice, as the case may be, remains in operation, be applied as if the said provision of the order had been inserted in that wage regulating measure in the stead of such inconsistent provision thereof.

(3) The Minister may, by notice in the *Gazette*, from time to time suspend the application of any order or of any specified provisions thereof to persons bound by a specified wage regulating measure which the Minister considers to be not less favourable to the employees concerned than the said order or the said provisions, as the case may be.

Failure to  
observe orders  
or provisions  
of exemption.

14. (1) Any person who—

(a) contravenes or fails to comply with any provision of any order or exemption granted under such order which is binding upon him under this Act; or

liggaam, die kworum en prosedure by sodanige vergaderings, die hou van notules van die verrigtings, verrigtings by sodanige vergaderings, die hou en ouditering van rekenings van inkomste en uitgawes, en die hou van aantekenings oor die werksaam-

5 hede van daardie liggaam en sodanige ander aangeleenthede as wat in die betrokke order vermeld of deur genoemde Sekretaris (indien daartoe deur die order gemagtig) bepaal word, en by afkondiging deur genoemde Sekretaris van sodanige reëls by kennisgewing in die *Staatskoerant* word bedoelde

10 liggaam onder die naam wat deur genoemde Sekretaris bepaal en in die kennisgewing vermeld word, 'n regs persoon en bevoeg om in sy naam as regs persoon as eiser en verweerder in regte op te tree, om los- of vasgoed te verkry, te besit of te vervreem, en om alle sodanige handeling te verrig as wat nodig mag

15 wees vir of in verband mag staan met die doeltreffende verrigting van sy werksaamhede.

(3) Die inspekteur by regulasie bepaal of 'n amptenaar deur hom genomineer, is geregtig om enige vergadering van 'n liggaam wat 'n order uitvoer, by te woon en aan die verrigtings

20 deel te neem, maar sonder die reg om aldaar 'n stem uit te bring, en so 'n inspekteur moet skriftelik deur so 'n liggaam, of iemand deur die liggaam daartoe gemagtig, van die datum, plek en tyd van, en die besigheid wat bespreek moet word by, elke vergadering van daardie liggaam, in kennis gestel word,

25 in die geval van gewone vergaderings nie minder as vier dae voor die datum van die vergadering nie, en, in die geval van buitengewone vergaderings, lank genoeg vooruit om die inspekteur of die deur hom genomineerde amptenaar in staat te stel om die vergadering by te woon.

(4) Indien 'n order vir die verlening van vrystelling van die bepalings daarvan voorsiening maak, kan enige persoon wat ontevrede is met die beslissing op 'n aansoek om vrystelling deur hom gemaak, te eniger tyd teen daardie beslissing appel aanteken by die Sekretaris van Arbeid wat, na oorweging van

35 enige redes wat ten gunste van of teen so 'n beslissing aangevoer mag word, daardie beslissing kan bekragtig of sodanige ander beslissing kan gee as wat na sy mening behoort gegee te gewees het.

(5) Daar kan in 'n aanbeveling voorsiening gemaak word vir

40 die toekenning aan 'n werknemer, ten opsigte van enige tydperk voor die datum van inwerkingtreding van daardie order, maar wat nie vroeër begin as die datum waarop die versoek aan die Loonraad om 'n aanbeveling kragtens sub-artikel (2) van artikel tien in die *Staatskoerant* bekend gemaak was nie,

45 van 'n bedrag in kontant gelykwaardig aan enige van of al die voordele waarop so 'n werknemer geregtig sal word uit hoofde van 'n order kragtens so 'n aanbeveling gemaak.

13. (1) Die Minister kan, indien dit volgens sy oordeel nodig is ten einde die oogmerke van 'n order te verwesenlik,

50 in enige kennisgewing kragtens sub-artikel (6) van artikel tien deur hom gepubliseer, of by 'n verdere kennisgewing in die *Staatskoerant*, verklaar dat vanaf 'n datum en vir 'n tydperk in die kennisgewing vermeld, al die bepalings van 'n order of sodanige bepalings daarvan as wat hy aandui, *mutatis mutandis*

Toepassing van orders op persone wat nie natuurlike werknemers is nie

55 van toepassing is ten opsigte van persone wat werknemers (soos in die Nywerheid-versoeningswet omskrywe) is, en die bepalings van die order of die aldus aangeduide bepalings daarvan is dan bindend vir elke werkgever (soos aldus omskrywe) van so 'n persoon en vir al daardie persone.

(2) Wanneer bepalings van 'n loonreëlende maatregel onbestaanbaar is met die bepalings van 'n order of enige bepaling daarvan wat by kennisgewing kragtens sub-artikel (1) van toepassing verklaar is op persone wat werknemers (soos in die Nywerheid-versoeningswet omskrywe) is, word daardie loon-

65 reëlende maatregel, vir sover dit van krag is in die gebied of enige gedeelte van die gebied waarin die order van toepassing is, en solank as daardie order of, al na die geval, daardie kennisgewing van krag bly, toegepas asof bedoelde bepalings van die order in die plek van sodanige onbestaanbare bepalings

70 in daardie loonreëlende maatregel opgeneem was.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* van tyd tot tyd die toepassing van 'n order of enige vermelde bepalings daarvan op persone gebind deur 'n vermelde loonreëlende maatregel wat volgens die Minister se oordeel vir die

75 betrokke werknemers nie minder gunstig as bedoelde order of, al na die geval, bedoelde bepalings is nie, opskort.

14. (1) Iemand wat—

(a) 'n bepaling van 'n order of vrystelling kragtens sodanige order verleen, wat ingevolge hierdie wet op hom bindend is, oortree of versuim om daaraan te voldoen; of

80

Versuim om orders of bepalings van vrystellings na te kom.

- (b) obstructs or hinders the board or the Wage Board in the exercise of its powers or the performance of its duties under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(2) If an employer is convicted under sub-section (1) of an offence which consisted of the contravention of or failure to comply with any provision of any order or exemption relating to the payment of remuneration due to an employee, the court convicting him shall enquire into and determine the difference between the amount which he paid and the amount which he would have paid if the contravention or failure of which he has been convicted had not occurred, which difference is in this section and in sections *fifteen* and *twenty-one* referred to as the amount underpaid, and whether the employee concerned did or did not agree to accept less than the remuneration which under the provisions of the relevant order or exemption he was entitled to receive, and whether, if he did so agree, he did or did not know of his rights under those provisions, and if he did know of those rights, the circumstances under which he so agreed, and if the court is unable on all the evidence, whether given before or after conviction, to determine that difference exactly, it shall to the best of its ability estimate that difference, and if no amount has been paid, the amount which would have been paid if the contravention or failure had not occurred, shall, for the purposes of this sub-section, be deemed to be the difference.

(3) The court shall, when acting under sub-section (2), give to the employer and the employee concerned an opportunity of submitting evidence regarding the amount underpaid and the circumstances under which the underpayment took place.

(4) The proceedings of the court under the provisions of sub-sections (2) and (3) shall be taken before sentence is passed, and shall be deemed to form part of the trial.

(5) Whenever in the case of an offence such as is referred to in sub-section (2), the amount underpaid is greater than the maximum amount of the fine prescribed by section *thirty-one* the maximum amount of the fine to which the person convicted shall be liable in terms of that section shall be increased to an amount equal to the amount underpaid.

(6) It shall not be a defence to any charge of a contravention or failure such as is referred to in sub-section (2), to prove that the act or omission with which the accused is charged was due to lack of means.

Order upon employer to pay to specified officer amount underpaid.

15. (1) Whenever any person has been convicted under sub-section (1) of section *fourteen* in respect of an offence such as is referred to in sub-section (2) of that section, the court convicting him shall, after it has, in terms of that section, determined the amount underpaid, order him to pay an amount equal to the amount underpaid to an officer specified by the court (hereinafter referred to as the specified officer) within a period fixed by the court, in instalments or otherwise, as fixed by the court.

(2) The court may at any time, upon the application of the person convicted, for good cause shown, extend the period within which any such amount must be paid to the specified officer or vary the amounts of the instalments.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the Union.

Disposal of amounts paid to specified officer.

16. (1) Whenever an order is made under section *fifteen* against an employer in respect of a contravention or failure such as is referred to in sub-section (2) of section *fourteen*, the court making the order shall direct that so much of the amount, which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances under which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

- (a) if the court finds that the employee concerned did not agree to accept less than the minimum remuneration

(b) die raad of die Loonraad by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie wet belemmer of hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en sodanige gevangenisstraf.

(2) Indien 'n werkgewer ingevolge sub-artikel (1) skuldig bevind word weens 'n misdryf wat bestaan het uit die oortreding van of die versuim om te voldoen aan 'n bepaling van 'n order of vrystelling betreffende die betaling van beloning wat aan 'n werknemer verskuldig is, moet die hof wat hom skuldig bevind deur ondersoek die verskil (in hierdie artikel en in artikels vyftien en een-en-twintig die onderbetaalde bedrag genoem) tussen die bedrag wat hy betaal het en die bedrag wat hy sou betaal het as die oortreding of versuim waaraan hy skuldig bevind is nie plaasgevind het nie, vasstel, en bepaal of die betrokke werknemer ingestem het, al dan nie, om minder te ontvang as die beloning waarop hy kragtens die bepaling van die betrokke order of vrystelling geregtig was, en, indien hy aldus ingestem het, of hy bewus was, al dan nie, van sy regte kragtens daardie bepaling, en, indien hy van daardie regte bewus was, onder watter omstandighede hy aldus ingestem het, en indien die hof uit al die getuienis, dit voor of na die skuldigbevinding afgelê, nie in staat is om bedoelde verskil presies vas te stel nie, moet hy die verskil na die beste van sy vermoë raam, en as geen bedrag betaal is nie, moet die bedrag wat betaal sou gewees het indien die oortreding of versuim nie plaasgevind het nie, by die toepassing van hierdie sub-artikel geag word die verskil te wees.

(3) Die hof moet, wanneer hy kragtens sub-artikel (2) optree, aan die werkgewer en die werknemer wat daarby betrokke is, die geleentheid gee om getuienis voor te lê aangaande die onderbetaalde bedrag en die omstandighede waaronder die onderbetaling plaasgevind het.

(4) Die verrigtings van die hof ingevolge die bepaling van sub-artikels (2) en (3) moet plaasvind voordat die vonnis uitgespreek word en word geag deel van die verhoor uit te maak.

(5) Wanneer die onderbetaalde bedrag in die geval van 'n oortreding in sub-artikel (2) bedoel groter is as die maksimum bedrag van die geldboete in artikel een-en-dertig voorgeskryf, word die maksimum bedrag van die boete waarmee die veroordeelde persoon volgens daardie artikel strafbaar is, tot 'n bedrag gelyk aan die onderbetaalde bedrag verhoog.

(6) Dit is geen verweer teen 'n aanklag weens 'n oortreding of versuim in sub-artikel (2) bedoel, om te bewys dat die handeling of versuim waarvan die beskuldigde aangekla word, aan gebrek aan middele te wyte was nie.

15. (1) Wanneer iemand ingevolge sub-artikel (1) van artikel veertien skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, moet die hof wat hom skuldig bevind, nadat die hof ingevolge daardie artikel die onderbetaalde bedrag vasgestel het, so iemand bevel om binne 'n tydperk deur die hof bepaal 'n bedrag gelyk aan die onderbetaalde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) te betaal, by wyse van paalemente of andersins, soos deur die hof bepaal.

Bevel aan werkgewer om onderbetaalde bedrag aan aangewese amptenaar te betaal.

(2) Die hof kan te eniger tyd, indien die veroordeelde persoon daarom aansoek doen en voldoende gronde daartoe aanvoer, die tydperk waarin so 'n bedrag aan die aangewese amptenaar betaal moet word, verleng of die bedrae van die paalemente verander.

(3) 'n Bevel wat kragtens die bepaling van hierdie artikel uitgevaardig is, het in alle opsigte die uitwerking van en kan ten uitvoer gelê word soos 'n siviele vonnis ten gunste van die Unie-regering.

16. (1) Wanneer kragtens artikel vyftien 'n bevel teen 'n werkgewer uitgevaardig word, ten opsigte van 'n oortreding of versuim in sub-artikel (2) van artikel veertien bedoel, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word, as wat die hof met inagneming van die omstandighede waaronder die oortreding of versuim plaasgevind het, billik ag, betaal moet word aan die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het: Met dien verstande dat—

Beskikking oor bedrae aan aangewese amptenaar betaal.

(a) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die minimum

which under the provisions of the relevant order or exemption he was entitled to receive, or that if he did so agree, he so agreed not knowing of his rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer shall be paid to that employee;

(b) if the court, having regard to the circumstances under which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (a), direct that no portion of the amount so paid to the specified officer shall be paid to the employee concerned;

(c) if the court directs that any portion of the amount so paid to the specified officer shall be paid to the employee concerned, that portion shall not be less than one-fourth thereof.

(2) So much of the amount so paid to the specified officer as is not in terms of sub-section (1) paid to the employee concerned, shall be paid into the Consolidated Revenue Fund.

**Prohibition  
of strikes and  
lock-outs.**

17. (1) No employee or other person shall instigate or take part in a strike or in the continuation of a strike and no employer or other person shall instigate or take part in a lock-out of employees or in the continuation of any such lock-out.

(2) Any person who contravenes the provisions of sub-section (1) or who commits any of the acts referred to in paragraph (a) or (b) of the definition of "strike" or paragraph (a), (b), (c) or (d) of the definition of "lock-out", with the object of lending support to or expressing sympathy with persons who are instigating or taking part in a strike or lock-out or in the continuation of a strike or lock-out, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding three years or such imprisonment without the option of a fine or both such fine and such imprisonment.

(3) Whenever any employee or other person is charged under sub-section (1) with having instigated or taken part in a strike or in the continuation of a strike, on an indictment or charge which avers that the employee or other person charged was guilty of a refusal, failure, retardation, obstruction, breach or termination referred to in the definition of the term "strike", in consequence of a dispute and in pursuance of a combination, agreement or understanding and for a purpose referred to in that definition, and the refusal, failure, retardation, obstruction, breach or termination by the employee or other person charged is proved, it shall be presumed until the contrary is proved, that that refusal, failure, retardation, obstruction, breach or termination was in consequence of the dispute and in pursuance of the combination, agreement or understanding and for the purpose stated in the charge.

(4) Whenever any employer or other person is charged under sub-section (1) with having instigated or taken part in a lock-out or in the continuation of a lock-out, on an indictment or charge which avers that the employer or other person charged was guilty of an exclusion, discontinuance, breach, termination, refusal or failure referred to in the definition of the term "lock-out", in consequence of the dispute, and for a purpose referred to in that definition, and the exclusion, discontinuance, breach, termination, refusal or failure by the employer or other person charged is proved, it shall be presumed, until the contrary is proved, that that exclusion, discontinuance, breach, termination, refusal or failure was in consequence of the dispute, and for the purpose stated in the charge.

(5) In this section the terms "strike" and "lock-out" bear the meanings assigned thereto in section one of the Industrial Conciliation Act, and for that purpose the references therein to employers and employees shall be construed as references to employers and employees as defined in this Act.

**Appointment  
and powers of  
inspectors.**

18. (1) The Minister may, subject to the laws governing the public service, appoint any person as an inspector under this Act.

- beloning wat hy kragtens die bepaling van die betrokke order of vrystelling geregtig was om te ontvang nie, of, indien hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte ingevolge daardie bepaling, die hof moet gelas dat die hele aldus aan die aangewese amptenaar betaalde bedrag aan daardie werknemer betaal moet word;
- (b) as die hof, met inagneming van die omstandighede waaronder die oortreding of versuim plaasgevind het, dit billik ag, die hof, behalwe onder die omstandighede in paragraaf (a) gemeld, kan gelas dat geen deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die betrokke werknemer betaal moet word nie;
- (c) as die hof gelas dat enige deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die betrokke werknemer betaal moet word, daardie deel minstens een-vierde daarvan moet wees.
- (2) Soveel van die bedrag aldus aan die aangewese amptenaar betaal as wat nie ingevolge sub-artikel (1) aan die betrokke werknemer betaal word nie, moet in die Gekonsolideerde Inkomstefonds gestort word.

17. (1) Geen werknemer of ander persoon mag 'n staking aanstig of aan 'n staking of aan die voortsetting van 'n staking deelneem nie, en geen werkgewer of ander persoon mag 'n uitsluiting van werknemers aanstig of aan so 'n uitsluiting of aan die voortsetting van so 'n uitsluiting deelneem nie.

Verbod op stakings en uitsluitings.

(2) Iemand wat die bepaling van sub-artikel (1) oortree of wat enige van die dade genoem in paragraaf (a) of (b) van die woordoms krywing van „staking” of paragraaf (a), (b), (c) of (d) van die woordoms krywing van „uitsluiting” pleeg met die doel om hulp te verleen of ondersteuning te betuig met persone wat 'n staking of uitsluiting aanstig of aan 'n staking of uitsluiting of die voortsetting van 'n staking of uitsluiting deelneem, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of daardie gevangenisstraf sonder die keuse van 'n boete of beide daardie boete en daardie gevangenisstraf.

(3) Wanneer 'n werknemer of ander persoon ingevolge sub-artikel (1) aangekla word weens die aanstigting van of deelname aan 'n staking of aan die voortsetting van 'n staking op 'n akte van beskuldiging of aanklag wat beweer dat die aangeklaagde werknemer of ander persoon skuldig was aan 'n weiering, versuim, terughouding, belemmering, verbreking of beëindiging, bedoel in die woordoms krywing van „staking”, ingevolge 'n geskil en na aanleiding van 'n samespanning, ooreenkoms of verstandhouding en vir die doel in daardie omskrywing vermeld, en die weiering, versuim, terughouding, belemmering, verbreking of beëindiging deur die aangeklaagde werknemer of ander persoon bewys word, word dit vermoed totdat die teendeel bewys word, dat daardie weiering, versuim, terughouding, belemmering, verbreking of beëindiging plaasgevind het as gevolg van die geskil en na aanleiding van die in die aanklag vermelde samespanning, ooreenkoms of verstandhouding en doel.

(4) Wanneer 'n werkgewer of ander persoon ingevolge sub-artikel (1) aangekla word weens die aanstigting van of deelname aan 'n uitsluiting of aan die voortsetting van 'n uitsluiting, op 'n akte van beskuldiging of aanklag wat beweer dat die aangeklaagde werkgewer of ander persoon skuldig was aan 'n nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim bedoel in die woordoms krywing van „uitsluiting”, ingevolge 'n geskil en met 'n doel in daardie woordoms krywing vermeld, en die nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim van die aangeklaagde werkgewer of ander persoon bewys word, word dit vermoed totdat die teendeel bewys word, dat daardie nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim plaasgevind het ingevolge die geskil en met die doel in die aanklag vermeld.

(5) In hierdie artikel het die uitdrukkings „staking” en „uitsluiting” die betekenis in artikel een van die Nywerheidsversoeningswet daaraan toegeskryf, en vir die doel word die verwysings daarin na werkgewers en werknemers uitgelê as verwysings na werkgewers en werknemers soos in hierdie Wet omskryf.

18. (1) Die Minister kan met inagneming van die wette op die Staatsdiens, enige persoon as 'n inspekteur ingevolge hierdie Wet aanstel.

Aanstelling en bevoegdhede van inspekteurs.

(2) There shall be issued to every inspector appointed in terms of sub-section (1) a certificate signed by an officer designated by the Minister and stating that he has been appointed as an inspector under this Act.

(3) Every person who has been appointed or is deemed to have been appointed as an inspector under the Wage Act shall be deemed to have been appointed as an inspector under this section. 5

(4) Any inspector may, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act. 15 20 25

(5) An inspector may take with him into or on to any premises any interpreter or other assistant or any member of a police force. 30

(6) Any employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any enquiry in relation thereto. 35

(7) Any inspector may require any employee to produce to him any container in which any money paid or to be paid to him by way of remuneration was or is contained, and any statement furnished or to be furnished to him by his employer concerning the payment, and may examine the contents of the container and retain the container and statement. 40

(8) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee. 45

(9) Any inspector may require any employer to make all payments due to any of his employees in the presence of an inspector.

(10) Whenever any work has been given out on contract to any person by a principal or contractor, any inspector may exercise in relation to that principal or contractor all the powers conferred upon an inspector by this section in relation to an employer. 50

(11) Any inspector exercising any power or performing any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate furnished to him in terms of sub-section (2). 55

(12) Any person who falsely holds himself out to be an inspector shall be guilty of an offence. 60

(13) Any person who—

(a) makes any statement to an inspector, which is false in any material particular, knowing the same to be false; or

(b) refuses or fails to answer to the best of his power any question which an inspector in the exercise of his functions has put to him; or 65

(c) refuses or fails to comply to the best of his power with any requirement made by an inspector in the exercise of his functions; or 70

(d) hinders an inspector in the exercise of his functions, shall be guilty of an offence.

(14) For the purpose of this section an interpreter shall, while acting under the lawful directions of the inspector he accompanies, be deemed to be an inspector and any question put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector. 75

(2) Aan elke inspekteur kragtens sub-artikel (1) aangestel, moet 'n sertifikaat uitgereik word wat onderteken is deur 'n amptenaar deur die Minister aangewys en waarin verklaar word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

5 (3) Elke persoon aangestel of geag aangestel te gewees het as 'n inspekteur ingevolge die Loonwet, word geag as 'n inspekteur kragtens hierdie artikel aangestel te gewees het.

(4) 'n Inspekteur kan te eniger tyd sonder voorafgaande kennisgewing enige perseel hoegenaamd betree, en kan, terwyl  
10 hy op of in die perseel is of op enige ander tydstip, enige persoon, wat op of in die perseel is of was, in die teenwoordigheid of afgesonderd van andere ondervra, en kan eis dat daardie persoon daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke en geskrifte voorlê wat op of in die perseel  
15 of in besit of bewaring of onder beheer van enige werkgewer deur wie die perseel geokkupeer of gebruik word, of van enige werknemer van daardie werkgewer, is of was, of kan te eniger tyd en op enige plek van iemand wat 'n boek of geskrif betreffende die besigheid van iemand wat 'n werkgewer is of was, in  
20 sy besit of bewaring of onder sy beheer het, daar en dan of op 'n tyd en plek deur die inspekteur bepaal, die voorlegging van daardie boek of geskrif eis, en kan al sulke boeke en geskrifte ondersoek en daarvan uittreksels en afskrifte maak, en kan 'n uitleg vorder van inskrywings in sulke boeke of geskrifte en  
25 beslag lê op sulke boeke of geskrifte wat na sy oordeel bewys mag lewer van 'n misdryf ingevolge hierdie Wet.

(5) 'n Inspekteur kan 'n tolk of ander assistent of lid van 'n polisiemag met hom meeneem in of op 'n perseel.

(6) 'n Werkgewer in verband met wie se besigheid 'n perseel  
30 geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye sodanige fasiliteite verskaf as wat die inspekteur verlang om die perseel te betree of om die boeke en geskrifte op of in die perseel te besigtig of te ondersoek of om enige navraag daaromtrent te doen.

35 (7) 'n Inspekteur kan van 'n werknemer vereis om enige houer waarin daar geld is of was wat by wyse van beloning aan hom betaal is of moet word, asook enige staat wat in verband met die betaling deur sy werkgewer aan hom verstrekt is of moet word, aan hom te toon, en kan die inhoud van die  
40 houer ondersoek en die houer en die staat behou.

(8) 'n Inspekteur kan van 'n werknemer vereis om op 'n deur die inspekteur bepaalde tyd en plek voor hom te verskyn, en kan daardie werknemer daar en dan ondervra.

(9) 'n Inspekteur kan van 'n werkgewer vereis om alle beta-  
45 lings wat aan enigeen van sy werknemers verskuldig is, in die teenwoordigheid van 'n inspekteur te doen.

(10) Wanneer werk deur 'n prinsipaal of aannemer aan iemand op kontrak uitgegee is, kan 'n inspekteur met betrekking tot daardie prinsipaal of aannemer al die bevoegdhede uit-  
50 oefen wat deur hierdie artikel aan 'n inspekteur met betrekking tot 'n werkgewer verleen word.

(11) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig verrig wat deur hierdie Wet aan hom verleen of opgedra word, moet op aanvraag die kragtens sub-artikel (2) aan hom uit-  
55 gereikte sertifikaat toon.

(12) Enigeen wat valslik voorgee dat hy 'n inspekteur is, is aan 'n misdryf skuldig.

(13) Enigeen wat—

(a) aan 'n inspekteur 'n verklaring maak wat in enige  
60 wesenlike besonderheid vals is, wetende dat dit vals is; of

(b) weier of versuim om enige vraag wat 'n inspekteur by die verrigting van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of

65 (c) weier of versuim om na sy beste vermoë te voldoen aan 'n voorskrif deur 'n inspekteur by die verrigting van sy werksaamhede gestel; of

(d) 'n inspekteur by die verrigting van sy werksaamhede hinder,

70 is aan 'n misdryf skuldig.

(14) By die toepassing van hierdie artikel word 'n tolk, terwyl hy optree volgens wettige opdrag van die inspekteur wat hy vergesel, geag 'n inspekteur te wees, en enige vraag gestel deur, of antwoord gegee aan, of vereiste gestel deur, of  
75 belemmering van 'n tolk terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, voorskrif gestel deur of belemmering van 'n inspekteur te wees.

Appointment  
and powers of  
designated  
agents.

19. (1) The Minister may at the request of any body established for the purpose of administering an order, and in his discretion, appoint any person nominated by such body as its designated agent to assist in carrying out its functions.

(2) Every designated agent appointed in terms of sub-section (1) shall be furnished with a certificate signed by the Secretary for Labour stating that he has been so appointed. 5

(3) Any such designated agent shall, in respect of the trade and in the area to which the relevant order relates, have all the powers conferred upon an inspector by section *eighteen*, 10 and the provisions of that section shall *mutatis mutandis* apply to the exercise of those powers by the designated agent.

(4) The Minister may at any time, for a cause which in his opinion is sufficient, by notice addressed to the body concerned and signed by the Secretary for Labour, cancel the certificate 15 furnished to its designated agent in terms of sub-section (2), and the person to whom that certificate was furnished shall thereupon cease to be a designated agent and shall forthwith return the said certificate to the Secretary for Labour.

(5) Any person who falsely holds himself out to be a designated agent of any such body shall be guilty of an offence. 20

Secrecy to be  
observed.

20. Any member of a regional committee, the board, the Wage Board or a body such as is referred to in paragraph (b) of sub-section (1) of section *twelve*, or any officer, who discloses, except to the Minister or to an officer or a regional 25 committee or the board or the Wage Board or such body any information in relation to any person, firm or business acquired in the exercise of his powers or in the performance of his duties under this Act, shall be guilty of an offence.

Effect of Act  
upon right of  
employee to  
recover by civil  
proceedings.

21. (1) If any person has been convicted under paragraph (a) 30 of sub-section (1) of section *fourteen* in respect of an offence such as is referred to in sub-section (2) of that section, the employee in respect of whom the contravention or failure occurred shall not be entitled by civil proceedings to recover from his employer any portion of the amount underpaid, but 35 shall be entitled to receive in respect of the amount underpaid only the moneys which the court in terms of sub-section (1) of section *sixteen* directs shall be paid to him out of the moneys paid to the specified officer under an order made under sub-section (1) of section *fifteen*. 40

(2) Subject to the provisions of sub-section (3), nothing contained in section *fourteen*, *fifteen* or *sixteen* or in sub-section (1) of this section, shall affect any right which any employee may have to recover by civil proceedings from his employer—

(a) where his employer, or the manager, agent or employee 45 of his employer, has been convicted of an offence such as is referred to in sub-section (2) of section *fourteen* which occurred in respect of that employee, any amount owing to him under any agreement between himself and his employer in excess of the 50 amount underpaid;

(b) where neither his employer nor the manager, agent or employee of his employer has been so convicted, any amount which his employer is bound to pay to him under the provisions of any order or exemption 55 or in terms of any agreement between himself and his employer.

(3) An employee to whom his employer has not paid the full remuneration which he ought to have paid in terms of any order or exemption which is or was binding upon him under 60 this Act, shall not be entitled to recover from his employer by civil proceedings the amount he has been underpaid or any portion of that amount, unless—

(a) the employee produces to the court a certificate signed by the Attorney-General of the province in which is 65 situate the area within the jurisdiction of the court, or where that area is situate within the jurisdiction of the Eastern Districts Local Division of the Supreme Court of South Africa, by the Solicitor-General, stating that he declines to prosecute in respect of the 70 contravention or failure upon which the employee proposes to base the cause of action; or

(b) the employer or the manager, agent or employee of the employer has been acquitted on a charge of that contravention or failure. 75

19. (1) Die Minister kan op versoek van 'n liggaam ingestel om 'n order uit te voer, en na goeëdunke, enige deur daardie liggaam genomineerde persoon as aangewese agent van daardie liggaam aanstel om hom by die verrigting van sy werksaam-

Aanstelling en bevoegd-  
hede van  
aangewese  
agente.

5 hede behulpsaam te wees.

(2) Aan elke aangewese agent kragtens sub-artikel (1) aangestel, moet 'n sertifikaat wat deur die Sekretaris van Arbeid onderteken is en waarin vermeld word dat die agent aldus aangestel is, verstrekk word.

10 (3) So 'n aangewese agent het ten opsigte van die bedryf en in die gebied waarop die order betrekking het, al die bevoegdhede wat kragtens artikel *agtien* aan 'n inspekteur verleen is, en die bepalings van daardie artikel is *mutatis mutandis* van toepassing op die uitoefening van daardie bevoegdhede deur

15 die aangewese agent.

(4) Die Minister kan te eniger tyd en om 'n rede wat hy voldoende ag, by kennisgewing aan die betrokke liggaam gerig, en deur die Sekretaris van Arbeid onderteken, die sertifikaat wat kragtens sub-artikel (2) aan die liggaam se aangewese

20 agent verstrekk is, intrek, en daarop hou die persoon aan wie daardie sertifikaat verstrekk is op om 'n aangewese agent te

wees en moet hy genoemde sertifikaat onverwyld aan die

Sekretaris van Arbeid terugstuur.

(5) Enigeen wat valslik voorgee dat hy die aangewese agent

25 van so 'n liggaam is, is aan 'n misdryf skuldig.

20. Enige lid van 'n streekskomitee, die raad, die Loonraad of 'n liggaam in paragraaf (b) van sub-artikel (1) van artikel *twaalf* bedoel, of enige amptenaar wat, behalwe aan die Minister of aan 'n amptenaar of 'n streekskomitee of die raad of die

Geheimhouding  
moet bewaar  
word.

30 Loonraad of bedoelde liggaam enige inligting onthul wat hy met die uitoefening van sy bevoegdhede of verrigting van sy pligte kragtens hierdie Wet ingewin het in verband met enige persoon, firma of besigheid, is aan 'n misdryf skuldig.

21. (1) Indien iemand ingevolge paragraaf (a) van sub-artikel (1) van artikel *veertien* skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, is die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het nie geregtig om deur 'n siviele geding enige gedeelte van die onderbetaalde bedrag op sy werkgever te verhaal nie, maar is

Uitwerking  
van Wet op  
reg van  
werknemer  
om deur  
middel van  
'n siviele  
regsgeding  
te verhaal.

40 hy ten opsigte van die onderbetaalde bedrag alleen geregtig op die gelde wat op las van die hof ingevolge sub-artikel (1) van artikel *sestien* aan hom betaal moet word uit die gelde wat ingevolge 'n bevel kragtens sub-artikel (1) van artikel *vyftien* uitgevaardig aan die aangewese amptenaar betaal word.

45 (2) Behoudens die bepalings van sub-artikel (3), maak die bepalings van artikel *veertien*, *vyftien* of *sestien* of van sub-artikel (1) van hierdie artikel geen inbreuk nie op enige reg wat 'n werknemer mag hê om—

(a) waar sy werkgever of die bestuurder, agent of werknemer van sy werkgever, skuldig bevind is weens 'n misdryf in sub-artikel (2) van artikel *veertien* bedoel, wat ten opsigte van daardie werknemer plaasgevind het, 'n bedrag kragtens 'n ooreenkoms tussen hom en sy werkgever aan hom verskuldig, deur middel van

55 'n siviele geding op sy werkgever te verhaal vir sover dit die onderbetaalde bedrag oorskry;

(b) waar nóg sy werkgever nóg die bestuurder, agent of werknemer van sy werkgever aldus skuldig bevind is, 'n bedrag wat sy werkgever kragtens die bepalings van 'n order of vrystelling of ingevolge 'n ooreenkoms tussen hom en sy werkgever verplig is om aan hom te betaal, aldus te verhaal.

(3) 'n Werknemer aan wie sy werkgever nie die volle beloning betaal het wat hy ingevolge 'n order of 'n vrystelling wat kragtens hierdie Wet vir hom bindend is of was, behoort te betaal het nie, is nie geregtig om deur middel van 'n siviele geding die aan hom onderbetaalde bedrag of 'n gedeelte van daardie bedrag op sy werkgever te verhaal nie, tensy—

(a) die werknemer aan die hof 'n sertifikaat voorlê onderteken deur die Prokureur-generaal van die provinsie waarin die regsgebied van die hof geleë is, of ingeval gemelde regsgebied geleë is in die gebied waaroor die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika regsmag uitoefen, deur die Solisiteur-generaal, waarin hy verklaar dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om die skuldoorsaak te baseer; of

(b) die werkgever of die bestuurder, agent of werknemer van die werkgever, op 'n aanklag weens gemelde oortreding of versuim vrygespreek is.

Provisions of order or exemption cannot be varied by agreement or waived.

22. (1) No agreement, express or implied, including a labour tenant contract or service contract in terms of the Native Service Contract Act, 1932 (Act No. 24 of 1932), whether entered into before or after the coming into operation of any order or the grant of any exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by that order or exemption, or of the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall it effect any waiver by any employee of the application to him of any provision of that order or exemption, and any person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be guilty of an offence, and any such agreement shall be void. 5 10 15

(2) Any employer who requires or permits any employee to pay or repay to him any remuneration payable or paid to that employee under any order or exemption, or pursuant to any direction given in terms of sub-section (1) of section sixteen, or who does any act or permits any act to be done as a direct or indirect result of which that employee is deprived of the benefit or of any portion of the benefit of any remuneration so paid, shall be guilty of an offence. 20

(3) An employer who requires or permits any employee to give a receipt for, or otherwise represent that he has received, more than he actually received by way of remuneration shall be guilty of an offence. 25

Victimization forbidden.

23. (1) Any employer who, whether or not any order is binding upon him under this Act, dismisses any employee employed by him or reduces the rate of his remuneration or alters the conditions of his employment to conditions less favourable to him or alters his position to his disadvantage relatively to other employees employed by such employer, by reason of the fact that he suspects or believes that— 30

(a) such employee has given information which by or under this Act he is required to give, or which relates to the conditions of his employment, or those of other employees of his employer, to an officer or to the Minister or has complied with any lawful requirement of an inspector or has given evidence before a court of law; or 35 40

(b) such employee has refused or omitted to do any such act by an employee as is referred to in sub-section (2) or (3) of section *twenty-two*, shall, whether or not the suspicion or belief is justified or correct, be guilty of an offence and liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment. 45 50 55

(2) The court which convicts any person of an offence under sub-section (1), may in addition to any sentence which it may impose in respect of that offence, order him to reinstate, for such period and subject to such conditions as it may determine, the employee whose dismissal, or the reduction of the rate of whose remuneration, or the alteration of whose position, was the subject of the charge of which he was convicted, or may order him to pay to that employee compensation, not exceeding two hundred pounds, for loss suffered by that employee, or may order both such reinstatement and the payment of such compensation, and any such order for reinstatement or compensation shall have the effect of a civil judgment in favour of that employee. 60 65

Registration of employers.

24. (1) Every employer upon whom any order is binding shall—

(a) within one month of the date on which that order has become binding upon him furnish to the inspector defined by regulation a written statement in the form prescribed by regulation, setting forth his full name, and, if the employer is a partnership, the full names of all the partners, and, if the employer is a company, the names of its secretary and its directors and managers, the name under and the address or addresses at which he carries on business and such other information as may be prescribed by regulation: Provided that if any order is superseded by a fresh order, 70 75

22. (1) 'n Ooreenkoms, uitdruklik of stilswyend, insluitende 'n plakkersdienskontrak of dienskontrak ingevolge die Naturelle-Dienskontrak Wet, 1932 (Wet No. 24 van 1932), of dit aange-  
gaan is voordat of nadat 'n order in werking getree het of 'n  
5 vrystelling verleen is, veroorloof nie die betaling aan 'n werk-  
nemer van 'n kleiner beloning as wat daardie order of vry-  
stelling voorskryf, of die toepassing op 'n werknemer van  
behandeling of die toekenning aan hom van voordele wat vir  
hom minder gunstig is as die aldus voorgeskrewe behandeling  
10 of voordele nie, en 'n werknemer kan ook nie daardeur van  
die toepassing op hom van enige bepaling van daardie order  
of vrystelling afstand doen nie, en iemand wat 'n ooreenkoms  
aangaan wat so 'n betaling, toepassing of toekenning heet te  
veroorloof of so 'n afstand heet te bewerkstellig, is aan 'n  
15 misdryf skuldig, en so 'n ooreenkoms is nietig.
- (2) 'n Werkgewer wat eis of toelaat dat 'n werknemer enige  
beloning wat kragtens 'n order of vrystelling of ingevolge 'n  
bevel kragtens sub-artikel (1) van artikel *sestien* uitgevaardig  
aan daardie werknemer verskuldig of betaal is, aan bedoelde  
20 werkgewer betaal of terugbetaal, of 'n handeling verrig of toe-  
laat dat 'n handeling verrig word waarvan die regstreekse of  
onregstreekse gevolg is dat daardie werknemer die voordeel of  
enige gedeelte van die voordeel van aldus betaalde beloning  
ontneem word, is aan 'n misdryf skuldig.
- 25 (3) 'n Werkgewer wat eis of toelaat dat 'n werknemer 'n  
kwitansie uitreik ten effekte dat hy by wyse van beloning meer  
ontvang het as wat hy werklik aldus ontvang het, of andersins  
voorgee dat hy aldus meer ontvang het, is aan 'n misdryf  
skuldig.

Bepalings van  
order of  
vrystelling  
kan nie deur  
ooreenkoms  
verander  
word nie, en  
daarvan kan  
nie afstand  
gedoen word  
nie.

- 30 23. (1) 'n Werkgewer wat, hetsy 'n order kragtens hierdie  
Wet vir hom bindend is al dan nie, 'n werknemer uit sy diens  
ontslaan, of die skaal van sy beloning verminder, of sy diens-  
voorwaardes verander na voorwaardes wat vir hom minder  
gunstig is, of sy posisie met betrekking tot ander werknemers  
35 in sy diens tot sy nadeel verander omrede dat hy vermoed of  
glo dat—

Viktimisasie  
verbied.

- (a) daardie werknemer aan 'n amptenaar of aan die  
Minister inligting verstrek het wat hy ingevolge hier-  
die Wet verplig is om te verstrek of wat betrekking  
40 het op sy diensvoorwaardes of op dié van ander  
werknemers van sy werkgewer, of dat hy aan 'n  
wettige voorskrif van 'n inspekteur voldoen het, of  
voor 'n geregshof getuie afgeleë het; of
- (b) daardie werknemer geweier of versuim het om 'n in  
45 sub-artikel (2) of (3) van artikel *twee-en-twintig*  
bedoelde handeling deur 'n werknemer te verrig,  
is aan 'n misdryf skuldig, hetsy die vermoede of geloof gereg-  
verdig of juis is, al dan nie, en by skuldigbevinding strafbaar  
met 'n boete van hoogstens driehonderd pond of gevangenis-  
50 straf vir 'n tydperk van hoogstens twee jaar of so 'n gevangenis-  
straf sonder die keuse van 'n boete of so 'n boete sowel as so  
'n gevangenisstraf.

- (2) Die hof wat iemand skuldig bevind aan 'n misdryf inge-  
volge sub-artikel (1), kan, benewens 'n vonnis wat hy ten  
55 opsigte van daardie misdryf mag opleë, beveel dat hy die werk-  
nemer, wie se ontslag of die vermindering van wie se skaal van  
beloning of die verandering van wie se posisie die onderwerp  
was van die aanklag waarop hy skuldig bevind is, in sy vorige  
posisie moet herstel vir die tydperk en onderworpe aan die  
60 voorwaardes wat die hof mag bepaal, of beveel dat hy aan  
daardie werknemer hoogstens tweehonderd pond as vergoeding  
moet betaal vir verlies wat daardie werknemer gely het of beveel  
dat die werknemer aldus herstel en die gemelde vergoeding  
aan hom betaal word, en so 'n bevel tot herstel of vergoeding  
65 het die uitwerking van 'n siviele vonnis ten gunste van daardie  
werknemer.

24. (1) Elke werkgewer vir wie 'n order bindend is—

Registrasie  
van  
werkgewers.

- (a) verstrek binne een maand vanaf die datum waarop  
daardie order vir hom bindend geword het, aan die  
70 inspekteur by regulasie bepaal 'n skriftelike verklaring  
in die vorm by regulasie voorgeskryf met vermelding  
van sy volle naam en, indien die werkgewer 'n ven-  
nootskap is, die volle name van al die vennote, en  
indien die werkgewer 'n maatskappy is, die name van  
75 sy sekretaris en sy direkteure en sy bestuurders, die  
naam waaronder en die adres of adresse waar hy  
besigheid dryf en die ander inligting by regulasie  
voorgeskryf: Met dien verstande dat indien 'n order  
deur 'n nuwe order tersyde gestel word, daar geag

an employer who is the holder of a current certificate of registration issued under this section shall be deemed to have complied with the provisions of this sub-section; and

- (b) in the event of any change in the name under which or the address or addresses at which business is carried on, or among the partners, or, if the employer is a company, in the name of its secretary or among its directors or managers, or in the event of the sequestration of the employer's estate, or, if the employer is a company, of the winding up of the company, or in the event of the transfer or abandonment of the business carried on, or the acquisition or commencement of any other business, furnish to the inspector defined by regulation, within fourteen days of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, a written statement in the form prescribed by regulation, setting forth full particulars of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, as the case may be.

(2) On the receipt of the statement referred to in paragraph (a) of sub-section (1), the inspector shall issue to the employer a certificate of registration in the form prescribed by regulation: Provided that no such certificate shall be issued to an employer against whom an order has been made under section *fifteen* unless at the date of the receipt of the said statement all accounts which, subject to any extension or variation in terms of sub-section (2) of that section, he is required by that order to pay to the specified officer on or before that date, have been so paid.

(3) If any employer who is the holder of a current certificate of registration issued under this section fails to pay to the specified officer any amount which by any order made under section *fifteen* he is required to pay to that officer, on or before the date on which, subject to any extension or variation in terms of sub-section (2) of that section, he is by that order required to pay it, the inspector shall by written notice addressed to him cancel that certificate and call upon him to return the certificate to him.

(4) A notice under sub-section (3) may be delivered to the employer or to any person who apparently resides or is employed at the address at which, according to the latest information furnished by the employer in terms of sub-section (1), the employer carries on business, or may be posted by registered letter addressed to the employer in the name under and to the address at which, according to the said information, he carries on business, and after the notice has been so delivered or posted, the employer shall be deemed not to be the holder of a current certificate of registration.

(5) The person to whom any such notice is addressed shall, within seven days after he receives it or becomes aware that it has been issued, return the certificate of registration issued to him, to the inspector.

(6) If at any time any person whose certificate of registration has been cancelled in terms of sub-section (3) pays to the specified officer the whole amount which by every order made against him under section *fifteen* he is required to pay to that officer, he shall be entitled, upon complying with the provisions of sub-section (1), to have issued to him a fresh certificate of registration.

(7) Upon the application of any person to whom a certificate has not been issued in consequence of the proviso to sub-section (2) or whose certificate of registration has been cancelled in terms of this section, the Minister may, at any time, in his discretion, and upon good cause shown, direct that a certificate be issued to him, subject to such conditions as the Minister may impose.

(8) Any employer upon whom any order is binding who fails to comply with any of the provisions of sub-section (1) or (5), or who, after expiry of the period referred to in paragraph (a) of sub-section (1), carries on business without being the holder of a current certificate of registration issued under this section, shall be guilty of an offence.

(9) If any employer against whom an order has been made under section *fifteen* is charged with an offence under sub-section (8) of this section in that he carried on business without

word dat 'n werkgewer wat die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik die bepalinge van hierdie sub-artikel nagekom het; en

- 5 (b) verstrek in die geval van 'n verandering van die naam waaronder of die adres of adresse waar besigheid gedryf word, of onder die vennote, of indien die werkgewer 'n maatskappy is, van die naam van sy sekretaris of onder sy direkteure of bestuurders, of
- 10 in die geval van die sekwestrasie van die werkgewer se boedel, of, indien die werkgewer 'n maatskappy is, van die ontbinding van die maatskappy, of in die geval van die oordrag of oorgawe van die besigheid wat gedryf word, of die verkryging of begin van 'n
- 15 ander besigheid, aan die inspekteur by regulasie bepaal binne veertien dae vanaf die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, 'n skriftelike verklaring in die vorm by regulasie voorgeskryf met vermelding van volledige besonderhede omtrent die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, na gelang die geval.

- (2) By ontvangs van die verklaring in paragraaf (a) van sub-artikel (1) vermeld, reik die inspekteur 'n registrasiesertifikaat
- 25 in die vorm by regulasie voorgeskryf aan die werkgewer uit: Met dien verstande dat so 'n sertifikaat nie aan 'n werkgewer teen wie 'n bevel ingevolge artikel vyftien uitgevaardig is, uitgereik word nie tensy op die datum van die ontvangs van genoemde verklaring alle bedrae wat, onderhewig aan enige
- 30 verlenging of verandering ingevolge die bepalinge van sub-artikel (2) van daardie artikel, daardie bevel vereis dat hy voor of op daardie datum aan die aangewese amptenaar moet betaal, aldus betaal is.

- (3) Indien 'n werkgewer wat die houer is van 'n geldende
- 35 registrasiesertifikaat uitgereik kragtens hierdie artikel, versuim om aan die aangewese amptenaar enige bedrag te betaal wat 'n bevel kragtens artikel vyftien uitgevaardig vereis dat hy aan dié amptenaar moet betaal, voor of op die datum waarop, onderhewig aan 'n verlenging of verandering ingevolge die
- 40 bepalinge van sub-artikel (2) van daardie artikel, daardie bevel vereis dat hy dit moet betaal, kanselleer die inspekteur daardie sertifikaat by wyse van 'n skriftelike kennisgewing aan hom gerig en vereis hy van hom dat hy die sertifikaat aan hom terugbesorg.

- (4) 'n Kennisgewing kragtens sub-artikel (3) kan gelewer word aan die werkgewer of aan enige persoon wat blykbaar woon of in diens is by die adres waar, volgens die jongste inligting deur die werkgewer ingevolge sub-artikel (1) verstrek, die werkgewer besigheid dryf, of kan aan hom gepos word per
- 50 aangetekende brief gerig aan die werkgewer in die naam waaronder en die adres waar, volgens genoemde inligting, hy besigheid dryf en nadat die kennisgewing aldus gelewer of gepos is, word geag dat die werkgewer nie die houer van 'n geldende registrasiesertifikaat is nie.

- (5) Die persoon aan wie so 'n kennisgewing gerig word, besorg die registrasiesertifikaat aan hom uitgereik aan die inspekteur terug binne sewe dae nadat hy die kennisgewing ontvang het of daarvan bewus word dat dit uitgereik is.

- (6) Indien 'n persoon wie se registrasiesertifikaat ingevolge
- 60 sub-artikel (3) gekanselleer is, te eniger tyd aan die aangewese amptenaar die hele bedrag betaal wat elke bevel kragtens artikel vyftien teen hom uitgevaardig vereis dat hy aan dié amptenaar moet betaal, is hy geregtig op die uitreiking van 'n nuwe registrasiesertifikaat aan hom by nakoming van die
- 65 bepalinge van sub-artikel (1).

- (7) Die Minister kan op aansoek van enige persoon aan wie 'n sertifikaat nie uitgereik is nie as gevolg van die voorbehoudsbepaling van sub-artikel (2) of wie se registrasiesertifikaat kragtens hierdie artikel gekanselleer is, te eniger tyd na goed-
- 70 dunke en om grondige redes wat aangevoer word, gelas dat 'n sertifikaat aan hom uitgereik word op die voorwaardes wat die Minister mag stel.

- (8) 'n Werkgewer vir wie 'n order bindend is en wat versuim om enige van die bepalinge van sub-artikel (1) of (5) na te
- 75 kom, of wat na verstryking van die tydperk in paragraaf (a) van sub-artikel (1) vermeld, besigheid dryf sonder dat hy die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is aan 'n misdryf skuldig.

- (9) Indien 'n werknemer teen wie 'n bevel kragtens artikel
- 80 vyftien uitgevaardig is, van 'n misdryf ingevolge sub-artikel (8) aangekla word deurdat hy besigheid gedryf het sonder dat

being the holder of a current certificate of registration issued under this section, the fact that he furnished the statement referred to in paragraph (a) of sub-section (1) or that a certificate of registration was not issued to him under this section shall not be a sufficient answer to the charge, if it be proved that a certificate of registration was not issued to him by reason of the proviso to sub-section (2) or that the last certificate of registration issued to him has been cancelled in terms of sub-section (3). 5

(10) The provisions of this section shall be observed and shall be applicable in respect of each separate order which is binding upon an employer under this Act. 10

Records to be kept by employers.

25. (1) Every employer upon whom any order is binding under this Act which relates to remuneration to be paid or time to be worked, shall at all times keep in respect of all persons employed by him and to whom such order relates, records of the remuneration paid and of the time worked. 15

(2) The form and the manner in which the records referred to in sub-section (1) shall be kept shall be prescribed by regulation: Provided that an officer designated by the Minister may in writing signed by him, authorize the keeping of such records in some other form which in his opinion will enable him to ascertain therefrom the required particulars. 20

(3) Every person who is or has been an employer shall retain the record which in terms of sub-section (1) he has made of any event, for a period of three years subsequent to the occurrence of that event, and shall on demand by an inspector made at any time during the said period of three years, produce the said record for inspection. 25

(4) Any person who fails to comply with any of the provisions of this section applicable to him or who makes any false entry in any such record knowing the same to be false shall be guilty of an offence. 30

Notices to be posted by employers.

26. (1) Every employer upon whom any order is binding shall affix and keep affixed in some conspicuous place upon his premises to be determined by him, and in such other places upon his premises as an inspector may from time to time direct, notices in the form prescribed by regulation, in legible characters, in both official languages of the Union— 35

- (a) containing such summaries of or extracts from the provisions of this Act as may be prescribed by regulation; 40
- (b) containing the official address of the inspector defined by regulation;
- (c) containing a copy of the said order or such summaries or extracts from the provisions thereof as may be prescribed in such order; and 45
- (d) specifying the day of the week or date on and the time and place at which remuneration will ordinarily be paid each week or month, as the case may be. 50

(2) Any employer who fails to comply with any of the provisions of this section shall be guilty of an offence.

Alleged partnership.

27. (1) Whenever in any trade in respect of which an order is or was binding, there is working in any business or other concern any employee whom an inspector suspects is employed but who claims or in respect of whom it is claimed that his position in relation to that business or other concern is not that of an employee but is fixed by an agreement of partnership or by some other agreement for the carrying on thereof, the inspector may require from any person so claiming the existence of such an agreement the production of that agreement and may make a copy thereof or make extracts therefrom, or if the agreement is not in writing, or is not wholly in writing, may require any person so claiming to make a statement on oath of all the terms of the agreement or of such terms thereof as are not in writing, and may further require any such person to make a statement on oath as to the actual amounts received or receivable under that agreement and the actual hours worked by every person who claims or in respect of whom it is claimed that his position is so fixed by the agreement in respect of any period to be specified by the inspector, and any such person who fails when required to do so, to produce to the inspector any such agreement or to make any such statement on oath, shall be guilty of an offence. 55 60 65 70

- hy die houer was van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is die feit dat hy die verklaring in paragraaf (a) van sub-artikel (1) vermeld verstrek het of dat 'n registrasiesertifikaat nie kragtens hierdie artikel aan hom uitgereik is nie, nie voldoende verweer teen die aanklag nie indien dit bewys word dat 'n registrasiesertifikaat nie aan hom uitgereik is nie vanweë die voorbehoudsbepaling van sub-artikel (2) of dat die laaste registrasiesertifikaat aan hom uitgereik ingevolge sub-artikel (3) gekanselleer is.
- 10 (10) Die bepalings van hierdie artikel word nagekom en is van toepassing op elke afsonderlike order wat kragtens hierdie Wet vir 'n werkgewer bindend is.

25. (1) Elke werkgewer vir wie enige order met betrekking tot beloning wat betaal moet word of tyd wat gewerk moet word, kragtens hierdie Wet bindend is, moet te alle tye ten opsigte van alle persone wat by hom in diens is en op wie daardie order betrekking het, aantekening hou van betaalde beloning en van gewerkte tyd.

Aantekenings  
moet deur  
werkgewers  
gehou word.

- (2) Die vorm waarin en die wyse waarop die aantekenings gemeld in sub-artikel (1) gehou moet word, word by regulasie voorgeskryf: Met dien verstande dat 'n deur die Minister aangewese amptenaar skriftelik onder sy handtekening verlof kan verleen vir die hou van sodanige aantekenings in 'n ander vorm waaruit hy na sy oordeel in staat sal wees om die nodige besonderhede vas te stel.

- (3) Elke persoon wat 'n werkgewer is of was, moet die aantekening wat hy ingevolge sub-artikel (1) van 'n gebeurtenis gemaak het, bewaar vir 'n tydperk van drie jaar nadat daardie gebeurtenis plaasgevind het en moet op aanvraag van 'n inspekteur te eniger tyd gedurende voormelde tydperk van drie jaar so 'n aantekening vir insae voorlê.

- (4) Iemand wat versuim om aan enigeen van die op hom toepaslike bepalings van hierdie artikel te voldoen, of wat in so 'n aantekening 'n valse inskrywing maak, wetende dat dit vals is, is aan 'n misdryf skuldig.

26. (1) Elke werkgewer vir wie 'n order bindend is moet op 'n in die oog vallende plek op sy perseel, deur hom bepaal te word, en op ander plekke op sy perseel wat 'n inspekteur van tyd tot tyd mag aanwys, kennisgewings in die by regulasie voorgeskrewe vorm, in leesbare letters, in beide offisiële tale van die Unie aanheg en aangeheg hou wat—

Kennisgewings  
wat deur  
werkgewers  
aangeplak  
moet word.

- (a) sulke opsommings van of uittreksels uit die bepalings van hierdie Wet as wat by regulasie voorgeskryf word, bevat;
- 45 (b) die amptelike adres van die inspekteur by regulasie bepaal, bevat;
- (c) 'n afskrif van genoemde order of sulke opsommings van of uittreksels uit die bepalings daarvan as wat in so 'n order voorgeskryf word, bevat; en
- 50 (d) die dag van die week of datum waarop, die tyd wanneer en die plek waar beloning gewoonlik elke week of maand, al na gelang die geval, betaal sal word, vermeld.

- (2) 'n Werkgewer wat versuim om aan enigeen van die bepalings van hierdie artikel te voldoen, is aan 'n misdryf skuldig.

27. (1) Wanneer daar in 'n bedryf ten opsigte waarvan 'n order bindend is of was, 'n werknemer in enige besigheid of ander onderneming werksaam is wat, na 'n inspekteur vermoed, in diens is, maar wat beweer of ten opsigte van wie beweer word dat sy posisie met betrekking tot daardie besigheid of ander onderneming nie dié van 'n werknemer is nie, maar vasgestel word deur 'n vennootskapsooreenkoms of ander ooreenkoms wat die voortsetting daarvan ten doel het, kan die inspekteur van enigeen wat aldus die bestaan van so 'n ooreenkoms beweer, die voorlegging van daardie ooreenkoms eis, en 'n afskrif daarvan of uittreksels daaruit maak, of indien die ooreenkoms nie skriftelik of nie geheel en al skriftelik is nie, van 'n persoon wat aldus beweer, vereis dat hy onder eed 'n verklaring aflê van al die bepalings van die ooreenkoms of van die bepalings daarvan wat nie skriftelik is nie, en voorts van so 'n persoon vereis dat hy ten opsigte van 'n tydperk deur die inspekteur gespesifiseer onder eed 'n verklaring aflê aangaande die werklike bedrae kragtens daardie ooreenkoms ontvang of ontvangbaar en die werklike getal ure gewerk deur elke persoon wat beweer, of ten opsigte van wie beweer word, dat sy posisie aldus vasgestel is deur die ooreenkoms, en so 'n persoon wat versuim om, wanneer dit van hom vereis word, so 'n ooreenkoms aan die inspekteur voor te lê of onder eed so 'n verklaring af te lê, is aan 'n misdryf skuldig.

Beweerde  
vennoot-  
skappe.

(2) Whenever under any such agreement as is referred to in sub-section (1), the remuneration of any party thereto consists wholly or partly of a share in the takings or profits, and, in any proceedings under this Act in which any question is raised as to the application of any order to any party receiving such a share, it is proved—

- (a) that the agreement is terminable by any party thereto by giving less than three months' notice; or
- (b) that the amount which any party thereto received under the terms thereof over any period specified in the charge was less than the remuneration which he would have been entitled to receive for his services for the same period under any order if he had been an employee.

he shall be presumed to be an employee and any other party to the agreement shall be presumed to be an employer unless it is proved that the agreement was not made with the object of evading any provision of any order which is or was binding under this Act.

Acts or omissions by managers, agents or employees.

28. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer or the manager, agent or employee or both such employer and such manager, agent or employee may be so convicted and sentenced.

(4) Whenever the manager, agent or employee of an employer is convicted of an offence such as is referred to in sub-section (2) of section *fourteen*, the court shall make an order against the employer under section *fifteen*, and the provisions of this Act relating to such orders shall *mutatis mutandis* apply, and no such order shall be made against such manager, agent or employee.

Evidence and presumptions.

29. (1) Proof of the publication in the *Gazette* of any notice under sub-section (2) or (6) of section *ten* shall be conclusive proof that all the provisions of this Act in respect of matters precedent and incidental to the making of the relevant order or the publication of the relevant notice, as the case may be, have been complied with.

(2) Whenever in any proceedings under this Act it is proved that any person was present in any premises in which any trade in respect of which any order is binding under this Act was being carried on, that person shall, unless the contrary is proved, be presumed to be an employee.

(3) An employee shall be deemed to be working in the employment of an employer, in addition to any period during which he is actually so working—

- (a) during any period during which in accordance with the requirements of his employer he is present upon or in any premises in which the trade in which he is employed is being carried on; and
- (b) during any other period during which he is present upon or in any such premises:

Provided that if it is proved during what portion of any such period as is referred to in paragraph (b) any such employee

(2) Wanneer ingevolge 'n ooreenkoms bedoel in sub-artikel (1), die beloning van 'n party daarby geheel of gedeeltelik uit 'n aandeel van die ontvangste of winste bestaan, en by verrigtinge ingevolge hierdie Wet, waarby 'n vraag ontstaan 5 aangaande die toepassing van 'n order op 'n party wat so 'n aandeel ontvang, daar bewys word—

- (a) dat die ooreenkoms deur 'n party daarby beëindig kan word deur minder as drie maande kennis te gee; of
  - 10 (b) dat die bedrag wat 'n party daarby oor enige tydperk in die aanklag aangegee kragtens die bepalinge daarvan ontvang het, minder was as die beloning wat hy geregtig sou gewees het om ingevolge 'n order vir sy dienste vir dieselfde tydperk te ontvang as hy 'n werknemer was,
- 15 word hy geag 'n werknemer, en enige ander party by die ooreenkoms geag 'n werkgewer te wees, tensy bewys word dat die ooreenkoms nie aangegaan is met die doel om 'n bepaling van 'n order wat kragtens hierdie Wet bindend is of was, te ontduik nie.

20 28. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, word by 25 ontstentenis van bewys dat—

- (a) die bestuurder, agent of werknemer toe hy daardie handeling verrig het of versuim het om dit te verrig sonder die toestemming of oogluikende goedkeuring van die werkgewer gehandel het; en
- 30 (b) die werkgewer alle redelike stappe gedoen het om 'n handeling of versuim van die bedoelde aard te voorkom; en
- (c) 'n handeling of versuim, ditsy wettig of onwettig, van die aard wat die onderwerp van die aanklag uitmaak, in geen geval en onder geen omstandighede binne die omvang van die bevoegdheid of die diensverrigting 35 van die bestuurder, agent of werknemer geval het nie, veronderstel dat die werkgewer self die handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gevonniss word, en die feit dat die werk-

40 gewer 'n handeling of versuim van die bedoelde aard verbied het, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig en dit 45 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan skuldig bevind en gevonniss word asof hy die werkgewer was.

(3) Of die werkgewer of die bestuurder, agent of werknemer, of sowel die werkgewer as die bestuurder, agent of werknemer, 50 kan aldus skuldig bevind en gevonniss word.

(4) Wanneer die bestuurder, agent of werknemer van 'n werkgewer skuldig bevind word aan 'n misdryf bedoel in sub-artikel (2) van artikel *veertien*, moet die hof 'n bevel ingevolge artikel *vyftien* teen die werkgewer uitvaardig, en die bepalinge van 55 hierdie Wet in verband met so 'n bevel is *mutatis mutandis* van toepassing, en so 'n bevel word nie teen so 'n bestuurder, agent of werknemer uitgevaardig nie.

29. (1) Bewys van die publikasie in die *Staatskoerant* van 'n kennisgewing ingevolge sub-artikel (2) of (6) van artikel *tien* 60 is afdoende bewys dat voldoen is aan al die bepalinge van hierdie Wet ten opsigte van aangeleenthede wat die maak van die betrokke order of die publikasie van die betrokke kennisgewing, al na die geval, voorafgaan of daarmee in verband staan.

(2) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n persoon teenwoordig was op 'n perseel waar 'n bedryf ten opsigte waarvan 'n order ingevolge hierdie Wet bindend is, uitgeoefen is, word daardie persoon geag 'n werknemer te wees tensy die teendeel bewys word.

(3) Benewens enige tydperk waarin hy werklik aldus werksaam is, word 'n werknemer geag werksaam te wees in die diens van 'n werkgewer—

(a) gedurende enige tydperk waarin hy ooreenkomstig die vereistes van sy werkgewer aanwesig is op of in enige perseel waarin die bedryf waarin hy in diens is, uitgeoefen word; en

(b) gedurende enige ander tydperk waarin hy op of in sodanige perseel aanwesig is:

Met dien verstande dat as dit bewys word gedurende watter 80 deel van 'n tydperk bedoel in paragraaf (b) so 'n werknemer

Handelinge of versuim van bestuurders, agente of werknemers.

Bewyslewing en vermoedens.

actually worked in his employment, the presumption established by this sub-section shall not apply in respect of that employee in relation to that period.

(4) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer or by his manager, agent or employee, or found upon or in any premises occupied by that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(5) If any employer has, in respect of any period, failed to keep the records which, in terms of section *twenty-five* he is required to keep, or to retain such records for the period specified in sub-section (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure or the falsification has occurred shall be presumed to have worked in his employment each week, throughout the period of his employment falling within the period in respect of which the failure or the falsification occurred, not less than the ordinary hours of work specified in any order applicable to that employee: Provided that if it is proved what hours any such employee actually worked in his employment during any particular week, the presumption established by this sub-section shall not apply in respect of that employee in relation to that week.

(6) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record.

(7) Whenever any person is charged under section *fourteen* with having failed to pay to any person employed by him during any period the rate of remuneration which in respect of that period he was required to pay to that person under the provisions of any order or exemption binding upon him under this Act, and it is proved that that person was employed by the accused during any period covered by the charge and that under that order or exemption the accused was required to pay to that person as minimum rate of remuneration a certain amount in respect of that period, the accused shall be presumed, until the contrary is proved, not to have paid that amount to that person.

(8) Whenever any person is charged under sub-section (1) of section *twenty-three* with having dismissed any person employed by him, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, by reason of his suspicion or belief in the existence of any fact referred to in paragraph (a) or (b) of that sub-section and stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the suspicion or belief stated in the charge.

Section 358 of Act 31 of 1917 not to apply to certain offences under this Act.

30. The provisions of section *three hundred and fifty-eight* of the Criminal Procedure and Evidence Act, 1917, shall not apply in respect of any offence which consists of a contravention or failure such as is referred to in sub-section (2) of section *fourteen*.

Penalties.

31. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Jurisdiction of magistrates' courts.

32. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or make any order of court provided for, in this Act.

werklik in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie werknemer met betrekking tot daardie tydperk van toepassing is nie.

- (4) By verrigtinge ingevolge hierdie Wet, is 'n verklaring of inskrywing vervat in 'n boek of geskrif gehou deur 'n werkgewer of sy bestuurder, agent of werknemer, of gevind op of in 'n perseel deur daardie werkgewer geokkupeer, in getuienis toelaatbaar teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer of 'n bestuurder, agent of werknemer van daardie werkgewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

- (5) Indien 'n werkgewer versuim het om ten opsigte van enige tydperk die aantekening te hou wat hy ingevolge artikel vyf-en-twintig moet hou, of om sodanige aantekening vir die in sub-artikel (3) van daardie artikel vermelde tydperk te bewaar, of sodanige aantekening vervals of laat vervals het, word by verrigtinge ingevolge hierdie Wet vermoed dat 'n werknemer wat gedurende die tydperk ten opsigte waarvan die versuim of vervalsing voorgekom het by hom in diens was, elke week gedurende die hele tydperk van sy diens binne die tydperk ten opsigte waarvan die versuim of vervalsing voorgekom het, nie minder as die gewone werkure, gespesifiseer in 'n order wat op daardie werknemer van toepassing is, in sy diens gewerk het nie: Met dien verstande dat indien bewys word watter ure so 'n werknemer werklik gedurende 'n besondere week in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie week met betrekking tot daardie werknemer van toepassing is nie.

- (6) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n onware verklaring of inskrywing voorkom in 'n aantekening wat enigiemand gehou het, word dit vermoed, totdat die teendeel bewys word, dat hy daardie aantekening opsetlik vervals het.

- (7) Wanneer iemand ingevolge artikel veertien daarvan aangekla word dat hy versuim het om aan 'n persoon wat gedurende enige tydperk by hom in diens was, beloning te betaal teen die skaal waarteen hy ten opsigte van daardie tydperk ingevolge die bepalings van 'n order of vrystelling wat ingevolge hierdie wet vir hom bindend is, verplig was om aan daardie persoon te betaal, en bewys word dat daardie persoon gedurende die tydperk waarvoor die aanklag handel by die beskuldigde in diens was, en dat die beskuldigde ingevolge daardie order of vrystelling verplig was om ten opsigte van daardie tydperk 'n sekere bedrag aan daardie persoon by wyse van beloning teen 'n minimum skaal te betaal, word, totdat die teendeel bewys word, vermoed dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

- (8) Wanneer 'n persoon ingevolge sub-artikel (1) van artikel drie-en-twintig daarvan aangekla word dat hy 'n persoon uit sy diens ontslaan het of die skaal van sy beloning verminder het, of sy diensvoorwaardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, op grond van sy vermoede of geloof in die bestaan van 'n feit in paragraaf (a) of (b) van daardie sub-artikel bedoel en in die aanklag vermeld, en bewys word dat die beskuldigde daardie persoon ontslaan het, of die skaal van sy beloning verminder het, of sy diensvoorwaardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, word, totdat die teendeel bewys word, vermoed dat die beskuldigde dit gedoen het op grond van die vermoede of geloof in die aanklag vermeld.

30. Die bepalings van artikel driehonderd agt-en-vyftig van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, is nie ten opsigte van 'n misdryf wat uit 'n in sub-artikel (2) van artikel veertien bedoelde oortreding of versuim bestaan, van toepassing nie.

Artikel 358 van Wet 31 van 1917 nie ten opsigte van sekere misdrywe ingevolge hierdie Wet van toepassing nie.

31. 'n Persoon wat skuldig bevind word weens 'n misdryf ingevolge die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf is nie, is strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide so 'n boete en so 'n gevangenisstraf.

Strafbepalings.

32. Ondanks andersluidende regsbepalings is 'n magistraats-hof regsbevoeg om enige deur hierdie Wet voorgeskrewe straf of beoogde hofbevel op te lê of uit te vaardig.

Regsbevoegdheid van magistraats-hof.

## Regulations.

33. (1) The Governor-General may make regulations prescribing—

- (a) any matter which by this Act is required or permitted to be prescribed; and
- (b) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or imprisonment for a period of six months.

Saving as to  
hours of work  
and holidays.

34. The provisions of sections *nineteen, twenty and twenty-one* of the Factories, Machinery and Building Work Act (Act No. 22 of 1941), shall not apply to any persons whose hours of work are regulated or who are entitled to annual leave of absence on full pay, under an order made in terms of section *ten*, while they are bound in terms of such order.

Amendment of  
Act 36 of 1937.

35. Section *one* of the Industrial Conciliation Act is hereby amended by the substitution for the definition of "employee" of the following definition—

"'employee' means any person employed by, or working for any employer and receiving, or being entitled to receive, any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer, but does not include a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa; and 'employed' and 'employment' have corresponding meanings;".

## Short title.

36. (1) This Act shall be called the Native Labour (Settlement of Disputes) Act, 1953.

(2) The provisions of sections *eight to seventeen, inclusive, nineteen, twenty-one to thirty-two, inclusive, and thirty-four* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

33. (1) Die Goewerneur-generaal kan regulasies uitvaardig Regulasies. waarby voorgeskryf word—

- (a) die aangeleenthede wat volgens hierdie Wet by regulasie voorgeskryf moet of kan word; en  
5 (b) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet bereik kan word.

(2) Regulasies kragtens sub-artikel (1) uitgevaardig kan op enige oortreding daarvan of versuim om daaraan te voldoen,  
10 strawwe stel van hoogstens 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande.

34. Die bepalings van artikels *negentien, twintig en een-en-twintig* van die Wet op Fabrieke, Masjinerie en Bouwerk (Wet No. 22 van 1941), is nie van toepassing nie ten opsigte van  
15 persone wie se werkure gereël word of wat op jaarlikse verlof teen volle besoldiging geregtig is, ingevolge 'n order kragtens artikel *tien* gemaak, terwyl hulle ingevolge so 'n order gebind is.

Voorbehoud  
ten opsigte  
van werkure  
en vakansie-  
dae.

35. Artikel *een* van die Nywerheid-versoeningswet word hierby gewysig deur die woordbepaling „werknemer” deur die  
20 volgende woordbepaling te vervang—

Wysiging van  
Wet 36  
van 1937.

„werknemer”, enige persoon wat in diens is by of werk verrig vir enige werkgever en beloning ontvang of geregtig is om dit te ontvang, en enige ander persoon hoegenaamd wat op enige wyse help om die besigheid van 'n werkgever te drywe of te beheer, maar nie ook  
25 'n persoon wat lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaans nie; en het, in diens' en, diens' ooreenstemmende betekenis;”.

36. (1) Hierdie Wet heet die Wet op Naturelle-arbeid (Besleg- Kort titel.  
30 ting van Geskille), 1953.

(2) Die bepalings van artikels *agt* tot en met *sewentien, negentien, een-en-twintig* tot en met *twee-en-dertig* en *vier-endertig* kom nie in werking nie voor op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas-  
35 gestel te word.