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GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. 1828.] [6 November 1959.
WAGE ACT, No. 5 OF 1957.

WAGE DETERMINATION No. 193.

UNSKILLED LABOUR.—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 unskilled labour and has fixed the 30th day of November, 1959, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF THE DETERMINATION.

This Determination shall apply to all employees who perform unskilled labour in the magisterial district of Kimberley in any of the undermentioned trades—

- (1) bridge-building;
- (2) demolition of buildings;
- (3) excavating or levelling soil;
- (4) municipal or divisional council undertakings (including municipalities, divisional councils, villages, management boards, local boards and local area committees);
- (5) preparing sites for building or other purposes;
- (6) quarrying or stone-crushing;
- (7) roadmaking;
- (8) transportation of goods;
- (9) dealing in wool, hides, skins or mohair;
- (10) breaking up of scrap metal;
- (11) market and commission agencies;
- (12) malt manufacture;
- (13) purifying, grinding and packing of salt;
- (14) letting of offices;
- (15) excavating, pumping, selling or delivering of sand or gravel;
- (16) construction of sewerage, drainage or storm-water drainage schemes;
- (17) ice-cream manufacture;
- (18) generation and distribution of electricity;
- (19) bottling stores;

and to the employers of such employees: Provided that it shall not apply to employees employed in that section of the trade dealing in wool, hides, skins or mohair in respect of which the licence referred to in Item II (General Dealer) of Part I of the Second Schedule to the Licences Consolidation Act, 1925, is required to be taken out.

A—6906481

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. 1828.] [6 November 1959.
LOONWET, No. 5 VAN 1957.

LOONVASSTELLING No. 193.

ONGESKOOLDE ARBEID.—KIMBERLEY.

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 Vastelling wat in die Bylae hiervan verskyn, ten opsigte van ongeskoolde arbeid gemaak het en die 30ste dag van November 1959 bepaal het as die datum waarop die bepalinge van genoemde Vastelling bindend word.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vastelling is van toepassing op alle werknemers wat in die landdrostdistrik Kimberley ongeskoolde werk verrig in enige van die ondergenoemde bedrywe—

- (1) brugbou;
- (2) sloping van geboue;
- (3) uitgrawe of gelykmaak van grond;
- (4) munisipale of afdelingsraadonderrermings (insluitende munisipaliteite, afdelingsrade, dorpsbesture, plaaslike besture en komitees van plaaslike gebiede);
- (5) voorbereiding van terreine vir bou- of ander-doeleindes;
- (6) klipbreek of klipvergruising;
- (7) padmaak;
- (8) goederevervoer;
- (9) handel in wol, huide, velle of angorahaar;
- (10) opbreek van ou metaal;
- (11) mark- en kommissieagentskappe;
- (12) moutvervaardiging;
- (13) suiwering, maal en verpakking van sout;
- (14) verhuur van kantore;
- (15) uitgrawe, uitpomp, verkoop of aflewering van sand of gruis;
- (16) konstruksie van riool- dreinerings- of stormwaterafleiskemas;
- (17) vervaardiging van roomys;
- (18) opwekking en verspreiding van elektrisiteit;
- (19) drankwinkels;

en op die werkgewers van sodanige werknemers: Met dien verstande dat dit nie van toepassing is nie op werknemers in diens in die deel van die bedryf wat handel in wol, huide, velle of angorahaar en waarvoor die lisensie genoem in Item II (Algemene Handelaar) van Deel I van die Tweede Bylae van die Licenties Konsolidasie Wet, 1925, uitgeneem moet word.

1—6308

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—

- (i) "continuous process" means any activity which in terms of paragraph (a) of sub-section (1) of section *nineteen* of the Factories, Machinery and Building Work Act, 1941, has been declared to be an activity in which continuous working by means of three shifts per day is necessary; (x)
- (ii) "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 his employee a cost of living allowance higher than that so prescribed, it means such higher allowance; (vi)
- (iii) "daily employee" means an employee who is employed by the day; (ii)
- (iv) "District A" means the municipal area of Kimberley; (iii)
- (v) "District B" means that portion of the magisterial district of Kimberley which falls outside the municipal area of Kimberley; (iv)
- (vi) "emergency work" means—
 - (a) any work which, owing to unforeseen circumstances such as fire, storm, accident, act of violence, epidemic or theft, must be done without delay;
 - (b) any work necessary for the maintenance of light, power, water, telephone, public health, sanitary cleansing, public transport or airport services or for the supply of goods to hospitals or the police or military forces;
 - (c) any work necessitated by a general breakdown of plant or machinery or an actual breakdown or threatened breakdown of buildings, caused by accident or other unforeseen circumstance;
 - (d) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; or
 - (e) the work of or connected with the loading or unloading of trucks or vehicles belonging to the South African Railways and Harbours; (ix)
- (vii) "establishment" means any premises in or in connection with which one or more employees are employed in any one or more of the trades mentioned in clause 1; (i)
- (viii) "law" includes the common law; (xiii)
- (ix) "night watchman" means an employee who is engaged in guarding property during the night or on Sundays or public holiday; (viii)
- (x) "piece-work" means any system under which an employee's remuneration is based on the quantity of work done; (xii)
- (xi) "short-time" means any temporary reduction in the number of ordinary hours of work owing to either wet weather, a shortage of raw materials or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings, caused by accident or other unforeseen circumstances; (v)
- (xii) "unskilled labour" means, without limiting the usual meaning of the expression whatsoever, in relation to—

A. Bridge-building, Excavating or Levelling Soil, Preparing Sites for Building or other Purposes and Roadmaking—

- (1) erecting scaffolding under supervision;
- (2) operating concrete-mixers or power drills;
- (3) ramming asphalt by means of iron-rammers or mechanical means;

B. Demolition of Buildings—

- (1) loosening or taking down any kind of roof tiling, corrugated iron sheets, asbestos sheeting or other roofing material;
- (2) loosening or taking down planks, beams or other kinds of timbering;
- (3) loosening or breaking up brick walls, concrete walls or walls composed of other materials, by means of crowbars, hammers or other tools;
- (4) sorting or tying in bundles materials obtained from demolitions;
- (5) removing nails from planks or beams;

C. Municipal or Divisional Council Undertakings (including Municipalities, Divisional Councils, Village Management Boards, Local Boards and Local Area Committees)—

- (1) tarring articles, buildings or equipment by hand;
- (2) painting chimneys under supervision;
- (3) opening or closing coal chutes;
- (4) erecting scaffolding under supervision;
- (5) erecting or hanging out road signs or putting up warning lamps;
- (6) cutting or threading pipes under supervision;
- (7) spraying, spreading or applying toxins;
- (8) the performance of any work mentioned in paragraphs A to B and D to O of this definition;

2. WOORDOMSKRYWING.

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

- (i) „bedryfsinrigting”, 'n perseel waarop of in verband waarmee een of meer werknemers in enigen of meer van die bedrywe in klousule 1 genoem, in diens is; (vii)
- (ii) „daaglikse werknemer”, 'n werknemer wat by die dag in diens is; (iii)
- (iii) „Distrik A”, die munisipale gebied van Kimberley; (iv)
- (iv) „Distrik B”, dié deel van die landdrostdistrik wat buite die munisipale gebied van Kimberley val; (v)
- (v) „korttyd”, 'n tydelike vermindering van die aantal gewone werkure weens nat weer of 'n tekort aan grondstowwe, of ten gevolge van die feit dat die installasie of masjinerie uit orde is, of die gebou ten gevolge van 'n ongeluk of ander onvoorsiene omstandigheid onbruikbaar is of dreig om dit te word; (xi)
- (vi) „lewenskostoelae”, 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 sy werknemer gereeld 'n lewenskostoelae betaal wat hoër is as dié wat aldus voorgeskryf is dit sodanige hoër toelae beteken; (ii)
- (vii) „loon”, die geldbedrag aan 'n werknemer ingevolge klousule 3 (1), betaalbaar ten opsigte van sy gewone werkure soos voorgeskryf by klousule 5: Met dien verstande dat, as 'n werkgewer sy werknemer vir sy gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit dié hoër bedrag beteken; (xiii)
- (viii) „nagweg”, 'n werknemer wat in die nag of op Sondag of openbare vakansiedae eiendom bewaak; (ix)
- (ix) „noodwerk”—
 - (a) alle werk wat weens onvoorsiene omstandighede soos brand, storm, ongeluk, geweld, epidemie of diefstal sonder versuim gedoen moet word;
 - (b) alle werk wat gedoen moet word vir die instandhouding van lig-, krag- of watervoorsiening of van telefoon-, openbare gesondheids-, sanitêre, skoonmaak-, openbare vervoer- of lughawediens, of vir die lewering van goedere aan hospitale of die polisie of militêre magte;
 - (c) alle werk genoodsaak deur 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;
 - (d) alle werk in verband met die opknapping of herstel van installasies of masjinerie wat nie gedurende die gewone werkure verrig kan word nie; of
 - (e) die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens of werk wat daarmee in verband staan; (vi)
- (x) „onafgebroke proses”, 'n bedrywigheid wat ingevolge paragraaf (a) van subartikel (1) van artikel *negentien* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, verklaar word dat dit 'n bedrywigheid is waarin onafgebroke werk deur middel van drie skofte per dag nodig is; (i)
- (xi) „ongeskoolde werk”, sonder beperking van die gewone betekenis van die uitdrukking hoegenaamd, met betrekking tot—
 - A. Brugbou, uitgrawe of gelykmaak van grond, voorbereiding van terreine vir bou- of ander doeleindes en padmaak—**
 - (1) steiers onder toesig oprig;
 - (2) betonmengers of kragbore bedien;
 - (3) asfalt met ysterstampers of meganiese middels vasstamp;
 - B. Sloping van geboue—**
 - (1) enige soort dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreek;
 - (2) planke, balke of ander soorte timmerhout losmaak of afbreek;
 - (3) baksteemure, betonmure of mure van ander materiaal met koevoete, hamers of ander gereedskap losmaak, afbreek of opbreek;
 - (4) afgebreekte materiaal sorteer of in bondels bind;
 - (5) spykers uit planke of balke verwyder;
 - C. Munisipale of efdelingsraadondernemings (insluitende munisipaliteite, afdelingsrade, dorpsbesture, plaaslike besture en komitees van plaaslike gebiede)—**
 - (1) artikels, geboue of toerusting met die hand teer;
 - (2) skoorstene onder toesig verf;
 - (3) steenkoolstortgeute oop- of toemaak;
 - (4) steiers onder toesig oprig;
 - (5) padtekens oprig of uithang of waarskuwingslampe opstel;
 - (6) pype onder toesig afsaag of skroefdraad daaraan sny;
 - (7) gifstowwe spuit, sprei of aanwend;
 - (8) die verrigting van enige werk wat in items A tot B en D tot O van hierdie woordskrywing genoem word;

D. Quarrying or Stone Crushing—

- (1) attending haulage, other than mechanical haulage (whinch driving) including signalling;
- (2) spragging or braking;
- (3) collecting samples;
- (4) acting as locomotive signalman;
- (5) drilling by hand;
- (6) operating forge bellows;
- (7) removing or replacing belts, but not repairing or joining ends of belts;
- (8) polishing by hand; rubbing by hand, using carborundum stone;
- (9) conveyor or tripper winder;
- (10) punching holes in slate by hand-operated machine;
- (11) cutting slate or roof tiles to line by hand-operated guillotine; splitting roofing slate;
- (12) marking slate according to templates;
- (13) cutting slate according to marks;
- (14) fixing slate on plate of polishing machine, pressing down plate and feeding sand;
- (15) shaping edges of slate by pressing against sandpapering machine;
- (16) operating hand press and blueing; pressing slate front against sandpaper;
- (17) pressing moving belt against slate; ruling slate by hand;
- (18) placing disc on mould, heating mixture, placing lid on mould and pumping press by hand;
- (19) lighting fuses;

E. Transportation of Goods—

- (1) filling fuel tanks; draining or filling oil sumps;
- (2) removing, topping up or replacing batteries;
- (3) using jack or hoist to lift or lower vehicles or loads;

F. Dealing in Wool, Hides, Skins or Mohair—

- (1) placing and securing wire, hoops or rope around bales in order to keep such bales in pressed form;
- (2) removing stained or seedy pieces of mohair or wool, dags or other foreign substances from mohair, wool, hides or skins;
- (3) cutting open bales, removing samples and placing samples next to each bale;
- (4) rubbing salt on hides or skins by hand; shaking out, folding, stacking, bundling or hanging hides or skins over poles or removing therefrom;
- (5) scraping fat or flesh from hides or skins;
- (6) cutting off tips, pieces or tails from hides or skins;
- (7) spraying or strewing toxic or other substances on hides or skins;
- (8) sewing up bales or bags;

G. Breaking up Scrap Metal—

- (1) bending or cutting, under supervision, by means of a blowlamp, or bending or breaking up by means of hammers, saws, chisels, crowbars or spanners any scrap metal, machines, wrecks, vehicles or bridges;
- (2) sorting but not grading scrap metal;

H. Market and Commission Agencies—

- (1) sorting, packing or displaying vegetables, fruit, poultry, flowers or other farm products;

I. Malt Manufacture—

- (1) spreading or turning over barley or other kinds of grain by means of spades or shovels;

J. Purifying, Grinding and Packing Salt—

- (1) feeding conveyor belts to drying ovens, mills or screening machines or taking off therefrom;

K. Excavating, Pumping, Selling or Delivering of Sand or Gravel—

- (1) pumping, washing or screening sand or gravel;

L. Construction of Sewerage, Drainage of Storm-water Drainage Schemes—

- (1) placing, moving or arranging concrete, steel or other pipes in position;

M. Ice-cream Manufacture—

- (1) folding paper or containers;
- (2) heating drums, tanks, pipes or other containers by steam;
- (3) stirring by hand on hand-operated machines;
- (4) ladling;

N. Generation and Distribution of Electricity—

- (1) winding or unwinding, putting in position, dragging or pulling wire;
- (2) putting down, shifting, lifting and assisting in erecting poles;
- (3) digging holes;

O. Bottle Stores—

- (1) filling bottles from vats, cans or other containers;

P. All Trades Mentioned in Clause 1—

- (1) affixing stamps to letters, parcels or other articles;
- (2) placing letters, circulars, documents, handbills, advertisements or other written, printed, typed or recorded documents in envelopes or making them up into bundles;

D. Klipbreek of klipvergruising—

- (1) trekwerk doen, behalwe meganiese trekwerk (windas), met inbegrip van sinjale gee;
- (2) remskoene en remme bedien;
- (3) monsters bymekaar maak;
- (4) as lokomotief-sinjalman optree;
- (5) met die hand boor;
- (6) smidsblaasbalk bedien;
- (7) dryfrieme afneem of opsit, maar nie dryfrieme herstel of las nie;
- (8) met die hand poleer; met die hand met 'n karborundsteen vryf;
- (9) vervoerband of storter bedien;
- (10) met handmasjiene gate in leiklip maak;
- (11) met handguillotine lei- of dakteels op die lyn sny; dakteels splyt;
- (12) leiklip met behulp van leipatrone afmerk;
- (13) leiklip volgens merke sny;
- (14) leiklip op plaat van poleermasjiene in posisie stel, plaat neerdruk en sand voer;
- (15) rande van leiklip vorm deur dit teen skuurpapiermasjiene te druk;
- (16) bediening van handpers, en vaslym, leiklipoppervlakte teen skuurpapiermasjiene druk;
- (17) draaiende band teen leiklip druk; leiklip met die hand lineer;
- (18) skyf in gietvorm sit, mengsel warmmaak, deksel op gietvorm plaas en met die hand die pers pomp;
- (19) lonte aansteek.

E. Goederevervoer—

- (1) brandstoftenks volmaak; oliebakke laegtap of volmaak;
- (2) batterye afhaal, volmaak of terugsit;
- (3) domkrag of hystoestel gebruik om voertuie of vragte te hys of te laat sak.

F. Handel in wol, huide, velle of angorahaar—

- (1) draad, hoepels of tou om bale palas en vasmaak om sonadige bale in geperste vorm te hou;
- (2) gevlekte of saadbevattende stukkies angorahaar of wol, misklossies of ander vreemde stowwe uit angorahaar, wol, of van velle of huide verwyder;
- (3) bale oopsney, monsters uithaal en monsters naasaan elke baal plaas;
- (4) sout aan huide of velle met die hand invryf, huide of velle uitskud, opvou, opstapel, bondel of oor pale hang of daarvan afhaal;
- (5) vet of vleis van velle of huide afskraap;
- (6) punte, dele of sterte van velle of huide afsny;
- (7) gifstowwe of ander middels op velle of huide spuit of strooi;
- (8) bale of sakke toewerk.

G. Opbreek van ou metaal—

- (1) enige ou metaal, masjiene, wrakke, voertuie of brûe met hamers, sae, beitels, koevoete of skroefslutels buig of opbreek, of onder toesig met 'n blaaslamp buig of sny;
- (2) ou metaal sorteer maar nie gradeer nie.

H. Mark- en kommissieagentskappe—

- (1) Groente, vrugte, pluimvee, blomme of ander plaasprodukte sorteer, verpak of uitstal.

I. Moutvervaardiging—

- (1) gars of ander graan met grawe of skoppe oopsprei of omkeer;

J. Suivering, maal en verpakking van sout—

- (1) vervoerbande na droogoonde, meule of sifmasjiene voer of daarvan afhaal;

K. Uitgrawe, uitpomp, verkoop of aflewering van sand of gruis—

- (1) sand of gruis uitpomp, was of sif.

L. Konstruksie van riool-, dreinerings- of stormwater-aflêskemas—

- (1) beton, staal of ander pype in posisie neerlê, verskuif of regsit.

M. Vervaardiging van roomys—

- (1) houers of papier vou;
- (2) konkas, tenks, pype of ander houers met stoom verhit;
- (3) met die hand of handmasjiene omroer;
- (4) uitskep.

N. Opwekking en verspreiding van elektrisiteit—

- (1) drade op- of afrol, in posisie lê, sleep of trek;
- (2) pale neerlê verskuif, optel en help inplant;
- (3) gate grawe.

O. Drankwinkels—

- (1) bottels uit vate, kanne of ander houers volmaak.

P. Al die bedrywe in klousule 1 genoem—

- (1) posseëls op briewe, pakkette of ander artikels plak;
- (2) briewe, omsendbriewe, dokumente, biljetje, advertensies of ander geskrewe, gedrukte, getikte of afgerolde geskrifte in koeverte plaas of in pakkies opmaak;

- (3) opening, closing, filling or emptying letters, parcels, casks, boxes, tins, trays, cartons, drums, bags, bales or any other containers; affixing labels to or marking, branding, stamping or stencilling such containers or other articles;
- (4) opening or closing doors or windows;
- (5) carrying, pulling, pushing, hauling, packing, stacking, rolling, moving or burying any article, thing or container, whether in or on the workshop, storeroom, shed, premises, vehicle or railway truck, other than by the use of power equipment;
- (6) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, containers or other articles, including polishing furniture and brushing carpets;
- (7) cooking rations or making or serving tea or similar beverages for or to employees, or making or serving tea or other refreshments for or to the employer or his guests;
- (8) delivering or conveying messages, parcels, letters or goods on foot, by means of a bicycle, tricycle or manually propelled vehicle;
- (9) lime-washing, cleaning or disinfecting compounds, latrines, stables or outbuildings;
- (10) loading or unloading;
- (11) making or maintaining fires, whether in hearths, ovens or any other fire-place; removing refuse or ashes; sorting out cinders;
- (12) oiling or greasing vehicles or machinery, but not electric generating machinery or motor vehicles;
- (13) mending, cleaning or shaking out bags;
- (14) gardening, i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation or planting under supervision;
- (15) using rubber or other stamps where selection or discretion is unnecessary;
- (16) removing, replacing, changing or inflating wheels or tyres or tubes of motor vehicles, bicycles or wheelbarrows or repairing tubes;
- (17) minding, cleaning, feeding or in any other way tending livestock;
- (18) assisting a journeyman other than by using the tools of his trade;
- (19) operating a hand-hoist or goods lift by hand; feeding or taking off from a conveyor belt or platform;
- (20) removing, emptying, cleaning or replacing sanitary pails;
- (21) repetitive weighing of goods to a predetermined weight, or repetitive measuring of goods to a set gauge;
- (22) packing articles of a uniform size and number in containers specially made to contain such articles;
- (23) setting up ready-made cardboard or fibreboard boxes or similar containers by hand;
- (24) mixing asphalt with sand, gravel, clay or crushed stone by hand, or spreading mixed asphalt by means of shovels, rakes, forks or wheelbarrows, or spreading asphalt with pipes or cans;
- (25) opening or closing cocks or valves or adjusting levers, under supervision;
- (26) operating baling presses or other presses by hand, or placing and securing wire, hoops, ropes or metal bands around boxes, bags, fibre or bales;
- (27) placing bottles or similar containers in automatic or semi-automatic washing machines or taking therefrom, removing labels from bottles, boxes or other articles by hand or affixing labels thereto; feeding labels to automatic labelling machines;
- (28) loosening, excavating, breaking or spreading stone, soil, clay, sand of other raw materials, digging trenches, holes or foundations or performing other excavation work by hand; digging out tree stumps;
- (29) cleaning or levelling bricks, stone or concrete by means of hammers, trowels or other tools;
- (30) pulling or pushing wheelbarrows, trolleys, barrows or other manually propelled vehicles;
- (31) operating hand pumps;
- (32) tying or securing steel reinforcing materials with wire under supervision or cutting, bending or assembling such materials;
- (33) coupling or uncoupling cocopans; laying or bolting or unbolting tracks; operating a copopan hoist;
- (34) ramming cement or concrete in moulds or ramming concrete in foundations, bolting or otherwise securing parts of or dismantling moulds for cement or concrete products;
- (35) sorting or wrapping articles, empty bottles, bags, parcels or other containers;
- (36) washing overalls, uniforms or protective clothing;
- (37) marking or repairing boxes from ready prepared material;
- (38) guarding premises or property;
- (39) replacing towels, soap or toilet paper;
- (40) cutting wire, rope or hessian by hand;
- (41) covering with or removing tarpaulins;
- (42) carrying poles, wire or tools;
- (3) briewe, pakkette, vate, kaste, blikke, platkissies, kartonne, konkas sakke, bale of enige ander houers oopmaak of toemaak volmaak of leegmaak; etikette op sodanige houers of ander artikels plak of dit merk, brandmerk, stempel of sjabloneer;
- (4) deure of vensters oop- of toemaak;
- (5) dra, sleep, stoot, trek, verpak, opstapel, rol, verskuif of begrawe van enige artikel ding of houer, hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwegwa, behalwe deur die gebruik van kragtoerusting;
- (6) persele, deure, vensters, toerusting, gereedskap, masjinerie, meubels, voertuie houers of ander artikels skoonmaak of was en dit sluit in meubels opvryf en tapyte uitborsel;
- (7) rantsoene kook of tee of soortgelyke drankte vir werknemers maak of aan hulle bedien, of tee of ander verversings vir die werkgewer of sy gaste maak of aan hulle bedien;
- (8) boodskappe, pakkette, briewe of goedere te voet, per trapfiets, driewieler of handvoertuig aflewer of vervoer;
- (9) kampongs, latrines, stalle of buitegeboue witkalk, skoonmaak of ontsmet;
- (10) laai of aflaai;
- (11) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder, sintels uitsoek;
- (12) voertuie of masjinerie, maar nie elektriese opwekkingsmasjinerie of motorvoertuie nie, olie of smeer;
- (13) sakke heelmaak, skoonmaak of uitskud;
- (14) tuinmaak, d.w.s. spit, hark, gras sny, strooi, meng, natmaak, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder, of onder toesig plant;
- (15) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie;
- (16) wiele of buite- of binnebande van motorvoertuie, fietse of kruitwaens afhaal, terugsit, omruil of oppomp of binnebande herstel;
- (17) lewende hawe oppas, skoonmaak, voer of op enige ander wyse versorg;
- (18) 'n vakman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy vak te gebruik;
- (19) 'n handystoestel of goederehyser met die hand bedien, 'n vervoerband of platform met die hand voer of daarvan afneem;
- (20) sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas;
- (21) goedere volgens voorafbepaalde gewig by herhaling weeg, of goedere volgens voorafbepaalde maat by herhaling meet;
- (22) artikels van gelyke grootte en getal verpak in houers wat spesiaal gemaak is om sodanige artikels te bevat;
- (23) klaargemaakte karton- of veselboddose of soortgelyke houers met die hand opstel;
- (24) asfalt met sand, gruis, kiei of gebreekte klip met die hand meng, of gemengde asfalt met skopgrawe, harke, vurke of met kruitwaens versprei, of asfalt met pype of kanne sprei;
- (25) onder toesig krane of kleppe oopmaak of toemaak, of masjienhefbome verstel;
- (26) baalperse of ander perse met die hand bedien of draad, hoepels, toue of metaalbande om kiste, sakke, vesel of bale sit en vasmaak;
- (27) bottels of soortgelyke bouers in outomatiese of half-outomatiese wasmasjiene plaas of daaruit neem; etikette van bottels, kaste of ander artikels met die hand verwyder of opplak; etikette aan outomatiese etiketteermasjiene voer;
- (28) klip, grond, kiei, sand of ander grondstowwe losmaak, uithaal, breek of strooi; slote, gate of fondamente grawe of ander uitgrawingswerk met die hand verrig; boomstompe uitgrawe;
- (29) bakstene, klippe of beton met hamers, troffels of ander gereedskap skoonmaak of afvlak;
- (30) kruitwaens, trollies, waentjies of ander handvoertuie trek of stoot;
- (31) handpompe bedien;
- (32) staalversterkingsmateriaal onder toesig met draad verbind of vasheg, of sodanige materiaal sny, buig of inmekaarsit;
- (33) koekepanne koppel of ontkoppel; spore lê of vas- of losbuit; koekepanhystoestel bedien;
- (34) sement of beton in vorms vasstamp of beton in fondamente vasstamp, onderdele van vorms vir sement- of betonprodukte aanmekearbout of op 'n ander manier saamvoeg of vorms uitmekaarhaal;
- (35) artikels, lê bottels, sakke, pakkies of ander houers sorteer of toedraai;
- (36) oorpakke, uniforms of beskermende klere was;
- (37) kaste uit voorafbereide materiaal maak of heelmaak;
- (38) persele of eiendom bewaak;
- (39) handdoeke, seep of toilet papier vervang;
- (40) draad, tou of goingsak met die hand sny;
- (41) bokseile oorgooi of afhaal;
- (42) pale, draad of gereedskap dra;

(xiii) "wage" means the amount of money payable to an employee in terms of clause 3 (1) in respect of his ordinary hours of work as prescribed in clause 5: Provided that if an employer regularly pays his employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3 (1), it means such higher amount. (vii)

(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. REMUNERATION.

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

(xii) „stukwerk”, 'n stelsel waaronder 'n werknemer se besoldiging bereken word op grondslag van die hoeveelheid gedane werk; (x)

(xiii) „wet”, ook die gemene reg. (viii)

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

3. BESOLDIGING.

(1) Die minimum loon wat 'n werkgever aan elkeen van sy werknemers in ondergenoemde klasse moet betaal word hieronder uiteengesit:—

EMPLOYEES IN ANY TRADE OTHER THAN IN A MUNICIPAL OR DIVISIONAL COUNCIL UNDERTAKING (INCLUDING A MUNICIPALITY, DIVISIONAL COUNCIL, VILLAGE MANAGEMENT BOARD, LOCAL BOARD OR A LOCAL AREA COMMITTEE).

	In District A.	In District B.
(a) Daily employee.....	Per day. £ s. d. 0 6 9	Per day. £ s. d. 0 5 0
(b) Night watchman.....	Per week. £ s. d. 1 19 0	Per week. £ s. d. 1 11 6
(c) Employee (other than a daily employee or a night watchman)—		
(i) female.....	1 5 0	1 0 0
(ii) male of the age of 18 years or over.....	1 14 0	1 6 6
(iii) male under the age of 18 years.....	1 5 0	1 0 0

EMPLOYEES IN ANY MUNICIPAL OR DIVISIONAL COUNCIL UNDERTAKING (INCLUDING A MUNICIPALITY, DIVISIONAL COUNCIL, VILLAGE MANAGEMENT BOARD, LOCAL BOARD OR A LOCAL AREA COMMITTEE).

	For the first twelve months from the date of coming into operation of this Determination.		For the next succeeding twelve months.		Thereafter.	
	In District A.	In District B.	In District A.	In District B.	In District A.	In District B.
(d) Daily employee.....	Per day. £ s. d. 0 6 3	Per day. £ s. d. 0 4 9	Per day. £ s. d. 0 6 6	Per day. £ s. d. 0 4 10	Per day. £ s. d. 0 6 9	Per day. £ s. d. 0 5 0
(e) Night watchman.....	Per week. £ s. d. 1 15 0	Per week. £ s. d. 1 9 6	Per week. £ s. d. 1 15 6	Per week. £ s. d. 1 10 6	Per week. £ s. d. 1 19 0	Per week. £ s. d. 1 11 6
(f) Employee (other than a daily employee or a night watchman)—						
(i) female.....	1 1 0	1 0 0	1 2 6	1 0 0	1 5 0	1 0 0
(ii) male of the age of 18 years or over.....	1 10 0	1 4 6	1 10 6	1 5 6	1 14 0	1 6 6
(iii) male under the age of 18 years.....	1 1 0	1 0 0	1 2 6	1 0 0	1 5 0	1 0 0

WERKNEMERS IN ENIGE BEDRYF BEHALWE 'N MUNISIPALE OF AFDELINGSRAADONDERNEMING (INSLUITENDE 'N MUNISIPALITEIT, AFDELINGSRAAD, DORPSBESTUUR, PLAASLIKE BESTUUR OF 'N KOMITEE VAN 'N PLAASLIKE GEBIED).

	In Distrik A.	In Distrik B.
(a) Daaglikse werknemer.....	Per dag. £ s. d. 0 6 9	Per dag. £ s. d. 0 5 0
(b) Nagwag.....	Per week. £ s. d. 1 19 0	Per week. £ s. d. 1 11 6
(c) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n nagwag)—		
(i) vrou.....	1 5 0	1 0 0
(ii) man van 18 jaar of ouer.....	1 14 0	1 6 6
(iii) man onder 18 jaar.....	1 5 0	1 0 0

WERKNEMERS IN ENIGE MUNISIPALE OF AFDELINGSRAADONDERNEMING (INSLUITENDE 'N MUNISIPALITEIT, AFDELINGSRAAD, DORPSBESTUUR, PLAASLIKE BESTUUR OF 'N KOMITEE VAN 'N PLAASLIKE GEBIED).

	In die eerste twaalf maande van die datum van inwerkingtreding van hierdie vasstelling.		In die daaropvolgende twaalf maande.		Daarna.	
	In Distrik A.	In Distrik B.	In Distrik A.	In Distrik B.	In Distrik A.	In Distrik B.
	Per dag.	Per dag.	Per dag.	Per dag.	Per dag.	Per dag.
(d) Daaglikse werknemer.....	£ s. d. 0 6 3	£ s. d. 0 4 9	£ s. d. 0 6 6	£ s. d. 0 4 10	£ s. d. 0 6 9	£ s. d. 0 5 0
	Per week.	Per week.	Per week.	Per week.	Per week.	Per week.
(e) Nagwag.....	£ s. d. 1 15 0	£ s. d. 1 9 6	£ s. d. 1 15 6	£ s. d. 1 10 6	£ s. d. 1 19 0	£ s. d. 1 11 6
(f) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n nagwag)—						
(i) vrou.....	1 1 0	1 0 0	1 2 6	1 0 0	1 5 0	1 0 0
(ii) man van 18 jaar of ouer.....	1 10 0	1 4 6	1 10 6	1 5 6	1 14 0	1 6 6
(iii) man onder 18 jaar.....	1 1 0	1 0 0	1 2 6	1 0 0	1 5 0	1 0 0

(g) Notwithstanding anything to the contrary in this sub-clause, if a daily employee is employed as a night watchman his wage shall be not less than that prescribed in paragraph (a) or (d) hereof, as the case may be, plus one shilling per day: Provided that for the purpose of this paragraph the expression "day" shall mean a period of twenty-four consecutive hours reckoned from the time the employee commences work.

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

(2) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a daily employee, shall be on a weekly basis and save as provided in clause 4 (6) an employee shall be paid in respect of a week not less than the full weekly wage prescribed in sub-clause (1) for an employee of his class and area, whether he has in that week worked the maximum ordinary hours of work applicable to him in terms of clause 5 or less.

(3) *Calculation of Wages.*—(a) The daily wage of an employee, other than a daily employee, shall be his weekly wage divided by the number of days he ordinarily works in a week.

(b) The monthly wage of an employee, other than a daily employee, shall be his weekly wage multiplied by four and a third.

(c) The hourly wage of an employee, other than a daily employee, shall be his weekly wage divided by the number of ordinary hours of work which he ordinarily works in a week.

(4) *Bicycle Allowance.*—An employer who requires an employee to use his own bicycle in the performance of his duties shall pay such employee, in addition to any other remuneration due to him, an allowance of not less than three shillings and sixpence per week, or, if the employee is a daily employee, not less than ninepence per day.

(5) *Subsistence Allowance.*—(a) An employer shall, in addition to any other remuneration due, pay to his employee, who is engaged in packing, unpacking, loading, unloading or transportation of household furniture and who on any journey undertaken in the performance of his duties is absent from his place of residence and his employer's establishment for any period extending over one or more nights, a subsistence allowance of not less than—

(i) four shillings and sixpence for each night of such absence, and

(ii) one shilling for each meal necessarily obtained during such absence.

(b) For the purpose of this sub-clause the expression "night" means the period between 11 o'clock p.m. and 4 o'clock a.m.

4. PAYMENT OF REMUNERATION.

(1) *Employees, other than Daily Employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a daily employee, shall be paid in cash weekly or, with the consent of the employee, monthly during the hours of 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.

(g) Ondanks andersluidende bepalings in hierdie subklousule, moet die loon van 'n daaglikse werknemer, indien hy as 'n nagwag in diens is, minstens dié wees wat in paragraaf (a) of (d) hiervan, al na gelang van die geval, voorgeskrif is plus een sjieling per dag: Met dien verstande dat die uitdrukking „dag” by die toepassing van hierdie paragraaf 'n tydperk van vier-en-twintig opeenvolgende ure beteken, bereken van die tyd af wanneer die werknemer met sy werk begin.

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

(2) *Kontrakbasis.*—By die toepassing van hierdie klousule moet die dienskontrak van 'n werknemer, uitgesonderd 'n daaglikse werknemer, op 'n weeklikse grondslag berus en, behoudens soos in klousule 4 (6) bepaal, moet 'n werknemer vir 'n week minstens die volle weekloon betaal word wat in subklousule (1) vir 'n werknemer van sy klas en gebied voorgeskrif word en wel ongeag of hy in dié week die maksimum aantal gewone werkure wat vir hom ingevolge klousule 5 geld, dan wel minder, gewerk het.

(3) *Loonberekening.*—(a) Die dagloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal dae wat hy in die reël in 'n week werk.

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

(c) Die uurloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, is sy weekloon gedeel deur die getal van die gewone werkure wat hy in die reël in 'n week werk.

(4) *Fietstoelae.*—'n Werkgever wat van 'n werknemer vereis dat hy vir die uitvoering van sy pligte sy eie fiets gebruik, moet hom benewens enige ander besoldiging aan hom verskuldig, 'n toelae van minstens drie sjielings en ses pennies per week betaal, of, as hy 'n daaglikse werknemer is, minstens nege pennies per dag.

(5) *Onderhoudstoelae.*—(a) 'n Werkgever moet, benewens enige ander verskuldigde besoldiging, sy werknemer wat huis-raad verpak, uitpak, laai, aflaai, of vervoer, en wat op 'n reis by die uitvoering van sy pligte van sy woonplek en sy werk-geer se bedryfsinrigting vir 'n periode wat oor een of meer nagte strek, afwesig is, 'n onderhoudstoelae betaal van minstens—

(i) vier sjielings en ses pennies vir elke nag van sodanige afwesigheid, en

(ii) een sjieling vir elke ete wat noodwendig gedurende sodanige afwesigheid verkry moet word.

(b) By die toepassing van hierdie subklousule beteken die uitdrukking „nag” die tyd tussen 11-uur nm. en 4-uur vm.

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd daaglikse werknemers.*—Behoudens soos bepaal in klousule 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks in kontant of, as die werknemer daartoe instem maandeliks in kontant betaal word gedurende die werkure op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal, of as dit voor die gewone betaaldag geskied, by die diens-beëindiging.

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

(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, place 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;
- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time thereof;
- (c) a deduction of any amount which an employer by any law or order of any competent court is 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 or board and lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

	Per week.	Per month.
	s. d.	£ s. d.
(i) Board	4 0	0 17 4
(ii) Lodging	2 0	0 8 8
(iii) Board and lodging	6 0	1 6 0

(e) Whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction to the amount of the employee's (other than a daily employee) hourly wage in respect of each hour or such reduction: Provided—

- (i) 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;
- (ii) that no deduction shall be made in the case of short-time arising out of shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- (iii) that no deduction shall be made in the case of short-time owing to wet weather or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings caused by accident or other unforeseen emergency, in respect of the first hour not worked unless the employer has given his employee notice on the previous day that no work will be available;

(f) a deduction of an amount equal to his daily wage in respect of any public holiday, other than New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day, on which an employee at his own request is permitted not to work.

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

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

- (a) in the case of a daily employee, eight and a half on any day, but so that forty-six is not exceeded in any week with the same employer;
- (b) in the case of an employee who is engaged exclusively in the removal of night soil—
 - (i) forty-two in any week from Sunday to Saturday, inclusive;
 - (ii) six in any period of twenty-four consecutive hours:

Provided that where such an employee is not required to work on more than six such periods of twenty-four hours in any week, the limit of forty-two hours may in that week be exceeded by not more than four hours and the limit of six hours in each such twenty-four consecutive hours by not more than one hour and forty minutes;

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

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

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

(5) *Kos en inwoning.*—Behoudens soos in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, bepaal, mag 'n werkgever nie van sy werknemer eis dat dié by hom of by enige ander persoon of plek deur hom aangewys eet of inwoon of eet en inwoon nie.

(6) *Aftekings.*—'n Werkgever mag sy werknemer geen boetes ople of van sy werknemer se besoldiging 'n aftekening doen nie: Met dien verstande dat hy die volgende aftekings kan doen—

- (a) met die skriftelike toestemming van sy werknemer, 'n bedrag vir 'n vakansie-, siektebystand-, versekerings-, spaar-, voorsorg-, of pensioenfonds;
- (b) behoudens waar in hierdie Vasstelling anders bepaal word, wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever uit sy werk afwesig is, 'n bedrag eweredig aan die tydperk van sy afwesigheid en bereken op grondslag van die loon wat so 'n werknemer ten tyde van die afwesigheid 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 kos of inwoning of kos en inwoning van sy werkgever aan te neem, 'n bedrag hoogstens gelyk aan die bedrae hieronder:—

	Per week.	Per maand.
	s. d.	£ s. d.
(i) Kos	4 0	0 17 4
(ii) Inwoning	2 0	0 8 8
(iii) Kos en inwoning	6 0	1 6 0

(e) Wanneer die gewone werkure in klousule 5 voorgeskryf, weens korttyd verminder word, 'n bedrag gelyk aan die werknemer (uitgesonderd 'n daaglikse werknemer) se uurloon vir elke uur van sodanige vermindering:

Met dien verstande—

- (i) dat sodanige aftekening, ongeag die getal ure waarmee die gewone werkure aldus verminder word, hoogstens gelyk aan een-derde van die werknemer se weekloon mag wees;
- (ii) dat geen aftekening mag geskied ten opsigte van korttyd wat deur 'n tekort aan grondstowwe ontstaan nie, tensy die werkgever sy werknemer op die vorige werkdag van sy voorneme om die gewone werkure te verminder kennis gegee het;
- (iii) dat ten opsigte van korttyd weens nat weer of ten gevolge van 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, geen aftekening mag geskied vir die eerste uur waarin nie gewerk word nie, tensy die werkgever sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;
- (f) ten opsigte van 'n ander openbare vakansiedag as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag, waarop die werknemer op eie versoek toegelaat word om nie te werk nie, 'n bedrag gelyk aan sy dagloon.

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

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

- (a) in die geval van 'n daaglikse werknemer, agt en 'n half op 'n dag, maar dan so dat ses-en-veertig in 'n week te dieselfde werkgever nie oorskry word nie;
- (b) in die geval van 'n werknemer wat uitsluitend in diens is vir die verwydering van nagvuil—
 - (i) twee-en-veertig in enige week van Sondag tot en met Saterdag;
 - (ii) ses in 'n tydperk van vier-en-twintig opeenvolgende ure:

Met dien verstande dat, wanneer van so 'n werknemer nie vereis word om op meer as ses sodanige tydperke van vier-en-twintig uur in 'n week te werk nie, die perk van twee-en-veertig uur in daardie week met hoogstens vier uur, en die perk van ses uur in elk sodanige vier-en-twintig opeenvolgende uur met hoogstens een uur en veertig minute oorskry kan word;

(c) in the case of any other employee—

- (i) forty-six in any week from Monday to Saturday, inclusive; and
- (ii) subject to paragraph (i) hereof, eight on any day: Provided that—

(aa) where the hours of work of an employee are less than eight on one day in any week, the limit of eight hours may be exceeded by not more than half an hour on the remaining days of the week;

(bb) where work is normally performed on not more than five days in any week, the limit of eight hours a day may be exceeded by not more than one and a half hours on any such day.

but so that the ordinary hours of work do not exceed forty-six in any week.

(2) For the purpose of sub-clauses (1) and (4) the expression "day" means—

- (a) where shift work is not performed, a period of twenty-four consecutive hours, commencing at midnight;
- (b) where shift work is performed, a period of twenty-four consecutive hours, calculated from the time an employee commences his shift.

(3) *Meal Intervals.*—An employer shall not require or permit his employee, other than an employee working shift work on a continuous process, to work for more than five hours continuously without a meal interval of not less than one hour, during which interval such employee shall not be required or permitted to perform any work, and such interval shall be deemed not to be part of the ordinary hours of work of the employee: Provided—

- (i) that if such interval be longer than one and a quarter hours, any time in excess thereof shall be deemed to form part of the ordinary hours of work;
- (ii) that periods of work interrupted by intervals of less than one hour shall be deemed to be continuous;
- (iii) that an employer may agree with his employee to reduce the period of such meal interval to not less than half an hour and in that event and after the employer has lodged a statement of such agreement with the Divisional Inspector, Department of Labour, Kimberley, the meal interval may be so reduced;
- (iv) that, in the case of an employee who is wholly or mainly engaged in cleaning premises or streets or vehicles used for the transportation of passengers, or tending to animals, if such interval be longer than three hours, any period in excess of three hours shall be deemed to form part of the ordinary hours of work.

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

(5) *Overtime.*—All time worked in excess of the number of ordinary hours of work prescribed in sub-clause (1) shall be deemed to be overtime.

(6) *Limitation of Overtime.*—(a) An employer of an employee, other than a daily employee, who is engaged in packing, unpacking, loading, unloading or transportation of household furniture shall not require or permit such employee to work overtime for more than fifteen hours in any week for more than two weeks in any month and six and a half hours in the remaining weeks of the month but so that the total overtime in any month shall not exceed forty-three hours.

(b) Save as provided in paragraph (a) hereof, an employer shall not require or permit an employee, other than a daily employee, to work overtime for more than—

- (i) two hours on any day;
- (ii) ten hours in any week:

Provided that, in the application of this weekly limitation, the first two hours in excess of forty-six in any week worked by an employee employed on shift work on a continuous process may be disregarded, and provided further that an employee who works a five-day week may work up to four hours overtime on a Saturday but so that ten hours are not exceeded in such week.

(c) An employer shall not require or permit his daily employee to work overtime for more than two hours on any day.

(7) *Female Employees.*—Notwithstanding anything to the contrary contained in this clause an employer shall not require or permit a female employee to work—

- (a) between 6 o'clock p.m. and 6 o'clock a.m.;
- (b) after 1 o'clock p.m. on more than five days a week;
- (c) overtime for more than two hours on any day, except that an employee who works a five-day week may work up to four hours overtime on a Saturday but so that ten hours are not exceeded in such week;
- (d) overtime on more than three consecutive days in any week;
- (e) overtime on more than sixty days in any year;
- (f) overtime after completion of her ordinary hours of work for more than one hour on any day unless he has—
 - (i) before midday given notice thereof to such employee; or
 - (ii) provided such employee with an adequate meal and allowed her sufficient time to have it before she has to commence overtime; or

(c) in die geval van enige ander werknemer—

- (i) ses-en-veertig in enige week van Maandag tot en met Saterdag; en
- (ii) behoudens die bepalings van paragraaf (i) hiervan, agt op 'n dag: Met dien verstande—

(aa) dat, indien 'n werknemer se werkure op een dag in 'n week minder is as agt, die perk van agt uur op die orige dae in die week met hoogstens 'n halfuur oorskry kan word;

(bb) dat, indien in die reël nie op meer as vyf dae in 'n week gewerk word nie, die perk van agt uur op 'n dag met hoogstens een en 'n half uur op so 'n dag oorskry kan word, maar dan so dat die gewone werkure in enige week nie ses-en-veertig oorskry nie.

(2) By die toepassing van subklousule (1) en (4) beteken die uitdrukking „dag” —

- (a) waar geen skofwerk verrig word nie, 'n tydperk van vier-en-twintig opeenvolgende ure wat om middernag begin;
- (b) waar skofwerk verrig word, 'n tydperk van vier-en-twintig opeenvolgende ure bereken vanaf die tyd wanneer 'n werknemer sy skof begin.

(3) *Etenspouse.*—'n Werkgewer mag nie vereis of toelaat dat sy werknemer, uitgesonderd 'n werknemer wat by 'n onafgebroke proses skofwerk doen, meer as vyf uur aaneen werk sonder 'n etenspouse van minstens een uur waarin so 'n werknemer nie verplig of toegelaat mag word om enige werk te verrig nie, en dié pouse word geag geen deel van die gewone werkure van die werknemer te vorm nie: Met dien verstande—

- (i) dat, as so 'n pouse langer as 'n uur en 'n kwart duur, alle tyd wat hierdie tydperk oorskry geag word deel van die gewone werkure te vorm;
- (ii) dat werktye wat onderbreek word deur pouses van korter as 'n uur, geag word aaneenlopend te wees;
- (iii) dat 'n werkgewer met sy werknemer kan ooreenkom om die duur van so 'n etenspouse tot minstens 'n halfuur te verkort, en in dié geval en nadat die werkgewer 'n weergawe van dié ooreenkoms by die Afdelingsinspekteur, Departement van Arbeid, Kimberley, ingedien het, kan die etenspouse aldus verkort word;
- (iv) dat indien, in die geval van 'n werknemer wat hom uitsluitend of in hoofsaak met die skoonmaak van persele of strate of passasiersvoertuie of die versorging van diere besig hou, dié pouse langer as drie uur is, alle tyd by die drie uur geag word deel van die gewone werkure te vorm.

(4) *Werkure moet opeenvolgend wees.*—Behoudens die bepalings van subklousule (3), moet alle werkure van 'n werknemer op iedere dag opeenvolgend wees.

(5) *Oortyd.*—Alle tyd wat 'n werknemer bo die getal gewone werkure in subklousule (1) voorgeskryf gewerk het, word geag oortyd te wees.

(6) *Beperking van oortyd.*—(a) 'n Werkgewer mag nie vereis of toelaat dat sy werknemer (uitgesonderd 'n daaglikse werknemer) wat huisraad verpak, uitpak, laai, aflaa of vervoer, langer oortyd werk as hoogstens vyftien uur in 'n week gedurende hoogstens twee weke in 'n maand en ses en 'n half uur in die orige weke van sodanige maand nie, maar dan só dat altesaam hoogstens drie-en-veertig uur in 'n maand oortyd gewerk word.

(b) Behoudens die bepalings van paragraaf (a) hiervan, mag 'n werkgewer nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n daaglikse werknemer, langer oortyd werk nie as—

- (i) twee uur op 'n dag;
- (ii) tien uur in 'n week:

Met dien verstande dat hy die toepassing van dié weeklikse beperking die eerste twee uur bo ses-en-veertig wat 'n werknemer werk wat skofwerk by of in verband met 'n onafgebroke proses doen, nie in ag geneem hoef te word nie, en met dien verstande voorts dat 'n werknemer wat 'n werkweek van vyf dae het, op 'n Saterdag tot vier uur oortyd kan werk, maar dan só dat tien uur in so 'n week nie oorskry word nie.

(c) 'n Werkgewer mag nie vereis of toelaat dat sy daaglikse werknemer langer as twee uur op 'n dag oortyd werk nie.

(7) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgewer nie vereis of toelaat dat 'n vroulike werknemer—

- (a) tussen 6-uur nm. en 6-uur vm. werk nie;
- (b) op meer as vyf dae in 'n week na 1-uur nm. werk nie;
- (c) meer as twee uur oortyd op 'n dag werk nie, behalwe dat 'n werknemer met 'n werkweek van vyf dae op 'n Saterdag tot vier uur oortyd kan werk, maar dan só dat tien uur in so 'n week nie oorskry word nie;
- (d) op meer as drie opeenvolgende dae in 'n week oortyd werk nie;
- (e) op meer as sestig dae in 'n jaar oortyd werk nie;
- (f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd werk nie, tensy hy—
 - (i) so 'n werknemer voor die middag kennis daarvan gegee het; of
 - (ii) so 'n werknemer van 'n behoorlike ete voorsien en haar genoeg tyd gelaat het om dit te nuttig voordat sy met die oortydwerk moet begin; of

(iii) paid such employee not less than two shillings and sixpence in sufficient time to enable her to obtain and have a meal before overtime is due to commence.

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

(a) in the case of an employee, other than a daily employee, one and one-third times his hourly wage 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 daily 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:

Provided that for the purpose of this sub-clause the expression "wage" means an employee's wage plus his cost of living allowance.

(9) *Savings.*—(a) The provisions of this clause shall not apply to a night watchman.

(b) The provisions of sub-clauses (3), (4) and (6) shall not apply to an employee while he is engaged on emergency work.

(c) The provisions of sub-clause (3) shall not apply to an employee who is engaged exclusively on the removal of night soil.

(d) The provisions of sub-clauses (4), (6) and (7) shall not apply to a female employed in any hospital or clinic.

6. ANNUAL LEAVE.

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

(a) in the case of a night watchman, twenty-one consecutive calendar days 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 mentioned in paragraph (a), an amount of not less than three times the weekly wage to which he is entitled as from the first day of the leave;

(ii) in the case of an employee mentioned in paragraph (b), an amount of not less than double the weekly wage to which he is entitled as from the first day of the leave:

Provided that for the purpose of this clause the weekly wage of any employee who is employed on any basis provided for in clause 9 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—

(i) that, 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, or, if the employer and his employee agree thereto, the period within which such leave must be granted may be increased to a period not exceeding six months reckoned from the completion of the twelve months of employment to which the leave relates;

(ii) that the period of leave shall not be concurrent with sick leave granted in terms of clause 7;

(iii) that, if New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount not less than his daily wage in respect of each such day added;

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

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

(i) that such request is made by such employee not later than two months after the expiry of the first period of twelve months' employment to which the leave relates; and

(ii) that the date of the receipt of such request is endorsed on the request over his signature by the employer, who shall retain such request for a period of not less than three years from such date or the date of the expiry of the first period of twelve months' employment to which the leave relates, whichever is the later.

(b) The provisions of sub-clause (2) shall *mutatis mutandis* apply to the leave referred to in this sub-clause.

(4) *Leave Remuneration.*—The remuneration in respect of the 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.

(iii) so 'n werknemer minstens twee sjielings en ses pen-nies betyds betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat die oortydwerk begin.

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

(a) in die geval van 'n werknemer uitgesonderd 'n daaglikse werknemer, een en 'n derde maal sy uurloon 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 daaglikse werknemer, een en 'n derde maal sy dagloon gedeel deur agt en 'n half vir elke uur of deel van 'n uur wat hy oortyd op enige dag gewerk het:

Met dien verstande dat by die toepassing van hierdie subklousule die uitdrukking „loon" 'n werknemer se loon plus sy lewens-kostetoelae beteken.

(9) *Voorbehoud.*—(a) Die bepalinge van hierdie klousule geld nie vir 'n nagwag nie.

(b) Die bepalinge van subklousules (3), (4) en (6) geld nie vir 'n werknemer onderwyl hy noodwerk verrig nie.

(c) Die bepalinge van subklousule (3) geld nie vir 'n werknemer wat uitsluitend nagvuil verwyder nie.

(d) Die bepalinge van subklousules (4), (6) en (7) geld nie vir 'n vroulike werknemer wat aan 'n hospitaal of kliniek in diens is nie.

6. JAARLIKSE VERLOF.

(1) Behoudens die bepalinge van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n daaglikse werknemer, ten opsigte van iedere voltooide tydperk van twaalf maande in sy diens toestaan—

(a) in die geval van 'n nagwag, een-en-twintig opeenvolgende kalenderdae verlof;

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

en moet hy so 'n werknemer ten opsigte van sodanige verlof betaal—

(i) in die geval van 'n werknemer in paragraaf (a) vermeld 'n bedrag van minstens drie maal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is;

(ii) in die geval van 'n werknemer in paragraaf (b) vermeld, 'n bedrag van minstens twee maal die weekloon waartoe hy vanaf die eerste dag van die verlof geregtig is:

Met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat op enige grondslag vermeld in klousule 9 in diens is, bereken moet word op die grondslag in artikel twintig (5) van die Wet of Fabriek, Masjienerie en Bouwerk, 1941, uiteengesit.

(2) Die verlof voorgeskryf in subklousule (1) moet toegestaan word op 'n tyd wat die werkgewer 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 die voltooiing van die twaalf maande diens waarop dit betrekking het, of dat, as die werkgewer en werknemer daartoe ooreenkom, die tydperk waarin sodanige verlof toegestaan moet word, verleng kan word tot 'n tydperk van hoogstens ses maande vanaf die voltooiing van die twaalf maande diens waarop die verlof betrekking het;

(ii) dat die tydperk van verlof nie mag saamval met siekte-verlof wat ingevolge klousule 7 toegestaan is nie;

(iii) dat, as Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Gelofte-dag, of Kersdag binne die tydperk van verlof val, vir elke sodanige dag nog 'n dag by gemelde tydperk as verdere verloftyd gevoeg en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag gelyk aan sy daglo, betaal moet word;

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

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

(i) dat die werknemer sodanige versoek doen binne twee maande na afloop van die twaalf maande diens waarop die verlof betrekking het, en

(ii) dat die werkgewer die datum van ontvangs van sodanige versoek op die versoek aanteken en dit onderteken en die versoek minstens drie jaar bewaar vanaf sodanige datum, of vanaf die datum van die afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, en wel vanaf die jongste van dié twee datums.

(b) Die bepalinge van subklousule (2) geld *mutatis mutandis* vir die verlof in hierdie subklousule bedoel.

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

(5) An employee whose contract of employment terminates during any period of twelve months' employment, 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 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, and
- (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 the 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—

- (a) absent on leave in terms of this clause;
- (b) absent on sick leave in terms of clause 7;
- (c) absent on the instructions or at the request of this employer, amounting in the aggregate in any year to not more than ten weeks, 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 annual 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, from the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

(8) (a) Notwithstanding anything to the contrary in this clause, an employer may for the purpose of annual leave at any time, but not more than once in any period of twelve months, close his establishment for fourteen consecutive calendar days plus any additional days that may have to be added by virtue of the third proviso to sub-clause (2).

(b) An employee who at the date of the closing of an establishment in terms of paragraph (a) is not entitled to the full period of leave prescribed in sub-clause (1) (b) shall in respect of any leave due to him be paid by his employer on the basis set out in sub-clause (5), and for the purpose of annual leave thereafter his employment shall be deemed to commence on the date of such closing of the establishment.

(c) For the purpose of this sub-clause, the expression "establishment" means in respect of a municipal or divisional council undertaking any premises in or in connection with which one or more employees are employed in any department or section of such undertaking.

(9) For the purpose of this clause the expression "wage" shall 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 daily 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

(5) Aan 'n werknemer wie se dienskontrak gedurende enige periode van twaalf maande diens eindig voordat die verloftydperk voorgeskryf in subklousule (1) ten opsigte van so 'n periode opgeloopt het, moet by sodanige diensbeëindiging, benewens enige ander besoldiging wat aan hom verskuldig is, vir elke voltooide maand van sodanige diensperiode 'n bedrag betaal word van minstens—

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

wat hy onmiddellik voor die datum van sodanige diensbeëindiging ontvang het: Met dien verstande dat 'n werkgewer ten opsigte van enige verloftyd wat hy ingevolge die vierde voorbehoud in subklousule (2) aan 'n werknemer toegestaan het, 'n eweredige bedrag kan aftrek en met dien verstande voorts dat 'n werknemer—

- (i) wat sy diens verlaat sonder om dit op te sê en die opseggingstermyn uit te dien wat by klousule 12 voorgeskryf word, tensy die werkgewer van sodanige opsegging afgesien het; of
- (ii) wat sy diens verlaat sonder regsgeldige rede; of
- (iii) wat deur sy werkgewer sonder opsegging ontslaan word om 'n rede wat vir sodanige ontslag sonder opsegging regtens genoegsaam is,

tot geen betaling uit hoofde van hierdie subklousule geregtig is nie.

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

(7) By die toepassing van hierdie klousule word die uitdrukking „diens” geag elke tydperk te omvat ten opsigte waarvan 'n werkgewer ingevolge subklousule (1) van klousule 12 'n werknemer betaal in plaas van sy diens op te sê en teweens alle tydperke waarin 'n werknemer afwesig is—

- (a) met verlof ingevolge hierdie klousule;
- (b) met siekteverlof ingevolge klousule 7;
- (c) op las of versoek van sy werkgewer;

en wel tot 'n total in enige jaar van hoogstens tien weke; en die diens word geag te begin—

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

(8) (a) Ondanks andersluidende bepalings in hierdie klousule, kan 'n werkgewer vir die doel van die jaarlikse verlof te eniger tyd, maar hoogstens eenmaal in 'n tydbestek van twaalf maande, sy bedryfsinrigting sluit en wel vir veertien opeenvolgende kalenderdae plus enige ander dae wat moontlik uit hoofde van die derde voorbehoud in subklousule (2) daarby gevoeg moet word.

(b) 'n Werknemer wat op die dag van die sluiting van 'n bedryfsinrigting ingevolge paragraaf (a) nie tot die volle tydperk van jaarlikse verlof voorgeskryf in subklousule (1) (b) geregtig is nie, moet vir enige verlof wat aan hom verskuldig is deur sy werkgewer betaal word op die grondslag in subklousule (5) uiteengesit, en vir die doel van die jaarlikse verlof daarna word sy diens geag te begin op die datum waarop die bedryfsinrigting aldus gesluit is.

(c) By die toepassing van hierdie subklousule beteken dit uitdrukking „bedryfsinrigting” ten opsigte van 'n munisipale of afdelingsonderneming enige perseel waarin of in verband waarmee een of meer werknemers in diens is in enige afdeling of seksie van sodanige onderneming.

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

7. SIEKTEVERLOF.

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

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

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 of this sub-clause not less than the wage he would have received had he worked during such period: Provided—

- (i) that 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 any other employee, one work day in respect of each completed months of employment;
- (ii) that 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 of this sub-clause;
- (iii) that where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pay 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) that, 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) that 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 pay day immediately preceding such absence.

(2) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work 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 leave as has so accrued; but 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 of termination, had not been taken.

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

(a) "employment" shall be deemed to include any period or periods during which an employee is absent—

(i) on leave in terms of clause 6,

(ii) on the instructions or at the request of his employer,

(iii) on sick leave in terms of sub-clause (1),

amounting in the aggregate in any year to not more than ten weeks, and 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 an employee during such period shall be deemed to have been granted under this Determination;

(b) "incapacity" means inability to work owing to any sickness or injury other than that caused by an employee's own misconduct: Provided that any inability to work caused by an accident for 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;

(c) "wage" means the employee's wage plus his cost of living allowance.

8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) Subject to the provisions of clause 4 (6), if an employee does not work on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day, his employer shall pay him for the week in which such day falls not less than his weekly wage.

siekteverlof altesaam gedurende elke tydkring van vier-en-twintig opeenvolgende maande diens by hom, en so 'n werknemer vir elke tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy gedurende so 'n tydperk gewerk het: Met dien verstande—

- (i) dat gedurende die eerste vier-en-twintig opeenvolgende maande diens 'n werknemer nie tot meer siekteverlof met volle betaling geregtig is nie as, in die geval van 'n werknemer met 'n werkweek van vyf dae, een werkdag ten opsigte van elke voltooidde tydperk van vyf weke diens, en in die geval van enige ander werknemer, een werkdag ten opsigte van elke voltooidde maand diens;
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes, minstens gelykstaande aan dié wat die werknemer stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer, by ongeskiktheid in die omstandighede in hierdie klousule uiteengesit, 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 van 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 bepalinge van hierdie klousule nie geld nie;
- (v) dat die loon wat aan 'n werknemer wat stukwerk verrig, betaalbaar is ten opsigte van enige tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op die grondslag van die besoldiging wat aan so 'n werknemer betaal is op sy betaaldag onmiddellik voor sodanige afwesigheid.

(2) Voordat 'n werkgever enige eis van 'n werknemer kragtens hierdie klousule ten opsigte van enige afwesigheid uit sy werk gedurende 'n tydperk wat strek oor meer as drie opeenvolgende kalenderdae betaal, kan hy vereis dat die werknemer 'n sertifikaat geteken deur 'n geneesheer voorlê 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; maar sy werkgever moet, as hy dit nie reeds gedoen het nie, by die afloop van dié gemelde tydkring, of by diensbeëindiging voor sodanige afloop, hom ten opsigte van dié langer tydperk van afwesigheid weens ongeskiktheid uitbetaal vir sover die siekteverlof wat by sodanige afloop of beëindiging aan hom toekom, nog nie gebruik is nie.

(4) By die toepassing van hierdie klousule—

(a) word die uitdrukking „diens” geag enige tydperk of tydperke te omvat waarin die werknemer afwesig is—

(i) met verlof ingevolge klousule 6.

(ii) op las of versoek van sy werkgever;

(iii) met siekteverlof ingevolge subklousule (1),

en wel tot 'n totaal in enige jaar van hoogstens tien weke; en alle tyd waarin hy by dieselfde werkgever in diens was onmiddellik voor die datum van die inwerkingtreding van hierdie Vasstelling word by die toepassing van hierdie klousule geag diens ingevolge hierdie Vasstelling te wees, en alle siekteverlof wat met volle betaling aan so 'n werknemer gedurende so 'n tydperk toegestaan is, word geag ingevolge hierdie Vasstelling toegestaan te wees;

(b) beteken „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 dié Wet betaalbaar is nie;

(c) beteken „loon” 'n werknemer se loon plus sy lewens-kostetoelae.

8. OPENBARE VAKANSIEDAE EN SONDAE.

(1) Behoudens die bepalinge van klousule 4 (6), moet 'n werkgever aan 'n werknemer wat op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Gelofte-dag of Kersdag nie werk nie, vir 'n week waarin so 'n dag val, minstens sy weekloon betaal.

(2) Whenever an employer requires or permits an employee to work on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day he shall, save as provided in clause 4 (6), pay such employee for the week in which such day falls not less than his weekly wage, plus his hourly wage for each hour or part of an hour worked by the employee on such day: Provided that where such an employee is required or permitted to work for less than four hours on such day, he shall be deemed to have worked for four hours.

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

(i) pay him double his daily wage, or

(ii) pay him one and a third times his hourly wage for each hour or part of an hour worked by him 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: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday, he shall be deemed to have worked for four hours.

(4) Sub-clause (3) shall not apply to an employee in a municipal undertaking who works in or in connection with any premises not registered or registerable as a factory in terms of the Factories, Machinery and Building Work Act, 1941, and who, from the nature of his work, regularly has to work on Sundays throughout the year or during a season; but the employer of such an employee shall grant such employee within seven days of such a Sunday on which he works one day's leave and, subject to the provisions of clause 4 (6), shall pay such employee in respect of the week in which such day's leave falls not less than his weekly wage.

(5) For the purpose of this clause the expression "wage" means an employee's wage plus his cost of living allowance.

(6) This clause shall not apply to a daily employee or a night watchman.

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 for in clause 4 (6), the employer shall pay such employee, who is employed on such piece-work system, remuneration at the rates applicable under such system: Provided that, irrespective of the quantity of work done, the employer shall pay such employee not less than—

(i) in the case of an employee other than a daily employee, in respect of each week in which piece-work is performed, 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;

(ii) in the case of a daily 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, plus five per cent.

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

(4) Notwithstanding anything to the contrary in his clause, an employer need not give a daily employee notice of his intention to apply any piece-work system or to cancel or amend it.

10. TIME BONUS.

Nothing in this Determination shall be so construed as to preclude an employer from agreeing with his employee that the employee may go off duty upon the completion by him of an allotted task within the daily ordinary hours of work prescribed for such employee.

11. PROTECTIVE CLOTHING, UNIFORMS OR OVERALLS.

(1) Whenever an employee in the course of his employment, is exposed to wet processes, to heat or to any poisonous, corrosive or other injurious substance liable to cause injury or disease to the employee or damage to his clothing, his employer shall provide him free of charge with such protective clothing, overalls, goggles, gloves, footwear and ointment as may be necessary adequately to protect the employee against such exposure and shall, free of charge, maintain such articles in serviceable condition and any such article shall remain the property of the employer.

(2) An employer shall supply and maintain in serviceable condition free of charge any uniform, overall, washing coat, apron, cap, boots or protective clothing, which he requires his employee to wear or which by any law or regulation he is compelled to provide to his employee and any such article shall remain the property of the employer.

(2) As 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag werk, moet sy werkgever hom behoudens soos in klousule 4 (6) bepaal, vir die week waarin so 'n dag val, minstens sy weekloon betaal, plus sy uurloon vir elke uur of deel van 'n uur wat die werknemer op so 'n dag werk: Met dien verstande dat, as vereis of toegelaat word dat die werknemer minder as vier uur op so 'n dag werk, hy geag word vier uur te gewerk het.

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

(i) dubbel sy dagloon, of

(ii) een en 'n derde maal sy uurloon vir elke uur of deel van 'n uur wat hy op so 'n Sondag werk, en hom binne veertien dae vanaf so 'n Sondag een dag verlof toestaan en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat, as vereis of toegelaat word dat so 'n werknemer minder as vier uur op so 'n Sondag werk, hy geag word vier uur te gewerk het.

(4) Subklousule (3) geld nie vir 'n werknemer in 'n munisipale onderneming wat werk op of in verband met 'n perseel wat nie as 'n fabriek geregistreer of aan registrasie onderhewig is ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, nie, en wat uit die aard van sy werk dwarsdeur die jaar of 'n seisoen gereeld op Sondag moet werk; maar die werkgever van so 'n werknemer moet binne sewe dae vanaf so 'n Sondag waarop hy werk, hom een dag verlof toestaan en, behoudens die bepalinge van klousule 4 (6), hom ten opsigte van 'n week waarin so 'n verlofdag val, minstens sy weekloon betaal.

(5) By die toepassing van hierdie klousule beteken die uitdrukking „loon" 'n werknemer se loon plus sy lewenskoste-toelae.

(6) Hierdie klousule geld nie vir 'n daaglikse werknemer of 'n nagwag nie.

9. STUKWERK.

(1) Na minstens een week kennisgewing aan sy werknemer kan 'n werkgever 'n stukwerkstelsel invoer en, behoudens soos bepaal in klousule 4 (6), moet die werkgever 'n werknemer wat volgens so 'n 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 betaal—

(i) in die geval van 'n werknemer, uitgesonderd 'n daaglikse werknemer, vir elke week waarin sodanige stukwerk verrig word, die bedrag wat hy so 'n werknemer vir dié week sou moet betaal het as hy hom 'n tydloon betaal het;

(ii) in die geval van 'n daaglikse werknemer, vir elke dag waarop stukwerk verrig word, die bedrag wat hy so 'n werknemer sou moet betaal het as hy hom 'n tydloon betaal het; plus vyf persent.

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

(3) 'n Werkgever wat voornemens is om 'n bestaande stukwerkstelsel of die tariewe wat dienooreenkomstig geld, op enigerlei wyse te skrap of te wysig, moet aan sy werknemer wat daarvolgens werk, minstens een kalendermaand kennis van sodanige voorneme gee: Met dien verstande dat 'n werkgever en sy werknemer oor 'n langer kennisgewing kan ooreenkom en dan moet die werkgever minstens die ooreengekome kennis gee.

(4) Ondanks andersluidende bepalinge in hierdie klousule, hoef 'n werkgever 'n daaglikse werknemer geen kennis van sy voorneme om 'n stukwerkstelsel in te voer of te skrap of te wysig te gee nie.

10. TYDBONUS.

Niks in hierdie Vasstelling mag so vertolk word dat dit 'n werkgever verhoed om met sy werknemer ooreen te kom dat die werknemer van diens kan gaan as hy 'n aangewese taak voltooi het binne die daaglikse gewone werkure wat vir dié werknemer voorgeskryf is nie.

11. BESKERMENDE KLERE, UNIFORMS EN OORPAKKE.

(1) Wanneer 'n werknemer in die loop van sy werk aan nat prosesse, hitte of enige giftige, vretende of skadelike stof blootgestel word wat besering of siekte aan die werknemer of skade aan sy klere kan veroorsaak, moet sy werkgever hom gratis van die beskermende klere, oorpakke, skermbrille, handskoene, skoel en self voorsien wat nodig is om die werknemer genoegsaam teen die blootstelling te beskerm, en moet hy sodanige artikels gratis in bruikbare toestand hou, en iedere sodanige artikel bly die eiendom van die werkgever.

(2) 'n Werkgever moet alle uniforms, oorpakke, wasiase, voorskote, pette, stewels of beskermende klere wat hy vereis dat sy werknemer dra of wat enige wet of regulasie hom verplig om aan sy werknemer te verskaf, gratis voorsien en in bruikbare toestand hou, en iedere sodanige artikel bly die eiendom van die werkgever.

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

(1) An employer or his 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 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, the daily wage which the employee is receiving at the time of such termination;
- (ii) in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination:

Provided that this shall not affect—

- (i) the right of an employer or an 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 forfeitures or penalties which by law may be applicable in respect of an employee who deserts;

Provided further that where the wage of an employee at the date of termination has been reduced by deductions in respect of short-time the expression "is receiving at the time of such termination" shall, for the purpose of an employer paying an employee in lieu of notice, be deemed to mean "would have received at the time 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 a work day and shall take effect from the day on which it is given: Provided—

- (i) that 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;
- (ii) that notice shall not be given during an employee's absence on sick leave granted in terms of clause 7.

(4) For the purpose of this clause the expression "wage" means an employee's wage plus his cost of living allowance.

(5) This clause shall not apply to a daily employee.

13. 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 daily 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 employee's weekly wage at the date of such termination.

14. PROHIBITION OF EMPLOYMENT.

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

SCHEDULE.

I/We (a).....
carrying on trade as (b).....
at.....
hereby certify that.....
was employed by me/us (a) from the day of 19.....
to the..... day of 19.....
in the occupation of.....

At the termination of employment his/her: (a) wage, exclusive of cost of living allowance, was pounds
..... shillings..... pence per week.

Signature of Employer or Authorised Representative.

Date.....

(a) Delete whichever inapplicable.

(b) State the nature of trade, e.g. Ice-cream Manufacture, Transportation of Goods, Roadmaking, Municipal Undertaking.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

- (a) gedurende die eerste vier weke diens minstens vier-en-twintig uur,
- (b) na die eerste vier weke diens, minstens 'n week,

kennis gee van beëindiging van die kontrak; of 'n werkgever of werknemer kan die kontrak sonder opsegging beëindig deurdat in plaas van opsegging die werkgever aan die werknemer minstens die volgende betaal, of die werknemer aan die werkgever minstens die volgende betaal of verbeur, al na gelang van die geval—

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

Met dien verstande dat hierdeur nie geraak word—

- (i) die reg van 'n werkgever of 'n werknemer om op enige regsgeldige grond die kontrak sonder opsegging te beëindig nie;
- (ii) 'n skriftelike ooreenkoms tussen 'n werkgever en sy werknemer waarin voorsiening gemaak word vir 'n opseggingstermyn wat vir beide partye ewe lank is en langer is as dié wat hierdie klousule voorskryf;
- (iii) die werking van verbeurings- of strafbedinge wat regtens van toepassing kan wees op 'n werknemer wat sy diens verlaat;

Met dien verstande voorts dat, indien die loon van 'n werknemer teen die dag van die beëindiging reeds deur aftrekkings weens korttyd verminder is en die werkgever hom betaal in plaas van sy diens op te sê, 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 daar ingevolge die tweede voorbehoud van subklousule (1) 'n ooreenkoms bestaan, moet die betaling of verbeuring in plaas van opsegging eweredig wees aan die ooreengekome opseggingstermyn.

(3) Die kennis in subklousule (1) voorgeskryf moet op 'n werkdag gegee word en tree in werking op die dag waarop dit gegee is: Met dien verstande—

- (i) dat die kennisgewingstermyn nie mag saamval met, en kennis nie gegee mag word gedurende 'n werknemer se afwesigheid met verlof toegestaan ingevolge klousule 6;
- (ii) dat die kennis nie gedurende 'n werknemer se afwesigheid met siekteverlof toegestaan ingevolge klousule 7 gegee mag word nie.

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

(5) Hierdie klousule geld nie vir 'n daaglikse werknemer nie.

13. DIENSSERTIFIKAAT.

Wanneer 'n dienskontrak om 'n ander redes as diensverlating beëindig word, moet 'n werkgever aan die betrokke werknemer, uitgesonderd 'n daaglikse werknemer, 'n dienssertifikaat gee wat in hoofsaak die vorm het van dié in die Bylae tot hierdie Vastelling voorgeskryf en waarin die volle naam van die werkgever en sy werknemer, die aanvangs- en die aflooptdatum van die kontrak en die werknemer se weekloon ten tyde van sodanige beëindiging aangegee word.

14. VERBOD OP INDIENSNEMING.

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

BYLAE.

Ek/Ons (a)..... wat
(b)..... bedryf beoefen te

verklaar hierby dat
in my/ons (a) diens was van die dag
van 19..... tot die
dag van 19..... in die betrekking van
By diensbeëindiging was
sy/haar (a) loon (uitgesonderd lewenskostoelae)
pond sjelings pennies per week.

(Handtekening van werkgever of volmagtigde).

Datum

(g) Skrap wat nie van toepassing is nie.

(b) Meld die aard van die bedryf, bv., vervaardiging van roomys, goederevervoer, padmaak, munisipale onderneming.

No. 1829.]

[6 November 1959.]

FACTORIES, MACHINERY AND BUILDING WORK
ACT, 1941.

UNSKILLED LABOUR.—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 Unskilled Labour, published under Government Notice No. 1828 of the 6th November, 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. 1829.]

[6 November 1959.]

WET OP FABRIEKE, MASJINERIE EN BOUWERK,
1941.

ONGESKOOLDE ARBEID.—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 bepalings van die Vasstelling vir Ongeskoolde Arbeid, bekendgemaak by Goewermentskennisgewing No. 1828 van 6 November 1959, nie vir die persone wie se werkure daarby gereël word, minder gunstig as die ooreenstemmende bepalings van genoemde Wet is nie.

J. DE KLERK,
Minister van Arbeid.

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