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*Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.*

GOEWERMENSKENNISGEWINGS.

Onderstaande Goewermentskennisgewings word vir algemene inligting gepubliseer:—

DEPARTEMENT VAN ARBEID.

* No. 1916.]

[28 Augustus 1953.

NYWERHEID-VERSOENINGSWET, 1937.

LEKKERGOEDNYWERHEID, PORT ELIZABETH.

Ek, BAREND JACOBUS SCHOEMAN, Minister van Arbeid,
verklaar hierby—

- (a) kragtens subartikel (1) van artikel *agt-en-veertig* van die Nywerheid-versoeningswet, 1937, dat al die bepalings van die Ooreenkoms wat in die Bylae verskyn en op die Lekkergoednywerheid betrekking het, vanaf die tweede Maandag na datum van publikasie van hierdie kennisgewing en vir die tydperk wat een jaar vanaf genoemde tweede Maandag eindig, bindend is vir die werkgewer en vakvereniging wat genoemde Ooreenkoms aangegaan het en op die werknemers wat lede is van daardie vereniging;
- (b) kragtens subartikel (2) van artikel *agt-en-veertig* van genoemde Wet dat die bepalings vervat in klousules 3 tot en met 19, 22 en 23 van genoemde Ooreenkoms vanaf die tweede Maandag na datum van publikasie van hierdie kennisgewing en vir die tydperk wat eindig een jaar vanaf genoemde tweede Maandag, bindend is vir die ander werkgewers betrokke by of in diens in genoemde Nywerheid in die magistraatsdistrik Port Elizabeth; en
- (c) kragtens subartikel (4) van artikel *agt-en-veertig* van genoemde Wet dat die bepalings vervat in klousules 3 tot en met 19 en 23 van genoemde Ooreenkoms vanaf die tweede Maandag na datum van publikasie van hierdie kennisgewing en vir die tydperk wat eindig een jaar vanaf genoemde tweede Maandag in die magistraatsdistrik Port Elizabeth *mutatis mutandis* van toepassing is ten opsigte van persone in diens in genoemde nywerheid wat nie by die woordoms krywing van die uitdrukking „werknemer”, vervat in artikel *een* van genoemde Wet, ingesluit is nie.

B. J. SCHOEMAN,
Minister van Arbeid.

*All Proclamations, Government and General Notices published for the first time, are indicated by a * in the left-hand upper corner.*

GOVERNMENT NOTICES.

The following Government Notices are published for general information:—

DEPARTMENT OF LABOUR.

* No. 1916.]

[28 August 1953,

INDUSTRIAL CONCILIATION ACT, 1937.

SWEET MANUFACTURING INDUSTRY, PORT
ELIZABETH

I, BAREND JACOBUS SCHOEMAN, Minister of Labour,
do hereby—

- (a) in terms of sub-section (1) of section *forty-eight* of the Industrial Conciliation Act, 1937, declare that all the provisions of the Agreement which appears in the Schedule hereto and which relates to the Sweet Manufacturing Industry shall be binding from the second Monday after the date of publication of this notice and for the period ending one year from the said second Monday, upon the employers who and trade unions which entered into the said Agreement and upon employees who are members of that union;
- (b) in terms of sub-section (2) of section *forty-eight* of the said Act, declare that the provisions contained in clauses 3 to 19 (inclusive) and 22 and 23 of the said Agreement shall be binding from the second Monday after date of publication of this notice, and for the period ending one year from the said second Monday, upon the other employers and employees engaged or employed in the said Industry, in the Magisterial District of Port Elizabeth; and
- (c) in terms of sub-section (4) of section *forty-eight* of the said Act, declare that in the Magisterial District of Port Elizabeth and from the second Monday after the date of publication of this notice and for the period ending one year from the said second Monday, the provisions contained in clauses 3 to 19 (inclusive) and 23 of the said Agreement shall *mutatis mutandis* apply in respect of such persons employed in the said Industry as are not included in the definition of the expression "employee", contained in section *one* of the said Act.

B. J. SCHOEMAN,
Minister of Labour.

Leesstof vir Boere!

Die Departement van Landbou, Pretoria, publiseer die volgende blad (in Afrikaans en Engels) in belang van boere in die besonder, en van die landboubedryf in die algemeen—

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Intekengeld kan direk aan die Staatsdrukker, Pretoria, gepos word, of by 'n poskantoor ingehandig word.

BOERDERY IN SUID-AFRIKA

'n Maandblad bevatende kort, praktiese artikels, spesiaal bedoel vir boere wat goeie, deskundige advies verlang en geskryf in eenvoudige, nie-tegniese taal . . . Elke boer behoort met sy Departement in voelling te bly en die advies te verkry wat dit in staat is om te gee, deur middel van—

Reading matter for Farmers!

The Department of Agriculture, Pretoria, issues the following publication (in English and Afrikaans) in the interest of farmers in particular and for the agricultural industry in general—

FARMING in South Africa



SUBSCRIPTIONS in the Union, South West Africa, Bechuanaland, Protectorate, Southern and Northern Rhodesia, and Mosambique: 5s. per annum, post free (otherwise 7s. 6d. per annum). Subscriptions may be posted direct to the Government Printer, Pretoria, or handed in at any Post Office.

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FARMING IN SOUTH AFRICA

21. ORGANISASIE VAN WERKNEMERS.

Elke werkgever moet enige persoon of persone wat deur die vakvereniging aangestel en skriftelik deur die Raad goedgekeur is, toelaat om van tyd tot tyd buite die werknemers se gewone werkure of gedurende die middagetuursuur sy Naturellewinkel of eethuis binne te gaan met die doel om—

- (a) werknemers in verband met vakverenigingsake te ondervra;
- (b) nuwe lede te werf;
- (c) kennisgewings van die vakvereniging op te plak en te versprei;
- (d) ledegelde in te vorder; of
- (e) enige ander vakverenigingsake te behandel.

22. AGENTE.

Die Raad moet een of meer bepaalde persone aanstel om te help by die toepassing van die bepalinge van hierdie Ooreenkoms en elke werkgever en werknemer is verplig om sodanige agent toe te laat om die inligting in te win en die boeke en dokumente te ondersoek wat nodig mag wees ten einde vas te stel of die bepalinge van hierdie Ooreenkoms nagekom word.

23. PERSONE ONDER DIE OUDERDOM VAN 15 JAAR.

Geen werkgever mag enige persoon onder die ouderdom van 15 jaar in diens hê nie.

24. KLANTE LOK VERBODE.

Geen werkgever mag klante lok of van enige werknemer vereis of hom toelaat om klante te lok nie.

25. AANTEKENINGS HOU.

Aantekeninge met betrekking tot besoldiging wat betaal moet word, tyd wat gewerk moet word of ander besonderhede wat gehou moet word kragtens en ooreenkomstig artikel sewe-en-veertig van die Nywerheid-versoeningswet, 1937, en Aanhangsel G hiervan, moet daagliks leesbaar met ink deur die werkgever ingeskryf word en genoemde aantekeninge moet op versoek van 'n agent van die Raad vir inspeksie voorgelê word. Hierdie aantekeninge moet vir 'n tydperk van drie jaar na die gebeurtenisse wat aangeteken is, bewaar word en moet te eniger tyd binne daardie tydperk vir inspeksie beskikbaar wees.

Namens die partye, hede die 25ste dag van Junie 1953 in Johannesburg onderteken.

Behoorlik daartoe deur die Raad gemagtig.

B. WEINBREN,
Voorsitter van die Raad.

J. MYBURGH,
Ondervoorsitter van die Raad.

REG. N. B. SMITH,
Sekretaris van die Raad.

21. ORGANISATION OF EMPLOYEES.

Every employer shall permit any person or persons nominated by the trade union and authorised by the Council in writing to enter from time to time his Native shop or eating-house outside the employees' ordinary working hours or during the lunch hour for the purpose of—

- (a) interviewing employees on trade union matters;
- (b) enrolling new members;
- (c) posting and distributing notices issued by the Union;
- (d) collecting members' contributions; or
- (e) carrying out other trade union business.

22. AGENTS.

The Council shall appoint one or more specified persons as agents to assist it in giving effect to the terms of this Agreement and it shall be the duty of every employer and employee to permit such agent or agents to institute such enquiries and examine such books and documents as may be necessary for the purpose of ascertaining whether the provisions of this Agreement are being observed.

23. PERSONS UNDER THE AGE OF 15 YEARS.

No employer shall employ any person under the age of 15 years.

24. TOUTING PROHIBITED.

No employer shall tout or require or permit any employee to engage in touting.

25. KEEPING OF RECORDS.

Records which relate to remuneration to be paid, time to be worked or such other particulars which are required to be kept in terms of and in accordance with section fifty-seven of the Industrial Conciliation Act, 1937, and Annexure G hereof shall be kept written up by the employer daily in a legible manner in ink and the said records shall be produced for inspection on demand by an agent of the Council. Such records shall be retained for a period of three years subsequent to the occurrence of the events recorded and must be available for inspection at any time within that period.

Signed at Johannesburg, on behalf of the parties, on the 25th June, 1953.

Duly authorised thereto by the Council.

B. WEINBREN,
Chairman of the Council.

J. MYBURGH,
Vice-Chairman of the Council.

REG. N. B. SMITH,
Secretary of the Council.

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(b) Die werkgewer moet van elke £1 of gedeelte daarvan van die maandloon, met inbegrip van die lewenskostetoelae wat aan 'n werknemer, behalwe 'n ongeskoolde arbeider, verskuldig is (voordat enige aftrekkings wat ingevolge hierdie Ooreenkoms toegelaat word, afgetrek word) 3d. aftrek en by die totale bedrag wat aldus afgetrek word, moet die werkgewer 'n gelyke bedrag voeg en die totale som, op of voor die tiende dag van elke maand aan die Sekretaris, posbus 5347, Johannesburg, stuur, of dit inbetaal by enige ander persoon wat deur die Raad behoorlik gemagtig is om sulke betalings te ontvang. In die geval van 'n werknemer wat weekliks betaal word, is die bedrag waarop die bydrae gebaseer word, 4½ maal die weekloon met inbegrip van lewenskostetoelae.

15. TOEPASSING VAN OOREENKOMS.

Die Raad is die liggaam wat vir die toepassing van hierdie Ooreenkoms verantwoordelik is, en vir die leiding van werkgewers en werknemers kan hy uitsprake uitvaardig wat nie met die bepalinge hiervan strydig is nie.

16. VRYSTELLINGS.

(1) Weens enige goeie en afdoende rede kan die Raad vrystelling van enigeen van die bepalinge van hierdie Ooreenkoms verleen.

(2) Ten opsigte van enige persoon aan wie vrystelling verleen word moet die Raad die voorwaardes vasstel waarop vrystelling gegrond word; met dien verstande dat die Raad na goeddunke en nadat aan die betrokke persoon een week skriftelik kennis gegee is, enige vrystellingstifikaat kan herroep hetsy die termyn waarvoor die vrystelling verleen is, verloop het of nie.

(3) Die Sekretaris moet aan elke persoon aan wie vrystelling verleen word ooreenkomsartikel vyftig (3) van die Wet 'n vrystellingstifikaat uitreik wat die volgende vermeld:—

- (a) die volle naam van die betrokke persoon;
- (b) die bepalinge van die Ooreenkoms waarvan vrystelling verleen word;
- (c) die voorwaardes waarop vrystelling verleen word; en
- (d) die termyn waarvoor die vrystelling van krag is.

(4) Die Sekretaris moet—

- (a) alle sertifikate wat uitgereik word, in volgorde nommer;
- (b) van elke tifikaat wat uitgereik word, 'n afskrif hou; en
- (c) as die vrystelling aan 'n werknemer verleen word, 'n afskrif van die tifikaat aan die betrokke werkgewer stuur.

17. WERKNEMERSVERTEENWOORDIGERS IN DIE RAAD.

Elke werkgewer moet enigeen van sy werknemers wat 'n verteenwoordiger in die Raad is, alle redelike geleentheid gee om sy pligte in verband met die Raad te vervul.

18. VIKTIMISASIE.

Die aandag word gevestig op die bepalinge van artikel ses-en-sestig van die Wet, wat die ontslag van 'n werknemer verbied om die redes wat daarin genoem word.

19. VERTONING VAN KENNISGEWINGS.

Elke werkgewer moet op 'n duidelik sigbare plek in sy inrigting die kennisgewings, wat kragtens die bepalinge van artikel agt-en-vyftig van die Wet deur 'n werkgewer vertoon moet word, en 'n afskrif van hierdie Ooreenkoms vertoon.

20. IN DIENS HÊ VAN VAKVERENIGINGARBEID.

(1) Geen werkgewer mag enige werknemer wat nie lid van die vakvereniging is, in diens hê nie en geen lid van die vakvereniging mag vir 'n werkgewer werk wat nie lid van die werkgewersorganisasies is nie.

Bewys van lidmaatskap van die vakvereniging of van een van die werkgewersorganisasies moet gelewer word deur voorlegging van 'n kwitansie vir die lopende ledegeld ingevolge die konstitusie van onderskeidelik die vakvereniging of die werkgewersorganisasies.

Hierdie subartikel is nie van toepassing in 'n geval waar, na die mening van die Raad, lidmaatskap van een van die partye by hierdie Ooreenkoms geweier is nie, of wanneer 'n lid na die mening van die Raad onredelik geskrap is en die applikant of betrokke lid daarvan binne veertien dae aan die Raad kennis gegee het.

(2) Elke werkgewer moet van die loon van elke lid van die vakvereniging in sy diens die maandelikse ledegeld wat aan die vakvereniging verskuldig is, aftrek en die totale bedrag op of voor die tiende van elke maand aan die Algemene Sekretaris van die Concession Stores and Allied Trades Assistants' Union, New Era-gebou 3, De Villiersstraat 12, Johannesburg, stuur.

(3) Met dien verstande dat die bepalinge van hierdie artikel nie gedurende die eerste jaar na die datum van sy binnekoms in die Unie van Suid-Afrika op 'n immigrant van toepassing is nie en met dien verstande dat as die immigrant te eniger tyd gedurende die eerste drie maande wat hy in die natuurlehandel begin werk het, geweier het om op versoek van die betrokke vakvereniging lid daarvan te word, die bepalinge van hierdie artikel onmiddellik van toepassing word.

(b) 3d. for every £1 or part thereof of the monthly wage including cost of living allowance due to an employee other than an unskilled labourer (before any deductions permissible under this Agreement are made) shall be deducted by the employer, to the aggregate amount so deducted the employer shall add an equal amount and forward the total sum monthly but not later than the tenth day of each month to the Secretary at P.O. Box 5347, Johannesburg, or pay to any other person duly authorized by the Council to receive such payment. In the case of a weekly paid employee, the amount upon which the contribution shall be based shall be four and one-third times the weekly wage, including cost of living allowance.

15. ADMINISTRATION OF AGREEMENT.

The Council shall be the body responsible for the administration of this Agreement, and may issue expressions of opinion not inconsistent with its provisions for the guidance of employers and employees.

16. EXEMPTIONS.

(1) The Council may grant exemption from any of the provisions of this Agreement for any good and sufficient reason.

(2) The Council shall fix in respect of any person granted exemption the conditions subject to which such exemption shall operate; provided that the Council may, if it deems fit, after one week's notice, in writing, has been given to the person concerned, withdraw any licence of exemption whether or not the period for which the exemption was granted has expired.

(3) The Secretary shall issue to every person granted exemption a licence in terms of section fifty (3) of the Act, setting out—

- (a) the full name of the person concerned;
- (b) the provisions of the Agreement from which exemption is granted;
- (c) the conditions subject to which such exemption is granted; and
- (d) the period during which the exemption shall operate.

(4) The Secretary shall—

- (a) number consecutively all licences issued;
- (b) retain a copy of each licence issued; and
- (c) where an exemption is granted to an employee forward a copy of the licence to the employer concerned.

17. EMPLOYEES' REPRESENTATIVES ON THE COUNCIL.

Every employer shall grant to any of his employees who is representative on the Council every reasonable facility to attend to his duties in connection with the Council.

18. VICTIMISATION.

Attention is drawn to the provisions of section sixty-six of the Act, which forbids the dismissal of an employee for the reasons stated therein.

19. NOTICES TO BE EXHIBITED.

Every employer shall exhibit in some conspicuous place upon his premises the notices required to be posted by an employer in terms of section fifty-eight of the Act, and a copy of this Agreement.

20. EMPLOYMENT OF TRADE UNION LABOUR.

(1) No employer shall employ any employee who is not a member of the trade union, and no member of the trade union shall work for an employer who is not a member of one of the employers' organisations.

Proof of membership of the trade union or one of the employers' organisations shall be the production of a receipt for the subscription current in accordance with the constitution of the trade union or employers' organisations respectively.

This sub-section will not apply where membership of a party to this Agreement is in the opinion of the Council refused without good reason or where a member of a party to the Agreement has in the opinion of the Council been unreasonably expelled and the applicant or member concerned has reported to the Council within fourteen days.

(2) Each employer shall deduct from the wages of each member of the Union in his employ the monthly subscription due to the Union and shall forward the total amount to the General Secretary of the Concession Stores and Allied Trades Assistants' Union, 3 New Era Buildings, 12 De Villiers Street, Johannesburg, by the tenth day of each month.

(3) Provided that the provisions of this section shall not apply in respect of an immigrant during the first year after the date of his entry into the Union of South Africa; provided that if any immigrant has at any time after the first three months of commencement of his employment in the Industry refused invitation from the trade union concerned to become a member of it, the provisions of this section shall immediately come into operation.

(8) Vir die toepassing van hierdie artikel word dit beskou dat diens begin op—

- die datum waarop die werknemer by die werkgever in diens getree het; of
- die datum een jaar voor die datum waarop hierdie Ooreenkoms in werking tree; of
- die datum waarop 'n werknemer aan wie daar ingevolge enige wet en binne die tydperk wat in paragraaf (b) genoem word, afwesigheidsverlof toegestaan is, ingevolge dié wet tot die verlof geregtig geword het.

(9) Onderworpe aan die bepalings van subartikel (4), kan geen werkgever met 'n werknemer ooreenkom om enige bedrag in plaas van verlof te betaal of aan hom te betaal nie.

B. Besoldiging gedurende siekte.

'n Werknemer wat drie maande diens by dieselfde werkgever voltooi het en wat weens siekte of ongeval wat nie deur die werkgever se eie nalatigheid of wangedrag veroorsaak is nie, van sy werk afwesig is, word betaal vir 'n tydperk wat altesaam nie langer as twee weke duur nie, gedurende enige jaar diens. Waar 'n werknemer weens siekte of ongeval vir drie agtereenvolgende dae van sy werk af wegbly, kan die werkgever van die werknemer vereis dat hy 'n mediese sertifikaat verstrek ter staving van die siekte of ongeval.

11. DIENSBEÏNDIGING.

(1) In die geval van 'n werknemer wat op 'n maandelikse basis in diens is, moet minstens een maand kennisgewing en in die geval van 'n werkgever wat op 'n weeklikse basis in diens is, moet minstens een week diensopsegging deur die werkgever of die werknemer gegee word; met dien verstande dat 'n werkgever 'n werknemer in plaas van die voorgeskrewe termyn van diensopsegging, of die termyn soos ooreengekom, loon kan betaal volgens die skaal waarteen hy onmiddellik voor diensbeëindiging betaal is. Hierdie kennisgewing gaan in op die gewone betaaldag van die werknemer.

Hierdie artikel maak nie inbreuk op die werkgever of die werknemer se reg om die dienskontrak sonder diensopsegging te beëindig weens enige goeie rede wat by wet as voldoende erken word nie en raak ook nie 'n ooreenkoms tussen 'n werkgever en 'n werknemer wat voorsiening maak vir 'n langer termyn van diensopsegging as wat in hierdie artikel voorgeskryf word nie.

(2) Die bepalings van hierdie artikel is nie van toepassing op 'n werknemer wat vir 'n tydperk van hoogstens twee weke op proef in diens geneem is nie. Bewys van indiensneming op proef is die voorlegging van 'n kennisgewing aan die Nywerheidsraad.

12. BESTAANDE KONTRAKTE.

Onderworpe aan die bepalings van artikel 4 (3), is enige dienskontrak wat op die datum van die inwerkingtreding van hierdie Ooreenkoms geldig is, onderworpe aan die bepalings van die Ooreenkoms.

13. BESONDERHEDE VIR REGISTRASIE.

(1) Elke werkgever wat in die natuurelhandel is op die datum waarop hierdie Ooreenkoms in werking tree, moet, as hy dit nog nie reeds ingevolge 'n vorige ooreenkoms wat deur die Raad toegepas word gedoen het nie, binne veertien dae, en elke werkgever wat na daardie datum tot die handel toetree, moet binne veertien dae met ingang van die datum waarop hy met besigheid begin, besonderhede vir registrasie in die vorm wat in Aanhangsel D voorgeskryf word, aan die sekretaris stuur.

(2) Die sekretaris moet 'n register hou van werkgevers (met inbegrip van vennootskappe en vennootskappe met beperkte aanspreeklikheid) en van hul werknemers.

(3) Elke werkgever moet 'n opgawe van elke nuwe werknemer in die vorm wat in Aanhangsel E voorgeskryf word, binne veertien dae na die indiensneming van so 'n werknemer, aan die sekretaris stuur, en moet ook die sekretaris binne veertien dae, in die vorm wat in Aanhangsel F voorgeskryf word, in kennis stel van enige veranderinge in die loon van enige werknemer.

14. RAADFONDSE.

Daar word op die volgende wyse in die fondse van die Raad voorsien:—

- (i) Elke werkgever in die natuurelhandel moet met ingang van die datum waarop hierdie Ooreenkoms in werking tree, ten opsigte van elke besigheid wat hy besit of bestuur, aan die Raad 'n bedrag van £2 betaal wat op die 26 November elke jaar verskuldig word, en 'n verdere bedrag van £2 elke 12 maande daarna.
- (ii) Elke werkgever wat tot die natuurelhandel toetree na die datum waarop hierdie Ooreenkoms in werking tree, moet ten opsigte van elke besigheid wat hy besit of bestuur, aan die Raad 'n *pro rata* gedeelte betaal van die bedrae genoem in paragraaf (i), gebaseer op die onverstreke gedeelte van die jaar, en daarna £2 elke 12 maande.
- (iii) Die bydraes in hierdie artikel genoem is binne twee weke nadat hulle verskuldig geword het betaalbaar. Vir die doeleindes van hierdie subartikel, word besigheid wat deur dieselfde werkgever in 'n natuurelwinkel, 'n natuurel-eethuis en/of natuurelslaghuys, op dieselfde of aangrensende standplekke gedryf word, as slegs een besigheid beskou.

(8) For the purpose of this section employment shall be deemed to commence from—

- the date on which the employee entered the employer's service; or
- a date one year prior to the date of commencement of this Agreement; or
- the date on which an employee who had, in terms of any law and within the period referred to in paragraph (b), been granted leave of absence on full pay, became entitled to such leave in terms of such law.

(9) Subject to the provisions of sub-section (4) no employer shall agree with an employee to pay, or pay to him any amount in lieu of leave.

B. Remuneration During Sickness.

An employee who has completed three months employment with the same employer and who is absent from work through sickness, or accident not caused by the employee's own neglect or misconduct shall be paid for a period not exceeding an aggregate of two weeks during any one year of employment. Where an employee absents himself from work through sickness or accident for three consecutive days, the employer may require the employee to produce a medical certificate in proof of such sickness or accident.

11. TERMINATION OF EMPLOYMENT.

(1) Not less than one month's notice in the case of an employee employed on a monthly basis or one week's notice in the case of an employee employed on a weekly basis, shall be given by the employer or employee to terminate the contract of service; provided that an employer may pay to an employee wages at the rate he was receiving immediately prior to such termination in lieu of the prescribed or agreed period of notice for the full period thereof. Such notice shall run from the ordinary pay-day of the employee.

This section shall not affect the employer's or employee's right to terminate the contract of service without notice for any good cause recognised by law as sufficient, nor shall it affect any agreement between an employer and employee which provides for a longer period of notice than that specified in this section.

(2) The provisions of this section shall not apply in the case of an employee engaged on trial for a period not exceeding two weeks. Proof of an engagement on trial shall be the production of a notification to the Industrial Council.

12. EXISTING CONTRACTS.

Subject to the provisions of section 4 (3) any contract of service in operation at the date of commencement of this Agreement shall be subject to the provisions of the Agreement.

13. PARTICULARS FOR REGISTRATION.

(1) Every employer in the native trade at the date on which this Agreement comes into operation shall within fourteen days, if he has not already done so pursuant to any previous Agreement administered by the Council, and every employer entering the trade after that date, shall, within fourteen days from the date he commences business, forward to the Secretary particulars for registration in the form prescribed in Annexure D.

(2) The Secretary shall maintain a register of employers (including partnerships and limited companies) and of their employees.

(3) Each employer shall forward to the Secretary a return in the form prescribed in Annexure E of every new employee within fourteen days of engagement of such employee, and shall also notify the Secretary, in the form prescribed in Annexure F of any changes in the wages paid to any employee within fourteen days.

14. COUNCIL FUNDS.

The funds of the Council shall be provided in the following manner:—

- (i) Every employer in the native trade from the date on which this Agreement comes into operation shall in respect of each business he owns or conducts pay to the Council the sum of £2 which shall fall due on the 26th of November of each year, and a further sum of £2 every twelve months thereafter.
- (ii) Every employer who enters the native trade after the date of coming into operation of this Agreement shall in respect of each business he owns or conducts pay to the Council a *pro rata* portion of the contribution referred to in paragraph (i) based on the unexpired portion of the year and thereafter £2 every twelve months.
- (iii) The contributions referred to in this section shall be payable within two weeks of the date they become due.

For the purposes of this sub-section, business carried on by the same employer in a native shop, a native eating-house and/or native butcher's shop, situated on the same or adjoining stands shall be deemed to be one business only.

9. DIENSSERTIFIKAAT.

(1) 'n Werkgewer moet 'n dienssertifikaat in die vorm wat in Aanhangsel C voorgeskryf word, kosteloos aan elkeen van sy werknemers, gekwalifiseer of ongekwalifiseer, uitreik, wanneer hy die werkgewer se diens verlaat. Die werkgewer moet sorg dat alle sertifikate in volgorde genommer word, moet 'n afskrif van elke sertifikaat wat hy uitreik, hou, en moet nie later as twee weke na die beëindiging van die werknemer se diens nie, 'n duplikaat van elke sertifikaat aan die Sekretaris van die Raad stuur.

(2) Geen werkgewer mag so 'n werknemer in diens neem nie tensy en totdat sodanige werknemer 'n dienssertifikaat voorleë wat aan hom uitgereik is kragtens subartikel (1) van hierdie artikel, of 'n sertifikaat wat deur die Sekretaris van die Raad onderteken is, en wat die duur van die werknemer se ondervinding, as hy ondervinding het, vermeld. So 'n sertifikaat word op versoek deur die sekretaris van die Raad uitgereik.

10. VERLOF MET BETALING EN SIEKTEVERLOF.

A. Verlof met betaling.

(1) Elke werkgewer moet aan elke werknemer in sy diens ten opsigte van elke tydperk van twaalf maande diens by hom, en nie later as twee maande na die beëindiging van genoemde tydperk nie, verlof met volle betaling toestaan.

Die jaarlikse verloftydperk waartoe 'n werknemer geregtig is, is—

- (i) in die geval van 'n werknemer, behalwe 'n gekwalifiseerde of ongekwalifiseerde werknemer wat een jaar diens by dieselfde werkgewer voltooi het, vyftien agtereenvolgende werkdae; en
- (ii) in die geval van 'n werknemer, behalwe 'n gekwalifiseerde of ongekwalifiseerde werknemer wat twee of meer agtereenvolgende jare diens by dieselfde werkgewer voltooi het, agtien agtereenvolgende werkdae; en
- (iii) in die geval van 'n gekwalifiseerde of ongekwalifiseerde werknemer, agtien agtereenvolgende werkdae;

met dien verstande dat—

- (a) die tydperk van verlof nie mag saamval met tyd waarin die werknemer verplig is om opleiding ingevolge die Zuid Afrika Verdedigings Wet, 1912, te ondergaan nie; en
- (b) as 'n openbare vakansiedag binne die tydperk van verlof val, die vakansiedag by die genoemde tydperk gevoeg moet word as 'n verdere tydperk van verlof met volle betaling.

(2) Elke werknemer is geregtig tot verlof met volle betaling op alle openbare vakansiedae, of as hy op 'n openbare vakansiedag werk, tot verlof met volle betaling op 'n ander dag in plaas van die vakansiedag; die vervangingsverlof loop op en word by enige tydperk van vakansieverlof gevoeg wat ingevolge subartikel (1) aan hom verskuldig is.

(3) Die werkgewer moet die werknemer aan wie verlof ingevolge subartikel (1) toegestaan word, sy besoldiging ten opsigte van die verloftydperk nie later as op die laaste werkdag voor die aanvang van genoemde tydperk betaal nie.

(4) Die werkgewer moet by diensbeëindiging verlofbesoldiging aan die werknemer betaal ten opsigte van die diens tyd by die werkgewer na die datum waarop hy laas tot verlof geregtig geword het of in die geval van 'n werknemer wat minder as 12 maande gewerk het, na die datum waarop sy diens 'n aanvang geneem het en wel op die volgende grondslag:—

- (i) In die geval van 'n werknemer genoem in subklousule (1) (i), 1½ dag se besoldiging vir elke voltooiende maand diens;
- (ii) in alle ander gevalle van werknemers genoem in subklousules (1) (ii) en (1) (iii), 1½ dag se besoldiging vir elke voltooiende maand diens.

en die verlofbetaling moet bereken word teen die besoldiging wat die werknemer onmiddellik voor die beëindiging ontvang het.

(5) Verlof en diensbeëindiging mag nie saamval nie.

(6) Enige tydperk wanneer 'n werknemer—

- (a) met verlof is ooreenkomstig subartikel (1);
- (b) opleiding moet ondergaan ooreenkomstig die Zuid Afrika Verdedigings Wet, 1912;
- (c) op las of op versoek van sy werkgewer van sy werk afwesig is;
- (d) weens siekte van sy werk afwesig is;

word vir die toepassing van subartikels (1) en (3) as diens beskou; met dien verstande dat die bepalings van paragraaf (d) nie op 'n tydperk van afwesigheid van langer as drie agtereenvolgende dae van toepassing is nie, as die werknemer versuim om, na 'n versoek deur die werkgewer om 'n doktersertifikaat waarin verklaar word dat die werkgewer deur siekte verhinder was om sy werk te doen, so 'n sertifikaat by die werkgewer in te dien, of ten opsigte van dié gedeelte van enige totale tydperk van afwesigheid gedurende enige twaalf maande, wat langer as agt weke was.

(7) Enige bedrag wat ingevolge subartikel (3) of subartikel (4) aan 'n werknemer betaal word, moet bereken word volgens die skaal waarteen die werknemer betaal is onmiddellik voor die datum waarop verlof aan hom verskuldig geword het, of sy diens beëindig is.

9. CERTIFICATE OF SERVICE.

(1) An employer shall without charge give a certificate of service in the form prescribed in Annexure C to each of his qualified or unqualified employees at the time he leaves the employer's service. The employer shall cause all certificates to be numbered consecutively, shall keep a duplicate copy of each certificate issued by him, and shall forward a further copy of each certificate to the Secretary of the Council not later than two weeks after the termination of the employee's service.

(2) No employer shall engage any such employee unless and until such employee produces a certificate of service issued to him in terms of sub-section (1) of this section or a certificate signed by the Secretary of the Council indicating the length of such employee's experience, if any. The Secretary of the Council shall on request issue any such certificate.

10. PAID LEAVE AND SICK LEAVE.

A. Paid Leave.

(1) Every employer shall grant to every employee employed by him in respect of each period of twelve months' employment with him, and not later than two months after the termination of the said period, leave of absence on full pay.

The period of annual leave to which an employee is entitled shall be—

- (i) in the case of an employee other than a qualified employee or an unqualified employee who has completed one year's employment with the same employer, fifteen consecutive work days; and
- (ii) in the case of an employee other than a qualified employee or an unqualified employee who has completed two or more consecutive years' employment with the same employer, eighteen consecutive work days; and
- (iii) in the case of a qualified employee or an unqualified employee, eighteen consecutive work days;

provided that—

- (a) the period of such leave shall not be concurrent with any period during which the employee is required to undergo training under the South Africa Defence Act, 1912; and
- (b) if any public holiday falls within the period of such leave, such holiday shall be added to the said period as a further period of leave of absence on full pay.

(2) Each employee shall be entitled to leave on full pay on all public holidays, or when he is employed on a public holiday, to leave on full pay on a day in substitution of such holiday, such substituted leave to be cumulative and added to any period of holiday leave due under sub-section (1).

(3) The employer shall pay to an employee to whom leave is granted under sub-section (1), his pay in respect of the period of leave not later than the last working day before the commencement of the said period.

(4) Upon termination of employment the employer shall pay to the employee leave pay in respect of the period of employment with the employer after the date on which he last became entitled to leave or in the case of an employee who has been employed for less than twelve months, after the date of commencement of his employment on the following basis:—

- (i) In the case of an employee referred to in sub-clause (1) (i) one and one-quarter days' pay for each completed month of employment;
- (ii) in all cases of employees referred to in sub-clauses (1) (ii) and (1) (iii) one and one-half days' pay for each completed month of employment;

such leave pay to be calculated on the remuneration the employee was receiving immediately before such termination.

(5) Leave and notice of termination of employment shall not run concurrently.

(6) Any period during which an employee—

- (a) is on leave in terms of sub-section (1);
- (b) is required to undergo training under the South Africa Defence Act, 1912;
- (c) is absent from work on the instructions or at the request of the employer;
- (d) is absent from work owing to illness;

shall be deemed to be employment for the purpose of sub-sections (1) and (3); provided that the provisions of paragraph (d) shall not apply in respect of any period of absence of more than three consecutive days, if the employee fails after a request for such a certificate by the employer, to submit to the employer a certificate by a medical practitioner that he was prevented by illness from doing his work, or in respect of that portion of any total period of absence during any twelve months of employment, which is in excess of eight weeks.

(7) Any amount paid to an employee in terms of sub-section (3) or sub-section (4), shall be calculated at the rate of pay which the employee was receiving immediately prior to the date upon which the leave became due or his employment terminated.

7. BESIGHEIDSURE, WERKSURE EN OORTYD.

A. Besigheidsure.

(1) (a) Geen werkgewer mag 'n naturellewinkel oopmaak, of oophou, of toelaat om oop te wees, of uit sodanige winkel goedere verkoop of lewer, of toelaat dat enige werknemer daarin werk, of goedere in of uit sodanige winkel verkoop of lewer nie, en geen werknemer mag in of vanuit sodanige winkel goedere verkoop of lewer nie—

- (i) op Sondag of 'n openbare vakansiedag;
- (ii) voor 8.30 vm.;
- (iii) later as 6.30-uur in die aand op Maandag, Dinsdag, Woensdag, Donderdag en Vrydag; met dien verstande dat as daar 'n tydperk van dagligbesparing ingevoer word, die sluitingsuur gedurende die tydperk 7-uur moet wees;
- (iv) later as 1-uur op Saterdagmiddag.

(2) Geen werkgewer mag 'n eethuis oophou of toelaat dat dit oop is of goedere daaruit verkoop of lewer of toelaat dat 'n werknemer in of uit so 'n eethuis werk of goedere verkoop of lewer en geen werknemer mag in so 'n eethuis werk of goedere daaruit verkoop of lewer nie—

- (i) voor 8 vm. op enige dag;
- (ii) later as 7 nm. op enige dag; met dien verstande dat as 'n dagligbesparingtydperk ingevoer word, die sluitingsuur gedurende sodanige tydperk 7.30 nm. is.

B. Werkure.

(1) (i) Geen werkgewer kan van 'n werknemer vereis of hom toelaat om—

- (a) vir meer as ses-en-veertig uur per week te werk nie; of
- (b) vir meer as agt en 'n halfuur per dag te werk nie; met dien verstande dat 'n werkgewer van 'n werknemer kan vereis of hom toelaat om op 'n dag van die week nege uur te werk; of
- (c) om vir meer as 'n ononderbroke tydperk van vyf uur sonder 'n ononderbroke pouse van ten minste een uur te werk nie; met dien verstande dat werkydperke wat deur pouses van minder as een uur onderbreek word, as aaneenlopend beskou word;
- (d) op meer as ses dae per week te werk nie; of
- (e) op enige dag 'n werkdag van meer as 11 uur te werk nie;
- (f) om op meer as vyf dae in 'n week na 7-uur nm. te werk nie.

(ii) Die bepalinge van hierdie subartikel is nie op nagwagte van toepassing nie. Enigeen van die werknemers kan gedurende die tydperk tussen sluitings- en openingsure van die besigheid in diens wees; met dien verstande dat die totale tydperk van ononderbroke diens nie meer as twaalf uur mag wees nie en na elke sodanige tydperk van ononderbroke diens 'n onderbreking van twaalfuur toegestaan moet word.

(2) Onderworpe aan die bepalinge van enige wet wat van tyd tot tyd van krag is, kan 'n werkgewer van 'n werknemer vereis of hom toelaat om werk in verband met voorraadopname buite dié werknemer se gewone werkure te verrig; met dien verstande dat die werkgewer vooraf toestemming van die Raad moet verkry en met dien verstande dat die voorraadopname op hoogstens een openbare vakansiedag en een weeklikse halfvakansiedag in enige kalenderjaar gedoen mag word nie. Die werknemer van wie aldus vereis word of wat toegelaat word om op 'n openbare vakansiedag te werk moet binne 30 dae na dié openbare vakansiedag een dag verlof met volle betaling ontvang.

C. Oortyd.

Onderworpe aan die bepalinge van die voorgaande subartikel, kan geen werkgewer van 'n werknemer vereis of hom toelaat om oortyd te werk nie.

8. PRESENSIEREGISTER.

(1) (a) Elke werkgewer moet vir elke werknemer, met uitsondering van 'n ongeskoolde arbeider, 'n presensieregister in die vorm wat in Aanhangsel A voorgeskryf word, verskaf, en moet dit te alle tye gedurende besigheidsure beskikbaar hou vir inspeksie deur die persoon wat behoorlik deur die Raad daartoe gemagtig is om dit te inspekteer.

(b) 'n Presensieregister is die eiendom van die werkgewer en moet vir drie jaar na die laaste inskrywingsdatum daarin, gehou word.

(2) Tensy 'n werknemer deur siekte of 'n ander onvermydelike oorsaak verhinder word om dit te doen, moet hy onmiddellik wanneer hy die inrigting aan die begin van elke dag wat hy daarin in diens is, binnegaan, of aan die einde daarvan verlaat, met ink of inktlood die inskrywings wat die omstandighede vereis, in die presensieregister doen; enige verandering wat 'n werkgewer in 'n inskrywing aanbring, moet deur sodanige werknemer geparafeer word.

(3) Elke werkgewer moet voor 10 vm. op Maandag van elke week, of op die volgende dag as die Maandag 'n openbare vakansiedag is, met ink of inktlood 'n tydtafel, in die vorm wat in Aanhangsel B voorgeskryf word, opstel of laat opstel, wat die dae en ure waarop elk van sy werknemers ingevolge artikel 7 van hierdie ooreenkoms gedurende die daaropvolgende sewe dae moet werk, aantoon, en hy moet sodanige tydtafel gedurende daardie hele tydperk vertoon hou; met dien verstande dat as die werkure van 'n werknemer nie van week tot week verander word nie, daar op sy tydtafel geskryf kan word: „Week wat begin op..... en tot nader kennisgewing”; en verder met dien verstande dat wanneer die werkure verander word, 'n nuwe tydtafel opgestel moet word.

7. HOURS OF BUSINESS, HOURS OF WORK AND OVERTIME.

A. Hours of Business.

(1) (a) No employer shall open or keep open or permit to be open any Native shop or sell or supply goods or permit any employee to work or to sell or supply goods in or from such shop and no employee shall work or sell or supply goods in or from such shop—

- (i) on any Sunday or public holiday;
- (ii) earlier than 8.30 o'clock in the morning;
- (iii) later than 6.30 o'clock in the evening of Monday, Tuesday, Wednesday, Thursday and Friday; provided that if any period of daylight saving is reintroduced, the hour of closing during such period shall be 7 o'clock;
- (iv) later than 1 o'clock in the afternoon of Saturday.

(2) No employer shall open or keep or permit to be open any eating-house or sell or supply goods or permit any employee to work or to sell or supply goods in or from such eating-house and no employee shall work or sell or supply goods in or from such eating-house—

- (i) earlier than 8 o'clock in the morning of any day;
- (ii) later than 7 o'clock in the evening of any day;

provided that if any period of daylight saving is reintroduced the hour of closing, during such period, shall be 7.30 o'clock.

B. Hours of Work.

(1) (i) No employer shall require or permit any employee—

- (a) to work for more than forty-six hours in any one week; or
- (b) to work for more than eight and one-half hours on any one day; provided that an employer may require or permit any employee to work for nine hours on one day of the week; or
- (c) to work for more than a continuous period of five hours without one uninterrupted interval of at least one hour; provided that periods of work interrupted by an interval of less than one hour shall be deemed to be continuous; or
- (d) to work on more than six days in any one week; or
- (e) to work on any day for a spreadover which exceeds eleven hours; or
- (f) to work after one o'clock in the afternoon on more than five days in any one week.

(ii) The provisions of this section shall not apply to night-watchman. Any such employees may be employed during the period between the closing and opening hours of business; provided that the total period of continuous duty shall not exceed twelve hours, and a break of twelve hours shall be granted after every such period of continuous duty.

(2) Subject to the provisions of any law from time to time in force, an employer may require or permit an employee to perform work in connection with stocktaking, outside of such employee's normal hours of work, provided that the employer obtains prior permission from the Council, and provided that such stocktaking may be done on not more than one public holiday and one weekly half-holiday in any calendar year. The employee who is so required or permitted to work on a public holiday shall be given one day's holiday on full pay within thirty days after such public holiday.

C. Overtime.

Subject to the provisions of the preceding sub-section no employer shall require or permit any employee to work overtime.

8. ATTENDANCE REGISTER AND TIME-TABLE.

(1) (a) Every employer shall provide an attendance register for each employee other than an unskilled labourer in the form prescribed in Annexure A and shall keep the same at all times during business hours open to inspection by the person duly authorized by the Council to inspect the same.

(b) An attendance register is the property of an employer and shall be retained for three clear years subsequent to the date of the last entry therein.

(2) Unless precluded from doing so by sickness or other unavoidable cause immediately on entering and before leaving the establishment at the beginning or end of each day every such employee shall on every day on which he is employed therein make in ink or indelible pencil such entries in the attendance register as are appropriate to the circumstances; any alteration to any entry made by an employee shall be initialed by such employee.

(3) Every employer shall before 10 a.m. on Monday of each week, or the next day if the Monday is a public holiday, prepare or cause to be prepared in ink or indelible pencil a time-table in the form prescribed in Annexure B showing the days and hours during which in accordance with section 7 of this Agreement each of his employees is to work during the succeeding seven days, and shall keep such time-table continuously exhibited during this period; provided that if the hours of work of an employee are not changed from week to week his time-table may be endorsed "Week commencing..... and until further notice", and provided further that when the hours of work are changed a fresh time-table shall be prepared.

(2) By diensbeëindiging moet 'n werkgewer sy werknemer alle besoldiging betaal wat verskuldig is kragtens hierdie Ooreenkoms of kragtens 'n kontrak tussen werkgewer en werknemer, as die kontrak voorsiening maak vir besoldiging wat hoër is as die voorgeskrewe minimum besoldiging, ten opsigte van diens tydperke voor die beëindiging.

(3) Daar mag geen premie vir die opleiding van 'n werknemer deur of namens die werkgewer gevra of aangeneem word nie.

(4) (a) Daar mag van geen werknemer vereis word om by sy werkgewer of by 'n plek wat sy werkgewer aanwys, kos of huisvesting aan te neem, of om van sy werkgewer goedere te koop nie. 'n Werknemer wat instem of van sy werkgewer kos of huisvesting (met inbegrip van was- en strykdienste), of albei aan te neem, word nie toegelaat, en daar kan nie van hom vereis word om meer as onderstaande te betaal nie:—

	Per maand. £ s. d.	Per week. £ s. d.
Gekwalifiseerde en ongekwalifiseerde werknemers, motorvoertuig- en stoomwagbestuurders:—		
Vir kos.....	3 0 0	0 13 11
Vir huisvesting (met inbegrip van was- en strykdienste).....	1 0 0	0 4 7
Vir kos en huisvesting (met inbegrip van was- en strykdienste).....	4 0 0	0 18 6
Ongeskoolde arbeiders:—		
Vir kos.....	0 16 6	0 3 10
Vir huisvesting.....	0 7 6	0 1 9
Vir kos en huisvesting.....	1 4 0	0 5 7
Vir alle ander werknemers:—		
Vir kos.....	0 17 6	0 4 0
Vir huisvesting.....	0 8 6	0 2 0
Vir kos en huisvesting.....	1 6 0	0 6 0

(b) Die kos en huisvesting wat verskaf word, moet bevorderlik vir die gesondheid wees.

(5) Geen aftrekkings van watter aard ook, behalwe die volgende, kan van die werknemer se loon afgetrek word nie:—

- Onderworpe aan die bepalings van artikel 10 (b), as 'n werknemer van sy werk wegbly, 'n pro rata bedrag vir die tydperk van afwesigheid, tensy die werknemer vooraf van sy werkgewer verlof verkry het om afwesig te wees;
- met skriftelike toestemming van die werknemer, aftrekkings vir siekte-, versekerings- of pensioenfondse;
- bydraes aan die fondse van die Raad, ingevolge artikel 14 van hierdie Ooreenkoms;
- aftrekkings, ingevolge subartikel (3) van hierdie artikel, ten opsigte van kos en/of huisvesting (met inbegrip van was- en strykdienste) wat verskaf word;
- enige bedrag wat 'n werkgewer verplig is om ingevolge 'n wet of ordonnansie, of regsgeding namens 'n werknemer te betaal;
- vakverenigingsledegeld afgetrek ingevolge subartikel (2) van artikel 20.

6. GETALLEVERHOUDING VAN WERKNEMERS.

(1) 'n Werkgewer of vennoot wat in sy eie winkel of eethuis die werk van 'n werknemer verrig, behalwe die werk van 'n algemene werknemer of ongekwalifiseerde arbeider, word as 'n gekwalifiseerde werknemer beskou; met dien verstande dat 'n werkgewer of vennoot wat meer as een winkel of eethuis besit, of belang daarin het, nie ten opsigte van enige winkel of eethuis met uitsondering van die een waarin hy die werk van sodanige werknemer verrig, as 'n werknemer beskou word nie en hoogstens een van enige getal vennote word ten opsigte van engeen van die winkels of eethuise wat behoort aan of beheer word deur 'n vennootskap, as 'n gekwalifiseerde werknemer beskou.

(2) Behoudens onderworpe aan d'e bepalings van die voorgaande subartikel, moet een gekwalifiseerde werknemer in diens wees alvorens 'n ongekwalifiseerde werknemer in diens geneem kan word, en vir elke twee gekwalifiseerde werknemers kan hoogstens een ongekwalifiseerde werknemer in diens geneem word; met dien verstande dat as 'n ongelike getal gekwalifiseerde werknemers in 'n winkel of eethuis in diens is, 'n ongekwalifiseerde werknemer in diens geneem kan word vir die gekwalifiseerde werknemer wat die ongelike getal veroorsaak.

(3) Vir die toepassing van hierdie artikel, kan 'n ongekwalifiseerde werknemer, aan wie minstens die minimum loon soos voorgeskryf vir 'n gekwalifiseerde werknemer betaal word, gedurende die tydperk wat hy teen daardie loon in diens is, as 'n gekwalifiseerde werknemer beskou word.

(4) 'n Werkgewer wat in sy eie winkel of eethuis die rang van gekwalifiseerde werknemer het, kan een algemene werknemer in diens hê, maar voordat 'n tweede algemene werknemer in diens geneem kan word, moet daar een gekwalifiseerde werknemer in diens wees en daarna kan daar een algemene werknemer in diens wees vir elke gekwalifiseerde werknemer in diens; met dien verstande dat vir die doel van getalleverhouding, die vrou, moeder, dogter, skoondogter en niggie van die werkgewer of van 'n direkteur van die werkgewer-maatskappy, nie as 'n werknemer beskou mag word nie.

(5) Vir die toepassing van hierdie klousule word besigheid wat deur dieselfde werkgewer in enige natuurelwinkels, natuurelwinkels en/of natuurelleslaghuise, geleë op dieselfde standplaas of aangrensende standplaas as slegs een besigheid beskou.

(2) Upon termination of employment an employer shall pay his employee all remuneration due in terms of this Agreement or in terms of any contract between employer and employee if such contract provides for remuneration in excess of the prescribed minimum remuneration, in respect of any periods of employment prior to such termination.

(3) No premium for the training of an employee shall be charged or accepted by or on behalf of an employer.

(4) (a) No employee shall be required to board or lodge with his employer or at any place nominated by his employer, or to purchase any goods from his employer. Any employee who agrees to accept board or lodging (including laundry services), or both, from his employer, shall not be required or allowed to pay more than—

	Per Month. £ s. d.	Per Week. £ s. d.
Qualified and unqualified employee drivers of motor vehicles and steam wagons—		
For board.....	3 0 0	0 13 11
For lodging (including laundry services).....	1 0 0	0 4 7
For board and lodging (including laundry services).....	4 0 0	0 18 6
Unskilled labourers—		
For board.....	0 16 6	0 3 10
For lodging.....	0 7 6	0 1 9
For board and lodging.....	1 4 0	0 5 7
All other employees—		
For board.....	0 17 6	0 4 0
For lodging.....	0 8 6	0 2 0
For board and lodging.....	1 6 0	0 6 0

(b) The food and quarters when supplied, shall be conducive to good health.

(5) No deductions of any description other than the following may be made from the employee's wages:—

- Subject to the provisions of section 10 (b) where an employee absents himself from work, a pro rata amount for the period of such absence unless the employee has previously obtained leave of absence from his employer;
- with the written consent of the employee, deductions for sick, insurance or pension funds;
- contributions to Council funds in terms of section 14 of this Agreement;
- deductions in terms of sub-section (3) of this section in respect of board and/or lodging (including laundry services) supplies;
- any amount paid by an employer compelled by any law or ordinance or legal process to make a payment on behalf of an employee;
- Union Subscriptions deducted in terms of sub-section (2) of section 20.

6. PROPORTION OR RATIO OF EMPLOYEES.

(1) An employer or partner who performs in his own shop or eating-house the work of an employee other than a general employee or unskilled labourer shall be deemed to be a qualified employee; provided that an employee or partner who owns or has an interest in more than one shop or eating-house shall not be deemed to be an employee in respect of any shop or eating-house other than the one in which he performs the work of such employee, and not more than one of any number of partners shall be deemed to be a qualified employee in respect of any one of the shops or eating-houses belonging to or operated by a partnership.

(2) Subject to the provisions of the preceding sub-section, one qualified employee shall be employed before an unqualified employee may be employed and for every two qualified employees not more than one unqualified employee may be employed; provided that when an odd number of qualified employees are employed in a shop or eating-house, an unqualified employee may be employed for the qualified employee who makes up the odd number.

(3) For the purposes of this section an unqualified employee who is paid a wage not less than the minimum wage prescribed for a qualified employee, may, during the period he is being employed at the wage, be reckoned as a qualified employee.

(4) An employer ranking as a qualified employee in his own shop or eating-house may employ one general employee, but before a second general employee may be employed there shall be employed one qualified employee and thereafter there may be employed one general employee for every qualified employee employed; provided that, for ratio purposes, the wife, mother, daughter, daughter-in-law and niece of the employer or of a director of the employing company shall not be deemed to be an employee.

(5) For the purpose of this clause business carried on by the same employer in any Native shops, Native eating-houses, and/or Native butcheries situated on the same stand or adjoining stands shall be deemed to be one business only.

„ongekwalifiseerde werknemer”, ’n werknemer wat klante help en/of bedien en minder as vyf jaar ondervinding in die Naturellehandel het;
 „ongeskoolde arbeider”, ’n werknemer wat uitsluitlik of hoofsaaklik een of meer van ondergenoemde werksaamhede verrig:—

- (a) Persele, voertuie, diere, gerce, masjinerie, werktuie, gereedskap of ander artikels skoonmaak;
- (b) voertuie laai of aflaai;
- (c) goedere dra, verplaas, stapel of uitpak;
- (d) pakkette sorteer; pakkette toedraai;
- (e) bottels of ander houers vir voorraad vul;
- (f) gedrukte of geadresseerde etikette aan bottels, kiste, bale of ander pakkette heg; kiste, bale of ander pakkette sjabloner en/of merk;
- (g) deure, kiste, bale of ander pakkette oop- of toemaak;
- (h) vuurmaak, of vure aan die brand hou, of vuilgoed of as verwyder;
- (i) briewe, boodskappe of goedere te voet of per fiets, driewieler of handvoertuig aflewer of vervoer;
- (j) in die geval van k.b.a.-verkope die kontant invorder, of skriftelike bestellings aanneem;
- (k) op bestelwaens of voertuie help;
- (l) diere versorg, in- of uitspan;
- (m) voertuie, uitgesonderd motorvoertuie, olie of smeer;
- (n) tee of soortgelyke drank maak;

en sluit ’n fietswielstellers- en/of inmeekaarsittershelpers in;
 „week”, ’n tydperk van sewe dae wat op Sondag om middernag begin.

4. LONE EN LEWENSKOSTETOELAE.

(1) Geen lone teen laer skale as onderstaande maandelikse of, na gelang van die geval, weeklikse skale, mag deur ’n werkgever betaal of deur ’n werknemer aangeneem word nie:—

	Per maand.			Per week.		
	£	s.	d.	£	s.	d.
Ongekwalifiseerde werknemer—						
(a) gedurende die eerste jaar ondervinding	14	0	0	3	4	7
(b) gedurende die tweede jaar ondervinding	17	10	0	4	0	9
(c) gedurende die derde jaar ondervinding	21	0	0	4	16	11
(d) gedurende die vierde jaar ondervinding	24	10	0	5	13	1
(e) gedurende die vyfde jaar ondervinding	28	0	0	6	9	3
Gekwalifiseerde werknemer.....	32	10	0	7	10	0
Bestuurder van ’n motorvoertuig, wat ’n voertuig, behalwe ’n stoomwa, bestuur met ’n leeggewig, tesame met die leeggewig van ’n sleepwa of sleepwaens wat aan die voertuig vas is of daar deur getrek word, van hoogstens—						
10,000 pd.....	26	0	0	6	0	0
oor 10,000 pd.....	32	0	0	7	10	0
Bestuurder van ’n stoomwa.....	26	0	0	6	0	0
Fietswielsteller en/of inmeekaarsitter.....	9	4	2	2	2	6
Werknemers nie elders genoem nie.....						
Algemene werknemers—						
(a) in die munisipale gebied Johannesburg	8	14	5	2	0	3
(b) elders.....	8	1	9	1	17	4
Drywer van diervoertuig } Nagwag }						
(a) in die munisipale gebied Johannesburg	8	2	6	1	17	6
(b) elders.....	7	11	8	1	15	0
Ongeskoolde arbeider—						
(a) in diens in ’n naturellewinkel genoem in paragraaf (a) van die woordomskriving „handel met naturelle” in die munisipale gebied Johannesburg.....	7	11	8	1	15	0
(b) alle ander.....	7	0	10	1	12	6

(2) Alle lone wat in hierdie Ooreenkoms voorgeskryf word, is minimum lone en belet nie die betaling van hoër lone nie.

(3) (a) Elke werkgever moet aan elke werknemer, benewens enige ander besoldiging, wat die werknemer ontvang, ’n lewenskostoelae, bereken teen die gewone weeklikse of maandelikse besoldiging, ooreenkomstig onderstaande lys betaal.

(b) Die toelae betaalbaar ooreenkomstig paragraaf 3 (a) is die toelae wat ingevolge Oorlogsmaatreël No. 43 van 1942, soos gewysig of soos dit van tyd tot tyd gewysig kan word, betaalbaar is.

(4) Niks in hierdie Ooreenkoms kan as gevolg hê dat lone of lewenskostoelae wat op enige tyd stip betaal word en wat gunstiger vir ’n werknemer is as dié wat in hierdie Ooreenkoms vir so ’n werknemer bepaal is, verminder word terwyl hy by dieselfde werkgever in diens is nie.

5. BETALING VAN LONE.

(1) Lone en ander besoldiging wat kragtens hierdie Ooreenkoms of kragtens enige kontrak tussen werkgever en werknemer aan ’n werknemer verskuldig is, as so ’n kontrak besoldiging bepaal wat meer is as die voorgeskrewe besoldiging, moet maandeliks op of voor die eerste dag van die daaropvolgende maand in kontant betaal word; met dien verstande dat wanneer so ’n dag op ’n Sondag of openbare vakansiedag val, betaling die volgende dag gedoen moet word, of as ’n werknemer op ’n weeklikse basis in diens is, weekliks op Maandag of by diensbeëindiging as dit voor die gewone betaaldag van die werknemer plaasvind.

“unqualified employee” means an employee who attends to and/or serves customers and who has had less than five years’ experience in the Native trade;

“unskilled labourer” means an employee who is wholly or mainly engaged in one or more of the following operations:—

- (a) Cleaning premises, vehicles, animals, utensils, machinery, implements, tools or other articles;
- (b) loading or unloading vehicles;
- (c) carrying, moving, stacking or unpacking goods;
- (d) sorting packages or parcels; wrapping up parcels;
- (e) filling bottles or other containers for stock;
- (f) affixing printed or ready addressed labels on to bottles, boxes, bales, or other packages; stencilling and/or marking boxes, bales or other packages;
- (g) opening or closing doors, boxes, bales or other packages;
- (h) making or maintaining fires or removing refuse or ashes;
- (i) delivering or conveying letters, messages or goods on foot or by means of a bicycle, tricycle or handpropelled vehicle;
- (j) collecting cash in the case of “C.O.D.” sales or accepting written orders;
- (k) assisting on delivery vans or vehicles;
- (l) tending, harnessing or unharnessing animals;
- (m) oiling or greasing vehicles, other than motor vehicles;
- (n) making tea or similar beverages;

and includes a bicycle wheel truer’s and/or assembler’s assistant,
 “week” means a period of seven days commencing at midnight on Sunday.

4. WAGES AND COST OF LIVING ALLOWANCE.

(1) An employer shall pay wages at not less than the following rates per month or per week as the case may be, and an employee shall not accept wages lower than the following:—

	Per Month.			Per Week.		
	£	s.	d.	£	s.	d.
Unqualified employee—						
(a) During the first year of experience....	14	0	0	3	4	7
(b) During the second year of experience	17	10	0	4	0	9
(c) During the third year of experience..	21	0	0	4	16	11
(d) During the fourth year of experience..	24	10	0	5	13	1
(e) During the fifth year of experience...	28	0	0	6	9	3
Qualified employee.....	32	10	0	7	10	0
Driver of a motor vehicle who drives a vehicle other than a steam wagon, the unladen weight of which together with the unladen weight of any trailer or trailers attached to or drawn by such vehicle						
does not exceed 10,000 lb.....	26	0	0	6	0	0
exceeding 10,000 lb.....	32	0	0	7	10	0
Driver of steam wagon.....	26	0	0	6	0	0
Bicycle wheel truer and/or assembler..	9	4	2	2	2	6
Employees not elsewhere specified.....						
General employees—						
(a) in the municipal area of Johannesburg	8	14	5	2	0	3
(b) Elsewhere.....	8	1	9	1	17	4
Driver of animal-drawn vehicle } Night watchman }						
(a) in the municipal area of Johannesburg	8	2	6	1	17	6
(b) elsewhere.....	7	11	8	1	15	0
Unskilled labourer—						
(a) employed in a Native shop as referred to in paragraph (a) of the definition of “Native trade” in the municipal area of Johannesburg.....	7	11	8	1	15	0
(b) All others.....	7	0	10	1	12	6

(2) In this Agreement all the wages prescribed are minimum wages and do not prevent the payment of higher wages.

(3) (a) Every employer shall pay to each employee in addition to any other remuneration which the employee is receiving, a cost of living allowance calculated on such ordinary weekly or monthly remuneration.

(b) The allowance payable under paragraph 3 (a) shall be the allowance payable in terms of War Measure No. 43 of 1942 as amended or as may be amended from time to time.

(4) Nothing in this Agreement shall operate to reduce any wages or cost of living allowance being paid at any time which are more favourable to an employee than that laid down in this Agreement for such employee while he is in the service of the same employer.

5. PAYMENT OF WAGES.

(1) Wages and other remuneration due to an employee in terms of this Agreement or in terms of any contract between employer and employee if such contract provides for remuneration in excess of the prescribed remuneration shall be paid in cash monthly not later than the first day of the month following; provided that when such day falls on a Sunday or public holiday payment shall be made the following day, or if an employee is employed on a weekly basis, weekly, on Monday or on termination of employment if this takes place before the ordinary pay-day of the employee.

BYLAE.

NYWERHEIDSRAAD VIR DIE NATURELLEHANDEL
(WITWATERSRAND EN HEIDELBERG).

OOREENKOMS

ingevolge die Nywerheid-versoeningswet, 1937, gesluit en aange-
gaan deur

- (a) die Retail Traders' Association for the Native Trade (Witwatersrand and Heidelberg),
 - (b) die Reef Native Trade Employers' Association,
 - (hieronder „die werkgewers” of „die werkgewersorganisasie”),
genoem, aan die een kant, en
 - (c) die Concession Stores and Allied Trades Assistants' Union,
(hieronder „die werknemers” of „die vakvereniging” genoem),
aan die ander kant,
- wat die partye is by die Nywerheidsraad vir die Naturellehandel
(Witwatersrand en Heidelberg).

1. BESTEK VAN TOEPASSING VAN OOREENKOMS.

Die bepaling van hierdie Ooreenkoms moet in die magistraats-
distrikte Krugersdorp, Rodepoort, Johannesburg, Germiston,
Boksburg, Benoni, Brakpan, Springs, Nigel, Heidelberg en daardie
gedeelte van die magistraatsdistrik Randfontein wat voor die
publikasie van Goewermenskennisgewing No. 2546, van 5 Desember
1947, binne die magistraatsdistrik Krugersdorp geleë was,
nagekom word deur alle werkgewers en werknemers wat lede van
die werkgewersorganisasie en die vakvereniging is.

2. GELDIGHEIDSDUUR VAN OOREENKOMS.

Hierdie Ooreenkoms tree in werking op 'n datum wat deur die
Minister van Arbeid vasgestel word kragtens artikel *agt-en-veertig*
van die Wet en bly van krag vir 'n termyn van een jaar, of vir
'n termyn wat deur hom bepaal word.

3. WOORDOMSKRYWINGS.

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig word en
in die Wet omskryf is, het dieselfde betekenis as in die Wet en by
verwysing na 'n wet of ordonnansie, is ook alle wysigings van
sodanige wet of ordonnansie inbegrepe; voorts, tensy die teenoor-
gestelde bedoeling blyk, sluit woorde wat die manlike geslag aan-
dui ook vrouens in en tensy strydig met die samehang, beteken—

„Wet”, die Nywerheid-versoeningswet, 1937;

„fietswielsteller en/of inmeekaarsitter”, 'n werknemer wat fiets-
wiele regstel deur die nodige verstellers te doen sodat die
wiel reg loop en/of die onderdele van 'n fiets of driewieler,
d.w.s. die wiele (met inbegrip van die opbou), voorvurk,
ketting, kettingwiele, stuur, trappers en saalpen aan die raam
heg ten einde sodanige fiets of driewieler volledig inmeekaar
te sit;

„kontantloon”, die loon wat deur 'n werknemer verdien word
min aftrekkings (as daar is) wat ingevolge artikel 5 (4) (d)
afgetrek word vir kos en/of huisvesting (met inbegrip van
was- en strykdienste) wat verskaf word;

„Raad”, die Nywerheidsraad vir die Naturellehandel (Witwa-
tersrand en Heidelberg) wat geregistreer is kragtens artikel
twee van die Nijverheid Verzoeningswet, 1924, en as geregi-
streer beskou word ingevolge artikel *negentien* van die Wet;
„motorvoertuigbestuurder”, 'n werknemer wat uitsluitlik of
hoofsaaklik 'n motorvoertuig of stoomwa bestuur wat gebruik
word vir die vervoer van goedere, uitgesonderd 'n handels-
reisiger se monsters;

„inrigting”, 'n perseel waar die Naturellehandel uitgeoefen
word;

„ondervinding”, die totale duur van alle tydperke van diens
van 'n werknemer as 'n gekwalifiseerde of ongekwalifiseerde
werknemer in die Naturellehandel sowel voor as na publikasie
van die Ooreenkoms;

„algemene werknemer”, 'n werknemer wat een of meer van
die ondergenoemde werksaamhede verrig:—

- (a) Goedere vir voorraad verpak en afweeg;
- (b) boodskappe ontvang;
- (c) tolk;
- (d) kook of by tafels bedien;

„Naturellehandel”, die handel wat uitgeoefen word—

- (a) in Naturellewinkels (met inbegrip van Naturelleslag-
huise soos omskryf in klousule *twee* van die Winkel-
werkure Ordonnansie van 1923 (Transvaal);
- (b) in eethuise ten opsigte waarvan die lisensiegeld wat
voorgeskrif word in item 9 van Deel I van die tweede
Bylae van die Licenties Konsolidasie Wet, 1925, betaal-
baar is;
- (c) in winkels en/of eethuise wat geleë is op standplase
wat kragtens die bepaling van die Edele en Onedele
Metalen Wet, No. 35 van 1908 (Transvaal), en vorige
goudwette vir besigheidsdoeleindes toegestaan is; en
- (d) in winkels en/of eethuise wat geleë is op handelstand-
plase of handelspersele soos bepaal in die Handel op
Mijngronden Regulings Wet, No. 13 van 1910 (Trans-
vaal);

„gekwalifiseerde werknemer”, 'n werknemer wat klante help
en/of bedien en vyf of meer jaar ondervinding in die Natu-
rellehandel het;

„sekretaris”, die Sekretaris van die Raad;

„klante lok”, klante werf of soek, of die uitoefening van die
handel deur 'n werkgewer of sy werknemer buite die grense
van sy gelisensieerde persele en sluit die vervoer van klante
na of van die gelisensieerde persele met enige voertuig of
vervoermiddel in; of dit die eiendom van die werkgewer of
van 'n derde party is;

SCHEDULE.

INDUSTRIAL COUNCIL FOR THE NATIVE TRADE
(WITWATERSRAND AND HEIDELBERG).

AGREEMENT

in accordance with the provisions of the Industrial Conciliation
Act, 1937, made and entered into by and between—

- (a) The Retail Traders' Association for the Native Trade
(Witwatersrand and Heidelberg);
 - (b) The Reef Native Trade Employers' Association;
(hereinafter referred to as “the employees” or “the trade
union”), of the other part;
 - (c) The Concession Stores and Allied Trades Assistants' Union;
(hereinafter referred to as “the employees” or “the trade union”),
of the other part;
- being the parties to the Industrial Council for the Native Trade,
(Witwatersrand and Heidelberg).

1. SCOPE OF APPLICATION OF AGREEMENT.

The terms of this Agreement shall be observed in the Magisterial
Districts of Krugersdorp, Rodepoort, Johannesburg, Germiston,
Boksburg, Benoni, Brakpan, Springs, Nigel, Heidelberg and that
portion of the Magisterial District of Randfontein which prior to
the publication of Government Notice No. 2546 of the 5th
December, 1947, fell within the Magisterial District of Krugers-
dorp, by all employers and employees who are members of the
employers' organisation and the trade union.

2. PERIOD OF OPERATION OF AGREEMENT.

This Agreement shall come into operation on a date to be
fixed by the Minister of Labour in terms of section *forty-eight*
of the Act, and shall remain in force for a period of one year
or for such period as may be specified by him.

3. DEFINITIONS.

Any terms used in this Agreement which are defined in the
Act shall have the same meanings as in the Act, any reference
to an Act or Ordinance, and unless the contrary intention appears
words importing the masculine gender shall include females;
further, unless inconsistent with the context—

“Act” means the Industrial Conciliation Act, 1937;

“bicycle wheel truer and/or assembler” means an employee
who is engaged in truing up bicycle wheels by making the
necessary adjustments so that the wheel is true and/or
fitting the component parts of a bicycle or tricycle, i.e., the
wheels (including the building up), fork, chain, chain wheels,
handlebar, pedals and seat pillar into the frame in order
to completely assemble such bicycle or tricycle;

“cash wage” means the wage earned by an employee less
deductions (if any) made in terms of section 5 (4) (d) in
respect of board and/or lodging (including laundry services)
supplied;

“Council” means the Industrial Council for the Native trade
(Witwatersrand and Heidelberg), registered in terms of section
twee of the Industrial Conciliation Act, 1924, and deemed
to be registered in terms of section *nineteen* of the Act;

“driver of motor vehicle” means an employee wholly or
mainly engaged in driving a motor vehicle or steam wagon
used for the conveyance of goods, other than a traveller's
samples;

“establishment” means any premises upon which the Native
trade is carried on;

“experience” means the total length of all periods of employ-
ment which an employee has had as a qualified or unqualified
employee in the native trade both prior to and subsequent to
the publication of the Agreement;

“general employee” means an employee who is engaged in
performing one or more of the following duties:—

- (a) Packing and weighing up goods for stock;
- (b) receiving messages;
- (c) interpreting;
- (d) cooking or waiting at tables;

“Native trade” means the trade carried on—

- (a) in Native shops (including Native butcher shops) as
defined in clause *twee* of the Shop Hours Ordinance
(Transvaal), 1923;
- (b) in eating-houses in respect of which the licence duty
prescribed in Item 9 of Part 1 of the Second Schedule
to the Licences Consolidation Act, 1925, is payable;
- (c) in shops and/or eating-houses situated upon stands
granted for business purposes under the provisions of
the Precious and Base Metals Act, No. 35 of 1908
(Transvaal), and prior Gold Laws; and
- (d) in shops and/or eating-houses situated upon trading
stands or trading sites as defined in the Trading on
Mining Ground Regulation Act, No. 13 of 1910
(Transvaal);

“qualified employee” means an employee who attends to
and/or serves customers, and who has had five years' or
more experience in the Native trade;

“secretary” means the secretary to the Council;

“touting” means the canvassing for, soliciting of, or carrying
on of trade by an employer or his employee beyond and
outside the confines of his licensed premises, and shall include
the conveyance of customers by an employer or his employee
to or from such licensed premises by any vehicle or convey-
ance whether owned by the employer or a third party;