



UNION OF SOUTH AFRICA
UNIE VAN SUID-AFRIKA

EXTRAORDINARY BUITENGEWONE Government Gazette Staatskoerant

(Registered at the Post Office as a Newspaper)

(As 'n Nuusblad by die Poskantoor Geregistreer)

Vol. CXCVIII.] PRICE 6d. PRETORIA, 30 OCTOBER 1959. PRYS 6d. [No. 6304.
30 OKTOBER

GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. 1785.] [30 October 1959.]

WAGE ACT, No. 5 OF 1959.

WAGE DETERMINATION No. 191.

MEAT TRADE, PIETERMARITZBURG.

By direction of the Minister of Labour it is hereby notified in terms of sub-section (2) of section *fourteen* of the Wage Act, 1957, that the Minister, under the powers vested in him by sub-section (1) of section *fourteen* of the said Act, has made the Determination in the Schedule hereto in respect of the meat trade and has fixed the 23rd day of November, 1959, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply in the municipal area of Pietermaritzburg to employees engaged in the Meat Trade and to the employers of such employees, but it shall not apply to employers and employees in respect of work covered by Wage Determination No. 157 (Cold Storage and Bacon Curing and/or Smallgoods Manufacturing Industries).

2. DEFINITIONS.

(1) Unless the context otherwise indicates, any expression which is used in this Determination and which is defined in the Wage Act, 1957, has the same meaning as in that Act and unless inconsistent with the context—

- “blockman” means an employee (other than a saleswoman or blockman's assistant) who in any establishment in the meat trade, cuts up meat intended for sale by retail or who, in a retail butcher's shop, serves customers and who may make up orders and perform any other duties in such shop;
- “blockman, qualified,” means a blockman who has had not less than five years' experience;
- “blockman, unqualified,” means a blockman who has had less than five years' experience;
- “blockman's assistant” means an employee who breaks down carcasses or who, under the general supervision of a qualified blockman, cut up meat for sale to non-Europeans and who may sell meat exclusively to non-Europeans;
- “casual employee” means an employee (other than a part-time employee) who is employed by the same employer on not more than three days in any week;
- “clerk” means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier, a storeman and a telephone operator, but does not include any other class of employee elsewhere defined in this clause, notwithstanding the fact that clerical work may form a portion of such employee's duties;
- “clerk, male, qualified,” means a male clerical employee who has had not less than five years' experience;
- “clerk, male, unqualified,” means a male clerical employee who has had less than five years' experience;
- “clerk, female, qualified,” means a female clerk who has had not less than four years' experience;
- “clerk, female, unqualified,” means a female clerk who has had less than four years' experience;

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. 1785.] [30 Oktober 1959.]

LOONWET No. 5 VAN 1957.

LOONVASSTELLING No. 191.

VLEISBEDRYF, PIETERMARITZBURG.

In opdrag van die Minister van Arbeid word hierby ingevolge subartikel (2) van artikel *veertien* van die Loonwet, 1957, bekendgemaak dat die Minister, Kragtens die bevoegdheid hom verleen by subartikel (1) van artikel *veertien* van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn ten opsigte van die vleisbedryf gemaak het en die 23st dag van November 1959 bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

BYLAE.

1. GEBIED EN BESTEK VAN VASSTELLING.

Hierdie Vasstelling is in die munisipale gebied van Pietermaritzburg van toepassing op werknemers in die Vleisbedryf en op die werkgewers van sodanige werknemers, maar nie op werkgewers en werknemers ten opsigte van werk waarop Loonvasstelling No. 157 (Koelkamernywerheid en Nywerheid vir die Bereiding van Spek en/of die Vervaardiging van Kleingoedere) van toepassing is nie.

2. WOORDOMSKRYWINGS.

(1) Tensy uit die samehang anders blyk, het alle uitdrukkings wat in hierdie Vasstelling gebesig en in die Loonwet, 1957, omskryf word, dieselfde beteken as in dié Wet en, tensy strydig met die samehang, beteken—

„arbeider”, ’n werknemer wat een of meer van die volgende werksaamhede verrig:—

- (a) Persele, voertuie, gerei, gereedskap of masjinerie skoonmaak;
- (b) lewende hawe voer, water gee, oppas of aanjaag;
- (c) lewende diere skoonmaak of karkasse afwas;
- (d) diere in- of uitspan;
- (e) vleis, gerei, materiale, huide of velle dra, toedraai of opstapel, of vleis, huide of velle sout;
- (f) goedere, vleis of lewende hawe op- of aflaai;
- (g) vure maak of stook, of vuilgoed of as verwyder;
- (h) deure van koelkamers oop- of toemaak;
- (i) karkasse ophys of sleep op ’n ander manier as deur middel van meganiese kragtoestelle;
- (j) goedere, briewe of boodskappe aflewer op ’n ander manier as deur middel van ’n motorvoertuig;
- (k) afval, huide of velle skoonmaak of sorteer;
- (l) pluimvee doodmaak, pluk of skoonmaak, of vis skoonmaak;
- (m) vleis vir maal opсны, bene skoonmaak, vleismeule voer of leegmaak en worsomhulsels oopvou;
- (n) wors of polonies vasbind, sopvleis opsaag, bene stuk kend kap, vet opсны of smelt, of vet deur masjiene stuur;
- (o) horings van karkasse verwyder;

"cost of living allowance" means the allowance prescribed in War Measure No. 43 of 1942, as amended, and as construed in terms of section two of the War Measures continuation Act, 1948, and paragraph (b) of section two of the War Measures Continuation Act, 1950; Provided that where an employer regularly pays an employee a cost of living allowance higher than that so prescribed, it means such higher allowance;

"delivery employee" means an employee who delivers goods otherwise than by driving a motor vehicle and, in addition, is required to collect or record orders from customers and who may receive cash in the case of C.O.D. sales;

"emergency work" means any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or breakdown of machinery, must be done without delay and any work connected with the loading and unloading of trucks or vehicles of the South African Railways and Harbours;

"establishment" means any premises in or in connection with which one or more employees are employed in any section of the meat trade;

"experience" means the total period or periods of employment (whether within the Union of South Africa or elsewhere) which, in the occupation in which he is engaged, an employee has had—

(a) in any trade if engaged as a clerk,

(b) in the meat trade if engaged in any other capacity;

"first blockman" means a qualified blockman in charge of an establishment in which at least one other blockman is employed, and where only one blockman is employed, such blockman shall be deemed to be a first blockman;

"labourer" means an employee engaged in one or more of the following operations:—

(a) Cleaning premises, vehicles utensils, implements, or machinery;

(b) feeding, watering, herding or driving livestock;

(c) cleaning live animals or washing carcasses;

(d) harnessing or unharnessing animals;

(e) carrying, wrapping or stacking meat, utensils, materials, hides or skins, or salting meat, hides or skins;

(f) loading or unloading goods, meat or livestock;

(g) making or maintaining fires, or removing refuse or ash;

(h) opening or closing doors of cold storage chambers;

(i) hoisting or dragging carcasses otherwise than by means of power-driven mechanical appliances;

(j) delivering goods, letters or messages otherwise than by means of driving a motor vehicle;

(k) cleaning or storing offal, hides or skins;

(l) killing, plucking or cleaning poultry, or cleaning fish;

(m) cutting up meat for mincing, cleaning bones, feeding or emptying mincing machines, or unfolding sausage casing;

(n) tying sausages or polonies, sawing up soup meat, chopping up bones, cutting up or melting fat, or putting fat through machines;

(o) de-horning of carcasses;

"law" includes the common law;

"leading slaughterman" means a qualified slaughterman who, under the general supervision of the supervisor, is in charge of a group of slaughtermen and slaughterman's assistants;

"livestock" means any bull, bullock, cow, heifer, steer, tollie, calf, sheep, lamb, goat, pig, horse, donkey, game or other quadruped intended for human consumption and includes poultry;

"manager" means an employee who is charged by his employer with the overall—

(a) supervision over;

(b) responsibility for; and

(c) direction of;

the activities of an establishment and the employees engaged therein;

"meat" means meat intended for human consumption and includes game, horse meat, donkey meat, rabbit meat and poultry;

"meat trade" means—

(a) the slaughtering of livestock;

(b) the handling, preparation, preservation, sale or distribution of meat by all undertakings—

(i) in respect of which is required a wholesale or retail butcher's licence in terms of item 7 of Part I of the Second Schedule to the Licences Consolidation Act, 1925; or

(ii) which, by reason of their carrying in operations at a public or municipal market are, by the provisions of paragraph (b) of the exemption from the requirements of the said item of the said Schedule, not required to hold such a licence;

and includes all operations incidental to such undertakings or the slaughtering of livestock or consequent thereon;

"bedryfsinrigting", 'n perseel waarop of in verband waarmee een of meer werknemers in enige afdeling van die Vleisbedryf in diens is;

"besteller", 'n werknemer wat goedere op 'n ander wyse aflewer as deur die gebruik van 'n motorvoertuig wat hy self bestuur en van wie ook vereis word om bestellings van klante in te samel of aan te teken en wat by K.B.A.-verkope die kontant mag ontvang;

"bestuurder", 'n werknemer aan wie sy werkgever die volgende opgedra het:—

(a) Die toesig oor;

(b) verantwoordelikheid vir; en

(c) bestuur van,

die werksaamhede van 'n bedryfsinrigting en die werknemers daarin werksaam;

"blokman", 'n werknemer (uitgesonderd 'n verkoopster of blokmanassistent) wat in enige bedryfsinrigting in die Vleisbedryf vleis bedoel vir verkoop in die kleinhandel opsyn of wat in 'n kleinhandelslaghuis klante bedien en in so 'n slaghuys bestellings mag opmaak en enige ander soorte werk mag verrig;

"blokman, gekwalifiseer", 'n blokman met minstens vyf jaar ondervinding;

"blokman, ongekwalifiseer", 'n blokman met minder as vyf jaar ondervinding;

"blokmanassistent", 'n werkgever wat karkasse uitmekaar-maak of wat, onder die algemene toesig van 'n gekwalifiseerde blokman, vleis vir verkoop aan nie-blankes onsny en wat vleis uitsluitend aan nie-blankes kan verkoop;

"deeltydse werknemer", 'n klerk of verkoopster wat as sodanig by die week hoogstens vier-en-twintig gewone werkure in 'n week in diens is;

"eerste blokman", 'n gekwalifiseerde blokman wat in beheer is van 'n bedryfsinrigting waarin minstens een ander blokman in diens is, en as daar net een blokman in diens is, word sodanige blokman as 'n eerste blokman beskou;

"leë gewig", die gewig van 'n motorvoertuig of 'n sleepwa soos aangegee in 'n lisensie of sertifikaat ten opsigte van dié motorvoertuig of sleepwa uitgereik deur enige owerheid wat by Wet gemagtig is om ten opsigte van motorvoertuie lisensies uit te reik; met dien verstande dat in die geval van 'n twee-of driewielmotorvoertuig (uitgesonderd 'n voorhaker) die leë gewig as hoogstens 1,000 pond geag word;

"klerk", 'n werknemer wat skryf-, tik-, liaseer- of enige ander vorm van klerlike werk verrig, en ook 'n kassier, 'n magasynman en 'n telefonis, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerlike werk ook deel uit van so 'n werknemer se pligte;

"klerk, manlik, gekwalifiseer", 'n manlike klerk met minstens vyf jaar ondervinding;

"klerk, manlik, ongekwalifiseer", 'n manlike klerk met minder as vyf jaar ondervinding;

"klerk, vroulik, gekwalifiseer", 'n vroulike klerk met minstens vier jaar ondervinding;

"klerk, vroulik, ongekwalifiseer", 'n vroulike klerk met minder as vier jaar ondervinding;

"kleinhandelslaghuis", enige perseel of deel daarvan waarin of waarop iemand by kleinhandelsmaat in vleis handel dryf ten opsigte waarvan hy 'n kleinhandelslagerslisensie moet besit ingevolge item 7 van Deel 1 van die tweede Bylae van die Licenties Konsolidatie Wet, 1925, asook enige perseel of deel daarvan op 'n openbare of munisipale mark, waarin of waarop enigeen vleis by kleinhandelsmaat verkoop;

"korttyd", 'n tydelike vermindering van die getal gewone werkure te wyte aan 'n slapte in die Bedryf of 'n tekort aan voorrade, of aan die feit dat die masjinerie of installasie defek is, of die geboue ten gevolge van 'n ongeluk of ander onvoorsiene omstandighede ineenstort of dreig om ineen te stort;

"lewende hawe" enige bul, jong bul, koei, vers, os, tollie, kalf, skaap, lam, bok, vark, perd, donkie, wildsbok of enige ander viervoetige dier bedoel vir menslike verbruik en sluit pluimvee in;

"lewenskostetoelae", die toelae voorgeskryf in Oorlogsmaat-reël No. 43 van 1942, soos gewysig, en soos uitgelê by artikel twee van die Wet op die Voortsetting van Oorlogsmaat-reëls, 1948, en paragraaf (b) van artikel twee van die Wet op die Voortsetting van Oorlogsmaat-reëls, 1950; met dien verstande dat, as 'n werkgever 'n werknemer gereeld 'n hoër lewenskostetoelae betaal as dié aldus voorgeskryf, dit sodanige hoër toelae beteken;

"loon", die geldbedrag ingevolge klousule 3 aan 'n werknemer betaalbaar vir sy gewone werkure soos voorgeskryf in klousule 5; met dien verstande dat, as 'n werkgever sy werknemer vir sy gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 voorgeskryf, dit dié hoër bedrag beteken;

"los werknemer", 'n werknemer (uitgesonderd 'n deeltydse werknemer) wat hoogstens drie dae in 'n week by dieselfde werkgever in diens is;

"magasynman" 'n werknemer wat die algemene beheer het oor die voorrade inkomende goedere, wat goedere in 'n pakhuis, magasyn of koelkamer ontvang en daaruit afstuur en wat daarvan die nodige boekhouding doen;

"military training" means continuous training which an employee is required to undergo in terms of section *twenty-one* (1), read with sub-section (1) and (2) of section *twenty-two*, of the Defence Act, 1957, but does not include any training he may elect to undergo in terms of section *twenty-three* of the said Act nor any other training or service for which he volunteers or which he elects to undergo;

"motor vehicle" means a mechanically propelled vehicle used for conveying goods, including livestock, and includes a mechanical horse and a tractor;

"motor vehicle driver" or "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load, and all periods during which he is obliged to remain on duty in readiness to drive;

"part-time employee" means a clerk or salesman who is employed as such by the week for not more than twenty-four ordinary hours of work in any week;

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

"retail butcher's shop" means any premises or portion thereof in or upon which the business of selling meat by retail is carried on and in respect of which business a retail butcher's licence in terms of item 7 of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is required to be held, and any premises or portion thereof at a public or municipal market in or upon which the business of selling meat by retail is carried on;

"saleswoman" means a female employee who, in a retail butcher's shop, is engaged in serving customers or making up order and who may for these purposes weigh meat, slice or cut processed meat, or, by cutting or otherwise, divide meat previously cut up by a blockman for sale by retail;

"saleswoman, qualified," means a saleswoman who has had not less than four years' experience;

"saleswoman, unqualified," means a saleswoman who has had less than four years' experience;

"senior managerial, professional or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decision of a professional or administrative character in the conduct of the activities of an establishment;

"short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of supplies or a general breakdown of machinery or plant or an actual or threatened breakdown of buildings caused by accident or other unforeseen circumstances;

"storeman" means an employee who is in general charge of stocks of incoming goods, receives goods into and despatches goods from a warehouse, store or cold storage and who maintains the necessary records in connection therewith;

"slaughterman" means an employee who is engaged in killing or bleeding livestock or flaying or dressing carcasses, and who may supervise a group of slaughterman's assistants;

"slaughterman, qualified," means a slaughterman with not less than two years' experience;

"slaughterman, unqualified," means a slaughterman with less than two years' experience;

"slaughterman's assistant" means an employee who, under the supervision of a slaughterman, is engaged in flaying or dressing carcasses and in operations incidental thereto;

"sub-manager" means an employee who is charged by his employer with—

(a) the supervision over; and

(b) the responsibility for the direction of,

the activities of a department or division or section of an establishment and the employees engaged therein;

"supervisor" means an employee who is in general charge of the slaughtering operation in an establishment or portion thereof;

"unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two or three-wheeled motor vehicle (other than a mechanical horse) the unladen weight shall be deemed not to exceed 1,000 lb.;

"wage" means the amount of money payable to an employee in terms of clause 3 in respect of his ordinary hours of work as prescribed in clause 5: Provided that where an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3, it means such higher amount;

"watchman" means an employee engaged in guarding premises or other property.

(2) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

"militêre opleiding," die ononderbroke opleiding waartoe 'n werknemer ingevolge artikel *een-en-twintig* (1), saamgelees met subartikels (1) en (2) van artikel *twee-en-twintig*, van die Verdedigingswet, 1957, verplig word, maar omvat geen opleiding wat hy ingevolge artikel *drie-en-twintig* van gemelde Wet uit eie keuse ondergaan nie en ook geen ander opleiding of diens wat hy vrywillig of uit eie keuse meemaak nie;

"motorvoertuig", 'n kragaaangedrewe voertuig wat gebruik word vir die vervoer van goedere, met inbegrip van lewende hawe, en ook 'n voorhaker en 'n trekker;

"motorvoertuigdrywer", of "drywer van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig dryf, en by die toepassing van hierdie woordomskriving omvat die uitdrukking "n motorvoertuig dryf" alle tyd waarin 'n motorvoertuigbestuurder dryf en alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag, en alle tyd waarin hy verplig is om op sy pos gereed te bly om te dryf;

"noodwerk", alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, epidemie, geweld, diefstal of 'n defek by die installasie of masjinerie, sonder versuim verrig moet word, en ook alle werk in verband met die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;

"onderbestuurder", 'n werknemer wat deur sy werkgevers belas is met—

(a) die toesig oor, en

(b) die verantwoordelikheid vir die bestuur van,

die werksaamhede van 'n afdeling of gedeelte of seksie van 'n bedryfsinrigting en die betrokke werknemers;

"ondervinding", die totale tydperk of tydperke diens (hetsy binne die Unie van Suid-Afrika of elders) wat 'n werknemer in die klas werk wat hy verrig, gehad het—

(a) in enige bedryf, indien hy as klerk in diens is;

(b) in die Vleisbedryf, as hy in enige ander hoedanigheid in diens is;

"opsigter", 'n werknemer wat in algemene beheer is van die slagwerksaamhede in 'n bedryfsinrigting of in 'n deel daarvan;

"senior besturende, professionele of administratiewe werknemer", 'n werknemer wat deur die werkgevers belas is met die werk wat vir so 'n werknemer die verantwoordelikheid meebring om by die uitvoering van die werksaamhede van 'n bedryfsinrigting besluite van professionele of administratiewe aard te neem;

"slagman", 'n werknemer wat lewende hawe slag of bloedlaat, of karkasse afslag of berei, en wat oor 'n groep slagmans-assistente toesig mag hou;

"slagman, gekwalifiseer", 'n slagman met minstens twee jaar ondervinding;

"slagman, ongekwalifiseer", 'n slagman met minder as twee jaar ondervinding;

"slagman-indoena", 'n gekwalifiseerde slagman wat, onder die algemene toesig van die opsigter, in beheer is van 'n groep slagmanne en slagmanassistenten;

"slagmansassistent", 'n werknemer wat onder toesig van 'n slagman karkasse afslag of berei en die werksaamhede verrig wat daarmee saamgaan;

"stukwerk", enige stelsel waarby 'n werknemer se besoldiging gebaseer word op die hoeveelheid werk verrig;

"verkoopster", 'n vroulike werknemer wat in 'n kleinhandel-slaghuis klante bedien of bestellings opmaak en wat te dien einde vleis kan afweeg, verwerkte vleis in skyfies of stukke kan sny, of vleis wat vooraf deur 'n blokman vir verkoop in die kleinhandel opgesny is, met 'n mes of andersins verder kan verdeel;

"verkoopster, gekwalifiseer", 'n verkoopster met minstens vier jaar ondervinding;

"verkoopster, ongekwalifiseer", 'n verkoopster met minder as vier jaar ondervinding;

"vleis", vleis wat vir menslike verbruik bedoel is en sluit in wilds-, perde-, donkie-, en konynvleis, asook pluimvee;

"vleisbedryf"—

(a) die slag van lewende hawe;

(b) die hantering, voorbereiding, preservering, verkoop of verspreiding van vleis deur alle ondernemings—

(i) ten opsigte waarvan 'n groot- of kleinhandelsslagerslisensie ingevolge item 7 van Deel 1 van die Tweede Bylae van die Licenties Konsolidasie Wet, 1925, vereis word; of

(ii) wat, omrede hulle sake doen op 'n publieke of munisipale mark, as gevolg van die bepalinge van paragraaf (b) van die vrystellings in die genoemde item van die betrokke Bylae, nie verplig is om sodanige lisensie te hou nie;

en omvat alle handelinge wat met so 'n onderneming of met die slag van lewende hawe saamgaan of daaruit voortvloei;

"wag", 'n werknemer wat waghou oor persele of ander eiendom;

"wet", ook die gemene reg.

(2) By die toepassing van hierdie Vasstelling word daar geag dat 'n werknemer in dié klas val waarin hy uitsluitend of hoofsaaklik in diens is.

3. WAGES.

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

	Per Week.		
	£	s.	d.
First blockman.....	9	0	0
Blockman, qualified.....	8	0	0
Blockman, unqualified—			
during first year of experience.....	3	0	0
during second year of experience.....	3	10	0
during third year of experience.....	4	5	0
during fourth year of experience.....	5	0	0
during fifth year of experience.....	6	10	0
Blockman's assistant.....	2	0	0
Supervisor.....	8	10	0
Leading slaughterman.....	3	0	0
Slaughterman, qualified.....	2	15	0
Slaughterman, unqualified—			
during first year of experience.....	2	5	0
during second year of experience.....	2	10	0
Slaughterman's assistant—			
during first six months of experience.....	1	15	0
during second six months of experience.....	1	18	6
thereafter.....	2	2	0
Driver of a motor vehicle the unladen weight of which—			
(i) does not exceed 1,000 lb.....	2	10	0
(ii) exceeds 1,000 lb. but not 6,000 lb.....	3	17	6
(iii) exceed 6,000 lb.....	4	17	6
Clerk, female, qualified, or saleswoman, qualified.....	4	15	0
Clerk, female, unqualified, or saleswoman, unqualified—			
during first year of experience.....	2	15	0
during second year of experience.....	3	5	0
during third year of experience.....	3	15	0
during fourth year of experience.....	4	5	0
Clerk, male, qualified.....	6	18	6
Clerk, male, unqualified—			
during first year of experience.....	3	4	7
during second year of experience.....	3	18	6
during third year of experience.....	4	12	4
during fourth year of experience.....	5	6	2
during fifth year of experience.....	6	0	0
Delivery employee.....	1	15	0
Labourer, male, 18 year of age and over.....	1	12	6
Labourer, male, under 18 years of age.....	1	5	0
Labourer, female.....	1	7	6
Watchman.....	2	2	6
Employees not elsewhere in this clause specifically mentioned.....	2	0	0

(2) *Part-time Employee.*—A part-time employee shall be paid not less than three-fifths of the wage prescribed for a clerk of the same sex and experience or a saleswoman with the same experience.

(3) *Casual Employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for the employee of the same sex who performs the same class of work as the casual employee is required to do; provided that where a casual employee is required to perform the work of a class of employee for whom wages on a rising scale are prescribed the expression "weekly wage" shall be deemed to be the weekly wage prescribed for a qualified employee of that class and provided further that where a casual employee is required to work for a period of not more than four consecutive hours on any day, his wage may be reduced by fifty per cent.

(4) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than his full weekly wage whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(5) *Differential Wage.*—An employer who requires or permits a member of one class of his employees to do for longer than one hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

(a) a wage higher than that of his own class, or

(b) a rising scale of wages terminating in a wage higher than that of his own class,

is prescribed in sub-clause (1), shall pay to such employee in respect of that day—

(i) in the case mentioned in (a), not less than the daily wage calculated at the higher rate, and

3. LONE.

(1) Die minimum loon wat 'n werkgewer aan elkeen van sy werknemers in ondergenoemde klasse moet betaal, is die volgende:—

	Per week.		
	£	s.	d.
Eerste blokman.....	9	0	0
Blokman, gekwalifiseer.....	8	0	0
Blokman, ongekwalifiseer—			
gedurende eerste jaar ondervinding.....	3	0	0
gedurende tweede jaar ondervinding.....	3	10	0
gedurende derde jaar ondervinding.....	4	5	0
gedurende vierde jaar ondervinding.....	5	0	0
gedurende vyfde jaar ondervinding.....	6	10	0
Blokman's assistent.....	2	0	0
Opsigter.....	8	10	0
Slagman-indoena.....	3	0	0
Slagman, gekwalifiseer.....	2	15	0
Slagman, ongekwalifiseer—			
gedurende eerste jaar ondervinding.....	2	5	0
gedurende tweede jaar ondervinding.....	2	10	0
Slagman's assistent—			
gedurende eerste ses maande ondervinding.....	1	15	0
gedurende tweede ses maande ondervinding.....	1	18	6
daarna.....	2	2	0
Drywer van 'n motorvoertuig waarvan die leë gewig—			
(i) hoogstens 1,000 pond is.....	2	10	0
(ii) oor 1,000 pond maar hoogstens 6,000 pond is...	3	17	6
(iii) oor 6,000 pond is.....	4	17	6
Klerk, vroulik, gekwalifiseer, of verkoopster, gekwalifiseer.....	4	15	0
Klerk, vroulik, ongekwalifiseer, of verkoopster, ongekwalifiseer—			
gedurende eerste jaar ondervinding.....	2	15	0
gedurende tweede jaar ondervinding.....	3	5	0
gedurende derde jaar ondervinding.....	3	15	0
gedurende vierde jaar ondervinding.....	4	5	0
Klerk, manlik, gekwalifiseer.....	6	18	6
Klerk, manlik, ongekwalifiseer—			
gedurende eerste jaar ondervinding.....	3	4	7
gedurende tweede jaar ondervinding.....	3	18	6
gedurende derde jaar ondervinding.....	4	12	4
gedurende vierde jaar ondervinding.....	5	6	2
gedurende vyfde jaar ondervinding.....	6	0	0
Besteller.....	1	15	0
Arbeider, manlik, 18 jaar en ouer.....	1	12	6
Arbeider, manlik, jonger as 18 jaar.....	1	5	0
Arbeider, vroulik.....	1	7	6
Wag.....	2	2	6
Werknemers wat nie elders in hierdie klousule uitdruklik vermeld word nie.....	2	0	0

(2) *Deeltydse werknemer.*—Aan 'n deeltydse werknemer moet minstens drie-vyftes betaal word van die loon voorgeskryf vir 'n klerk van dieselfde geslag en met ewe lang ondervinding of vir 'n verkoopster met ewe lang ondervinding.

(3) *Los werknemer.*—Aan 'n los werknemer moet vir elke dag of deel van 'n dag diens minstens een-vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer van dieselfde geslag, wat dieselfde klas werk verrig as wat van die los werknemer vereis word; met dien verstande dat, as van 'n los werknemer vereis word om die werk te doen van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking "weekloon" die weekloon voorgeskryf vir 'n gekwalifiseerde werknemer van die betrokke klas beteken, en voorts met dien verstande dat, as van 'n los werknemer vereis word om 'n tydperk van hoogstens vier opeenvolgende ure op enige dag te werk, sy loon met vyftig persent verminder kan word.

(4) *Kontrakbasis.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens die bepalinge van klousule 4 (6), moet 'n werknemer vir 'n week minstens sy volle weekloon betaal word, ongeag of hy in dié week die maksimum getal gewone werke wat vir hom ingevolge klousule 5 geld, dan wel minder, gewerk het.

(5) *Differensiële loon.*—'n Werkgewer wat vereis of toelaat dat 'n werknemer van 'n bepaalde klas langer as altesaam een uur op enige dag, hetsy benewens sy eie werk of in die plek daarvan, werk verrig van 'n ander klas waarvoor hetsy—

(a) 'n hoër loon as dié van sy eie klas, of

(b) 'n stygende loonskaal wat uitloop op 'n hoër loon as dié van sy eie klas,

in subklousule (1) voorgeskryf word, moet vir dié dag aan so 'n werknemer die volgende betaal:—

(i) In die geval in (a) vermeld, minstens die dagloon bereken teen die hoër tarief, en

- (ii) in the case mentioned in (b), not less than the daily wage calculated at the rate prescribed in the rising scale for the higher class next above the wage which the employee was receiving for his normal work:

Provided that—

- (i) the provisions of this sub-clause shall not apply where the difference between classes in terms of sub-clause (1) is based on age, experience or sex;
- (ii) unless expressly provided to the contrary in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring an employee to do work of another class, for which class the same or a lower wage is prescribed than that prescribed for such employee;
- (iii) for the purpose of this sub-clause the expression "rising scale", when it relates to any class of employee for which increments are prescribed on the basis of length of experience, shall be deemed to include, and terminate with, the wage prescribed for a qualified employee of that class.
- (6) *Calculation of Wages.*—(a) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—
- (i) five, in the case of an employee who works a five-day week;
- (ii) six, in the case of an employee who works a six-day week;
- (iii) the number of his normal working days per week, in the case of a part-time employee.
- (b) The monthly wage of an employee shall be four and a third times his weekly wage.

4. PAYMENT OF REMUNERATION.

(1) *Employees other than Casual Employees.*—Save as provided in clause 6, any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, if the employer and his employee have agreed thereto, in cash or by cheque monthly, during the hours of work or within fifteen minutes of ceasing work, on the usual pay day of the establishment for such employee, or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing the employer's name, employee's name or number and his occupation, the number of ordinary hours and overtime hours worked, details of any deductions made, the remuneration due and the period for which the payment is being made; and such envelope or container or such statement shall become the property of the employee.

(2) *Casual Employees.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment.

(3) *Premiums.*—No payment shall be to, or accepted by, an employer, either directly or indirectly, in respect of the employment or training of an employee.

(4) *Purchase of Goods.*—An employer shall not require his employee to purchase any goods from him or from any shop or persons nominated by him.

(5) *Board and Lodging.*—Save as provided in the Natives (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge, or board and lodge, with him or with any person or at any place nominated by him.

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

- (a) With the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or substitutions to a trade union;
- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, otherwise than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time thereof;
- (c) a deduction of any amount which an employer is by any law or order of a competent court required or permitted to make;
- (d) whenever an employee agrees, or is required in terms of the Natives (Urban Areas) Consolidation Act, 1945, to accept board or lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

	Per Week.		Per Month.	
	s.	d.	£	s. d.
Board.....	4	0	0	17 4
Lodging.....	2	0	0	8 8
Board and lodging.....	6	0	1	6 0

- (e) with the written consent of an employee, a deduction for any amount which an employer has paid to any municipal council or other local authority in respect of charges for accommodation in any hostel or the rent of any house occupied by such employee in any location or Native village under the control of such council or other local authority;

- (ii) in die geval in (b) vermeld, minstens die dagloon bereken op die kerf in die stygende skaal net bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande—

- (i) dat, as die verskil tussen die klasse ingevolge subklousule (1) berus op ouderdom, ondervinding of geslag, die bepalinge van hierdie subklousule nie geld nie;
- (ii) dat, tensy in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vasstelling só uitgelê moet word dat dit 'n werkgever belet om te vereis dat 'n werknemer 'n ander klas werk verrig waarvoor die voorgeskrye loon dieselfde of laer is as dié wat vir sodanige werknemer voorgeskryf word nie;
- (iii) dat by die toepassing van hierdie subklousule daar geag word dat die uitdrukking „stygende skaal", wanneer dit betrekking het op 'n klas werknemer vir wie verhogings voorgeskryf word op grondslag van lengte van ondervinding, die loon wat vir 'n gekwalifiseerde werknemer van dié klas voorgeskryf is, insluit en daarop eindig.
- (6) *Loonberekening.*—(a) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—
- (i) vyf, as hy 'n werkweek van vyf dae het;
- (ii) ses, as hy 'n werkweek van ses dae het;
- (iii) die getal van sy gewone werkdae per week, as hy 'n deeltydse werknemer is.
- (b) Die maandloon van 'n werknemer is vier en een-derde maal sy weekloon.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalinge van klousule 6, moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werkgever en sy werknemer daartoe ooreengekom het, maandeliks in kontant of per tjek betaal word gedurende die werkure of binne vyftien minute ná afloop van die werk op die dag waarop die bedryfsinrigting sodanige werknemer gewoonlik betaal, of by diensbeëindiging, as dié voor die gewone betaaldag geskied; en dié bedrag moet in 'n verseëlde koever of houer wees waarop die volgende aangeteken is of wat vergesel gaan van 'n staat wat die volgende aantoon: Die werkgever se naam, die werknemer se naam of nommer en sy werk, die getal gewone en oortydure wat die werknemer gewerk het, alle inligting omtrent enige aftrekkings, die verskuldigde besoldiging en die tydperk waarvoor die betaling gedoen word; en hierdie koever of houer, of sodanige staat, word die eiendom van die werknemer.

(2) *Los werknemers.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is, by die beëindiging van sy diens in kontant betaal.

(3) *Premies.*—Geen betaling mag regstreeks of onregstreeks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgever gedoen of deur hom aangeneem word nie.

(4) *Koop van goedere.*—'n Werkgever mag nie vereis dat sy werknemer van hom of van enige winkel of persoon wat hy aanwys, goedere koop nie.

(5) *Kos en inwoning.*—Behoudens die bepalinge van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie vereis dat sy werknemer by hom of by enigeen of enige plek deur hom aangewys, eet of inwoon of eet en inwoon nie.

(6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes ople of van sy werknemer se besoldiging aftrekkings doen nie; met dien verstande dat hy die volgende aftrekkings kan doen:—

- (a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, versekerings-, spaar-, voorsorg-, of pensioenfonds, of vir ledegeld van 'n vakvereniging;
- (b) behoudens waar hierdie Vasstelling anders bepaal, wanneer 'n werknemer ook al om 'n ander rede as op las of versoek van sy werkgever uit sy diens afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op die basis van die loon wat so 'n werknemer ten tyde daarvan vir sy gewone werkure ontvang het;
- (c) enige bedrag wat 'n werkgever by wet of op bevel van 'n bevoegde hof verplig of toegelaat word om af te trek;
- (d) wanneer 'n werknemer daartoe instem, of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig word, om by sy werkgever te eet of in te woon, hoogstens die bedrae hieronder vermeld:—

	Per week.		Per maand.	
	s.	d.	£	s. d.
Kos.....	4	0	0	17 4
Inwoning.....	2	0	0	8 8
Kos en inwoning.....	6	0	1	6 0

- (e) met die skriftelike toestemming van 'n werknemer, enige bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike bestuur betaal het ten opsigte van die koste van huisvesting in 'n tehuis, of van die huur van 'n huis wat sodanige werknemer bewoon in 'n lokasie of Naturelledorp onder die beheer van sodanige raad of ander plaaslike bestuur;

(f) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction of not more than one forty-sixth of the employee's weekly wage for each hour of such reduction: Provided that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced, and provided that no deduction shall be made—

(i) in the case of short-time arising out of slackness of trade or shortage of supplies, unless the employer has not later than the preceding work day given notice of his intention to reduce the ordinary hours of work;

(ii) in the case of short-time owing to a general breakdown of plant or machinery, or an actual or threatened breakdown of buildings caused by accident or other unforeseen circumstances, in respect of the first hour not worked, unless the employer has given his employee notice on or before the preceding work day that no work will be available.

5. HOURS OF WORK, ORDINARY AND OVERTIME, AND PAYMENT FOR OVERTIME.

(1) *Ordinary Hours of Work.*—An employer shall not require or permit an employee, other than a casual employee, to work more ordinary hours of work than—

(a) in the case of an establishment which observes a six-day week—

(i) forty-six in any week from Monday to Saturday, inclusive, and

(ii) subject to sub-paragraph (i) hereof, eight on one day: Provided that, if the hours on one day do not exceed six, the hours on any of the other days may be extended to eight and a half, and provided further that, if on any one of such other days the hours of work do not exceed seven, the hours of work on one such other day may be extended to nine and a half;

(b) in the case of an establishment which observes a five-day week—

(i) forty-six in any week from Monday to Friday, inclusive, and

(ii) subject to sub-paragraph (i) hereof, nine and a half on any day;

(c) in the case of a part-time employee—

(i) twenty-four in any week, and

(ii) subject to the provisions of sub-paragraph (i) eight on any day:

Provided that, where on any day an employee in a retail butcher's shop is required to attend to a customer after the completion of his ordinary hours of work, the said ordinary hours of work may be exceeded by not more than fifteen minutes, and such excess shall be deemed not to be part of the ordinary hours of work or overtime.

(2) An employer shall not require or permit a casual employee to work more ordinary hours of work than eight and a half on any day.

(3) *Meal Intervals.*—An employer shall not require or permit a employee, other than an employee employed on a Saturday in or in connection with a retail butcher's shop, to work for more than five hours continuously without a meal interval of not less than one hour, during which such employee shall not be required or permitted to do any work, and such interval shall be deemed not to be part of the ordinary hours of work or overtime: Provided that—

(i) periods of work interrupted by intervals of less than one hour shall be deemed to be continuous;

(ii) if such interval be longer than one hour, any period in excess of one and a quarter hours shall be deemed to be time worked;

(iii) a motor vehicle driver who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purpose of this sub-clause not to have worked during such interval.

(4) *Rest Intervals.*—An employer shall grant to each of his employees a rest interval of not less than ten minutes as nearly as practicable in the middle of each morning and afternoon work period, and during such interval the employee shall not be required or permitted to do any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(5) *Hours of Work to be Consecutive.*—Save as provided in sub-clause (3), all hours of work on any day shall be consecutive.

(6) *Overtime.*—All time worked by an employee in excess of the number of hours prescribed in sub-clauses (1) and (2) shall be deemed to be overtime.

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

(a) in the case of a casual employee, two hours on any day;

(b) in the case of any other employee—

(i) three hours on any day;

(ii) six hours in any week.

(f) wanneer die gewone werkure in klousule 5 voorgeskryf weens korttyd verminder word, 'n bedrag van hoogstens een ses-en-veertigste van die werknemer se weekloon vir elke uur van sodanige vermindering; met dien verstande dat sodanige aftrekking nie een-derde van die werknemer se weekloon mag oorskry nie, ongeag die getal ure waarmee die gewone werkure aldus verminder word, en voorts met dien verstande dat geen bedrag afgetrek mag word—

(i) in die geval van korttyd wat te wyte is aan 'n slapte in die Bedryf of 'n tekort aan voorrade nie, tensy die werkgewer sy werknemer voor of op die vorige werkdag kennis gee van sy voorneme om die gewone werkure te verminder;

(ii) vir die eerste uur waarin nie gewerk word nie, as dié korttyd te wyte is aan die feit dat die installasie of masjinerie uit orde is, of die geboue ten gevolge van 'n ongeluk of ander onvoorsiene omstandigheid onbruikbaar is of dreig om dit te word, tensy die werkgewer sy werknemer voor of op die dag tevore in kennis gestel het dat daar nie gewerk sal word nie.

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

(1) *Gewone werkure.*—'n Werkgewer mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n los werknemer, meer gewone werkure werk nie as—

(a) in 'n bedryfsinrigting met 'n werkweek van ses dae—

(i) ses-en-veertig in enige week van Maandag tot en met Saterdag; en

(ii) behoudens die bepalings van subparagraaf (i) hiervan, agt op 'n dag: Met dien verstande dat, as die ure op een dag nie meer as ses is nie, die ure op engeen van die ander dae tot agt en 'n half verleng kan word, en voorts met dien verstande dat, as die werkure op engeen van sodanige ander dae nie meer as sewe is nie, die werkure op een sodanige ander dag tot nege en 'n half verleng kan word;

(b) in 'n bedryfsinrigting met 'n werkweek van vyf dae—

(i) ses-en-veertig in enige week van Maandag tot en met Vrydag; en

(ii) behoudens die bepalings van subparagraaf (i) hiervan, nege en 'n kwart op enige dag;

(c) in die geval van 'n deeltydse werknemer—

(i) vier-en-twintig in enige week, en

(ii) behoudens die bepalings van subparagraaf (i), agt op enige dag:

Met dien verstande dat, as op enige dag van 'n werknemer in 'n kleinhandelslaghuis vereis word om 'n klant te bedien ná afloop van die gewone werkure, genoemde gewone werkure met hoogstens vyftien minute oorskry mag word, en daar word geag dat sodanige ekstra tyd nie deel van die gewone werkure of oortyd uitmaak nie.

(2) 'n Werkgewer mag nie vereis of toelaat dat 'n los werknemer meer gewone werkure as agt en 'n half op 'n dag werk nie.

(3) *Etenspouses.*—'n Werkgewer mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n werknemer wat op 'n Saterdag in of in verband met 'n kleinhandelslaghuis diens doen, langer as vyf uur aaneen werk nie, sonder 'n etenspouse van minstens een uur, waarin so 'n werknemer nie verplig of toegelaat mag word om enige werk te doen nie, en daar word geag dat sodanige pouse nie deel van die gewone werkure of oortyd vorm nie; met dien verstande—

(i) dat werktye wat onderbreek word deur pouses van minder as 'n uur, as aaneenlopend beskou word;

(ii) dat, as sodanige pouse langer as 'n uur is, elke tydperk van meer as een en 'n kwart uur as 'n tyd gewerk, beskou word;

(iii) dat daar geag word dat 'n motorvoertuigdrywer wat in so 'n pouse geen ander werk verrig as om in beheer van die voertuig te wees of te bly nie, by die toepassing van hierdie subklousule in dié pouse nie gewerk het nie.

(4) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke werkperiode in die voor- en namiddag, aan elkeen van sy werknemers 'n ruspouse van minstens tien minute toestaan, waarin die werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en genoemde pouse word as deel van die gewone werkure beskou.

(5) *Werkure moet opeenvolgend wees.*—Behoudens die bepalings van subklousule (3), moet alle werkure op enige dag opeenvolg.

(6) *Oortyd.*—Alle tyd wat 'n werknemer bo die getal ure in subklousules (1) en (2) voorgeskryf, werk, word as oortyd beskou.

(7) *Beperking van oortyd.*—'n Werkgewer mag nie vereis of toelaat dat 'n werknemer langer oortyd werk nie as—

(a) wat 'n los werknemer betref, twee uur op 'n dag;

(b) wat enige ander werknemer betref—

(i) drie uur op 'n dag;

(ii) ses uur in 'n week.

(8) *Additional Limitations on Ordinary Hours of Work and Overtime in Respect of Female Employees.*—Notwithstanding anything to the contrary contained in sub-clauses (1) and (7) hereof, an employer shall not require or permit a female employee—

(a) to perform any work—

- (i) between 6 p.m. and 6 a.m., or
- (ii) after 1 p.m. on more than five days in any week; or

(b) to work overtime—

- (i) for more than two hours on any day;
- (ii) on more than three consecutive days in any week;
- (iii) on more than sixty days in any year;
- (iv) after completion of her ordinary hours of work for more than one hour on any day unless he has—

- (a) before midday given such employee notice thereof, or
- (b) provided such employee with an adequate meal and allowed her sufficient time to have it before overtime is due to commence; or
- (c) paid such employee not less than two shillings and sixpence in sufficient time to allow her to obtain and have a meal before overtime is due to commence.

(9) *Payment for Overtime.*—An employer shall pay his employee who works overtime at a rate of not less than—

- (a) in the case of an employee, other than a casual employee or a part-time employee, one and one third times his weekly wage divided by forty-six in respect of each hour or part of an hour in the aggregate of the overtime so worked on any days in any week;
- (b) in the case of a part-time employee, one and one third times his weekly wage divided by twenty-four in respect of each hour or part of an hour in the aggregate of overtime so worked on any days in any week;
- (c) in the case of a casual employee, one and one third times his daily wage divided by eight and a half in respect of each hour or part of an hour so worked on any day.

(10) *Savings.*—(a) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee, manager or sub-manager provided such employee is paid a regular wage at a rate of not less than £780 per annum, or to a watchman.

(b) The provision of sub-clauses (3), (4), (5) and (7) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of sub-clause (4) shall not apply to a motor vehicle driver or a labourer who accompanies such driver on his rounds or to a delivery employee.

(d) The provisions of sub-clause (7) shall not apply to an employee engaged in feeding, watering, herding or driving livestock or tending animals, or to an employee engaged in the delivery of goods to ships or hospitals, the military, naval or air forces, or for export.

(11) For the purposes of sub-clauses (9) and (10) the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

6. ANNUAL LEAVE.

(1) Subject to the provisions of sub-clauses (2) and (3), an employer shall grant to his employee, other than a casual employee, in respect of each completed twelve months' employment with him—

- (a) in the case of a watchman, twenty-one consecutive calendar day's leave;
- (b) in the case of every other employee, fourteen consecutive calendar days' leave;

and shall pay such employee in respect of such leave—

- (i) in the case of an employee referred to in (a), an amount of not less than three times the weekly wage to which he was entitled as from the first day of the leave; and
- (ii) in the case of an employee referred to in (b), an amount of not less than double the weekly wage to which he was entitled as from the first day of the leave;

Provided that the weekly wage of an employee who is engaged on piece-work in terms of clause 9 (1) shall be calculated on the basis set out in section twenty (5) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in sub-clause (1) shall be granted at a time to be fixed by the employer: Provided that—

- (i) if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within two months after the completion of the twelve months of employment to which it relates;
- (ii) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees, in writing, with any period of military training;
- (iii) if any public holiday falls within the period of such leave, another day shall for each such day be added to the said period as a further period of leave, and the employee shall in respect of each such day added be paid an amount not less than his daily wage;

(8) *Addisionele beperkings op gewone werkure en oortyd ten opsigte van vroulike werknemers.*—Ondanks andersluidende bepalinge in subklousule (1) en (7) hiervan, mag 'n werkgever nie vereis of toelaat dat 'n vroulike werknemer—

(a) enige werk verrig—

- (i) tussen 6 nm. en 6 vm. of
- (ii) ná 1 nm. op meer as vyf dae in enige week nie; of

(b) oortyd werk—

- (i) vir meer as twee uur op 'n dag nie;
- (ii) op meer as drie agtereenvolgende dae in 'n week nie;
- (iii) op meer as sestig dae in 'n jaar nie;
- (iv) vir meer as een uur op 'n dag na voltooiing van haar gewone werkure nie, tensy hy—

- (a) so 'n werknemer voor die middag in kennis daarvan gestel het, of
- (b) sodanige werknemer betyds van 'n behoorlike ete voorsien en haar genoeg tyd laat om dit te kan nuttig voordat sy met oortyd moet begin; of
- (c) sodanige werknemer minstens twee sjelings en ses pennies betaal en haar genoeg tyd laat om 'n ete te verkry en dit te nuttig voordat sy met oortyd moet begin.

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

- (a) in die geval van 'n ander werknemer as 'n los werknemer of 'n deeltydse werknemer, minstens een en 'n derde maal sy weekloon gedeel deur ses-en-veertig vir elke uur of deel van 'n uur wat hy altesaam of enige dae in enige week oortyd gewerk het;
- (b) in die geval van 'n deeltydse werknemer, minstens een en 'n derde maal sy weekloon gedeel deur vier-en-twintig vir elke uur of deel van 'n uur wat hy altesaam op enige dae in enige week aldus gewerk het;
- (c) in die geval van 'n los werknemer, minstens een en 'n derde maal sy dagloon gedeel deur agt en 'n half vir elke uur of deel van 'n uur wat hy op enige dag aldus gewerk het.

(10) *Voorbehoudsbepalings.*—(a) Die bepalinge van hierdie klousule geld nie vir 'n senior besturende, professionele of administratiewe werknemer of 'n bestuurder of onderbestuurder, indien en terwyl sodanige werknemer gereëld 'n besoldiging teen 'n tarief van minstens £780 per jaar ontvang nie, en ook nie vir 'n wag nie.

(b) Die bepalinge van subklousules (3), (4), (5) en (7) geld nie vir 'n werknemer terwyl hy noodwerk verrig nie.

(c) Die bepalinge van subklousule (4) geld nie vir 'n motorvoertuigdrywer, of vir 'n arbeider wat sodanige bestuurder op sy rondes vergesel, of vir 'n besteller nie.

(d) Die bepalinge van subklousule (7) geld nie vir 'n werknemer wat lewende hawe voer, water gee, oppas of aanjaag, of wat diere versorg nie, en ook nie vir 'n werknemer wat goedere aan skepe of hospitale of aan militêre, vloot- of lugmagte, of vir die uitvoer, aflewer nie.

(11) By die toepassing van subklousules (9) en (10) word daar geag dat die uitdrukking „loon" 'n werknemer se loon plus sy lewenskostetoelae beteken.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousules (2) en (3), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooië tydperk van twaalf maande in sy diens, die volgende toestaan—

- (a) aan 'n wag, een-en-twintig opeenvolgende kalenderdae verlof;
- (b) aan alle ander werknemers, veertien opeenvolgende kalenderdae verlof;

en hom ten opsigte van sodanige verlof die volgende betaal—

- (i) in die geval van 'n werknemer in (a) genoem, 'n bedrag van minstens driemaal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is; en
- (ii) in die geval van 'n werknemer in (b) genoem, 'n bedrag van minstens dubbel die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is;

Met dien verstande dat die weekloon van 'n werknemer wat stukwerk verrig ingevolge klousule 9 (1), bereken moet word op die grondslag uiteengesit in artikel twintig (5) van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941.

(2) Die verlof voorgeskryf in subklousule (1) moet toegestaan word op 'n tyd wat die werkgever bepaal: Met dien verstande—

- (i) dat, as die verlof nie eerder toegestaan is nie, dit, behoudens die bepalinge van subklousule (3), só toegestaan word dat dit begin binne twee maande ná voltooiing van die twaalf maande diens waarop dit betrekking het;
- (ii) dat die tydperk van verlof nie saamval met siekteverlof wat ingevolge klousule 7 toegestaan is of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met enige tydperk van militêre opleiding nie;
- (iii) dat, as 'n openbare vakansiedag binne die tydperk van die verlof val, vir elke sodanige dag nog 'n dag by genoemde tydperk gevoeg word as verdere verloftyd, en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag van minstens sy dagloon betaal word;

(iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at the latter's written request during the period of twelve months of employment to which the period of annual leave relates.

(3) At the written request of an employee an employer may permit the annual leave to accumulate over a period of not more than twenty-four months of employment: Provided that—

- (i) such request is made by the employee not later than two months after the expiry of the twelve's month's employment to which the leave relates;
- (ii) the date of receipt of such request shall be endorsed on it over his signature by the employer, who shall retain the request for a period of not less than three years from such date or the date of expiry of the period of twelve months' employment to which the leave relates, whichever is the later.

(4) *Leave Remuneration.*—The remuneration in respect of the annual leave prescribed in sub-clause (1), read with sub-clause (3), shall be paid not later than the last work day before the date of commencement of the leave.

(5) An employee whose contract of employment terminates during any twelve months of employment with the same employer before the period of leave prescribed in sub-clause (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid by his employer, in respect of each completed month of such period of employment, an amount of not less than—

- (a) in the case of an employee referred to in paragraph (a) of sub-clause (1), one-fourth of the weekly wage;
- (b) in the case of an employee referred to in paragraph (b) of sub-clause (1), one-sixth of the weekly wage,

he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to sub-clause (2) and provided further than an employee—

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 12, unless the employer has waived such notice; or
- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice,

shall not be entitled to any payment by virtue of this sub-clause.

(6) An employee who has become entitled to a period of leave prescribed in sub-clause (1), read with sub-clause (3), and whose contract of employment terminates before such leave has been granted shall, upon such termination, be paid the amount he would have received in respect of the leave had the leave been granted to him as at the date of termination.

(7) For the purpose of this clause the expression "employment" shall be deemed to include any period in respect of which an employer, in terms of sub-clause (1) of clause 12, pays an employee in lieu of notice, and also any period or periods during which an employee is absent—

- (a) on leave in terms of sub-clause (1);
- (b) on sick leave in terms of clause 7;
- (c) on the instructions or at the request of his employer;
- (d) undergoing any military training,

amounting in the aggregate in any year to not more than ten weeks in respect of items (a), (b) and (c), plus any period of military training undergone in that year, and employment shall be deemed to commence—

- (i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;
- (ii) in the case of an employee who was in employment before the date of commencement of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
- (iii) in the case of any other employee, on the date on which such employee entered his employer's service or the date of the coming into force of this Determination, whichever is the later.

(8) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

- (a) in the case of an employee who works a five-day week, not less than twenty work days;

(iv) dat 'n werkgever alle dae geleentheidsverlof wat aan sy werknemer wat op dié se skriftelike versoek gedurende die twaalf maande waarop die tydperk van jaarlikse verlof betrekking het, teen volle betaling toegestaan is, van sodanige verloftydperk kan aftrek.

(3) Op die skriftelike versoek van sy werknemer kan 'n werkgever die jaarlikse verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens laat oploop: Met dien verstande—

- (i) dat die werknemer sodanige versoek rig binne twee maande ná afloop van die twaalf maande diens waarop die verlof betrekking het;
- (ii) dat die werkgever die ontvangsdatum van sodanige versoek daarop aanbring en dit onderteken, en die versoek minstens drie jaar bewaar vanaf sodanige datum of vanaf die afloopdatum van die tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van hierdie datums.

(4) *Verlofbesoldiging.*—Die besoldiging ten opsigte van die jaarlikse verlof, voorgeskryf in subklousule (1), saamgelees met subklousule (3), moet voor of op die laaste werkdag voor die aanvangsdatum van die verlof betaal word.

(5) 'n Werkgever moet sy werknemer wie se dienskontrak gedurende enige tydperk van twaalf maande diens beëindig word voordat die verloftydperk in subklousule (1) voorgeskryf, vir dié tydperk opgeloopt het, benewens enige ander besoldiging wat aan hom verskuldig is, vir elke voltooië maand van sodanige diens-tydperk 'n bedrag betaal van—

- (a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) genoem, minstens een-vierde van die weekloon.
- (b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) genoem, minstens een-sesde van die weekloon,

wat hy onmiddellik voor die datum van sodanige beëindiging ontvang het; met dien verstande dat 'n werkgever 'n eweredige aftrekking kan maak ten opsigte van enige tydperk van verlof wat ooreenkomstig die vierde voorbehoudsbepaling van subklousule (2) aan 'n werknemer toegestaan is, en voorts met dien verstande dat 'n werknemer—

- (i) wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word (tensy die werkgever van genoemde kennisgewingstermyn afgesien het; of
- (ii) wat sy diens sonder regsgeldige rede verlaat; of
- (iii) wat om 'n regsgeldige rede vir sodanige ontslag deur sy werkgever sonder kennisgewing ontslaan word,

op geen betaling kragtens hierdie subklousule geregtig is nie.

(6) Aan 'n werknemer wat tot 'n tydperk van verlof voorgeskryf in subklousule (1), saamgelees met subklousule (3), geregtig geword het en wie se dienskontrak beëindig word voordat sodanige verlof toegestaan is, moet by genoemde beëindiging dié bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van beëindiging aan hom toegestaan was.

(7) By die toepassing van hierdie klousule word daar geag dat die uitdrukking „diens” ook elke tydperk omvat ten opsigte waarvan 'n werkgever ingevolge subklousule (1) van klousule 12 'n werknemer betaal in plaas van kennis van diensbeëindiging te gee, en ook alle tydperke waarin 'n werknemer—

- (a) met verlof ingevolge subklousule (1);
- (b) met siekteverlof ingevolge klousule 7;
- (c) op las of versoek van sy werkgever;
- (d) vir militêre opleiding afwesig is;

en wel tot 'n totaal in enige jaar van altesaam hoogstens tien weke ten opsigte van items (a), (b) en (c), plus enige tydperk van militêre opleiding wat hy in dié jaar ondergaan het, en daar word geag dat diens soos volg begin:—

- (i) In die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling tot verlof kragtens enige wet geregtig geword het, op die datum waarop sodanige werknemer die vorige maal tot sodanige verlof kragtens sodanige wet geregtig geword het;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerking-treding van hierdie Vasstelling in diens was en vir wie enige wet geld wat vir jaarlikse verlof voorsiening maak maar wat nog nie tot verlof ingevolge daarvan geregtig geword het nie, op die datum waarop sodanige diens begin het;
- (iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgever in diens getree het, of op die datum van inwerking-treding van hierdie Vasstelling, en wel op die jongste van die twee datums.

(8) By die toepassing van hierdie klousule word geag dat die uitdrukking „loon” 'n werknemer se loon plus sy lewenskoste-toelae beteken.

7. SIEKTEVERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid uit sy werk afwesig is, die volgende toestaan:—

- (a) In die geval van 'n werknemer wat 'n werkweek van vyf dae het, altesaam minstens twintig werkdag;

(b) in the case of every other employee, not less than twenty-four work days,

sick leave in the aggregate during each cycle of twenty-four consecutive months of employment with him and shall pay such employee in respect of any period of absence in terms hereof not less than the wage he would have had received had he worked during such period: Provided that—

- (i) in the first twenty-four consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of every other employee, one work day in respect of each completed month of employment;
- (ii) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee, in the event of his incapacity in the circumstances set out in this clause, the payment to his of not less than in the aggregate the equivalent of his wage for twenty or twenty-four days work, as the case may be, in each cycle of twenty-four months' employment, except that during the first twenty-four months of the payment of contributions by the employee, the guaranteed rate need not exceed the rate of accrual set out in the first proviso of this sub-clause;
- (iii) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;
- (iv) if, in respect of any period of incapacity covered by this clause, an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply;
- (v) the wage payable to an employee who is employed on piece-work, for any period of absence on sick leave in terms of this clause, shall be calculated on the basis of the remuneration paid to such employee on his last pay day immediately preceding such absence.

(2) An employer may, as a condition precedent to the payment by him of any amount which under this clause an employee claims in respect of any absence from work for a period covering more than three consecutive calendar days, require the employee to produce a certificate signed by a medical practitioner confirming the nature and duration of the employee's incapacity.

(3) Where, during the first cycle of twenty-four months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid only in respect of such sick leave as has so accrued: Provided that his employer shall, if he has not previously done so, at the expiry of the said cycle of employment, or on termination of employment before such expiry, pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiry or termination, has not been taken.

(4) For the purpose of this clause the expression—

- (a) "wage" shall be deemed to mean an employee's wage plus his cost of living allowance;
- (b) "employment" shall have the same meaning as that assigned to it in sub-clause (7) of clause 6: Provided that any period of employment which an employee has had with the same employer immediately before the date of the coming into operation of this Determination shall for the purpose of this clause be deemed to be employment under this Determination, and any sick leave on full pay granted to such employee during such period shall be deemed to have been granted under this Determination;
- (c) "incapacity" means inability to work owing to any sickness or injury (other than that caused by an employee's own misconduct): Provided that any inability to work caused by an accident in respect of which compensation is payable under the Workmen's Compensation Act, 1941, shall be deemed to be incapacity only in respect of any period of inability to work for which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays.*—An employee who is not required to work on a public holiday shall be paid by his employer not less than his daily wage in respect of such day.

(2) *Compensation for Work on Public Holidays.*—Whenever an employer requires or permits an employee to work on any public holiday he shall, for work performed on that day, pay such employee his daily wage plus, for each hour or part of an hour worked by the employee in the aggregate on such day, an amount of not less than one forty-sixth of his weekly wage.

(b) in the geval van alle ander werknemers, altesaam minstens vier-en-twintig werkdag;

siekteverlof gedurende elke kringloop van vier-en-twintig opeenvolgende maande diens by hom, en ten opsigte van enige tydperk van afwesigheid ingevolge hierdie klousule, moet hy aan sodanige werknemer minstens dié loon betaal wat hy sou ontvang het as hy gedurende genoemde tydperk gewerk het: Met dien verstande—

- (i) dat, gedurende die eerste vier-en-twintig opeenvolgende maande diens, 'n werknemer met 'n werkweek van vyf dae tot hoogstens een werkdag siekteverlof met volle betaling ten opsigte van elke voltooide tydperk van vyf weke diens, en alle ander werknemers tot hoogstens een werkdag siekteverlof met volle betaling ten opsigte van elke voltooide maand diens, geregtig is;
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes, minstens gelyk aan dié wat die werknemer daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer, by ongeskiktheid in die omstandighede in hierdie klousule vermeld, betaling waarborg van altesaam minstens die ekwivalent van sy loon vir twintig of vier-en-twintig werkdag, al na gelang van die geval, in elke tydkring van vier-en-twintig maande diens, behalwe dat gedurende die eerste vier-en-twintig maande waarin die werknemer bydraes stort, die gewaarborgde tarief nie die koers van aanwas soos uiteengesit in die eerste voorbehoud tot hierdie subklousule, hoef te oorskry nie;
- (iii) dat, indien 'n werkgever ingevolge enige wet, gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde wel betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;
- (iv) dat, indien ten opsigte van enige tydperk van ongeskiktheid wat deur hierdie klousule bedoel word, 'n werkgever by enige ander wet verplig word om 'n werknemer sy volle loon te betaal, die bepaling van hierdie klousule nie geld nie;
- (v) dat die loon wat vir enige tydperk van afwesigheid weens siekteverlof ingevolge hierdie klousule betaal moet word aan 'n werknemer wat stukwerk verrig, bereken word op grondslag van die besoldiging wat aan sodanige werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) Voordat 'n werkgever kan voldoen aan enige eis wat 'n werknemer kragtens hierdie klousule stel ten opsigte van afwesigheid uit sy werk gedurende 'n tydperk wat strek oor meer as drie opeenvolgende kalenderdae, kan hy vereis dat die werknemer 'n sertifikaat, geteken deur 'n geneesheer, voorleë wat die aard en duur van die werknemer se ongeskiktheid bevestig.

(3) Wanneer 'n werknemer gedurende die eerste kringloop van vier-en-twintig maande diens by dieselfde werkgever weens ongeskiktheid gedurende 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig tot betaling vir slegs dié siekteverlof wat hom dan toekom; met dien verstande dat, tensy die werkgever dit reeds gedoen het, hy by die verstryking van genoemde kringloop, of by diensbeëindiging voor sodanige verstryking, die werknemer ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid moet betaal vir sover die siekteverlof wat by sodanige verstryking of beëindiging opgehoop het, nie gebruik is nie.

(4) By die toepassing van hierdie klousule—

- (a) word daar geag dat die uitdrukking „loon" 'n werknemer se loon plus sy lewenskostetoelae beteken;
- (b) het die woord „diens" dieselfde betekenis as dié wat in subklousule (7) van klousule 6 daaraan gegee word; met dien verstande dat enige tydperk wat 'n werknemer by dieselfde werkgever gedien het onmiddellik voor die inwerkingtreding van hierdie Vasstelling, vir die doel van hierdie klousule beskou word as diens ooreenkomstig hierdie Vasstelling, en dat daar geag word dat siekteverlof met volle betaling wat gedurende sodanige tydperk aan so 'n werknemer toegestaan is, ingevolge hierdie Vasstelling toegestaan is;
- (c) beteken die woord „ongeskiktheid" die onvermoë om te werk weens siekte of besering, behalwe as dit deur die werknemer se eie wangedrag veroorsaak is; met dien verstande dat, as die onvermoë om te werk te wyte is aan 'n ongeluk waarvoor ingevolge die Ongevallewet, 1941, vergoeding betaalbaar is, dit as ongeskiktheid geag word slegs ten opsigte van 'n tydperk van onvermoë om te werk waarvoor geen vergoeding weens arbeidsongeskiktheid ingevolge genoemde Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE EN SONDAE.

(1) *Openbare vakansiedae.*—Aan 'n werknemer wat nie verplig word om op 'n openbare vakansiedag te werk nie, moet sy werkgever vir sodanige dag minstens sy dagloon betaal.

(2) *Betaling vir werk op openbare vakansiedae.*—Wanneer 'n werkgever vereis of toelaat dat sy werknemer op 'n openbare vakansiedag werk, moet hy aan hom sy dagloon plus, vir elke uur of deel van 'n uur wat hy altesaam aldus werk, 'n bedrag van minstens een ses-en-veertigste van sy weekloon betaal vir werk op daardie dag verrig.

(3) *Compensation for work on Saturdays.*—Whenever an employee works on a Sunday, his employer shall either—

- (i) pay double his daily wage, or
- (ii) pay him one and one third times his weekly wage, divided by forty-six for each hour or part of an hour worked by him in the aggregate on such Sunday, and grant him within fourteen days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage.

(4) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

(5) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee, manager or sub-manager provided such employee is paid a regular wage at a rate of not less than £780 per annum, nor to a watchman or a casual employee.

9. PIECE-WORK.

(1) An employer may, after at least one week's notice to his employee, apply any piece-work system and, save as provided in clause 4 (6), the employer shall pay to his employee who is employed on such piece-work system for any period, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity or output of work done, the employer shall pay to such employee not less than the following plus five per cent—

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

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in sub-clause (1).

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

10. PROPORTION OR RATIO.

(1) *Blockmen.*—(a) An employer shall employ a first blockman before any other qualified blockman is employed by him.

(b) An employer shall not employ an unqualified blockman unless he has in his employ a qualified blockman and for each qualified blockman employed by him he shall not employ more than one unqualified blockman.

(2) *Clerks.*—An employee shall not employ an unqualified clerk, male or female, unless he has in his employ a qualified clerk, male or female, respectively, and for each such qualified male or female clerk employed he shall not employ more than one unqualified male or female clerk, as the case may be.

(3) *Saleswomen.*—An employer shall not employ an unqualified saleswoman unless he has in his employ a qualified saleswoman and for each such qualified saleswoman in his employ he shall not employ more than one unqualified saleswoman.

(4) For the purpose of this clause—

- (a) part-time employees shall be deemed not to be employees;
- (b) an employer who is wholly or mainly engaged in the work of any particular class of employee may be deemed to be a qualified employee of that class: Provided that the same employer may not be so deemed in respect of more than one establishment;
- (c) an unqualified employee who is receiving a wage of not less than the wage of a qualified employee of his class may be deemed to be a qualified employee;
- (d) a qualified female employee who is receiving a wage of not less than the wage of a qualified male employee may be deemed to be a qualified male employee: Provided that an employee so deemed to be a qualified male employee shall not at the same time be regarded as a qualified female employee.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall or protective clothing which he requires his employee to wear or which by any law or regulation he is compelled to provide for his employee, and any such uniform, overall or protective clothing shall remain the property of the employer.

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) An employer or employee, other than a casual employee, who desires to terminate the contract of employment shall give—

- (a) during the first four weeks of employment not less than twenty-four hours;

(3) *Vergoeding vir werk op Sondag.*—Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever hom of—

- (i) dubbel sy dagloon betaal, of
- (ii) een en een-derde maal sy weekloon gedeel deur ses-en-veertig vir elke uur of deel van 'n uur wat hy altesaam op so 'n Sondag werk, en hom binne veertien dae vanaf sodanige Sondag een dag verlof toestaan en hom vir dié dag minstens sy dagloon betaal.

(4) By die toepassing van hierdie klousule word daar geag dat die uitdrukking „loon" 'n werknemer se loon plus sy lewenskostetoelae beteken.

(5) Die bepaling van hierdie klousule geld nie vir 'n senior besturende, professionele of administratiewe werknemer, bestuurder of onderbestuurder nie, indien en terwyl sodanige werknemer gereeld besoldig word teen 'n tarief van minstens £780 per jaar, en ook nie vir 'n wag of 'n los werknemer nie.

9. STUKWERK.

(1) Ná minstens een week kennisgewing aan sy werknemer, mag 'n werkgever 'n stukwerkstelsel invoer en, behoudens die bepaling van klousule 4 (6), moet die werkgever sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tarief wat volgens dié stelsel geld; met dien verstande dat die werkgever, ongeag die hoeveelheid gedane werk, die werknemer minstens die volgende, plus vyf persent, betaal—

- (a) wat 'n ander werknemer as 'n los werknemer betref, vir elke week waarin hy stukwerk verrig, die bedrag wat hy sodanige werknemer vir dié week sou moet betaal het as hy hom op die grondslag van die tyd gewerk, betaal het;
- (b) wat 'n los werknemer betref, vir elke dag waarop stukwerk verrig word, die bedrag wat hy sodanige werknemer vir dié dag sou moes betaal het as hy hom op die grondslag van tyd gewerk betaal het.

(2) 'n Werkgever moet 'n lys van die tariewe in subklousule (1) vermeld op 'n opvallende plek in sy bedryfsinrigting opgeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe wat daarkragtners geld, af te skaf of op enige manier te wysig, moet sy werknemers wat onder sodanige stelsel werk, minstens een kalendermaand kennis van sy voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer of korter kennisgewingsterrein kan ooreenkom, en dan moet die werkgever minstens die ooreengekome kennis gee.

10. GETALLEVERHOUDING.

(1) *Blokmanne.*—(a) 'n Werkgever moet 'n eerste blokman in diens hê voordat hy enige ander gekwalifiseerde blokman in diens neem.

(b) 'n Werkgever mag geen ongekwalifiseerde blokman in diens neem nie, tensy hy 'n gekwalifiseerde blokman in diens het, en vir elke gekwalifiseerde blokman in sy diens kan hy hoogstens een ongekwalifiseerde blokman in diens neem.

(2) *Klerke.*—'n Werkgever mag geen ongekwalifiseerde klerk, hetsy man of vrou, in diens neem nie, tensy hy 'n gekwalifiseerde klerk, onderskeidelik man of vrou, in diens het, en vir elke sodanige gekwalifiseerde manlike of vroulike klerk in sy diens kan hy hoogstens een ongekwalifiseerde manlike of vroulike klerk, na gelang van die geval, in diens neem.

(3) *Verkoopsters.*—'n Werkgever mag geen ongekwalifiseerde verkoopster in diens neem nie, tensy hy 'n gekwalifiseerde verkoopster in sy diens het, en vir elke sodanige gekwalifiseerde verkoopster in sy diens kan hy hoogstens een ongekwalifiseerde verkoopster in diens neem.

(4) By die toepassing van hierdie klousule—

- (a) word deeltydse werknemers nie as werknemers beskou nie;
- (b) kan 'n werkgever wat uitsluitend of hoofsaaklik die werk van 'n besondere klas werknemer verrig, as 'n gekwalifiseerde werknemer van dié klas geag word; met dien verstande dat dieselfde werkgever nie ten opsigte van meer as een bedryfsinrigting as sodanig geag mag word nie;
- (c) kan 'n ongekwalifiseerde werknemer wat minstens die loon van 'n gekwalifiseerde werknemer van sy klas ontvang, as 'n gekwalifiseerde werknemer geag word;
- (d) kan 'n gekwalifiseerde vroulike werknemer wat minstens die loon van 'n gekwalifiseerde manlike werknemer ontvang as 'n gekwalifiseerde manlike werknemer geag word; met dien verstande dat 'n werknemer wat aldus as 'n manlike werknemer geag word, nie terselfdertyd as 'n gekwalifiseerde vroulike werknemer gereken kan word nie.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgever moet alle uniforms, oorpakke of beskermende klere wat hy van sy werknemers vereis om te dra of wat enige wet of regulasie hom verplig om aan sy werknemer te verskaf, kosteloos voorsien en in 'n bruikbare en sindelike toestand hou, en alle sodanige uniforms, oorpakke of beskermende klere bly die werkgever se eiendom.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

- (a) gedurende die eerste vier weke diens minstens vier-en-twintig uur;

(b) after the first four weeks of employment not less than one week's;

notice of his intention to terminate the contract; or an employer or employee may terminate the contract without notice by paying the employee, or paying of forfeiting to the employer, as the case may be, in lieu of such notice, not less than—

- (i) in the case of twenty-four hours' notice an amount equal to the daily wage which the employee is receiving at the date of such termination;
- (ii) in the case of a week's notice, an amount equal to the weekly wage which the employee is receiving at the date of such termination:

Provided that this shall not affect—

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

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

(2) Where there is an agreement in terms of the second proviso to sub-clause (1), the payment of forfeiture in lieu of notice shall correspond to the period of notice agreed upon.

(3) The notice prescribed in sub-clause (1) shall be given on or before the usual pay day of the establishment for such employee and shall run from the day after such pay day: Provided that—

- (i) whenever in terms of clause 4 (1) an employer and his employee have agreed that remuneration shall be paid monthly, the expression "the usual pay day of the establishment for such employee" shall for the purpose of this clause be deemed to mean the day on which such employee would have received payment if no such agreement had been entered into;
- (ii) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training;
- (iii) notice shall not be given during an employee's absence on sick leave granted in terms of clause 7; and
- (iv) where only twenty-four hours' notice is required to be given, such notice may be given on any work day.

(4) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

13. PROHIBITION OF EMPLOYMENT.

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

14. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment, other than through the desertion of an employee, furnish his employee, other than a casual employee, with a certificate of service substantially in the form prescribed in the schedule to this Determination, showing the full names of the employer and his employee, the occupation, of the employee, the date of commencement and the date of termination of the contract and the rate of remuneration at the date of such termination.

15. LOG-BOOK.

(1) An employer shall provide his motor vehicle driver with a log-book as nearly as practicable in the following form:—

Daily Log.

Name of employer _____
 Name of motor vehicle driver _____
 Date _____
 Time of starting work _____ a.m./p.m. _____ a.m./p.m.
 Time of finishing work _____ a.m./p.m. _____ a.m./p.m.
 Number of hours worked _____
 Meal hours from _____ a.m./p.m. to _____ a.m./p.m.
 Particulars of any accident or delay _____

Date _____ 19 _____ Signature of Motor Vehicle Driver.

(2) Every motor vehicle driver, upon being provided with a log book mentioned in sub-clause (1), shall keep the said daily log in duplicate in respect of each day's work and shall within twenty-four hours of the completion of the day's work to which it relates deliver a copy thereof to his employer.

(3) Every employer shall retain the copy of the daily log which in terms of sub-clause (2) has been delivered to him for a period of at least three years subsequent to such delivery.

(b) na die eerste vier weke diens minstens een week, kennis gee van sy voorneme om die kontrak te beëindig; of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deurdat die werkgewer, in plaas van die kennisgewing, aan die werknemer minstens die volgende betaal, of die werknemer aan die werkgewer minstens die volgende betaal of verbeur, al na gelang van die omstandighede:—

- (i) In die geval van vier-en-twintig uur kennisgewing, 'n bedrag gelyk aan die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) in die geval van 'n week kennisgewing, 'n bedrag gelyk aan die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

Met dien verstande dat die volgende hierdeur onaangetas gelaat word:—

- (i) Die werkgewer of werknemer se reg om op enige regs-geldige grond die kontrak sonder kennisgewing te beëindig;
- (ii) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n kennisgewingstermyn wat vir albei partye ewe lank is en langer is as dié wat hierdie klousule voorskryf;
- (iii) die werking van 'n verbeuring- of strafbeding wat regtens van toepassing is op 'n werknemer wat sy diens verlaat:

Met dien verstande voorts dat, indien die loon van 'n werknemer teen die dag van die diensbeëindiging reeds weens korttyd verminder is en die werkgewer hom betaal in plaas van kennis te gee, daar geag word dat die uitdrukking „ten tyde van sodanige beëindiging ontvang”, beteken „ten tyde van sodanige beëindiging sou ontvang het as geen afrekkings weens korttyd gedoen was nie”.

(2) Waar daar 'n ooreenkoms ingevolge die tweede voorbehoud van subklousule (1) bestaan, moet die betaling of verbeuring in plaas van kennisgewing eweredig wees aan die ooreengekome kennisgewingstermyn.

(3) Die kennis in subklousule (1) voorgeskryf, moet gegee word voor of op die dag waarop die bedryfsinrigting sodanige werknemer gewoonlik betaal, en loop vanaf die dag ná sodanige betaaldag; met dien verstande—

- (i) dat wanneer 'n werkgewer en sy werknemer kragtens subklousule 4 (1) ooreengekom het dat besoldiging maandeliks betaal word, daar geag word dat die uitdrukking „die dag waarop die inrigting sodanige werknemer gewoonlik betaal” vir die doel van hierdie klousule beteken die dag waarop so 'n werknemer betaling sou ontvang het as geen sodanige ooreenkoms aangegaan was nie;
- (ii) dat die kennisgewingstermyn nie mag saamval met, en kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met verlof toegestaan kragtens klousule 6, of met enige tydperk van militêre opleiding nie;
- (iii) dat kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met siekteverlof toegestaan ingevolge klousule 7 nie; en
- (iv) dat as slegs vier-en-twintig uur kennis gegee moet word, sodanige kennis op enige werkdag gegee kan word.

(4) By die toepassing van hierdie klousule word daar geag dat die uitdrukking „loon” 'n werknemer se loon plus sy lewenskostetoelae beteken.

13. VERBOD OP INDIENSNEMING.

'n Werkgewer mag niemand onder die ouderdom van vyftien jaar in diens neem nie.

14. DIENSSERTIFIKAAT.

'n Werkgewer moet by beëindiging van 'n dienskontrak weens 'n ander rede as diensverlating sy werknemer, uitgesonderd 'n los werknemer, van 'n dienssertifikaat voorsien van in hoofsaak die vorm het wat in die Bylae van hierdie Vasstelling voorgeskryf word en wat die volle naam van die werkgewer en van die werknemer, die werk van die werknemer, die aanvangs- en aflooptdatum van die kontrak en die besoldiging ten tyde van sodanige beëindiging, aangee.

15. LOGBOEK.

(1) 'n Werkgewer moet sy motorvoertuigdrywer voorsien van 'n logboek wat vir sover doenlik die volgende vorm het:—

Daaglikse log.

Naam van werkgewer _____
 Naam van motorvoertuigdrywer _____
 Datum _____
 Tyd waarop werk begin is _____ vm./nm. _____ vm./nm.
 Tyd waarop werk opgehou het _____ vm./nm. _____ vm./nm.
 Getal ure gewerk _____
 Etenstye van _____ vm./nm. tot _____ vm./nm.
 Gegewens omtrent enige ongeluk of vertraging _____

(Handtekening van motorvoertuig-drywer.)

Datum _____ 19 _____
 (2) Elke motorvoertuigdrywer moet in die logboek in sub-klousule (1) vermeld oor elke dag se werk 'n daaglikse log in duplo hou en binne vier-en-twintig uur na voltooiing van die dag se werk waarop dit betrekking het, 'n afskrif daarvan by sy werkgewer indien.

(3) Elke werkgewer moet die afskrif van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, minstens drie jaar lank na indiening bewaar.

SCHEDULE.

I/We (a) _____
 carrying on business in the Meat Trade at _____

 hereby certify that _____
 was employed by me/us (a) from the _____
 day of _____ 19____ to the _____
 day of _____ 19____ in the occupation of (b) _____
 At the termination
 of employment his/her (a) wage (excluding cost of living allowance)
 was _____ pounds _____ shillings
 and _____ pence per week/month (a).

Date _____ 19____ Signature of Employer or
 Authorised Representative.

(a) Delete whichever is inapplicable.

(b) State occupation in which employee was wholly or mainly
 engaged, e.g. clerk, first blockman, slaughterman.

No. 1786.] [30 October 1959.
**FACTORIES, MACHINERY AND BUILDING WORK
 ACT, 1941.**

MEAT TRADE, PIETERMARITZBURG.

I, JOHANNES DE KLERK, Minister of Labour, acting in
 terms of sub-section (1) of section *twenty-two* of the
 Factories, Machinery and Building Work Act, 1941,
 hereby declare the provisions of the Determination for
 the meat trade published under Government Notice No.
 1785 of the 30th October, 1959, to be not less favourable
 to the persons whose hours of work are regulated thereby
 than the relative provisions of the said Act.

J. DE KLERK,
 Minister of Labour.

No. 1787.] [30 October 1959.
WAGE ACT, No. 5 OF 1957.

WAGE DETERMINATION No. 192.**MEAT TRADE, KIMBERLEY.**

By direction of the Minister of Labour it is hereby
 notified in terms of sub-section (2) of section *fourteen* of
 the Wage Act, 1957, that the Minister, under the powers
 vested in him by sub-section (1) of section *fourteen* of the
 said Act, has made the Determination in the Schedule
 hereto in respect of the meat trade and has fixed the
 23rd day of November, 1959, as the date from which the
 provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply in the municipal area of
 Kimberley to employees engaged in the Meat Trade and to the
 employers of such employees, but it shall not apply to employers
 and employees in respect of work covered by Wage Determina-
 tion No. 157 (Cold Storage and Bacon Curing and/or Smallgoods
 Manufacturing Industries).

2. DEFINITIONS.

(1) Unless the context otherwise indicates, any expression which
 is used in this Determination and which is defined in the Wage
 Act, 1957, has the same meaning as in that Act and unless incon-
 sistent with the context—

“blockman” means an employee (other than a saleswoman or
 blockman's assistant) who, in any establishment in the meat
 trade, cuts up meat intended for sale by retail or who, in
 a retail butcher's shop, serves customers and who may make
 up orders and perform any other duties in such shop;

“blockman, qualified,” means a blockman who has had not less
 than five years' experience;

“blockman, unqualified,” means a blockman who has had less
 than five years' experience;

“blockman's assistant” means an employee who breaks down
 carcasses or who, under the general supervision of a qualified
 blockman, cuts up meat for sale to non-Europeans and who
 may sell meat exclusively to non-Europeans;

BYLAE.

Ek/ons (a) _____
 wat die Vleisbedryf beoefen te _____
 sertifiseer hierby dat _____
 by my/ons (a) in diens was vanaf die _____ dag
 van _____ 19____ tot die _____
 dag van _____ 19____, in die werk van
 (b) _____ By diensbeëindiging was
 sy/haar (a) loon (uitgesonderd lewenskostetoelae) _____
 pond, _____ sjieling, _____ pennies per
 week/maand. (a)

Datum _____ (Handtekening van werkgewer of
 gemagtigde verteenwoordiger.)

(a) Skrap die wat nie van toepassing is nie.

(b) Meld die werk waarin die werknemer uitsluitend of hoofsaaklik
 in diens was, bv. klerk, eerste blokman, slagman.

No. 1786.] [30 Oktober 1959.
**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
 1941.**

VLEISBEDRYF, PIETERMARITZBURG.

Ek, JOHANNES DE KLERK, Minister van Arbeid, hande-
 lende kragtens subartikel (1) van artikel *twee-en-twintig*
 van die Wet op Fabriek, Masjinerie en Bouwerk, 1941,
 verklaar hierby dat die bepalings van die Vasstelling vir die
 vleisbedryf, bekendgemaak by Goewermentskennisgewing
 No. 1785 van 30 Oktober 1959, nie vir die persone wie
 se werkure daarby gereël word, minder gunstig as die oor-
 eenstemmende bepalings van genoemde Wet is nie.

J. DE KLERK,
 Minister van Arbeid.

No. 1787.] [30 Oktober 1959.
LOONWET No. 5 VAN 1957.

LOONVASSTELLING No. 192.**VLEISBEDRYF, KIMBERLEY.**

In opdrag van die Minister van Arbeid word hierby
 ingevolge subartikel (2) van artikel *veertien* van die Loon-
 wet, 1957, bekendgemaak dat die Minister, Kragtens die
 bevoegdheid hom verleen by subartikel (1) van artikel
veertien van genoemde Wet, die Vasstelling wat in die
 Bylae hiervan verskyn ten opsigte van die vleisbedryf
 gemaak het en die 23st dag van November 1959 bepaal
 het as die datum waarop die bepalings van genoemde
 Vasstelling bindend word.

BYLAE.

1. GEBIED EN BESTEK VAN VASSTELLING.

Hierdie Vasstelling is in die munisipale gebied van Kimberley
 van toepassing op werknemers in die Vleisbedryf en op die
 werkgewers van sodanige werknemers, maar nie op werkgewers
 en werknemers ten opsigte van werk waarop Loonvasstelling No.
 157 (Koelkamernywerheid en Nywerheid vir die Bereiding van
 Spek en/of die Vervaardiging van Kleingoedere) van toepassing
 is nie.

2. WOORDOMSKRYWING.

(1) Tensy uit die samehang anders blyk, het iedere uitdrukking
 wat in hierdie Vasstelling gebruyk is in die Loonwet, 1957, omskryf
 word, dieselfde betekenis as in dié Wet en, tensy strydig met die
 samehang, beteken—

„arbeider” ’n werknemer wat een of meer van die volgende
 werksaamhede verrig:—

(a) Persele, voertuie, gerei, gereedskap of masjinerie
 skoonmaak;

(b) lewende hawe voer, water gee, oppas of aanjaag;

(c) lewende diere skoonmaak of karkasse afwas;

(d) diere in- of uitspan;

(e) vleis, gerei, materiale, huide of velle dra, toedraai of
 opstapel, of vleis, huide of velle sout;

(f) goedere, vleis of lewende hawe op- of aflaai;

(g) vure maak of stook, of vuilgoed of as verwyder;

(h) deure van koelkamers oop- of toemaak;

(i) karkasse ophys of sleep op ’n ander manier as deur
 middel van meganiese kragtoestelle;

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

"clerk" means an employee who is engaged in writing, typing, filing or in any other form of clerical work and includes a cashier and a telephone operator, but does not include any other class of employee elsewhere defined in this clause, notwithstanding the fact that clerical work may form a portion of such employee's duties;

"clerk, male, qualified," means a male clerical employee who has had not less than five years' experience;

"clerk, male, unqualified," means a male clerical employee who has had less than five years' experience;

"clerk, female, qualified," means a female clerk who has had not less than four years' experience;

"clerk, female, unqualified," means a female clerk who has had less than four years' experience;

"cost of living allowance" means the allowance prescribed in War Measure No. 43 of 1942, as amended, and as construed in terms of section two of the War Measures Continuation Act, 1948, and paragraph (b) of section two of the War Measures Continuation Act, 1950: Provided that where an employer pays an employee a cost of living allowance higher than that so prescribed, it means such higher allowance;

"delivery employee" means an employee who delivers goods otherwise than by driving a motor vehicle and, in addition is required to collect or record orders from customers and who may receive cash in the case of C.O.D. sales;

"emergency work" means any work which, owing to unforeseen circumstances such as fire, storm, accident, epidemic, act of violence, theft or breakdown of plant or machinery, must be done without delay and any work connected with the loading and unloading of trucks or vehicles of the South African Railways and Harbours;

"establishment" means any premises in or in connection with which one or more employees are employed in any section of the meat trade;

"experience" means the total period or periods of employment (whether within the Union of South Africa or elsewhere) which, in the occupation in which he is engaged, an employee has had—
 (a) in any trade if engaged as a clerk,
 (b) in the meat trade if engaged in any other capacity;

"first blockman" means a qualified blockman in charge of an establishment in which at least one other blockman is employed, and where only one blockman is employed, such blockman shall be deemed to be a first blockman;

"foreman slaughterman" means an employee who is in general charge of the slaughtering operations in an establishment or portion thereof;

"labourer" means an employee engaged in one or more of the following operations—
 (a) cleaning premises, vehicles, utensils, implements, or machinery;
 (b) feeding, watering, herding or driving livestock;
 (c) cleaning live animals or washing carcasses;
 (d) harnessing or unharnessing animals;
 (e) carrying, wrapping or stacking meat, utensils, materials, hides or skins, or salting meat, hides or skins;
 (f) loading or unloading goods, meat or livestock;
 (g) making or maintaining fires, or removing refuse or ashes;
 (h) opening or closing doors of cold storage chambers;
 (i) hoisting or dragging carcasses otherwise than by means of power-driven mechanical appliances;
 (j) delivering goods, letters or messages otherwise than by means of driving a motor vehicle;
 (k) cleaning or sorting offal, hides or skins;
 (l) killing, plucking or cleaning poultry, or cleaning fish;
 (m) cutting up meat for mincing, cleaning bones, feeding or emptying mincing machines, or unfolding sausage casings;
 (n) tying sausages or polonies, sawing up soup meat, chopping up bones, cutting up or melting fat, or putting fat through machines;
 (o) de-horning of carcasses;
 (p) washing overalls, uniforms or protective clothing;

"law" includes the common law;

"livestock" means any bull, bullock, cow, heifer, steer, tollie, calf, sheep, lamb, goat, pig, horse, donkey, game or other quadruped intended for human consumption and includes poultry;

(f) goedere, briewe of boodskappe aflewer op 'n ander manier as deur middel van 'n motorvoertuig wat hyself bestuur;

(k) afval, huide of velle skoonmaak of sorteer;

(l) pluimvee doodmaak, pluk of skoonmaak, of vis skoonmaak;

(m) vleis vir maal opsnij, bene skoonmaak, vleismeule voer of leegmaak of worsomhulsels oopvou;

(n) wors of polonie toebind, sopvleis opsaag, bene stuk-kend kap, vet opsnij of smelt, of vet deur masjiene stuur;

(o) horings van karkasse verwyder;

(p) oorpakke, uniforms of beskermende klere was;

"bedryfsinrigting" 'n perseel waarop of in verband waarmee een of meer werknemers in enige afdeling van die Vleisbedryf in diens is;

"besteller" 'n werknemer wat goedere op 'n ander wyse aflewer as deur die gebruik van 'n motorvoertuig wat hy self bestuur en van wie ook vereis word om bestellings van klante in te samel of aan te teken en wat by K.B.A.-verkope die kontant mag ontvang;

"bestuurder" 'n werknemer aan wie sy werkgever opgedra het die algemene—
 (a) toesig oor,
 (b) verantwoordelikheid vir, en
 (c) leiding van,
 die bedrywighede van 'n bedryfsinrigting en die werknemers daarin werksaam;

"blokman" 'n werknemer (uitgesonderd 'n verkoopster of 'n blokmanassistent) wat in enige bedryfsinrigting in die Vleisbedryf vleis bedoel vir verkoop in die kleinhandel opsnij of wat in 'n kleinhandelslaghuis klante bedien, en bestellings mag opmaak en in sodanige slaghuis enige ander soort werk mag verrig;

"blokman, gekwalifiseer," 'n blokman met minstens vyf jaar ondervinding;

"blokman, ongekwalifiseer," 'n blokman met minder as vyf jaar ondervinding;

"blokmanassistent" 'n werknemer wat karkasse stukkend maak of wat, onder die algemene toesig van 'n gekwalifiseerde blokman, vleis vir verkoop aan nie-blankes opsnij en wat vleis uitsluitend aan nie-blankes kan verkoop;

"deeltydse motorvoertuigbestuurder" of "deeltydse bestuurder van 'n motorvoertuig" 'n werknemer wat gewoonlik ander werk verrig as om 'n motorvoertuig te bestuur maar wat op meer as twee dae in 'n week 'n motorvoertuig altesaam hoogstens drie uur op so 'n dag bestuur, en vir die doel van hierdie woordskrywing omvat die uitdrukking "n motorvoertuig bestuur" alle tyd waarin hy bestuur en alle tyd wat hy bestee aan werk in verband met die voertuig of die vraag terwyl hy in beheer van die voertuig is;

"deeltydse werknemer" 'n klerk of verkoopster wat as sodanig by die week hoogstens vier-en-twintig gewone werkure in 'n week in diens is;

"eerste blokman" 'n gekwalifiseerde blokman wat in die beheer is van 'n bedryfsinrigting waarin minstens een ander blokman in diens is, en as net een blokman in diens is, word sodanige blokman geag 'n eerste blokman te wees;

"eie gewig" die gewig van 'n motorvoertuig of 'n sleepwa soos aangegee in 'n lisensie of sertifikaat ten opsigte van die motorvoertuig of sleepwa uitgereik deur enige owerheid wat by wet die bevoegdheid het om ten opsigte van motorvoertuie lisensies uit te reik: Met dien verstande dat in die geval van 'n twee- of driewielmotorvoertuig (uitgesonderd 'n voorhaker) die eie gewig geag word hoogstens 1,000 pond te wees;

"kleinhandelslaghuis" iedere perseel of deel daarvan waarin of waarop iemand by kleinhandelsmaat in vleis handel dryf en ten opsigte waarvan hy 'n kleinhandelslagterslisensie moet besit ingevolge item 7 van Deel I van die tweede Bylae van die Licenties Konsolidasie Wet, 1925, asook enige perseel of deel daarvan op 'n publieke of munisipale mark, waarin of waarop enigeen vleis by kleinhandelsmaat verkoop;

"klerk" 'n werknemer wat skryf-, tik-, liasseer- of enige ander vorm van klerklike werk verrig, en ook 'n kassier en 'n telefoonoperateur, maar geen ander klas werknemer wat elders in hierdie klousule omskryf word nie, al maak klerklike werk ook deel uit van so 'n werknemer se pligte;

"klerk, man, gekwalifiseer," 'n manlike klerk met minstens vyf jaar ondervinding;

"klerk, man, ongekwalifiseer," 'n manlike klerk met minder as vyf jaar ondervinding;

"klerk, vrou, gekwalifiseer," 'n vroulike klerk met minstens vier jaar ondervinding;

"klerk, vrou, ongekwalifiseer," 'n vroulike klerk met minder as vier jaar ondervinding;

"manager" means an employee who is charged by his employer with the overall—

- (a) supervision over;
- (b) responsibility for; and
- (c) direction of,

the activities of an establishment and the employees engaged therein;

"meat" means meat intended for human consumption and includes game, horse meat, donkey meat, rabbit meat and poultry;

"meat trade" means—

- (a) the slaughtering of livestock;
- (b) the handling, preparation, preservation, sale or distribution of meat by all undertakings—
 - (i) in respect of which is required a wholesale or retail butcher's licence in terms of item 7 of Part I of the Second Schedule to the Licences Consolidation Act, 1925; or
 - (ii) which, by reason of their carrying on operations at a public or municipal market, are, by the provisions of paragraph (b) of the exemptions from the requirements of the said item of the said Schedule, not required to hold such a licence;

and includes all operations incidental to such undertakings or the slaughtering of livestock or consequent thereon;

"military training" means continuous training which an employee is required to undergo in terms of section 21 (1), read with sub-sections (1) and (2) of section 22, of the Defence Act, 1957, but does not include any training he may elect to undergo in terms of section 23 of the said Act nor any other training or services for which he volunteers or which he elects to undergo;

"motor vehicle" means a mechanically propelled vehicle used for conveying goods, including livestock, and includes a mechanical horse and a tractor;

"motor vehicle driver" or "driver of a motor vehicle" means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver on work connected with the vehicle or the load, and all periods during which he is obliged to remain on duty in readiness to drive;

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

"part-time employee" means a clerk or saleswoman who is employed as such by the week for not more than twenty-four ordinary hours of work in any week;

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

"retail butcher's shop" means any premises or portion thereof in or upon which the business of selling meat by retail is carried on and in respect of which business a retail butcher's licence in terms of item 7 of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is required to be held, and any premises or portion thereof at a public or municipal market in or upon which the business of selling meat by retail is carried on;

"saleswoman" means a female employee who, in a retail butcher's shop, is engaged in serving customers or making up orders and who may for these purposes weigh meat, slice or cut processed meat, or, by cutting or otherwise, divide meat previously cut up by a blockman for sale by retail;

"saleswoman, qualified," means a saleswoman who has had not less than four years' experience;

"saleswoman, unqualified," means a saleswoman who has had less than four years' experience;

"senior managerial, professional or administrative employee" means an employee who is charged by the employer with the performance of work entailing responsibility for taking decisions of a professional or administrative character in the conduct of the activities of an establishment;

"short-time" means a temporary reduction in the number of ordinary hours of work owing to slackness of trade, shortage of supplies or a general breakdown of machinery or plant or a breakdown or threatened breakdown of buildings caused by accident or other unforeseen circumstance;

"slaughterman" means an employee who is engaged in killing or bleeding livestock or flaying or dressing carcasses;

"slaughterman, qualified," means a slaughterman with not less than two years' experience;

„korttyd" 'n tydelike vermindering van die getal gewone werke te wyte aan 'n slapte in die Bedryf of 'n tekort aan voorrade, of aan die feit dat die masjinerie of installasie uit orde is, of dat die geboue ten gevolge van 'n ongeluk of ander onvoorsiene omstandigheid onbruikbaar is of dreig om dit te word;

„lewende hawe" enige bul, jong bul, koei, vers, os, tollie, kalf, skaap, lam, bok, vark, perd, donkie, wildsbok of enige ander viervoetige dier bedoel vir menslike verbruik en sluit pluimvee in;

„lewenskostetoelae" die toelae voorgeskryf in Oorlogsmaatreël No. 43 van 1942, soos gewysig, en soos uitgelê by artikel twee van die Wet op die Voortsetting van Oorlogsmaatreëls, 1948, en paragraaf (b) van artikel twee van die Wet op die Voortsetting van Oorlogsmaatreëls, 1950: Met dien verstande dat, as 'n werkgewer 'n werknemer gereeld 'n hoër lewenskostetoelae betaal as dié aldus voorgeskryf, dit sodanige hoër toelae beteken;

„loon" die geldbedrag aan 'n werknemer ingevolge klousule 3 betaalbaar vir sy gewone werke soos voorgeskryf in klousule 5: Met dien verstande dat, as 'n werkgewer sy werknemer vir sy gewone werke gereeld 'n hoër bedrag betaal as dié in klousule 3 voorgeskryf, dit sodanige hoër bedrag beteken;

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

„militêre opleiding" die ononderbroke opleiding waartoe 'n werknemer ingevolge artikel 21 (1), saamgelees met subartikels (1) en (2) van artikel 22, van die Verdedigingswet, 1957, verplig word, maar omvat geen opleiding wat hy ingevolge artikel 23 van gemelde Wet uit eie keuse ondergaan nie en ook geen ander opleiding of diens wat hy vrywillig of uit eie keuse meemaak nie;

„motorvoertuig" 'n kragangedrewe voertuig, wat gebruik word vir die vervoer van goedere, met inbegrip van lewende hawe, en ook 'n voorhaker en 'n trekker;

„motorvoertuigbestuurder" of „bestuurder van 'n motorvoertuig" 'n werknemer wat 'n motorvoertuig bestuur, en by die toepassing van hierdie woordskrywing omvat die uitdrukking „'n motorvoertuig bestuur" alle tyd waarin 'n motorvoertuigbestuurder bestuur en alle tyd wat hy bestee aan werk in verband met die voertuig of die vrag, en alle tyd waarin hy verplig is om op sy pos gered te bly om te bestuur;

„noodwerk" alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, epidemie, gewelddaad, diefstal of 'n defek by die installasie of masjinerie, sonder versuim verrig moet word, en ook alle werk in verband met die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;

„onderbestuurder" 'n werknemer wat deur sy werkgewer belas is met—

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

die werksaamhede van 'n afdeling of gedeelte of seksie van 'n bedryfsinrigting en die werknemers wat daarin werk;

„ondervinding" die totale tydperk of tydperke diens (hetsy binne die Unie van Suid-Afrika of elders) wat 'n werknemer in die klas werk wat hy verrig, gehad het—

- (a) in enige bedryf indien hy as klerk in diens is;
- (b) in die Vleisbedryf, as hy in enige ander hoedanigheid in diens is;

„senior besturende, professionele of administratiewe werknemer" 'n werknemer wat deur die werkgewer belas is met die werk wat vir so 'n werknemer die verantwoordelikheid meebreng om by die uitvoering van die werksaamhede van 'n bedryfsinrigting besluite van professionele of administratiewe aard te neem;

„slagman" 'n werknemer wat lewende hawe slag of bloedlaat, of karkasse afslag of berei;

„slagman, gekwalifiseer," 'n slagman met minstens twee jaar ondervinding;

„slagman, ongekwalifiseer," 'n slagman met minder as twee jaar ondervinding;

„stukwerk" iedere stelsel waarby 'n werknemer se besoldiging gebaseer word op die hoeveelheid gedane werk;

„verkoopster" 'n vroulike werknemer wat in 'n kleinhandel-slaghuis klante bedien of bestellings opmaak en wat te dien einde vleis kan afweeg, verwerkte vleis in skyfies of stukke kan sny, of vleis wat vooraf deur 'n blokman vir verkoop in die kleinhandel opgesny is, met 'n mes of hoe ookal verder mag verdeel;

„verkoopster, gekwalifiseer," 'n verkoopster met minstens vier jaar ondervinding;

„verkoopster, ongekwalifiseer," 'n verkoopster met minder as vier jaar ondervinding;

"slaughterman, unqualified," means a slaughterman with less than two year's experience;

"sub-manager" means an employee who is charged by his employer with—

- (a) the supervision over, and
- (b) the responsibility for the direction of,

the activities of a department or division or section of an establishment and the employees engaged therein;

"unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two or three-wheeled motor vehicle (other than a mechanical horse) the unladen weight shall be deemed not to exceed 1,000 lb.;

"wage" means the amount of money payable to an employee in terms of clause 3 in respect of his ordinary hours of work as prescribed in clause 5: Provided that where an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3, it means such higher amount;

"watchman" means an employee engaged in guarding premises or other property.

(2) For the purpose of this Determination an employee shall be deemed to be in that class in which he is wholly or mainly engaged.

3. WAGES.

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

	Per Week.		
	£	s.	d.
First blockman	9	0	0
Blockman, qualified	8	0	0
Blockman, unqualified—			
during first year of experience	3	0	0
during second year of experience	3	10	0
during third year of experience	4	5	0
during fourth year of experience	5	0	0
during fifth year of experience	6	10	0
Blockman's assistant	2	10	0
Foreman slaughterman	8	10	0
Slaughterman, qualified	2	15	0
Slaughterman, unqualified—			
during first year of experience	2	5	0
during second year of experience	2	10	0
Driver of a motor vehicle the unladen weight of which—			
(i) does not exceed 1,000 lb.	2	10	0
(ii) exceeds 1,000 lb.	4	0	0
Part-time driver of a motor vehicle	3	0	0
Clerk, female, qualified, or saleswoman, qualified ...	4	0	0
Clerk, female, unqualified, or saleswoman, unqualified—			
during first year of experience	2	0	0
during second year of experience	2	10	0
during third year of experience	3	0	0
during fourth year of experience	3	10	0
Clerk, male, qualified	6	18	6
Clerk, male, unqualified—			
during first year of experience	3	4	7
during second year of experience	3	18	6
during third year of experience	4	12	4
during fourth year of experience	5	6	2
during fifth year of experience	6	0	0
Delivery employee	1	16	6
Labourer, male, 18 years of age and over	1	14	0
Labourer, male, under 18 years of age	1	6	6
Labourer, female	1	9	0
Watchman	2	2	6
Employees not specifically mentioned elsewhere in this clause	2	0	0

(2) *Part-time employee.*—A part-time employee shall be paid not less than three-fifths of the wage prescribed for a clerk of the same sex and experience or a saleswoman with the same experience.

(3) *Casual Employee.*—A casual employee shall be paid in respect of every day or part of a day of employment not less than one-fifth of the weekly wage prescribed for an employee of the same sex who performs the same class of work as the casual employee is required to do: Provided that where a casual employee is required to perform the work of a class of employee for whom wages on a rising scale are prescribed, the expression "weekly wage" shall be deemed to be the weekly wage prescribed for a qualified employee of that class and provided further that where a casual employee is required to work for a period of not more than four consecutive hours on any day, his wage may be reduced by fifty per cent.

"vleis" vleis wat vir menslike verbruik bedoel is en sluit in wilds-, perde-, donkie- en konynvleis, asook pluimvee;

"Vleisbedryf"—

- (a) die slag van lewende hawe;
- (b) die hantering, voorbereiding, preserving, verkoop of verspreiding van vleis deur alle ondernemings—

(i) ten opsigte waarvan 'n groot- of kleinhandelslagterslisensie ingevolge item 7 van Deel I van die Tweede Bylae van die Licenties Konsolidatie Wet, 1925, vereis word; of

(ii) wat, omrede hulle sake doen op 'n publieke of munisipale mark, as gevolg van die bepalings van paragraaf (b) van die vrystellings in die genoemde item van die betrokke Bylae, nie verplig is om sodanige lisensie te hou nie;

en omvat alle handelinge wat met so 'n onderneming of met die slag van lewende hawe saamgaan of daaruit voortvloei;

"voormanslagman" 'n werknemer wat in algemene beheer is van die slagwerksaamhede in 'n bedryfsinrigting of 'n deel daarvan;

"wag" 'n werknemer wat waghou oor persele of ander eiendom;

"wet" ook die gemene reg.

(2) By die toepassing van hierdie Vastelling word 'n werknemer geag in dié klas te wees waarin hy uitsluitend of in hoofsaak in diens is.

3. LONE.

(1) Die minimum loon wat 'n werkgewer aan elkeen van sy werknemers in ondergenoemde klasse moet betaal, is die volgende:—

	Per week.		
	£	s.	d.
Eerste blokman	9	0	0
Blokman, gekwalifiseer	8	0	0
Blokman, ongekwalifiseer—			
gedurende eerste jaar ondervinding	3	0	0
gedurende tweede jaar ondervinding	3	10	0
gedurende derde jaar ondervinding	4	5	0
gedurende vierde jaar ondervinding	5	0	0
gedurende vyfde jaar ondervinding	6	10	0
Blokmanassistent	2	10	0
Voormanslagman	8	10	0
Slagman, gekwalifiseer	2	15	0
Slagman, ongekwalifiseer—			
gedurende eerste jaar ondervinding	2	5	0
gedurende tweede jaar ondervinding	2	10	0
Bestuurder van 'n motorvoertuig waarvan die eie gewig—			
(i) hoogstens 1,000 pond is	2	10	0
(ii) oor 1,000 pond	4	0	0
Deeltydse bestuurder van 'n motorvoertuig	3	0	0
Klerk, vrou, gekwalifiseer, of verkoopster, gekwalifiseer	4	0	0
Klerk, vrou, ongekwalifiseer, of verkoopster, ongekwalifiseer—			
gedurende eerste jaar ondervinding	2	0	0
gedurende tweede jaar ondervinding	2	10	0
gedurende derde jaar ondervinding	3	0	0
gedurende vierde jaar ondervinding	3	10	0
Klerk, man, gekwalifiseer	6	18	6
Klerk, man, ongekwalifiseer—			
gedurende eerste jaar ondervinding	3	4	7
gedurende tweede jaar ondervinding	3	18	6
gedurende derde jaar ondervinding	4	12	4
gedurende vierde jaar ondervinding	5	6	2
gedurende vyfde jaar ondervinding	6	0	0
Besteller	1	16	6
Arbeider, man, 18 jaar en ouer	1	14	0
Arbeider, man, jonger as 18 jaar	1	6	6
Arbeider, vrou	1	9	0
Wag	2	2	6
Werknemers wat nie elders in hierdie klousule uitdruklik vermeld word nie	2	0	0

(2) *Deeltydse werknemer.*—'n Deeltydse werknemer moet minstens drie-vyftes betaal word van die loon voorgeskryf vir 'n klerk van dieselfde geslag en met ewe lang ondervinding of vir 'n verkoopster met ewe lang ondervinding.

(3) *Los werknemer.*—'n Los werknemer moet vir elke dag of deel van 'n dag diens minstens een-vyfde betaal word van die weekloon voorgeskryf vir 'n werknemer van dieselfde geslag, wat dieselfde klas werk verrig as wat van die los werknemer vereis word: Met dien verstande dat, as van 'n los werknemer vereis word om die werk te doen van 'n klas werknemer vir wie 'n loon teen 'n stygende skaal voorgeskryf word, die uitdrukking "weekloon" beteken die weekloon voorgeskryf vir 'n gekwalifiseerde werknemer van die betrokke klas, en voorts met dien verstande dat, as van 'n los werknemer vereis word om 'n tydperk van hoogstens vier opeenvolgende ure op enige dag te werk, sy loon met vyftig persent kan verminder word.

(4) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than his full weekly wage whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

(5) *Differential Wage.*—An employer who requires or permits a member of one class of his employees to do for longer than one hour in the aggregate on any day, either in addition to his own work or in substitution therefor, work of another class for which either—

- (a) a wage higher than that of his own class, or
- (b) a rising scale of wages terminating in a wage higher than that of his own class,

is prescribed in sub-clause (1), shall pay to such employee in respect of that day—

- (i) in the case mentioned in (a), not less than the daily wage calculated at the higher rate, and
- (ii) in the case mentioned in (b), not less than the daily wage calculated at the rate prescribed in the rising scale for the higher class next above the wage which the employee was receiving for his normal work:

Provided that—

- (i) the provisions of this sub-clause shall not apply where the difference between classes in terms of sub-clause (1) is based on age, experience or sex;
- (ii) unless expressly provided to the contrary in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring an employee to do work of another class, for which class the same or a lower wage is prescribed than that prescribed for such employee;
- (iii) for the purpose of this sub-clause the expression "rising scale", when it relates to any class of employee for which increments are prescribed on the basis of length of experience, shall be deemed to include, and terminate with, the wage prescribed for a qualified employee of that class.

(6) *Calculation of Wages.*—(a) The daily wage of an employee, other than a casual employee, shall be his weekly wage divided by—

- (i) five, in the case of an employee who works a five-day week;
- (ii) six, in the case of an employee who works a six-day week;
- (iii) the number of his normal working days per week, in the case of a part-time employee.

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

4. PAYMENT OF REMUNERATION.

(1) *Employees (other than Casual Employees).*—Save as provided in clause 6, any amount due to an employee, other than a casual employee, shall be paid in cash weekly or, if the employer and his employee have agreed thereto, in cash or by cheque monthly, during the hours of work or within fifteen minutes of ceasing work, on the usual pay day of the establishment for such employee, or on termination of employment if this takes place before the usual pay day, and such amount shall be contained in a sealed envelope or container on which shall be recorded or which shall be accompanied by a statement showing the employer's name, the employee's name or number and his occupation, the number of ordinary hours and overtime hours worked, details of any deductions made, the remuneration due and the period for which the payment is being made; and such envelope or container or such statement shall become the property of the employee.

(2) *Casual Employees.*—An employer shall pay the remuneration due to a casual employee in cash on termination of his employment.

(3) *Premiums.*—No payment shall be made to, or accepted by, an employer, either directly or indirectly, in respect of the employment or training of an employee.

(4) *Purchase of Goods.*—An employer shall not require his employee to purchase any goods from him or from any shop or person nominated by him.

(5) *Board and Lodging.*—Save as provided in the Natives (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge, or board and lodge, with him or with any person or at any place nominated by him.

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

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

(4) *Kontrakbasis.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse grondslag berus en, behoudens die bepalinge van klousule 4 (6), moet 'n werknemer vir 'n week minstens sy volle weekloon betaal word, ongeag of hy in dié week die maksimum getal gewone werke wat ingevolge klousule 5 vir hom geld, dan wel minder, gewerk het.

(5) *Differensiële loon.*—'n Werkgever wat vereis of toelaat dat 'n werknemer van 'n bepaalde klas langer as altesaam een uur op enige dag, hetsy benewens sy eie werk of in die plek daarvan, werk verrig van 'n ander klas waarvoor hetsy—

- (a) 'n hoër loon as dié van sy eie klas, of
- (b) 'n stygende loonskaal wat uitloop op 'n hoër loon as dié van sy eie klas,

in subklousule (1) voorgeskryf word, moet vir dié dag aan so 'n werknemer betaal—

- (i) in die geval in (a) vermeld, minstens die dagloon bereken teen die hoër tarief; en
- (ii) in die geval in (b) vermeld, minstens die dagloon bereken op die kerf in die stygende skaal vir die hoër klas net bokant die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande—

- (i) dat, as die verskil tussen die klasse ingevolge subklousule (1) berus op oordorm, ondervinding of geslag hierdie subklousule nie geld nie;
- (ii) dat, tensy in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer uitdruklik anders bepaal word, niks in hierdie Vasstelling só uitgelê moet word dat dit 'n werkgever belet om te vereis dat 'n werknemer 'n ander klas werk verrig waarvoor die voorgeskryfte loon dieselfde of laer is as dié wat vir sodanige werknemer voorgeskryf word nie;
- (iii) dat by die toepassing van hierdie subklousule die uitdrukking „stygende skaal”, wanneer dit betrekking het op 'n klas werknemer waarvoor verhogings voorgeskryf word op grondslag van ondervinding, geag word die loon wat vir 'n gekwalifiseerde werknemer van dié klas voorgeskryf is, in te sluit en daarop te eindig.

(6) *Loonberekening.*—(a) die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon gedeel deur—

- (i) vyf, as hy 'n werkweek van vyf dae het;
- (ii) ses, as hy 'n werkweek van ses dae het;
- (iii) die getal van sy normale werkdae per week, as hy 'n deeltydse werknemer is.

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

4. BETALING VAN BESOLDIGING.

(1) *Werknemers (uitgesonderd los werknemers).*—Behoudens die bepalinge van klousule 6, moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, as die werkgever en sy werknemer daartoe ooreengekom het, maandeliks in kontant of per tjek betaal word gedurende die werke of binne vyftien minute ná afloop van die werk op die dag waarop die bedryfsinrigting sodanige werknemer gewoonlik betaal, of by diensbeëindiging, as dié voor die gewone betaaldag geskied; en dié bedrag moet in 'n verseëlde kovert of houer wees waarop die volgende aangeteken is of wat vergesel gaan van 'n staat wat die volgende aantoon: Die werkgever se naam, die werknemer se naam of nommer en sy betrekking, die getal gewone en oortydure wat die werknemer gewerk het, die gegewens omtrent enige aftrekkings, die verskuldigde besoldiging en die tydperk waarvoor die betaling gedoen word; en hierdie kovert of houer, of sodanige staat, word die eiendom van die werknemer.

(2) *Los werknemers.*—'n Werkgever moet die besoldiging wat aan 'n los werknemer verskuldig is, by die beëindiging van sy diens in kontant betaal.

(3) *Premies.*—Geen betaling mag regstreks of onregstreks vir die indiensneming of opleiding van 'n werknemer aan 'n werkgever gedoen of deur hom aangeneem word nie.

(4) *Koop van goedere.*—'n Werkgever mag nie vereis dat sy werknemer van hom of van enige winkel of persoon wat hy aanwys, goedere koop nie.

(5) *Kos en inwoning.*—Behoudens die bepalinge van die Naturrelle (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgever nie vereis dat sy werknemer by hom of by enigeen of enige plek deur hom aangewys, eet of inwoon of eet en inwoon nie.

(6) *Aftrekkings.*—'n Werkgever mag sy werknemer geen boetes opleë of van sy werknemer se besoldiging aftrekkings doen nie: Met dien verstande dat hy die volgende kan aftrek:—

- (a) Met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystands-, versekerings-, spaar-, voorsorg-, of pensioenfonds, of vir ledegeld van 'n vakvereniging;

(b) except where otherwise provided in this Determination, whenever an employee is absent from work, otherwise than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time thereof;

(c) a deduction of any amount which an employer is by any law or order of a competent court required or permitted to make;

(d) whenever an employee agrees, or is required in terms of the Natives (Urban Areas) Consolidation Act, 1945, to accept board or lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

	Per Week		Per Month	
	s.	d.	£ s. d.	
Board	4	0	0 17	4
Lodging	2	0	0 8	8
Board and lodging	6	0	1 6	0

(e) with the written consent of an employee, a deduction for any amount which an employer has paid to any municipal council or other local authority in respect of charges for accommodation in any hostel or the rent of any house occupied by such employee in any location or Native village under the control of such council or other local authority;

(f) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction of not more than one forty-sixth of the employee's weekly wage for each hour of such reduction: Provided that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced, and provided further that no deduction shall be made—

(i) in the case of short-time arising out of slackness of trade or shortage of supplies, unless the employer has not later than the preceding work day given notice of his intention to reduce the ordinary hours of work;

(ii) in the case of short-time owing to a general breakdown of plant or machinery, or a breakdown or threatened breakdown of buildings, caused by accident or other unforeseen circumstance, in respect of the first hour not worked, unless the employer has given his employee notice on or before the preceding work day that no work will be available.

5. HOURS OF WORK, ORDINARY AND OVERTIME, AND PAYMENT FOR OVERTIME.

(1) *Ordinary Hours of Work.*—An employer shall not require or permit an employee, other than a casual employee, to work more ordinary hours of work than—

(a) in the case of an establishment which observes a six-day week—

(i) forty-six in any week from Monday to Saturday, inclusive, and

(ii) subject to sub-paragraph (i) hereof, eight on one day: Provided that, if the hours on one day do not exceed six, the hours on any of the other days may be extended to eight and a half, and provided further that, if on any one of such other days the hours of work do not exceed seven, the hours of work on one such other day may be extended to nine and a half;

(b) in the case of an establishment which observes a five-day week—

(i) forty-six in any week from Monday to Friday, inclusive, and

(ii) subject to sub-paragraph (i) hereof, nine and a half on any day;

(c) in the case of a part-time employee—

(i) twenty-four in any week, and

(ii) subject to the provisions of sub-paragraph (i) eight on any day:

Provided that, where on any day an employee in a retail butcher's shop is required to attend to a customer after the completion of his ordinary hours of work, the said ordinary hours of work may be exceeded by not more than fifteen minutes, and such excess shall be deemed not to be part of the ordinary hours of work or overtime.

(2) An employer shall not require or permit a casual employee to work more ordinary hours of work than eight and a half on any day.

(3) *Meal Intervals.*—An employer shall not require or permit an employee, other than an employee employed on a Saturday in or in connection with a retail butcher's shop, to work for more than five hours continuously without a meal interval of not less than one hour, during which such employee shall not be required or permitted to do any work, and such interval shall be deemed not to be part of the ordinary hours of work or overtime:

Provided that—

(i) periods of work interrupted by intervals of less than one hour, shall be deemed to be continuous;

(b) behoudens waar hierdie Vaststelling anders bepaal, telkens wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever uit sy diens afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op basis van die loon wat so 'n werknemer ten tyde daarvan vir sy gewone werkure ontvang het;

(c) iedere bedrag wat 'n werkgever by wet of op bevel van 'n bevoegde hof verplig of toegelaat word om af te trek;

(d) wanneer 'n werknemer instem, of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig word, om by sy werkgever te eet of in te woon, hoogstens die bedrae hieronder vermeld:—

	Per week		Per maand	
	s.	d.	£ s. d.	
Kos	4	0	0 17	4
Inwoning	2	0	0 8	8
Kos en inwoning	6	0	1 6	0

(e) met die skriftelike toestemming van 'n werknemer, iedere bedrag wat 'n werkgever aan 'n munisipale raad of ander plaaslike bestuur betaal het aan die koste van huisvesting in 'n tehuis, of aan die huur van 'n huis wat sodanige werknemer bewoon in 'n lokasie of natuureldorp onder die beheer van sodanige raad of ander plaaslike bestuur;

(f) wanneer die gewone werkure in klousule 5 voorgeskryf weens korttyd verminder word, 'n bedrag van hoogstens een ses-en-veertigste van die werknemer se weekloon vir elke uur van sodanige vermindering: Met dien verstande dat sodanige aftrekking een-derde van die werknemer se weekloon nie mag oorskry nie, ongeag die getal ure waarmee die gewone werkure aldus verminder word, en voorts met dien verstande dat geen bedrag afgetrek mag word—

(i) in die geval van korttyd wat te wyte is aan 'n slapte in die Bedryf of 'n tekort aan voorrade nie, tensy die werkgever sy werknemer voor of op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;

(ii) vir die eerste uur waarin nie gewerk word nie, as dié korttyd te wyte is aan die feit dat die installasie of masjinerie uit orde is, of die geboue ten gevolge van 'n ongeluk of ander onvoorsiene omstandigheid onbruikbaar is of dreig om dit te word, tensy die werkgever sy werknemer voor of op die dag tevore in kennis gestel het dat daar nie gewerk sal word nie.

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

(1) *Gewone werkure.*—'n Werkgever mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n los werknemer, meer gewone werkure werk nie as—

(a) in 'n bedryfsinrigting met 'n werkweek van ses dae—

(i) ses-en-veertig in enige week van Maandag tot en met Saterdag; en

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, agt op 'n dag: Met dien verstande dat, as die ure op een dag nie meer as ses is nie, die ure op enigen van die ander dae tot agt en 'n half verleng kan word, en voorts met dien verstande dat, as die werkure op enigen van sodanige ander dae nie meer as sewe is nie, die werkure op een sodanige ander dag tot nege en 'n half verleng kan word;

(b) in 'n bedryfsinrigting met 'n werkweek van vyf dae—

(i) ses-en-veertig in enige week van Maandag tot en met Vrydag, en

(ii) behoudens die bepalinge van subparagraaf (i) hiervan, nege en 'n half op enige dag;

(c) in die geval van 'n deeltydse werknemer—

(i) vier-en-twintig in enige week en,

(ii) behoudens die bepalinge van subparagraaf (i), agt op enige dag:

Met dien verstande dat, as op enige dag van 'n werknemer in 'n kleinhandelaghuys vereis word om 'n klant te bedien ná afloop van die gewone werkure, bedoelde gewone werkure met hoogstens vyftien minute oorskry mag word, en sodanige ekstra tyd word geag nie deel van die gewone werkure of oortyd te wees nie.

(2) 'n Werkgever mag nie vereis of toelaat dat 'n los werknemer meer gewone werkure as agt en 'n half op 'n dag werk nie.

(3) *Etenspouses.*—'n Werkgever mag, behalwe in die geval van 'n werknemer wat op 'n Saterdag in of in verband met 'n kleinhandelaghuys in diens is, nie vereis of toelaat dat 'n werknemer meer as vyf uur aaneen werk sonder 'n etenpouse van minstens een uur, waarin so 'n werknemer nie verplig of toegelaat word om enige werk te verrig nie, en dié pouse word geag geen deel van die gewone werkure of oortydwerk te vorm nie: Met dien verstande—

(i) dat werktye wat onderbreek word deur pouses van minder as 'n uur, geag word aaneen te loop;

(ii) if such interval be longer than one hour, any period in excess of one and a quarter hours shall be deemed to be time worked;

(iii) a motor vehicle driver who during such interval does no work other than being or remaining in charge of the vehicle shall be deemed for the purpose of this sub-clause not to have worked during such interval.

(4) *Rest Intervals.*—An employer shall grant to each of his employees a rest interval of not less than ten minutes as nearly as practicable in the middle of each morning and afternoon work period, and during such interval the employee shall not be required or permitted to do any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.

(5) *Hours of Work to be Consecutive.*—Save as provided in sub-clause (3), all hours of work on any day shall be consecutive.

(6) *Overtime.*—All time worked by an employee in excess of the number of hours prescribed in sub-clauses (1) and (2) shall be deemed to be overtime.

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

- (a) in the case of a casual employee, two hours on any day;
- (b) in the case of any other employee—
 - (i) three hours on any day;
 - (ii) six hours in any week.

(8) *Additional Limitations on Ordinary Hours of Work and Overtime in Respect of Female Employees.*—Notwithstanding anything to the contrary contained in sub-clauses (1) and (7) hereof, an employer shall not require or permit a female employee—

- (a) to perform any work—
 - (i) between 6 p.m. and 6 a.m., or
 - (ii) after 1 p.m. on more than five days in any week; or
- (b) to work overtime—
 - (i) for more than two hours on any day;
 - (ii) on more than three consecutive days in any week;
 - (iii) on more than sixty days in any year;
 - (iv) after completion of her ordinary hours of work for more than one hour on any day unless he has—
 - (a) before midday given such employee notice thereof, or
 - (b) provided such employee with an adequate meal and allowed her sufficient time to have it before overtime is due to commence, or
 - (c) paid such employee not less than two shillings and sixpence in sufficient time to allow her to obtain and have a meal before overtime is due to commence.

(9) *Payment for Overtime.*—An employer shall pay his employee who works overtime at a rate of not less than—

- (a) in the case of an employee, other than a casual employee, or a part-time employee, one and one-third times his weekly wage divided by forty-six in respect of each hour or part of an hour in the aggregate of the overtime so worked on any days in any week;
- (b) in the case of a part-time employee, one and one-third times his weekly wage divided by twenty-four in respect of each hour or part of an hour in the aggregate of overtime so worked on any days in any week;
- (c) in the case of a casual employee, one and one-third times his daily wage divided by eight and a half in respect of each hour or part of an hour so worked on any day.

(10) *Savings.*—(a) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee, manager or sub-manager, provided such employee is paid a regular wage at a rate of not less than £780 per annum, nor to a watchman.

(b) The provisions of sub-clauses (3), (4), (5) and (7) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of sub-clause (4) shall not apply to a motor vehicle driver or a labourer who accompanies such driver on his rounds, nor to a delivery employee.

(d) The provisions of sub-clause (7) shall not apply to an employee engaged in feeding, watering, herding or driving livestock or tending animals, or to an employee engaged in the delivery of goods to hospitals, military or air forces.

(11) For the purposes of sub-clauses (9) and (10) the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

6. ANNUAL LEAVE.

(1) Subject to the provisions of sub-clauses (2) and (3), an employer shall grant to his employee, other than a casual employee, in respect of each completed twelve months' employment with him—

- (a) in the case of a watchman, twenty-one consecutive calendar days' leave;

(ii) dat, as sodanige pouse langer as 'n uur is, elke tydperk van meer as een en 'n kwart uur geag word tyd te wees waarin gewerk is;

(iii) dat 'n motorvoertuigbestuurder wat in so 'n pouse geen ander werk verrig as dat hy in die beheer van die voertuig is of bly nie, by die toepassing van hierdie subklousule geag word in die pouse nie te gewerk het nie.

(4) *Ruspouses.*—'n Werkgewer moet, so na as doenlik aan die middel van elke werkperiode in die voor- en namiddag, aan elkeen van sy werknemers 'n ruspouse van minstens tien minute toestaan, waarin die werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en bedoelde pouse word geag deel van die gewone werkure te vorm.

(5) *Werkure moet opeenvolgend wees.*—Behoudens die bepalings van subklousule (3), moet alle werkure op enige dag opeenvolgend wees.

(6) *Oortyd.*—Alle tyd wat 'n werknemer bo die getal ure in subklousules (1) en (2) voorgeskryf, werk, word geag oortyd te wees.

(7) *Beperking op oortyd.*—'n Werkgewer mag nie vereis of toelaat dat 'n werknemer langer oortyd werk nie as—

- (a) wat 'n los werknemer betref, twee uur op 'n dag;
- (b) wat enige ander werknemer betref—
 - (i) drie uur op 'n dag;
 - (ii) ses uur in 'n week.

(8) *Addisionele beperkings op gewone werkure en oortyd ten opsigte van vroulike werknemers.*—Ondanks andersluidende bepalings in subklousules (1) en (7) hiervan, mag 'n werkgewer nie vereis of toelaat dat 'n vroulike werknemer—

- (a) enige werk verrig—
 - (i) tussen 6 nm. en 6 vm. nie; of
 - (ii) ná 1 nm. op meer as vyf dae in enige week nie; of
- (b) oortyd werk—
 - (i) vir meer as twee uur op 'n dag nie;
 - (ii) op meer as drie opeenvolgende dae in 'n week nie;
 - (iii) op meer as sestig dae in 'n jaar nie;
 - (iv) vir meer as een uur op 'n dag na voltooiing van haar gewone werkure nie, tensy hy—
 - (a) so 'n werknemer voor die middag in kennis daarvan gestel het, of
 - (b) sodanige werknemer betyds van 'n behoorlike ete voorsien en haar genoeg tyd laat om dit te kan nuttig voordat sy met oortyd moet begin, of
 - (c) sodanige werknemer minstens twee sjielings en ses pennies betaal en haar genoeg tyd laat om 'n ete te verkry en dit te nuttig voordat sy met oortyd moet begin.

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

- (a) in die geval van 'n ander werknemer as 'n los werknemer of 'n deeltydse werknemer, een en 'n derde maal sy weekloon gedeel deur ses-en-veertig vir elke uur of deel van 'n uur wat hy altesaam op enige dae in enige week oortyd gewerk het;
- (b) in die geval van 'n deeltydse werknemer, een en 'n derde maal sy weekloon gedeel deur vier-en-twintig vir elke uur of deel van 'n uur wat hy altesaam op enige dae in enige week aldus gewerk het;
- (c) in die geval van 'n los werknemer, een en 'n derde maal sy dagloon gedeel deur agt en 'n half vir elke uur of deel van 'n uur wat hy op enige dag aldus gewerk het.

(10) *Voorbehoud.*—(a) Die bepalings van hierdie klousule geld nie vir 'n senior besturende, professionele of administratiewe werknemer of 'n bestuurder of onderbestuurder, indien en terwyl sodanige werknemer gereeld 'n besoldiging teen 'n tarief van minstens £780 per jaar ontvang nie, en ook nie vir 'n wag nie.

(b) Die bepalings van subklousules (3), (4), (5) en (7) geld nie vir 'n werknemer terwyl hy noodwerk verrig nie.

(c) Die bepalings van subklousule (4) geld nie vir 'n motorvoertuigbestuurder, of vir 'n arbeider wat sodanige bestuurder op sy rondes vergesel, of vir 'n besteller nie.

(d) Die bepalings van subklousule (7) geld nie vir 'n werknemer wat lewende hawe voer, water gee, oppas of aanjaag, of wat diere versorg nie, en ook nie vir 'n werknemer wat goedere aan hospitale, of aan militêre- of lugmagte aflewer nie.

(11) By die toepassing van subklousules (9) en (10) word die uitdrukking „loon" geag 'n werknemer se loon plus sy lewenskostetoelae te beteken.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalings van subklousules (2) en (3), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, op elke voltwoide tydperk van twaalf maande in sy diens, die volgende toestaan:—

- (a) Aan 'n wag, een-en-twintig opeenvolgende kalenderdae verlof;

(b) in the case of every other employee, fourteen consecutive calendar days' leave;

and shall pay such employee in respect of such leave—

- (i) in the case of an employee referred to in (a), an amount of not less than three times the weekly wage to which he was entitled as from the first day of the leave; and
- (ii) in the case of an employee referred to in (b), an amount of not less than double the weekly wage to which he was entitled as from the first day of the leave:

Provided that the weekly wage of an employee who is engaged on piece-work in terms of clause 9 (1) shall be calculated on the basis set out in section 20 (5) of the Factories, Machinery and Building Work Act, 1941.

(2) The leave prescribed in sub-clause (1) shall be granted at a time to be fixed by the employer: Provided that—

- (i) if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within two months after the completion of the twelve months of employment to which it relates;
- (ii) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training;
- (iii) if any public holiday falls within the period of such leave, another day shall for each such day be added to the said period as a further period of leave, and the employee shall in respect of each such day added be paid an amount not less than his daily wage;
- (iv) an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at the latter's written request during the period of twelve months of employment to which the period of annual leave relates.

(3) At the written request of an employee an employer may permit the annual leave to accumulate over a period of not more than twenty-four months of employment: Provided that—

- (i) such request is made by the employee not later than two months after the expiry of the first twelve month's employment to which the leave relates;
- (ii) the date of receipt of such request shall be endorsed on it over his signature by the employer, who shall retain the request for a period of not less than three years from such date or the date of expiry of the period of twelve months' employment to which the leave relates, whichever is the later.

(4) *Leave Remuneration.*—The remuneration in respect of the annual leave prescribed in sub-clause (1), read with sub-clause (3), shall be paid not later than the last work day before the date of commencement of the leave.

(5) An employee whose contract of employment terminates during any twelve months of employment with the same employer before the period of leave prescribed in sub-clause (1) in respect of that period has accrued shall, upon such termination and in addition to any other remuneration which may be due to him, be paid by his employer, in respect of each completed month of such period of employment, an amount of not less than—

- (a) in the case of an employee referred to in paragraph (a) of sub-clause (1), one-fourth of the weekly wage;
- (b) in the case of an employee referred to in paragraph (b) of sub-clause (1), one-sixth of the weekly wage,

he was receiving immediately before the date of such termination: Provided that an employer may make a proportionate deduction in respect of any period of leave granted to an employee in terms of the fourth proviso to sub-clause (2) and provided further that an employee—

- (i) who leaves his employment without having given and served the period of notice prescribed in clause 12 (unless the employer has waived such notice); or
- (ii) who leaves his employment without cause recognised by law as sufficient; or
- (iii) who is dismissed by his employer without notice for any cause recognised by law as sufficient for such dismissal without notice,

shall not be entitled to any payment by virtue of this sub-clause.

(6) An employee who has become entitled to a period of leave prescribed in sub-clause (1), read with sub-clause (3), and whose contract of employment terminates before such leave has been granted shall, upon such termination, be paid the amount he would have received in respect of the leave had the leave been granted to him as at the date of termination.

(7) For the purpose of this clause the expression "employment" shall be deemed to include any period in respect of which an employer, in terms of sub-clause (1) of clause 12, pays an employee in lieu of notice, and also any period or periods during which an employee is absent—

- (a) on leave in terms of sub-clause (1);
- (b) on sick leave in terms of clause 7;
- (c) on the instructions or at the request of his employer;
- (d) undergoing any military training,

(b) aan iedere ander werknemer, veertien opeenvolgende kalenderdae verlof;

en hom ten opsigte van sodanige verlof die volgende betaal:—

- (i) in die geval van 'n werknemer in (a) bedoel, 'n bedrag van minstens drie maal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is; en
- (ii) in die geval van 'n werknemer in (b) bedoel, 'n bedrag van minstens dubbel die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is:

Met dien verstande dat die weekloon van 'n werknemer wat stukwerk ingevolge klousule 9 (1) verrig bereken moet word op die grondslag uiteengesit in artikel 20 (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

(2) Die verlof voorgeskryf in subklousule (1) moet toegestaan word op 'n tyd wat die werkgever bepaal: Met dien verstande—

- (i) dat, as die verlof nie eerder toegestaan is nie, dit, behoudens die bepaling van subklousule (3), só toegestaan word dat dit begin binne twee maande ná voltooiing van die twaalf maande diens waarop dit betrekking het;
- (ii) dat die tydperk van verlof nie saamval met siekteverlof wat ingevolge klousule 7 toegestaan is of, tensy die werknemer dit versoek en die werkgever skriftelik daartoe instem, met enige tydperk van militêre opleiding nie;
- (iii) dat, as 'n openbare vakansiedag binne die tydperk van die verlof val, vir elke sodanige dag nog 'n dag by genoemde tydperk gevoeg word as verdere verloftyd, en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag van minstens sy dagloon betaal word;
- (iv) dat 'n werkgever alle dae geleentheidsverlof wat aan sy werknemer op dié se skriftelike versoek gedurende die twaalf maande waarop die tydperk van jaarlikse verlof betrekking het, teen volle betaling toegestaan is, van sodanige verloftydperk kan aftrek.

(3) Op die skriftelike versoek van sy werknemer kan 'n werkgever die jaarlikse verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens laat oploop: Met dien verstande—

- (i) dat die werknemer sodanige versoek doen nie later nie as twee maande ná afloop van die twaalf maande diens waarop die verlof betrekking het;
- (ii) dat die werkgever die ontvangsdatum van sodanige versoek daarop aanbring en onderteken, en die versoek minstens drie jaar bewaar vanaf sodanige datum of vanaf die afloopdatum van die tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van hierdie datums.

(4) *Verlofbesoldiging.*—Die besoldiging ten opsigte van die jaarlikse verlof, voorgeskryf in subklousule (1), saamgelees met subklousule (3), moet voor of op die laaste werkdag voor die aanvangsdatum van die verlof betaal word.

(5) 'n Werkgever moet sy werknemer wie se dienskontrak gedurende enige periode van twaalf maande diens beëindig word voordat die verloftydperk in subklousule (1) voorgeskryf, vir dié tydperk opgeloopt het, benewens enige ander besoldiging wat aan hom verskuldig is, vir elke voltooidde maand van sodanige diensperiode 'n bedrag betaal van minstens—

- (a) in die geval van 'n werknemer in paragraaf (a) van subklousule (1) bedoel, een-vierde van die weekloon,
- (b) in die geval van 'n werknemer in paragraaf (b) van subklousule (1) bedoel, een-sesde van die weekloon,

wat hy onmiddellik voor die datum van sodanige beëindiging ontvang het: Met dien verstande dat 'n werkgever 'n eweredige aftrekking kan maak ten opsigte van enige tydperk van verlof wat ooreenkomstig die vierde voorbehoud tot klousule (2) aan 'n werknemer toegestaan is, en voorts met dien verstande dat 'n werknemer—

- (i) wat sy diens verlaat sonder om die kennis te gee en die kennisgewingstermyn uit te dien wat by klousule 12 voorgeskryf word (tensy die werkgever van bedoelde kennisgewingstermyn afgesien het); of
- (ii) wat sy diens sonder regsgeldige rede verlaat; of
- (iii) wat om 'n regsgeldige rede vir sodanige ontslag deur sy werkgever sonder kennisgewing ontslaan word,

tot geen betaling kragtens hierdie subklousule geregtig is nie.

(6) Aan 'n werknemer wat tot 'n tydperk van verlof voorgeskryf in subklousule (1), saamgelees met subklousule (3), geregtig geword het en wie se dienskontrak beëindig word voordat sodanige verlof toegestaan is, moet by bedoelde beëindiging dié bedrag betaal word wat hy ten opsigte van die verlof sou ontvang het as die verlof op die datum van beëindiging aan hom toegestaan was.

(7) By die toepassing van hierdie klousule word die uitdrukking „diens” geag ook elke tydperk te omvat ten opsigte waarvan 'n werkgever ingevolge subklousule (1) van klousule 12 'n werknemer betaal in plaas van kennis van diensbeëindiging te gee, en ook alle tydperke waarin 'n werknemer afwesig is—

- (a) met verlof ingevolge subklousule (1);
- (b) met siekteverlof ingevolge klousule 7;
- (c) op las of versoek van sy werkgever;
- (d) vir militêre opleiding;

amounting in the aggregate in any year to not more than ten weeks in respect of items (a), (b) and (c), plus any period of military training undergone in that year, and employment shall be deemed to commence—

- (i) in the case of an employee who had before the coming into force of this Determination become entitled to a period of leave in terms of any law, on the date on which such employee last became entitled to such leave under such law;
- (ii) in the case of an employee who was in employment before the coming into force of this Determination and to whom any law providing for annual leave applied but who had not become entitled to a period of leave in terms thereof, on the date on which such employment commenced;
- (iii) in the case of any other employee, on the date on which such employee entered his employer's service or the date of the coming into force of this Determination, whichever is the later.

(8) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity—

- (a) in the case of an employee who works a five-day week, not less than twenty work days;
- (b) in the case of every other employee, not less than twenty-four work days;

sick leave in the aggregate during each cycle of twenty-four consecutive months of employment with him and shall pay such employee in respect of any period of absence in terms hereof not less than the wage he would have received had he worked during such period: Provided that—

- (i) in the first twenty-four consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than, in the case of an employee who works a five-day week, one work day in respect of each completed period of five weeks of employment and, in the case of every other employee, one work day in respect of each completed month of employment;
- (ii) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee, in the event of his incapacity in the circumstances set out in this clause, the payment to him of not less than in the aggregate the equivalent of his wage for twenty or twenty-four work days, as the case may be, in each cycle of twenty-four months' employment, except that during the first twenty-four months of the payment of contributions by the employee, the guaranteed rate need not exceed the rate of accrual set out in the first proviso to this sub-clause;
- (iii) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;
- (iv) if, in respect of any period of incapacity covered by this clause, an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply;
- (v) the wage payable to an employee who is employed on piece-work, for any period of absence on sick leave in terms of this clause, shall be calculated on the basis of the remuneration paid to such employee on his last pay day immediately preceding such absence.

(2) An employer may, as a condition precedent to the payment by him of any amount which under this clause an employee claims in respect of any absence from work for a period covering more than three consecutive calendar days, require the employee to produce a certificate signed by a medical practitioner confirming the nature and duration of the employee's incapacity.

(3) Where, during the first cycle of twenty-four months of employment with the same employer, an employee is absent owing to incapacity for a period in excess of any sick leave accrued at the time of such incapacity, he shall be entitled to be paid only in respect of such sick leave as has so accrued: Provided that his employer shall, if he has not previously done so, at the expiry of the said cycle of employment, or on termination of employment before such expiry, pay him in respect of such excess period of absence owing to incapacity to the extent to which sick leave, accrued at such expiry or termination, has not been taken.

(4) For the purpose of this clause the expression—

- (a) "wage" shall be deemed to mean an employee's wage plus his cost of living allowance;
- (b) "employment" shall have the same meaning as that assigned to it in sub-clause (1) of clause 6: Provided that any period of employment which an employee has had with the same employer immediately before the date of

en wel tot die totaal in enige jaar van altesaam hoogstens tien weke ten opsigte van gronde (a), (b) en (c), plus enige tydperk van militêre opleiding wat hy in dié jaar ondergaan het, en diens word geag te begin—

- (i) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling tot verlof kragtens enige wet geregtig geword het, op die datum waarop sodanige werknemer die vorige maal tot sodanige verlof kragtens sodanige wet geregtig geword het;
- (ii) in die geval van 'n werknemer wat voor die datum van inwerkingtreding van hierdie Vasstelling in diens was en vir wie enige wet geld wat vir jaarlikse verlof voorsiening maak maar wat nog nie tot verlof ingevolge daarvan geregtig geword het nie, op die datum waarop sodanige diens begin het;
- (iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer by sy werkgever in diens getree het, of op die datum van inwerkingtreding van hierdie Vasstelling, en wel op die jongste van die twee datums.

(8) By die toepassing van hierdie klousule word die uitdrukking „loon” geag 'n werknemer se loon plus sy lewenskoste-toelae te beteken.

7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgever aan sy werknemer, uitgesonderd 'n los werknemer, wat weens ongeskiktheid uit sy werk afwesig is, die volgende toestaan:—

- (a) In die geval van 'n werknemer wat 'n werkweek van vyf dae het, minstens twintig werkdag;
- (b) in die geval van alle ander werknemers, minstens vier-en-twintig werkdag;

siekteverlof altesaam gedurende elke tydkring van vier-en-twintig opeenvolgende maande diens by hom, en ten opsigte van enige tydperk van afwesigheid ingevolge hierdie klousule, moet hy sodanige werknemer minstens dié loon betaal wat hy sou ontvang het as hy gedurende bedoelde tydperk gewerk het: Met dien verstande—

- (i) dat, gedurende die eerste vier-en-twintig opeenvolgende maande diens, 'n werknemer met 'n werkweek van vyf dae tot hoogstens een werkdag siekteverlof met volle betaling op elke voltooide tydperk van vyf weke diens, en alle ander werknemers tot hoogstens een werkdag siekteverlof met volle betaling op elke voltooide maand diens, geregtig is;
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes, minstens gelyk aan dié wat die werknemer daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer, by ongeskiktheid in die omstandighede in hierdie klousule vermeld, betaling waarborg van altesaam minstens die ekwivalent van sy loon vir twintig of vier-en-twintig werkdag, al na gelang van die geval, in elke tydkring van vier-en-twintig maande diens, behalwe dat gedurende die eerste vier-en-twintig maande waarin die werknemer bydraes stort, die gewaarborgde tarief nie die koers van aanwas soos uiteengesit in die eerste voorbehoud tot hierdie subklousule, hoef te oorskry nie;
- (iii) dat, indien 'n werkgever ingevolge enige wet, gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde wel betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;
- (iv) dat, indien ten opsigte van enige tydperk van ongeskiktheid wat deur hierdie klousule bedoel word, 'n werkgever by enige ander wet verplig word om 'n werknemer sy volle loon te betaal, die bepalings van hierdie klousule nie geld nie;
- (v) dat die loon wat vir enige tydperk van afwesigheid weens siekteverlof ingevolge hierdie klousule betaal moet word aan 'n werknemer wat stukwerk verrig, bereken word op grondslag van die besoldiging wat aan sodanige werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) Voordat 'n werkgever voldoen aan enige eis wat 'n werknemer kragtens hierdie klousule stel ten opsigte van afwesigheid uit sy werk gedurende 'n tydperk wat strek oor meer as drie opeenvolgende kalenderdae, kan hy vereis dat die werknemer 'n sertifikaat, geteken deur 'n geneesheer, voorleë wat die aard en duur van die werknemer se ongeskiktheid bevestig.

(3) Wanneer 'n werknemer gedurende die eerste tydkring van vier-en-twintig maande diens by dieselfde werkgever weens ongeskiktheid gedurende 'n langer tydperk afwesig is as die siekteverlof wat hom ten tyde van sodanige ongeskiktheid toekom, is hy geregtig tot betaling vir slegs dié siekteverlof wat hom dan toekom: Met dien verstande dat, tensy die werkgever dit reeds gedoen het, hy by die verstryking van bedoelde tydkring, of by die beëindiging voor sodanige verstryking, die werknemer ten opsigte van sodanige langer tydperk van afwesigheid weens ongeskiktheid moet betaal vir sover die siekteverlof wat by sodanige verstryking of beëindiging opgehoop het, nie gebruik is nie.

(4) By die toepassing van hierdie klousule,—

- (a) word die uitdrukking „loon” geag 'n werknemer se loon plus sy lewenskostetoelae te beteken;
- (b) het die uitdrukking „diens” dieselfde betekenis as dié wat in subklousule (7) van klousule 6 daaraan geheg word: Met dien verstande dat enige tydperk wat 'n werknemer by dieselfde werkgever gedien het onmiddellik voor die inwer-

the coming into operation of this Determination shall for the purpose of this clause be deemed to be employment under this Determination, and any sick leave on full pay granted to such an employee during such period shall be deemed to have been granted under this Determination;

- (c) "incapacity" means inability to work owing to any sickness or injury (other than that caused by an employee's own misconduct); Provided that any inability to work caused by an accident in respect of which compensation is payable under the Workmen's Compensation Act, 1941, shall be deemed to be incapacity only in respect of any period of inability to work for which no disablement payment is payable in terms of that Act.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays.*—An employee who is not required to work on a public holiday shall be paid by his employer not less than his daily wage in respect of such day.

(2) *Compensation for Work on Public Holidays.*—Whenever an employer requires or permits an employee to work on any public holiday he shall, for work performed on that day, pay such employee his daily wage plus, for each hour or part of an hour worked by the employee in the aggregate on such day, an amount of not less than one forty-sixth of his weekly wage.

(3) *Compensation for work on Sundays.*—Whenever an employee works on a Sunday, his employer shall either—

- (i) pay him double his daily wage, or
- (ii) pay him one and one-third times his weekly wage, divided by forty-six for each hour or part of an hour worked by him in the aggregate on such Sunday, and grant him within fourteen days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage.

(4) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

(5) The provisions of this clause shall not apply to a senior managerial, professional or administrative employee, manager or sub-manager provided such employee is paid a regular wage at a rate of not less than £780 per annum, nor to a watchman or a casual employee.

9. PIECE-WORK.

(1) An employer may, after at least one week's notice to his employee, apply any piece-work system and, save as provided in clause 4 (6), the employer shall pay to his employee who is employed on such piece-work system for any period, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay to such employee not less than the following plus five per cent—

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

(2) An employer shall keep posted up in a conspicuous place in his establishment a schedule of the rates referred to in sub-clause (1).

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

10. PROPORTION OR RATIO.

(1) *Blockmen.*—(a) An employer shall employ a first blockman before any other blockman is employed by him.

(b) An employer shall not employ an unqualified blockman unless he has in his employ a qualified blockman and for each qualified blockman employed by him he shall not employ more than one unqualified blockman.

(2) *Clerks.*—An employer shall not employ an unqualified clerk, male or female, unless he has in his employ a qualified clerk, male or female, respectively, and for each such qualified male or female clerk employed he shall not employ more than one unqualified male or female clerk, as the case may be.

(3) *Saleswomen.*—An employer shall not employ an unqualified saleswoman unless he has in his employ a qualified saleswoman and for each such qualified saleswoman in his employ he shall not employ more than one unqualified saleswoman.

(4) *Slaughtermen.*—An employer shall not employ an unqualified slaughterman unless he has in his employ a qualified slaughterman and for each qualified slaughterman employed by him he shall not employ more than one unqualified slaughterman.

(5) For the purpose of this clause—

- (a) part-time employees shall be deemed not to be employees;

kingtreiding van hierdie Vasstelling, vir die deel van hierdie klousule geag word diens ooreenkomstig hierdie Vasstelling te wees en dat siekteverlof met volle betaling wat gedurende sodanige tydperk aan so 'n werknemer toegestaan is, geag word ingevolge hierdie Vasstelling toegestaan te gewees het;

- (c) beteken die uitdrukking „ongeskiktheid” die onvermoë om te werk weens siekte of besering, behalwe as dit deur die werknemer se eie wangedrag veroorsaak is: Met dien verstande dat, as die onvermoë om te werk te wyte is aan 'n ongeluk waarvoor ingevolge die Ongevallewet, 1941, vergoeding betaalbaar is, dit geag word ongeskiktheid te wees slegs ten opsigte van 'n tydperk van onvermoë om te werk waarvoor geen vergoeding weens arbeidsongeskiktheid ingevolge bedoelde Wet betaalbaar is nie.

8. OPENBARE VAKANSIEDAE EN SONDAE.

(1) *Openbare vakansiedae.*—Aan 'n werknemer wat nie verplig word om op 'n openbare vakansiedag te werk nie, moet sy werkgever vir sodanige dag minstens sy dagloon betaal.

(2) *Betaling vir werk op openbare vakansiedae.*—Wanneer 'n werkgever vereis of toelaat dat sy werknemer op 'n openbare vakansiedag werk, moet hy aan hom sy dagloon plus, vir elke uur of deel van 'n uur wat hy altesaam aldus werk, 'n bedrag van minstens een ses-en-veertigste van sy weekloon betaal vir werk op daardie dag verrig.

(3) *Vergoeding vir werk op Sondag.*—Wanneer 'n werknemer op 'n Sondag werk, moet sy werkgever hom betaal hetsy—

- (i) dubbel sy dagloon, of
- (ii) een en een-derde maal sy weekloon gedeel deur ses-en-veertig vir elke uur of deel van 'n uur wat hy altesaam op so 'n Sondag werk, en hom binne veertien dae vanaf sodanige Sondag een dag verlof gee en vir dié dag minstens sy dagloon betaal.

(4) By die toepassing van hierdie klousule word die uitdrukking „loon” geag 'n werknemer se loon plus sy lewenskostetoelae te beteken.

(5) Die bepalinge van hierdie klousule geld nie vir 'n senior besturende, professionele of administratiewe werknemer, bestuurder of onderbestuurder nie, indien en terwyl sodanige werknemer gereeld besoldig word teen 'n tarief van minstens £780 per jaar, en ook nie vir 'n wag of los werknemer nie.

9. STUKWERK.

(1) Ná minstens een week kennisgewing aan sy werknemer, kan 'n werkgever 'n stukwerkstelsel invoer en, behoudens die bepalinge van klousule 4 (6), moet die werkgever sy werknemer wat volgens sodanige stukwerkstelsel werk, besoldig teen die tarief wat volgens dié stelsel geld: Met dien verstande dat die werkgever, ongeag die hoeveelheid gedane werk, die werknemer minstens die volgende, plus vyf persent, betaal—

- (a) wat 'n ander werknemer as 'n los werknemer betref, vir elke week waarin hy stukwerk verrig, die bedrag wat hy sodanige werknemer vir dié week sou moet betaal het as hy hom 'n tydloon betaal het;
- (b) wat 'n los werknemer betref, vir elke dag waarop stukwerk verrig word, die bedrag wat hy sodanige werknemer vir dié dag sou moet betaal het as hy hom 'n tydloon betaal het.

(2) 'n Werkgever moet 'n lys van die tariewe vermeld in sub-klousule (1) op 'n opvallende plek in sy bedryfsinrigting aangeplak hou.

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe wat dienooreenkomstig geld, af te skaf of op enige manier te wysig, moet sy werknemer wat onder sodanige stelsel werk, minstens een maand kennis van sy voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer of korter kennisgewingstermyn kan ooreenkom, en dan moet die werkgever minstens die ooreengekome kennis gee.

10. VERHOUDINGSYFER.

(1) *Blokmanne.*—(a) 'n Werkgever moet 'n eerste blokman in diens hê voordat hy enige ander blokman in diens neem.

(b) 'n Werkgever mag geen ongekwalfiseerde blokman in diens neem nie, tensy hy 'n gekwalfiseerde blokman in sy diens het, en vir elke gekwalfiseerde blokman in sy diens kan hy hoogstens een ongekwalfiseerde blokman in diens neem.

(2) *Klerke.*—'n Werkgever mag geen ongekwalfiseerde klerk, hetsy man of vrou, in diens neem nie, tensy hy 'n gekwalfiseerde klerk, onderskeidelik man of vrou, in diens het, en vir elke sodanige gekwalfiseerde manlike of vroulike klerk in sy diens kan hy hoogstens een ongekwalfiseerde manlike of vroulike klerk, na gelang van die geval, in diens neem.

(3) *Verkoopsters.*—'n Werkgever mag geen ongekwalfiseerde verkoopster in diens neem nie, tensy hy 'n gekwalfiseerde verkoopster in sy diens het, en vir elke sodanige gekwalfiseerde verkoopster in sy diens kan hy hoogstens een ongekwalfiseerde verkoopster in diens neem.

(4) *Slagmanne.*—'n Werkgever mag geen ongekwalfiseerde slagman in diens neem nie, tensy hy 'n gekwalfiseerde slagman in sy diens het, en vir elke sodanige gekwalfiseerde slagman in diens kan hy hoogstens een ongekwalfiseerde slagman in diens neem.

(5) By die toepassing van hierdie klousule—

- (a) word deeltydse werknemers geag geen werknemers te wees nie;

- (b) an employer who is wholly or mainly engaged in the work of any particular class of employee may be deemed to be a qualified employee of that class: Provided that the same employer may not be so deemed in respect of more than one establishment;
- (c) an unqualified employee who is receiving a wage of not less than the wage of a qualified employee of his class may be deemed to be a qualified employee;
- (d) a qualified female employee who is receiving a wage of not less than the wage of a qualified male employee may be deemed to be a qualified male employee: Provided that an employee so deemed to be a qualified male employee shall not at the same time be regarded as a qualified female employee.

11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

An employer shall supply and maintain in serviceable and clean condition, free of charge, any uniform, overall or protective clothing which he requires his employee to wear or which by any law or regulation he is compelled to provide for his employee, and any such uniform, overall or protective clothing shall remain the property of the employer.

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

- (1) An employer or employee, other than a casual employee, who desires to terminate the contract of employment shall give—
 - (a) during the first four weeks of employment not less than twenty-four hours;
 - (b) after the first four weeks of employment not less than one week's,

notice of his intention to terminate the contract; or an employer or employee may terminate the contract without notice by paying the employee, or paying or forfeiting to the employer, as the case may be, in lieu of such notice, not less than—

- (i) in the case of twenty-four hours' notice an amount equal to the daily wage which the employee is receiving at the date of such termination;
- (ii) in the case of a week's notice, an amount equal to the weekly wage which the employee is receiving at the date of such termination:

Provided that this shall not affect—

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

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

(2) Where there is an agreement in terms of the second proviso to sub-clause (1), the payment or forfeiture in lieu of notice shall correspond to the period of notice agreed upon.

(3) The notice prescribed in sub-clause (1) shall be given on or before the usual pay day of the establishment for such employee and shall run from the day after such pay day:

Provided that—

- (i) whenever in terms of sub-clause 4 (1) an employer and his employee have agreed that remuneration shall be paid monthly, the expression "the usual pay day of the establishment for such employee" shall for the purpose of this clause be deemed to mean the day on which such employee would have received payment if no such agreement had been entered into;
- (ii) the period of notice shall not run concurrently with nor shall notice be given during an employee's absence on leave granted in terms of clause 6 or any period of military training;
- (iii) notice shall not be given during an employee's absence on sick leave granted in terms of clause 7; and
- (iv) where only twenty-four hours' notice is required to be given, such notice may be given on any work day.

(4) For the purpose of this clause the expression "wage" shall be deemed to mean an employee's wage plus his cost of living allowance.

13. PROHIBITION OF EMPLOYMENT.

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

- (b) kan 'n werkgewer wat uitsluitend of in hoofsaak die werk van 'n besondere klas werknemer verrig, geag word 'n gekwalifiseerde werknemer van dié klas te wees: Met dien verstande dat dieselfde werkgewer nie ten opsigte van meer as een bedryfsinrigting as sodanig geag mag word nie;
- (c) kan 'n ongekwalifiseerde werknemer wat minstens die loon van 'n gekwalifiseerde werknemer van sy klas ontvang, geag word 'n gekwalifiseerde werknemer te wees;
- (d) kan 'n gekwalifiseerde vroulike werknemer wat minstens die loon van 'n gekwalifiseerde manlike werknemer ontvang, geag word 'n gekwalifiseerde manlike werknemer te wees: Met dien verstande dat 'n werknemer wat aldus geag word 'n manlike werknemer te wees, nie terselfdertyd as 'n gekwalifiseerde vroulike werknemer gereken kan word nie.

11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgewer moet alle uniforms, oorpakke of beskermende klere wat hy vereis dat sy werknemer dra of wat enige wet of regulasie hom verplig om aan sy werknemer te verskaf, kosteloos voorsien en in 'n bruikbare en sindelike toestand hou, en alle sodanige uniforms, oorpakke of beskermende klere bly die werkgewer se eiendom.

12. BEÏNDIGING VAN DIENSKONTRAK.

- (1) 'n Werkgewer of 'n werknemer, uitgesonderd 'n los werknemer, wat sy dienskontrak wil beëindig, moet—
 - (a) gedurende die eerste vier weke diens minstens vier-en-twintig uur;
 - (b) ná die eerste vier weke diens minstens een week,

kennis gee van sy voorneme om die kontrak te beëindig; of 'n werkgewer of 'n werknemer kan die kontrak sonder kennisgewing beëindig deurdat in plaas van die kennisgewing die werkgewer aan die werknemer minstens die volgende betaal, of die werknemer aan die werkgewer minstens die volgende betaal of verbeur, al na gelang van die omstandighede:—

- (i) In die geval van vier-en-twintig uur kennisgewing, 'n bedrag gelyk aan die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;
- (ii) in die geval van 'n week kennisgewing, 'n bedrag gelyk aan die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat hierdeur onaangestas gelaat word:—

- (i) Die werkgewer of werknemer se reg om op enige regsgeldige grond die kontrak sonder kennisgewing te beëindig;
- (ii) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n kennisgewingstermyn wat vir beide partye ewe lank is en langer is as dié wat hierdie klousule voorskryf;
- (iii) die werking van enige verbeurings of boetes wat by Wet van toepassing is op 'n werknemer wat sy diens verlaat:

Met dien verstande voorts dat, indien die loon van 'n werknemer teen die dag van die diensbeëindiging reeds weens korttyd verminder is en die werkgewer hom betaal in plaas van kennis te gee, die uitdrukking, "ten tyde van sodanige beëindiging ontvang", geag word te beteken "ten tyde van sodanige beëindiging sou ontvang het as geen aftrekkings weens korttyd gedoen was nie".

(2) Indien ingevolge die tweede voorbehoud van subklousule (1) 'n ooreenkoms bestaan, moet die betaling of verbeuring in plaas van kennisgewing eweredig wees aan die ooreengekome kennisgewingstermyn.

(3) Die kennis in subklousule (1) voorgeskryf, moet gegee word voor of op die dag waarop die bedryfsinrigting sodanige werknemer gewoonlik betaal, en loop vanaf die dag ná sodanige betaaldag:

Met dien verstande—

- (i) dat wanneer 'n werkgewer en sy werknemer ingevolge subklousule 4 (1) ooreengekom het dat besoldiging maandeliks betaal word, die uitdrukking "die dag waarop die inrigting sodanige werknemer gewoonlik betaal" vir die doel van hierdie klousule geag word te beteken die dag waarop so 'n werknemer betaling sou ontvang het as geen sodanige ooreenkoms aangegaan was nie;
- (ii) dat die kennisgewingstermyn nie mag saamval met, en kennis nie gegee mag word gedurende, 'n werknemer se afwesigheid met verlof toegestaan kragtens klousule 6, of met enige tydperk van militêre opleiding nie;
- (iii) dat kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met siekteverlof toegestaan ingevolge klousule 7 nie; en
- (iv) dat as slegs vier-en-twintig uur kennis gegee moet word, sodanige kennis op enige werkdag gegee kan word.

(4) By die toepassing van hierdie klousule word die uitdrukking "loon" geag 'n werknemer se loon plus sy lewenskostoelae te beteken.

13. VERBOD OP INDIENSNEMING.

'n Werkgewer mag niemand onder die ouderdom van vyftien jaar in diens neem nie.

14. CERTIFICATE OF SERVICE.

An employer shall upon termination of the contract of employment, other than through the desertion of an employee, furnish his employee, other than a casual employee, with a certificate of service substantially in the form prescribed in the schedule to this Determination, showing the full names of the employer and his employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the rate of remuneration at the date of such termination.

15. LOG-BOOK.

(1) An employer shall provide his motor vehicle driver or part-time motor vehicle driver with a log-book, as nearly as practicable in the following form:—

Daily Log.

Name of employer.....
Name of motor vehicle driver.....
Date.....
Time of starting work..... a.m./p.m. a.m./p.m.
Time of finishing work..... a.m./p.m. a.m./p.m.
Number of hours worked.....
Meal hours from..... a.m./p.m. to..... a.m./p.m.
Particulars of any accident or delay.....
.....
.....

Signature of Motor Vehicle Driver.

Date.....19.....

(2) Every motor vehicle driver or part-time motor vehicle driver, upon being provided with a log-book mentioned in sub-clause (1), shall keep the said daily log in duplicate in respect of each day's work and shall within twenty-four hours of the completion of the day's work to which it relates deliver a copy thereof to his employer and for the purpose of this clause the word "work" in relation to a part-time motor vehicle driver shall refer only to "driving a motor vehicle" as defined in the definition of this class of employee.

(3) Every employer shall retain the copy of the daily log which in terms of sub-clause (2) has been delivered to him for a period of at least three years subsequent to such delivery.

SCHEDULE.

I/We*.....
carrying on business in the Meat Trade at.....
.....
hereby certify that.....
was employed by me/us* from the.....
day of.....19..... to the.....
day of.....19..... in the occupation of
†..... At the termination
of employment his/her* wage (excluding cost of living allow-
ance) was.....pounds.....shillings
and.....pence per week/month.*

Signature of Employer or
Authorised Representative.

Date.....

* Delete whichever is inapplicable.

† State occupation in which employee was wholly or mainly engaged, e.g. clerk, first blockman, foreman, slaughterman.

No. 1788.] [30 October 1959.
FACTORIES, MACHINERY AND BUILDING WORK
ACT, 1951.

MEAT TRADE, KIMBERLEY.

I, JOHANNES DE KLERK, Minister of Labour, acting in terms of sub-section (1) of section twenty-two of the Factories, Machinery and Building Work Act, 1941, hereby declare the provisions of the Determination for the meat trade published under Government Notice No. 1787 of the 30th October, 1959, to be not less favourable to the persons whose hours of work are regulated thereby than the relative provisions of the said Act.

J. DE KLERK,
Minister of Labour.

14. DIENSSERTIFIKAAT.

'n Werkgewer moet by beëindiging van 'n dienskontrak weens 'n ander rede as diensverlating sy werknemer, uitgesonderd 'n los werknemer, van 'n dienssertifikaat voorsien wat in hoofsaak die vorm het wat in die Bylae van hierdie Vasstelling voorgeskryf word en wat die volle naam van die werkgewer en van die werknemer, die betrekking van die werknemer, die aanvangs- en aflooptdatum van die kontrak en die besoldiging ten tyde van sodanige beëindiging, aangee.

15. LOGBOEK.

(1) 'n Werkgewer moet sy motorvoertuigbestuurder of sy deeltydse motorvoertuigbestuurder voorsien van 'n logboek wat so ver doenlik die volgende vorm het:—

Daaglikse log.

Naam van werkgewer.....
Naam van motorvoertuigbestuurder.....
Datum.....
Tyd waarop werk begin is..... vm./nm. vm./nm.
Tyd waarop werk opgehou het..... vm./nm. vm./nm.
Getal ure gewerk.....
Etenstye van..... vm./nm. tot..... vm./nm.
Gegewens omtrent enige ongeluk of vertraging.....
.....
.....

Handtekening van motorvoertuigbestuurder.

Datum.....19.....

(2) Elke motorvoertuigbestuurder of deeltydse motorvoertuigbestuurder moet in die logboek in subklousule (1) vermeld oor elke dag se werk 'n daaglikse log in duplo hou en binne vier-en-twintig uur na voltooiing van die dag se werk waarop dit betrekking het, 'n afskrif daarvan by sy werkgewer indien, en by die toepassing van hierdie klousule staan die uitdrukking „werk” met betrekking tot 'n deeltydse motorvoertuigbestuurder slegs op „'n motorvoertuig bestuur” soos die uitdrukking in die woordomskrywing van hierdie klas werknemer omskryf word.

(3) Elke werkgewer moet die afskrif van die daaglikse log wat ingevolge subklousule (2) by hom ingedien is, minstens drie jaar lank ná indiening bewaar.

BYLAE.

Ek/Ons*.....
wat die Vleisbedryf beoefen te.....
.....
sertifiseer hierby dat.....
by my/ons* in diens was vanaf die..... dag
van.....19..... tot die.....
dag van.....19..... in die betrekking van
†..... By diensbeëindiging was
sy/haar* loon (uitgesonderd lewenskostoelae).....
.....pond.....sjelings.....pennies per
week/maand.*

Handtekening van werkgewer of
gemagtigde verteenwoordiger.

Datum.....

* Skrap dit wat nie van toepassing is nie.

† Meld die betrekking waarin die werknemer uitsluitend of in hoofsaak in diens was, bv. klerk, eerste blokman, voor-
man, slagman.

No. 1788.] [30 Oktober 1959.
WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941.

VLEISBEDRYF, KIMBERLEY.

Ek, JOHANNES DE KLERK, Minister van Arbeid, handelende kragtens subartikel (1) van artikel twee-en-twintig van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, verklaar hierby dat die bepalinge van die Vasstelling vir die vleisbedryf, bekendgemaak by Goewermentskennisgewing No. 1787 van 30 Oktober 1959, nie vir die persone wie se werke daarby gereël word, minder gunstig as die ooreenstemmende bepalinge van genoemde Wet is nie.

J. DE KLERK,
Minister van Arbeid.

Publications

issued by the GOVERNMENT PRINTER deal with various subjects of great interest to Businessmen, Industrialists, Farmers, Attorneys, Teachers and the Public in General

These publications include the following:—

- ★ Official Year Book of the Union of South Africa
- ★ The Monuments of South Africa
- ★ Die Afrikaanse Woordeboek
- ★ Flowering Plants of Africa
- ★ Archives Year Book for South African History
- ★ Commerce and Industry (Monthly)

Also

- Geological Publications
- Acts and Regulations
- Maps
- Statistical Reports
- Wage Determinations
- Reports of Select Committees
- Departmental Reports (Annual)
- Commission Reports, etc.

Further particulars regarding these publications and prices are obtainable from the GOVERNMENT PRINTER, Pretoria or Cape Town

Publikasies

wat deur die STAATSDRUKKER uitgegee word, handel oor 'n verskeidenheid van onderwerpe wat vir Boere, Prokureurs, Onderwysers, Besigheidsmense, Nyweraars en die Algemene Publiek van groot belang is

Hierdie publikasies sluit die volgende in:—

- ★ Offisiële Jaarboek van die Unie van Suid-Afrika
- ★ Gedenkwaardighede van Suid-Afrika
- ★ Die Afrikaanse Woordeboek
- ★ Blomplante van Suid-Afrika
- ★ Argiefjaarboek van Suid-Afrikaanse Geskiedenis
- ★ Handel en Nywerheid (Maandeliks)

Asook

- Geologiese Publikasies
- Wette en Regulasies
- Landkaarte
- Statistiese Verslae
- Loonvasstellings
- Gekose Komitee Verslae
- Departementele Verslae (Jaarliks)
- Kommissie Verslae, ens.

Verdere besonderhede en pryse aangaande hierdie publikasies is verkrygbaar van die STAATSDRUKKER, Pretoria of Kaapstad