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## GOVERNMENT NOTICES.

### DEPARTMENT OF LABOUR.

No. 2044.] [11 December 1959.

WAGE ACT, No. 5 of 1957.

WAGE DETERMINATION No. 196.

#### BREAD AND CONFECTIONERY INDUSTRY, PIETERMARITZBURG.

By direction of the Minister of Labour it is hereby notified in terms of sub-section (2) of section *fourteen* of the Wage Act, 1957, that the Minister, under the powers vested in him by sub-section (1) of section *fourteen* of the said Act, has made the Determination in the Schedule hereto in respect of the bread and confectionery industry and has fixed the 4th day of January, 1960, as the date from which the provisions of the said Determination shall be binding.

#### SCHEDULE.

#### RECOMMENDATION TO THE HONOURABLE THE MINISTER OF LABOUR BY DIVISION B OF THE WAGE BOARD.

#### BREAD AND CONFECTIONERY INDUSTRY, PIETERMARITZBURG.

##### 1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees employed in the Bread and Confectionery Industry in the magisterial district of Pietermaritzburg and to the employers of such employees.

##### 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—

“artisan” means an employee, other than a baker or confectioner, who is engaged in work normally performed by a skilled artisan, and for the purpose of this definition the expression “skilled artisan” means a person who has served his apprenticeship in a trade designated or deemed to have been designated under the Apprenticeship Act, 1944, or who holds a certificate of proficiency issued to him by the Registrar of Apprenticeship in terms of section *six* of the Training of Artisans Act, 1951, or a certificate issued to him by the said Registrar in terms of either section *two* (7) or section *seven* (3) of the said Act;

“baker” means an employee who—

(a) has had not less than four years' experience in the making of bread, or

(b) has served his apprenticeship in the trade of bread baking and confectionery (smalls) in terms of the Apprenticeship Act, 1944;

who is engaged in any activity in the making of bread and who supervises employees engaged in performing any one or more of the following operations:—

- (i) Cutting back or knocking back dough;
- (ii) mixing ingredients or making dough;
- (iii) scaling, moulding, plaiting or shaping loaves;
- (iv) putting into or removing bread from ovens;
- (v) regulating the temperature of ovens;

## GOEWERMENSKENNISGEWINGS.

### DEPARTEMENT VAN ARBEID.

No. 2044.] [11 Desember 1959.

LOONWET, No. 5 van 1957.

LOONVASSTELLING No. 196.

#### BROOD- EN BANKETNYWERHEID, PIETERMARITZBURG.

In opdrag van die Minister van Arbeid word hierby ingevolge subartikel (2) van artikel *veertien* van die Loonwet, 1957, bekendgemaak dat die Minister, kragtens die bevoegdheid hom verleen by subartikel (1) van artikel *veertien* van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn, ten opsigte van die brood en banketnywerheid gemaak het en die 4de dag van Januarie 1960 bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

#### BYLAE.

#### AANBEVELING AAN SY EDELE DIE MINISTER VAN ARBEID DEUR AFDELING B VAN DIE LOONRAAD.

#### BROOD- EN BANKETNYWERHEID, PIETERMARITZBURG.

##### 1. GEBIED EN BESTEK VAN VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers werkzaam in die Brood- en Banketnywerheid in die landdroosdistrik Pietermaritzburg en op die werkgewers van sodanige werknemers.

##### 2. WOORDOMSKRYWING.

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

„ambagsman” ’n werknemer, uitgesonderd ’n bakker of banketbakker, wat werk doen wat gewoonlik deur ’n geskoolde ambagsman verrig word, en vir die toepassing van hierdie omskrywing beteken „geskoolde ambagsman” ’n persoon wat sy leertyd deurgemaak het in ’n bedryf wat ingevolge die Wet op Vakleerlinge, 1944, aangewys is of geag word aangewys te wees of wat in besit is van ’n bevoegdheidsertifikaat wat die Registrateur van Vakleerlinge ingevolge artikel *ses* van die Wet op Opleiding van Ambagsmanne, 1951, aan hom uitgereik het of ’n sertifikaat wat genoemde Registrateur of ingevolge artikel *twee* (7) of artikel *sewe* (3) van genoemde Wet aan hom uitgereik het;

„bakker” ’n werknemer wat—

(a) minstens vier jaar ondervinding van broodmaakery gehad het, of

(b) ooreenkomstig die Wet op Vakleerlinge, 1944, sy leertyd deurgemaak het in die bedryf van brood- en banketbakkerij (kleingoedere);

wat enige werk verrig in verband met die maak van brood en wat toesig hou oor werknemers wat ondergenoemde werksaamhede verrig:—

- (i) Deeg terugsnij of -slaan;
- (ii) bestanddele meng of deeg maak;
- (iii) brode weeg, vorm, vleg of fatsoeneer;
- (iv) brode in oonde steek of daaruit haal;
- (v) die temperatuur van oonde reël;

"baker's assistant" means an employee, other than a grade I employee, who, under the supervision of a foreman baker or a baker, performs any one or more of the operations mentioned in items (i) to (v), inclusive, in the definition of baker;

"boiler attendant" means an employee who, under general supervision, maintains the water level and steam pressure in a boiler and who may make, maintain or draw the fire in such boiler;

"bread", without limiting its ordinary meaning, includes buns, rolls and fancy bread;

"Bread and Confectionery Industry" means the industry in which employers and employees are associated in an establishment which is registered or liable for registration under the Factories, Machinery and Building Work Act, 1941, for the purpose of making or manufacturing bread or confectionery or both for sale, and includes the distribution by such employers of bread or confectionery or both, and further includes all operations incidental to or consequent on any of the aforesaid activities;

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

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

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

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

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

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

"confectioner" means an employee who—

- (a) has had not less than four years' experience in the making of confectionery, or
- (b) has served his apprenticeship in the trade of confectionery in terms of the Apprenticeship Act, 1944,

who is engaged in the making of confectionery and who supervises employees engaged in performing any one or more of the following operations:—

- (i) Weighing, measuring or mixing ingredients used in the making of confectionery;
- (ii) scaling mixtures and placing these in pans or other receptacles for cooking or baking;
- (iii) putting into or taking confectionery out of ovens;
- (iv) icing, filling or finishing confectionery;
- (v) regulating the temperatures of ovens;

"confectioner's assistant" means an employee, other than a grade I employee, who, under the supervision of a foreman confectioner or a confectioner, is engaged in—

- (i) operating any machine used in the making of confectionery; or
- (ii) performing any one or more of the operations mentioned in items (i) to (v), inclusive, in the definition of confectionery;

"confectionery", without limiting its ordinary meaning, includes rolls, kitkes, cakes, pastries, rusks, pasties, pies, sausage rolls, scones and yeast raised goods, other than bread, but does not include wafers, ice-cream wafers and cones, dog or puppy biscuits, pretzel sticks and matzos;

"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, 1950: Provided that if an employer regularly pays an employee a cost of living allowance higher than that so prescribed, it means such higher allowance;

"counterhand" means an employee engaged in selling bread or confectionery over the counter in an establishment and who may receive cash for goods sold;

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

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

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

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

"delivery employee" means an employee who is engaged in delivering bread, confectionery, letters or other articles or messages from an establishment otherwise than by means of motor vehicle and who may collect cash in the case of c.o.d. sales and accept written orders but who does not sell bread or confectionery or canvass for orders;

"bakkersassistent" 'n werknemer, uitgesonderd 'n graad I-werknemer, wat onder die toesig van 'n voormanbakker of 'n bakker een of meer van die werksaamhede verrig wat in punte (i) tot en met (v) in die woordskrywing van „bakker” genoem word;

„stoomketelbediende" 'n werknemer wat onder algemene toesig die waterstand en stoomdruk in 'n stoomketel in stand hou en wat die vuur in sodanige stoomketel kan maak, stook of uithaal;

„brood" sonder om die gewone betekenis daarvan te beperk, ook bolletjies, rolle en luukse-brood;

„Brood- en Banketnywerheid" die nywerheid waarin werkgewers en werknemers in 'n bedryfsinrigting wat ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, geregistreer is of aan registrasie onderworpe is, met mekaar geassosieer is met die doel om brood of banket of albei vir verkoop te maak of te vervaardig, en ook die distribusie, deur sodanige werkgewers, van brood of banket of albei, en verder ook alle werksaamhede wat hoort by of voortspruit uit enigeen van genoemde werksaamhede;

„los werknemer" 'n werknemer wat vir hoogstens drie dae 'n week deur dieselfde werkgewer in diens geneem word;

„klerk" 'n werknemer wat skryfwerk, tikwerk, liasseerwerk of enige ander soort klerklike werk verrig, en ook 'n kassier en telefonis, maar nie 'n fabrieksklerk, voorman of inspekteur of enige ander klas werknemer wat elders in hierdie klousule omskryf word nie, nieteenstaande die feit dat klerklike werk 'n deel van sodanige werknemer se pligte kan uitmaak;

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

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

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

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

„banketbakker" 'n werknemer wat—

- (a) minstens vier jaar ondervinding in die maak van banket gehad het, of
- (b) sy leertyd ingevolge die Wet op Vakleerlinge, 1944, deurgemaak het in die banketbedryf,

wat banket maak en toesig hou oor werknemers wat een of meer van ondergenoemde werksaamhede verrig:—

- (i) Bestanddele wat in die maak van banket gebruik word, weeg, afmeet of meng;
- (ii) mengsels weeg en dit in panne of ander houers plaas om dit te kook of te bak;
- (iii) banket in oonde plaas of daaruit haal;
- (iv) banket versier, vul of afwerk;
- (v) die temperatuur van oonde reël;

„banketbakkersassistent" 'n werknemer, uitgesonderd 'n graad I-werknemer, wat onder die toesig van 'n voormanbanketbakker of 'n banketbakker—

- (i) enige masjien bedien wat gebruik word in die maak van banket; of
- (ii) een of meer van die werksaamhede verrig wat in items (i) tot en met (v) in die woordskrywing van „banketbakker" genoem word;

„banket" sonder om die gewone betekenis daarvan te beperk, ook rolle, kitkes, koeke, soetgebak, beskuit, vleispasteie, pastete, worsrolletjies, botterbroodjies en suurdeeggebak, uitgesonderd brood, maar nie ook wafels, roomyswafels en -keëls, honde- of klein hondjiesbeskuitjies, pretzels en matzos nie;

„lewenskostetoelae" die toelae voorgeskryf in Oorlogsmaat-reël No. 43 van 1942, soos gewysig, en soos uitgelê ooreenkomstig artikel twee van die Wet op die Voortsetting van Oorlogsmaatreëls, 1950: Met dien verstande dat, indien 'n werkgewer 'n werknemer gereeld 'n hoër lewenskostetoelae betaal as wat voorgeskryf is, dit sodanige hoër toelae beteken;

„toonbankbediende" 'n werknemer wat in 'n bedryfsinrigting brood of banket oor die toonbank verkoop en wat kontant kan ontvang vir goedere wat verkoop word;

„toonbankbediende, vroulik, gekwalifiseer," 'n vroulike toonbankbediende wat minstens vier jaar ondervinding het;

„toonbankbediende, vroulik, ongekwalifiseer," 'n vroulike toonbankbediende wat minder as vier jaar ondervinding het;

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

„toonbankbediende, manlik, ongekwalifiseer," 'n manlike toonbankbediende wat minder as vyf jaar ondervinding het;

„besteller" 'n werknemer wat brood, banket, briewe of ander artikels of boodskappe op 'n ander manier as per motorvoertuig aflewer van 'n bedryfsinrigting af en wat kontant kan inlever in die geval van k.b.a.-verkope en skriftelike bestellings kan aanneem maar wat nie brood of banket mag verkoop of bestellings mag werf nie;

"driver" means an employee who, by means of a motor vehicle driven by himself, is engaged in delivering bread, confectionery, letters or other articles or messages from an establishment and who may collect cash in the case of c.o.d. sales and accept written orders but may not sell bread or confectionery or canvass for orders;

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

"establishment" means any premises in or in connection with which one or more employees are employed in the Bread and Confectionery Industry;

"experience" means—

(a) in relation to a clerk or a counterhand, the total period or periods of employment which an employee has had as a clerk or counterhand, respectively, in any trade whatsoever or in the service of the State;

(b) in relation to any other employee, the total period or periods of employment which such employee has had in the making of bread or confectionery, as the case may be, in the Bread and Confectionery Industry;

"factory clerk" means an employee, other than a clerk, storeman or packer, who is wholly or mainly engaged in one or more of the following operations:—

- (i) Issuing or recording labels;
- (ii) assembling orders or rough invoicing;
- (iii) recording quantities or weights of goods consumed;
- (iv) weighing goods, other than on a set scale;
- (v) recording, under the supervision and direction of the foreman, the times worked by employees;

and generally assisting a storeman or packer, and includes an employee who is responsible for checking or recording the off-loading of goods or receiving such goods;

"foreman baker" means a baker who is in control of a shift engaged in making bread;

"foreman confectioner" means a confectioner who is in control of a shift engaged in making confectionery;

"grade I employee" means an employee who is engaged in any one or more of the following duties or operations:—

- (a) Cooking meat or vegetables;
- (b) counting bread or confectionery under the supervision of a packer or packer's assistant;
- (c) cutting cake mixtures into shapes by means of a template;
- (d) cutting buns for creaming;
- (e) docking or notching;
- (f) greasing machines under supervision;
- (g) knocking back dough by machine;
- (h) labelling or wrapping parcels;
- (i) loading tins in final prover;
- (j) operating hand bun divider or hand pie machine;
- (k) operating hand-filling machine;
- (l) placing tins containing dough on travelling oven plate;
- (m) receiving dough from moulding machine and placing it into baking tins;
- (n) repairing or ironing uniforms, overalls or other protective clothing;
- (o) separating whites of eggs from yolks;
- (p) sieving flour by mechanical means;
- (q) tipping dough by mechanical means;
- (r) weighing or measuring to a set scale;
- (s) wrapping labels round pies, wrapping individual products of an establishment or sealing such wrapped products;
- (t) changing wheels or tyres or repairing punctures or cleaning, polishing, greasing, oiling or spraying vans;
- (u) priming or filing, i.e. knocking out small dents on bodies of motor vehicles or smoothing surfaces by filing prior to painting;
- (v) rubbing down damaged areas on bodies of motor vehicles with water paper prior to painting or polishing such areas after painting;
- (w) repairing delivery bicycles, including mending punctures, replacing spokes or aligning wheels;

"handyman" means an employee who is engaged in making minor repairs or adjustments to machinery or equipment, other than machinery or equipment directly used in the manufacture of the products of an establishment, and who may effect minor repairs or renovations on buildings;

"inspector" means an employee who is engaged in supervising the work of two or more vanmen;

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

- (a) Assembling wooden boxes from ready-prepared shooks or setting up by hand ready-made cardboard or fibre board boxes;
- (b) carrying, lifting or stacking products of an establishment, containers, materials, utensils or other articles;

"dryer" 'n werknemer wat per motorvoertuig wat hy self bestuur, brood, banket, briewe of ander artikels of boudskappe aflewer van 'n bedryfsinrigting af en wat kontant kan invorder in die geval van k.b.a.-verkope en skriftelike bestellings kan aanneem maar wat nie brood of banket mag verkoop of bestellings mag werf nie;

"noodwerk" 'n werk wat as gevolg van 'n onvoorsiene omstandigheid soos 'n brand, storm, ongeluk, epidemie, gewelddaad of diefsal, sonder versuim gedoen moet word en enige werk in verband met die laai of aflaai van trokke of voertuie van die Suid-Afrikaanse Spoorweë en Hawens;

"bedryfsinrigting" 'n perseel waarin of in verband waarmee een of meer werknemers werksaam is in die Brood- en Banketnywerheid;

ondervinding;—

(a) met betrekking tot 'n Klerk of toonbankbediende, die totale tydperk of tydperke wat 'n werknemer onderskeidelik as 'n klerk of as 'n toonbankbediende in enige bedryf van watter aard ook al werksaam was of in die diens van die Staat was;

(b) met betrekking tot enige ander werknemer, die totale tydperk of tydperke wat sodanige werknemer in die Brood- of Banketnywerheid werksaam was in die maak van brood of banket, na gelang van die geval;

"fabrieksklerk" 'n werknemer, uitgesonderd 'n klerk, stoorman of verpakker, wat uitsluitlik of hoofsaaklik een of meer van die volgende werksaamhede verrig:—

- (a) Etiket uitreik of aanteken;
- (b) bestellings, bymekaarmaak of ruwe faktuurwerk doen;
- (c) aantekeninge hou van hoeveelhede of gewigte van goedere wat verbruik word;
- (d) goedere afweeg, maar nie op 'n gestelde skaal nie;
- (e) onder die toesig en leiding van die voorman aantekening hou van die tye wat werknemers werk;

en wat oor die algemeen 'n stoorman of verpakker help, en ook 'n werknemer wat daarvoor verantwoordelik is om die aflaai van goedere of die ontvangs van sodanige goedere na te gaan of aan te teken;

"voormanbakker" 'n bakker wat in beheer is van 'n skof wat brood maak;

"voormanbanketbakker" 'n banketbakker wat in beheer is van 'n skof wat banket maak;

"graad I-werknemer" 'n werknemer wat een of meer van die volgende pligte of werksaamhede verrig:—

- (a) Vleis of groente kook;
- (b) brood of banket onder toesig van 'n verpakker of verpakkersassistent tel;
- (c) koekmengsels in vorms sny deur middel van 'n koek-drukker;
- (d) bolletjies sny vir die opsit van room;
- (e) perforeer en inkeep;
- (f) masjiene onder toesig ghries;
- (g) deeg met 'n masjiene terugklop;
- (h) pakkette toedraai of etiketteer;
- (i) panne in laaste rymasjiene vul;
- (j) 'n handbolletjieverdelers of handpasteimasjiene bedien;
- (k) 'n handvulmasjiene bedien;
- (l) panne wat deeg bevat, op loopplaat van oond plaas;
- (m) deeg uit vormmasjiene haal en in panne plaas;
- (n) uniforms, oorpakke of ander beskermende klere heelmaak of stryk;
- (o) wit en geel van eiers skei;
- (p) meel met masjiene sif;
- (q) deeg met masjiene omkeer;
- (r) op 'n gestelde skaal weeg- of afmeet;
- (s) etikette om pastei draai, afsonderlike produkte van 'n bedryfsinrigting toedraai of sodanige toegedraaide produkte verseël;
- (t) wiele of buitebande omruil of lekke in bande heelmaak of bestelwaens skoonmaak, opvryf, smeer, olie of bespuit;
- (u) grondlaag verf of vyl, d.w.s. klein duikies in die bakke van motorvoertuie uitklop of oppervlakte gladmaak deur dit te vyl voordat dit geverf word;
- (v) beskadigde oppervlakte op die bakke van motorvoertuie met waterpapier vryf voordat dit geverf word of sulke gedeeltes opvryf nadat dit geverf is;
- (w) bestelgetse heelmaak en ook lekke in bande heelmaak, speke vervang of wiele spoor;

"faktotum" 'n werknemer wat kleinere herstelwerk of verstellers doen aan masjiene of uitrusting, uitgesonderd masjiene of uitrusting wat regstreeks vir die vervaardiging van 'n bedryfsinrigting se produkte gebruik word, en wat kleinere herstel- of opknappingswerk aan geboue doen;

"inspekteur" 'n werknemer wat toesig hou oor die werk van twee of meer bestelwagbediendes;

"arbeider" 'n werknemer wat een of meer van die volgende pligte of werksaamhede verrig:—

- (a) Houtkaste aanmekaarsit van reeds gemaakte kasplanke of reeds gemaakte kartondose of veselborddose met die hand inmekaarsit;
- (b) produkte van 'n bedryfsinrigting, houers, materiaal gerei of ander artikels dra, ophang of opstapel;

- (c) cleaning animals, premises, machines, furniture, tools or vehicles;
- (d) cleaning, cracking, grinding or sorting nuts;
- (e) cleaning or stoning fruit;
- (f) cracking eggs, but not separating the white of the eggs from the yolks;
- (g) cutting meat by hand or operating a mincing machine;
- (h) feeding dough into hoppers;
- (i) greasing or preparing for use or cleaning trays, pans, boxes, tins, utensils, flues, smoke stacks or soot boxes;
- (j) washing uniforms, overalls or other protective clothing;
- (k) lime-washing latrines, outbuildings or Native compounds;
- (l) loading or unloading;
- (m) making tea or similar beverages for, or serving tea or similar beverages to, employees or the employer;
- (n) making, maintaining or drawing fires or removing ashes;
- (o) minding animals or an animal-drawn vehicle;
- (p) removing paint from vans other than by means of a blowlamp;
- (q) packing products of an establishment into trays or similar containers for storage or delivery to a packer in the establishment;
- (r) labelling bread, boxes or tins;
- (s) opening or closing bags or boxes;
- (t) assisting an artisan by holding articles or tools or otherwise working with him other than by the independent use of tools;
- (u) filling motor vehicle petrol tanks or radiators, or inflating tubes, raising or lowering vehicles by means of a hand hoist or jack;
- (v) packing articles of uniform size and number into containers specially designed to contain them;
- (w) washing or painting bread or confectionery;

"law" includes the common law;

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

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

the activities of an establishment and the employees engaged therein;

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

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

"packer" means an employee who is in charge of the receiving, checking, assembling or packing of bread or confectionery for despatch or delivery from an establishment, including the weighing or addressing of packages;

"packer's assistant" means an employee, other than a labourer, who under the supervision of a packer, is engaged in receiving, checking, assembling or packing bread or confectionery for despatch or delivery or weighing or addressing packages;

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

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

"shift" means the employees who work together in making bread or confectionery in an establishment during any number of hours which, except for meal intervals, are consecutive;

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

"storeman" means an employee who is responsible for receiving, storing or issuing articles or materials used in an establishment in the making of bread or confectionery;

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

- (a) the supervision over, and

- (c) diere, persele, masjiene, meubels, gereedskap of voertuie skoonmaak;
- (d) neut skoonmaak, kraak, maal of sorteer;
- (e) vrugte skoonmaak of die pitte daarvan uithaal;
- (f) eiers kraak, maar nie die wit van die eiers van die geel skei nie;
- (g) vleis met hand sny of 'n vleismeul bedien;
- (h) deeg in stortgeute voer;
- (i) bakke, panne, kiste, blikke, gerei, vlamppype, skoorstene of roetkaste smeer of vir gebruik gereed- of skoonmaak;
- (j) uniforms, oorpakke of ander beskermende kleres was;
- (k) latrines, buitegeboue of Naturellekampongs wit;
- (l) laai of aflaai;
- (m) tee of dergelike drankte maak vir of opdis aan werknemers of die werkgewer;
- (n) vuur maak, stook of uithaal of as verwyder;
- (o) diere of dierevoertuie oppas;
- (p) verf van bestelwaens verwyder op 'n ander manier as met 'n blaaslamp;
- (q) produkte van 'n bedryfsinrigting in bakke of soortgelyke houers pak vir bewaring of aflewering aan 'n verpakker in die bedryfsinrigting;
- (r) brood, kaste of blikke etiketteer;
- (s) sakke of kaste oop- of toemaak;
- (t) 'n ambagsman bystaan deur artikels of gereedskap vas te hou of op 'n ander manier saam met hom te werk sonder om gereedskap selfstandig te gebruik;
- (u) petroltenks of verkoelers van motorvoertuie volmaak, binnebande oppomp of voertuie óplig of laat sak met behulp van 'n handhystoestel of domkrag;
- (v) dieselfde getal artikels van eenvormige grootte in houers pak wat spesiaal ontwerp is om dit te bevat;
- (w) brood of banket was of verf;

„wet” ook die gemeenreg;

„bestuurder” ’n werknemer wat deur sy werkgewer belas is met die algehele—

- (a) toesig oor,
- (b) verantwoordelikheid vir, en
- (c) bestuur van

die werksaamhede van 'n bedryfsinrigting en die werknemers wat daarin werk;

„militêre opleiding” ononderbroke opleiding wat 'n werknemer ingevolge artikel *een-en-twintig* (1), gelees met sub-artikel (1) en (2) van artikel *twee-en-twintig*, van die Verdedigingswet, 1957, moet ondergaan, maar nie ook opleiding wat hy kragtens artikel *drie-en-twintig* van genoemde Wet verkies om te ondergaan nie en ook nie enige ander opleiding of diens wat hy vrywillig ondergaan of verkies om te ondergaan nie;

„motorvoertuig” ’n voertuig met meganiese aandrywing wat gebruik word vir die vervoer van goedere en ook 'n voorhaker en 'n trekker;

„verpakker” ’n werknemer wat die beheer het oor die ontvangs, nagaan, bymeekaarmaak of verpakking van brood of banket vir versending of aflewering vanuit 'n bedryfsinrigting, met inbegrip van die weeg of adresseer van pakkette;

„verpakkersassistent” ’n werknemer, uitgesonderd 'n arbeider, wat onder die toesig van 'n verpakker brood of banket ontvang, nagaan, bymeekaarmaak of verpak met die doel om dit te versend of af te lewer of wat pakkette weeg of adresseer;

„stukwerk” enige stelsel waarvolgens 'n werknemer se besoldiging bereken word volgens die hoeveelheid werk wat gedoen is,

„senior besturende, professionele of administratiewe werknemer” ’n werknemer wat deur sy werkgewer belas is met werk wat verantwoordelikheid meebring vir die neem van besluite van 'n professionele of administratiewe aard in die bestuur van die werksaamhede van 'n bedryfsinrigting;

„skof” die werknemers wat saam werk om brood of banket in 'n bedryfsinrigting te maak gedurende enige getal ure wat, behalwe vir etenspouses, aaneenlopend is;

„korttyd” ’n tydelike vermindering in die getal gewone werke as gevolg van 'n slapte in die bedryf, 'n tekort aan voorrade of 'n algemene onklaarraking van die installasie of masjinerie of 'n werklike of dreigende onklaarraking van geboue as gevolg van 'n ongeluk of ander onvoorsiene omstandigheid;

„stoorman” ’n werknemer wat verantwoordelik is vir die ontvangs, berging of uitreiking van artikels of materiaal wat in 'n bedryfsinrigting gebruik word vir die maak van brood of banket;

„onderbestuurder” ’n werknemer wat deur sy werkgewer belas is met—

- (a) die toesig oor, en

- (b) the responsibility for the direction of, the activities of a department or division or section of an establishment and the employees engaged therein;
- "unladen weight" means the weight of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles: Provided that in the case of a two or three wheeled motor cycle, motor scooter, autocycle or cycle fitted with an auxiliary engine the unladen weight shall be deemed not to exceed 1,000 lb.;
- "van" means any animal-drawn vehicle or any mechanically propelled vehicle whatsoever used for the conveyance of bread or confectionery;
- "vanman" means an employee—
- who is in charge of a van on a round; or
  - who sells bread or confectionery from a van or canvasses for orders for the sale of bread or confectionery; and
  - who is responsible for cash received from such sale of bread or confectionery;
- and who may deliver bread or confectionery from a van and drive the van;
- "vanman's assistant" means an employee who, under the supervision of a vanman, is engaged in delivering or selling bread or confectionery from a van, but who does not drive a van;
- "wage" means that amount of money payable to an employee in terms of clause 3 in respect of his ordinary hours of work as prescribed in clause 5: Provided that where an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3, it means such higher amount;
- "watchman" means an employee engaged in guarding premises or other property;
- "work day", except in relation to a watchman, means any day, other than a Sunday or a public holiday, on which an employee normally works.

(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 follows:—

#### (a) Employees other than casual employees.

|                                                                                                                                           | Per Week. |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                           | £ s. d.   |
| Artisan.....                                                                                                                              | 8 12 6    |
| Baker.....                                                                                                                                | 7 10 0    |
| Clerk..... } female, qualified.....                                                                                                       | 4 3 1     |
| Counterhand } female, unqualified—                                                                                                        |           |
| Clerk..... }                                                                                                                              |           |
| Counterhand }                                                                                                                             |           |
| During the first year of experience.....                                                                                                  | 2 1 6     |
| During the second year of experience.....                                                                                                 | 2 11 11   |
| During the third year of experience.....                                                                                                  | 3 2 3     |
| During the fourth year of experience.....                                                                                                 | 3 12 8    |
| Clerk..... } male, qualified.....                                                                                                         | 6 6 11    |
| Counterhand } male, unqualified—                                                                                                          |           |
| Clerk..... }                                                                                                                              |           |
| Counterhand }                                                                                                                             |           |
| During the first year of experience.....                                                                                                  | 2 6 2     |
| During the second year of experience.....                                                                                                 | 3 2 3     |
| During the third year of experience.....                                                                                                  | 3 18 9    |
| During the fourth year of experience.....                                                                                                 | 4 14 7    |
| During the fifth year of experience.....                                                                                                  | 5 10 0    |
| Confectioner.....                                                                                                                         | 7 10 0    |
| Factory clerk.....                                                                                                                        | 3 10 0    |
| Foreman baker.....                                                                                                                        | 9 0 0     |
| Foreman confectioner.....                                                                                                                 | 9 0 0     |
| Handyman.....                                                                                                                             | 4 0 0     |
| Inspector.....                                                                                                                            | 7 0 0     |
| Packer.....                                                                                                                               | 6 10 0    |
| Storeman.....                                                                                                                             | 6 10 0    |
| Vanman.....                                                                                                                               | 5 0 0     |
| Baker's assistant..... } during the first three months                                                                                    |           |
| Confectioner's assistant } of experience.....                                                                                             | 2 10 0    |
| Thereafter.....                                                                                                                           | 3 5 0     |
| Packer's assistant.....                                                                                                                   | 2 10 0    |
| Driver of a motor vehicle the unladen weight of which together with the unladen weight of any trailer or trailers drawn by such vehicle:— |           |
| (i) Does not exceed 1,000 lb.....                                                                                                         | 2 10 0    |
| (ii) Exceeds 1,000 lb. but not 6,000 lb.....                                                                                              | 4 5 0     |
| (iii) Exceeds 6,000 lb.....                                                                                                               | 5 5 0     |

(b) die verantwoordelikheid vir die bestuur van die werksaamhede van 'n departement of afdeling of seksie van 'n bedryfsnigting en die werknemers wat daarin werk;

"eie gewig" die gewig van 'n motorvoertuig of sleepwa soos opgegee in 'n lisensie of sertifikaat wat ten opsigte van sodanige voertuig of sleepwa uitgereik is deur 'n owerheid wat by wet gemagtig is om lisensies ten opsigte van motorvoertuie uit te reik. Met dien verstande dat, in die geval van 'n twee- of driewielige motorfiets, bromponie, kragfiets of fiets wat 'n hulpmotor het, die eie gewig geag word nie meer as 1,000 lb. te wees nie.

"bestelwa" 'n dierevoertuig of 'n voertuig met meganiese aandrywing, van watter aard ook, wat gebruik word vir die vervoer van brood of banket;

"bestelwabediende" 'n werknemer wat—

- in die beheer van 'n bestelwa op 'n ronde is; of
  - brood en banket uit 'n bestelwa verkoop of bestellings werf vir brood of banket; en
  - verantwoordelik is vir die kontant wat hy uit sodanige verkoop van brood of banket ontvang het;
- en wat brood of banket uit 'n bestelwa kan aflewer en die bestelwa kan bestuur;

"bestelwabediende se assistent" 'n werknemer wat onder die toesig van 'n bestelwabediende brood of banket uit 'n bestelwa aflewer of verkoop maar wat nie die bestelwa bestuur nie;

"loon" die bedrag wat ooreenkomstig klousule 3 aan 'n werknemer betaalbaar is ten opsigte van sy gewone werkure soos voorgeskryf in klousule 5. Met dien verstande dat, waar 'n werkgewer ten opsigte van sodanige werkure gereeld aan sy werknemer 'n hoër bedrag betaal as wat in klousule 3 voorgeskryf word, dit sodanige hoër bedrag beteken;

"wag" 'n werknemer wat persele of ander eiendom bewaak;

"werkdag" behalwe met betrekking tot 'n wag, enige dag, uitgesonderd 'n Sondag of openbare vakansiedag, waarop 'n werknemer gewoonlik werk.

(2) Vir die toepassing van hierdie Vasstelling word 'n werknemer geag in daardie klas te wees waarin hy uitsluitlik of hoofsaaklik werksaam is.

### 3. BESOLDIGING.

(1) Die minimum loon wat 'n werkgewer aan elke lid van ondergenoemde klasse werknemers in sy diens moet betaal, is soos volg:—

#### (a) Werknemers, uitgesonderd los werknemers.

|                                                                                                                                                     | Per week. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                     | £ s. d.   |
| Ambagsman.....                                                                                                                                      | 8 12 6    |
| Bakker.....                                                                                                                                         | 7 10 0    |
| Klerk..... } vroulik, gekwalifiseer.....                                                                                                            | 4 3 1     |
| Toonbankbediende } vroulik, ongekwalifiseer—                                                                                                        |           |
| Klerk..... }                                                                                                                                        |           |
| Toonbankbediende }                                                                                                                                  |           |
| Gedurende die eerste jaar ondervinding.....                                                                                                         | 2 1 6     |
| Gedurende die tweede jaar ondervinding.....                                                                                                         | 2 11 11   |
| Gedurende die derde jaar ondervinding.....                                                                                                          | 3 2 3     |
| Gedurende die vierde jaar ondervinding.....                                                                                                         | 3 12 8    |
| Klerk..... } manlik, gekwalifiseer.....                                                                                                             | 6 6 11    |
| Toonbankbediende } manlik, ongekwalifiseer—                                                                                                         |           |
| Klerk..... }                                                                                                                                        |           |
| Toonbankbediende }                                                                                                                                  |           |
| Gedurende die eerste jaar ondervinding.....                                                                                                         | 2 6 2     |
| Gedurende die tweede jaar ondervinding.....                                                                                                         | 3 2 3     |
| Gedurende die derde jaar ondervinding.....                                                                                                          | 3 18 9    |
| Gedurende die vierde jaar ondervinding.....                                                                                                         | 4 14 7    |
| Gedurende die vyfde jaar ondervinding.....                                                                                                          | 5 10 0    |
| Banketbakker.....                                                                                                                                   | 7 10 0    |
| Fabrieksklerk.....                                                                                                                                  | 3 10 0    |
| Voormanbakker.....                                                                                                                                  | 9 0 0     |
| Voormanbanketbakker.....                                                                                                                            | 9 0 0     |
| Faktotum.....                                                                                                                                       | 4 0 0     |
| Inspekteur.....                                                                                                                                     | 7 0 0     |
| Verpakker.....                                                                                                                                      | 6 10 0    |
| Stoorman.....                                                                                                                                       | 6 10 0    |
| Bestelwabediende.....                                                                                                                               | 5 0 0     |
| Bakkerassistent..... } gedurende die eerste drie                                                                                                    |           |
| Banketbakkersassistent } maande ondervinding.....                                                                                                   | 2 10 0    |
| Daarna.....                                                                                                                                         | 3 5 0     |
| Verpakkersassistent.....                                                                                                                            | 2 10 0    |
| Drywer van 'n motorvoertuig waarvan die eie gewig tesame met die eie gewig van enige sleepwa of sleepwaens wat deur sodanige voertuig getrek word:— |           |
| (i) Nie meer as 1,000 lb. is nie.....                                                                                                               | 2 10 0    |
| (ii) Meer as 1,000 lb. is maar nie meer as 6,000 lb. is nie.....                                                                                    | 4 5 0     |
| (iii) Meer as 6,000 lb. is.....                                                                                                                     | 5 5 0     |

|                                                                        | Per Week.                                                                                                                  |
|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
|                                                                        | £ s. d.                                                                                                                    |
| Grade I employee.....                                                  | 2 0 0                                                                                                                      |
| Delivery employee.....                                                 | 1 15 0                                                                                                                     |
| Vanman's assistant                                                     | { of the age of 18 years and over<br>for the first year after the coming<br>into operation of this Determina-<br>tion..... |
| Labourer.....                                                          |                                                                                                                            |
| Thereafter.....                                                        | 1 10 0                                                                                                                     |
| Vanman's assistant                                                     | { under the age of 18 years.....                                                                                           |
| Labourer.....                                                          |                                                                                                                            |
| Boiler attendant.....                                                  | 1 12 6                                                                                                                     |
| Watchman.....                                                          | 1 5 0                                                                                                                      |
| Employee not elsewhere in this clause specifically men-<br>tioned..... | 1 15 0                                                                                                                     |
|                                                                        | 2 0 0                                                                                                                      |

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

(2) *Basis of Contract.*—For the purpose of this clause the contract of employment of an employee, other than a casual employee, shall be on a weekly basis, and, save as provided in clause 4 (6), an employee shall be paid in respect of a week not less than the full weekly wage prescribed in sub-clause (1), read with sub-clause (3), for an employee of his class in the area in which he works, whether he has in that week worked the maximum number of ordinary hours of work applicable to him in terms of clause 5 or less.

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

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

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

- (i) in the case referred to in paragraph (a), not less than the daily wage calculated at the higher rate, and,
- (ii) in the case referred to in paragraph (b), not less than the daily wage calculated on the notch in the rising scale immediately above the wage the employee was receiving for his ordinary work:

Provided that—

- (i) the provisions of this sub-clause shall not apply where the difference between classes in terms of sub-clause (1) is based on age, experience or sex;
- (ii) unless expressly provided to the contrary in a written contract between an employer and his employee, nothing in this Determination shall be so construed as to preclude an employer from requiring an employee to perform work of another class for which class the same or a lower wage is prescribed than that prescribed for such employee;
- (iii) a driver or delivery employee who on any day sells bread or confectionery or canvasses for orders for the sale of bread or confectionery shall for that day be deemed to be a vanman and his employer shall pay him for such day a wage of not less than the daily wage prescribed for a vanman, irrespective of whether such selling or canvassing occupied longer or less than one hour.

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

- (i) six, in the case of an employee who works a six-day week;
- (ii) seven, in the case of an employee who works a seven-day week.

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

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

#### 4. PAYMENT OF REMUNERATION.

(1) *Employees Other Than Casual Employees.*—Save as provided in clause 6 (3), any amount due to an employee, other than a casual employee, shall be paid in cash weekly, or, if the employer and employee have agreed thereto, in cash or by cheque monthly, during the hours of work or within fifteen minutes of ceasing work, on the usual pay day of the establishment for such employee or on termination of employment if

|                                                                                | Per week.                                                                                                         |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|                                                                                | £ s. d.                                                                                                           |
| Graad I-werknemer.....                                                         | 2 0 0                                                                                                             |
| Besteller.....                                                                 | 1 15 0                                                                                                            |
| Bestelwabediende se assistent                                                  | { agtien jaar oud of<br>ouer vir die eerste jaar<br>na die inwerking-<br>trekking van hierdie<br>Vasstelling..... |
| Arbeider.....                                                                  |                                                                                                                   |
| Daarna.....                                                                    | 1 10 0                                                                                                            |
| Bestelwabediende se assistent                                                  | { jonger as agtien jaar..                                                                                         |
| Arbeider.....                                                                  |                                                                                                                   |
| Stoomketelbediende.....                                                        | 1 12 6                                                                                                            |
| Wag.....                                                                       | 1 5 0                                                                                                             |
| Werknemer wat nie elders in hierdie klousule spesifiek<br>genoem word nie..... | 1 15 0                                                                                                            |
|                                                                                | 2 0 0                                                                                                             |

(b) *Los werknemer.*—Aan 'n los werknemer moet daar ten opsigte van elke dag of gedeelte van 'n dag wat hy gewerk het, minstens een vyfde van die weekloon betaal word wat voorgeskryf word vir 'n werknemer in dieselfde gebied en van dieselfde geslag wat dieselfde klas werk verrig as dié wat die los werknemer moet doen: Met dien verstande dat, waar 'n werkgever dit van 'n los werknemer verlang om die werk te verrig van 'n klas werknemer vir wie lone op 'n stygende skaal voorgeskryf word, die uitdrukking „weekloon” die weekloon beteken wat vir 'n gekwalifiseerde werknemer van daardie klas voorgeskryf word, en voorts met dien verstande dat, waar 'n werkgever dit van 'n werknemer verlang om vir hoogstens vier agtereenvolgende ure op 'n dag te werk, sy loon met vyftig persent verminder kan word.

(2) *Kontrakbasis.*—Vir die toepassing van hierdie klousule is die dienskontrak van 'n werknemer, uitgesonderd 'n los werknemer, op 'n weeklikse basis, en behoudens die bepalinge van klousule 4 (6), moet daar aan 'n werknemer ten opsigte van 'n week minstens die volle weekloon betaal word soos in subklousule (1), gelees met subklousule (3), voorgeskryf word vir 'n werknemer van sy klas in die gebied waarin hy werk, afgesien daarvan of hy in daardie week die maksimum getal gewone werkure wat ooreenkomstig klousule 5 op hom van toepassing is, of minder gewerk het.

(3) *Differensiële loon.*—'n Werkgever wat van 'n lid van een klas van sy werknemers vereis of hom toelaat om altesame vir meer as een uur op 'n dag, hetsy benewens sy eie werk of ter vervanging daarvan, werk van 'n ander klas te verrig waarvoor of—

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

in subklousule (1) voorgeskryf word, moet die werknemer ten opsigte van daardie dag die volgende betaal word—

- (i) in die geval genoem in paragraaf (a), minstens die dagloon op die hoër skaal bereken, en
- (ii) in die geval genoem in paragraaf (b), minstens die dagloon bereken op die kerf in die stygende skaal onmiddellik hoër as die loon wat die werknemer vir sy gewone werk ontvang het:

Met dien verstande dat—

- (i) die bepalinge van hierdie subklousule nie van toepassing is waar die verskil tussen klasse ingevolge subklousule (1) op ouderdom, ondervinding of geslag gebaseer word nie;
- (ii) tensy uitdruklik anders bepaal in 'n skriftelike kontrak tussen 'n werkgever en sy werknemer, niks in hierdie Vasstelling so uitgelê moet word dat dit die werkgever belet om van 'n werknemer te vereis om werk van 'n ander klas waarvoor dieselfde of 'n laer loon voorgeskryf word as die loon voorgeskryf vir sodanige werknemer, te verrig nie;
- (iii) 'n drywer of besteller wat op enige dag brood of banket verkoop of bestellings werf vir brood of banket, vir daardie dag geag word 'n bestelwabediende te wees, en sy werkgever moet hom vir sodanige dag 'n loon betaal van minstens die dagloon voorgeskryf vir 'n bestelwabediende, afgesien daarvan of die verkoop of werwing langer of korter as een uur geduur het.

(4) *Berekening van lone.*—(a) Die dagloon van 'n werknemer, uitgesonderd 'n los werknemer, is sy weekloon verdeel deur—

- (i) ses in die geval van 'n werknemer wat 'n sesdaagse week werk;
- (ii) sewe in die geval van 'n werknemer wat 'n sewedaagse week werk.

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

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

#### 4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd los werknemers.*—Behoudens die bepalinge van klousule 6 (3), moet enige bedrag verskuldig aan 'n werknemer, uitgesonderd 'n los werknemer, weekliks in kontant of, indien die werkgever en werknemer aldus ooreengekom het, maandeliks in kontant of per tjek, aan sodanige werknemer betaal word gedurende werkure of binne vyftien minute na staking van werk op die bedryfsinrigting se gewone

this takes place before the usual pay day, and such amount shall be contained in a sealed envelope or container, on which shall be recorded or which shall be accompanied by a statement showing the employer's name, the employee's name or payroll number and his occupation, the number of ordinary hours and overtime hours worked, details of any deductions made, the remuneration due and the period for which the payment is being made, and such envelope or container or such statement shall become the property of the employee.

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

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

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

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

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

- (a) With the written consent of his employee a deduction for holiday, sick benefit, insurance, savings, provident or pension funds or subscriptions to a trade union;
- (b) except where otherwise provided in this Determination, whenever an employee is absent from work, other than on the instructions or at the request of his employer, a deduction proportionate to the period of his absence and calculated on the basis of the wage which such employee was receiving in respect of his ordinary hours of work at the time of such absence;
- (c) a deduction of any amount which an employer by 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 and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified hereunder:—

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

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

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

- (i) such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
- (ii) no deduction shall be made in the case of short-time arising out of slackness of trade or shortage of raw materials unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
- (iii) no deduction shall be made in the case of short-time owing to a shortage of railway trucks or a general breakdown of plant or machinery or an actual or threatened breakdown of buildings caused by accident or other unforeseen circumstances, in respect of the first hour not worked, unless the employer has given his employee notice on the previous day that no work will be available.

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

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

- (a) in the case of a vanman, vanman's assistant, driver or delivery employee—
  - (i) forty-eight in any week from Monday to Saturday, inclusive, and
  - (ii) eight on any day;
- (b) in the case of an employee other than a vanman, vanman's assistant, driver or delivery employee—
  - (i) forty-six in any week from Monday to Saturday, inclusive, and
  - (ii) subject to sub-paragraph (i) hereof, eight on any day, unless the hours on any one day do not exceed five, in which case the hours on any of the other days may be extended to eight and a half.

betaaldag of by diensbeëindiging as dit voor die gewone betaaldag plaasvind, en sodanige bedrag moet in 'n verseëde koever of houer geplaas word waarop 'n staat aangebring is of wat vergesel gaan van 'n staat waarop die werkgewer se naam, die werknemer se naam of betaalstaatsnommer en sy betrekking, die getal gewone werkure en oortydure, gewerk, besonderhede van bedrae wat afgetrek is, die besoldiging verskuldig en die tydperk waarvoor dit betaal word, gemeld moet word, en sodanige koever of houer of sodanige staat word die eiendom van die werknemer.

(2) *Los werknemers*.—'n Werkgewer moet die besoldiging wat aan 'n los werknemer verskuldig is, by diensbeëindiging in konstant betaal.

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

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

(5) *Kos en inwoning*.—Behoudens die bepalings van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie van sy werknemer vereis om by hom of by enige persoon of plek wat hy aanwys, te eet of in te woon nie.

(6) *Aftrakkings*.—'n Werkgewer mag van sy werknemer geen boetes op of bedrae van sy werknemer se besoldiging aftrek nie: Met dien verstande dat hy wel—

- (a) met die skriftelike toestemming van sy werknemer, 'n bedrag vir siektebystands-, vakansie-, versekerings-, spaar-, voorsorgs- of pensioenfondse, of ledegeld van 'n vakvereniging kan aftrek;
- (b) wanneer 'n werknemer van sy werk afwesig is, behalwe op las of op versoek van sy werkgewer, behoudens anders-luidende bepalings in hierdie Vastelling, 'n bedrag wat in verhouding is met die tydperk van afwesigheid en bereken is op die basis van die loon wat sodanige werknemer ontvang het ten opsigte van sy gewone werkure ten tyde van sodanige afwesigheid, kan aftrek;
- (c) enige bedrag kan aftrek wat 'n werkgewer ingevolge 'n wet of bevel van 'n bevoegde hof verplig is of toegelaat word om af te trek;
- (d) wanneer 'n werknemer daarmee instem, of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig word om kos en inwoning of kos of inwoning van sy werkgewer aan te neem, 'n bedrag kan aftrek wat nie hoër is as die bedrae hieronder genoem nie:—

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

(e) met die skriftelike toestemming van 'n werknemer, 'n bedrag kan aftrek wat die werkgewer aan 'n munisipale raad of ander plaaslike bestuur betaal het ten opsigte van die huur van 'n huis of akkommodasie in 'n koshuis wat sodanige werknemer okkupeer in enige lokasie of Naturelledorp onder die beheer van sodanige raad of ander plaaslike bestuur;

(f) wanneer die gewone werkure voorgeskryf in Klousule 5, verminderd word as gevolg van korttyd, 'n bedrag van 'n werknemer (uitgesonderd los werknemer) se uurloon kan aftrek ten opsigte van elke uur van sodanige vermindering: Met dien verstande dat—

- (i) sodanige afrekkings nie een derde van die werknemer se weekloon mag oorskry nie, afgesien van die getal ure waarmee die gewone werkure aldus verminderd word;
- (ii) geen bedrag afgetrek mag word in die geval van korttyd wat ontstaan het uit 'n slapte in die bedryf of 'n tekort aan grondstowwe nie, tensy die werkgewer sy werknemer op die vorige werkdag in kennis gestel het van sy voorneme om die gewone werkure te verminder;
- (iii) in die geval van korttyd weens 'n tekort aan spoorwaens of 'n algemene onklaarraking van installasie of masjinerie of 'n werklike of dreigende onklaarraking van geboue as gevolg van 'n ongeluk of ander onvoor-siene omstandigheid, geen bedrag ten opsigte van die eerste uur wat nie gewerk is nie, afgetrek mag word nie tensy die werknemer sy werkgewer die vorige dag in kennis gestel het dat daar geen werk beskikbaar sal wees nie.

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

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

- (a) in die geval van 'n bestelwabediende, bestelwabediende se assistent, drywer of besteller—
  - (i) agt-en-veertig in 'n week van Maandag tot en met Saterdag, en
  - (ii) agt op 'n dag.
- (b) in die geval van 'n werknemer, uitgesonderd 'n bestelwabediende, bestelwabediende se assistent, drywer of besteller—
  - (i) ses-en-veertig in 'n week van Maandag tot en met Saterdag, en
  - (ii) behoudens subparagraaf (i) hiervan, agt op 'n dag tensy die ure op enige dag hoogstens vyf is, en in so 'n geval kan die ure op eenige van die ander dae tot agt en 'n half verleng word.

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

(3) An employer shall not require or permit his driver, delivery employee, vanman or vanman's assistant to commence work earlier than 5.30 o'clock a.m.: Provided that an employee may be required or permitted—

- (i) for the purpose of delivering bread to a railway station for despatch by train or to a hospital;
- (ii) during the period 20th to 31st December, inclusive;
- (iii) on the Thursday immediately preceding Good Friday;
- (iv) for a period not exceeding one week during the holding of the Royal Agricultural Show;
- (v) on a Saturday,

to commence work at 5 o'clock a.m.

(4) *Meal Intervals.*—An employer shall not require or permit an employee to work for more than five hours continuously without a meal interval of not less than half an 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 or overtime: Provided that—

- (i) periods of work interrupted by intervals of less than half an hour shall be deemed to be continuous;
- (ii) if such interval be longer than half an hour, any period in excess of one hour shall be deemed to be time worked.

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

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

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

- (a) in the case of a casual employee, two hours on any day;
- (b) in the case of any other employee, ten hours in any week.

(8) *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;
- (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
  - (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.

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

- (a) in the case of a casual employee, one and a third times his daily wage divided by eight in respect of each hour or part of an hour so worked on any day;
- (b) in the case of any other employee, one and a third times his hourly wage in respect of each hour or part of an hour so worked in any week.

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

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

(c) The provisions of sub-clause (4) shall not apply to a delivery employee, driver, inspector, vanman or a vanman's assistant.

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

#### 6. ANNUAL LEAVE.

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

- (a) in the case of a 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 a watchman, an amount of not less than three times the weekly wage to which he is entitled as from the first day of his leave;

(2) 'n Werkgewer mag 'n los werknemer nie verplig of toelaat om langer as agt gewone werkure per dag te werk nie.

(3) 'n Werkgewer mag nie sy drywer, besteller, bestelwabe-dien-de of bestelwabe-dien-de se assistent verplig of toelaat om vroeër as 5.30 v.m. te begin werk nie: Met dien verstande dat 'n werknemer verplig of toegelaat kan word om—

- (i) met die doel om brood by 'n spoorwegstasie vir ver-sending per trein of by 'n hospitaal af te lewer;
- (ii) gedurende die tydperk 20 tot en met 31 Desember;
- (iii) op die Donderdag onmiddellik voor Goede Vrydag;
- (iv) vir 'n tydperk van hoogstens een week gedurende die „Royal Agricultural Show”;
- (v) op 'n Saterdag,

om 5-uur in die voormiddag te begin werk.

(4) *Eienspouse.*—'n Werkgewer mag nie sy werknemer verplig of toelaat om langer as vyf agtereenvolgende ure te werk son-der 'n eenspouse van minstens 'n halfuur waarin sodanige werk-nemer nie verplig of toegelaat kan word om enige werk te verrig nie, en sodanige pouse word nie geag deel van die gewone werkure of oortyd uit te maak nie: Met dien verstande dat—

- (i) werktjye wat deur 'n pouse van minder as 'n halfuur onderbreek word, geag word aaneenlopend te wees;
- (ii) as sodanige onderbreking langer as 'n halfuur duur, enige tydperk van langer as een uur geag word tyd te wees waarin daar gewerk is.

(5) *Werkure moet agtereenvolgend wees.*—Behoudens die be-palings van subklousule (4), moet alle werkure van 'n werknemer op enige dag agtereenvolgend wees.

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

(7) *Beperking op oortyd.*—'n Werkgewer mag nie sy werk-nemer verplig of toelaat om langer oortyd te werk nie as—

- (a) in die geval van 'n los werknemer, twee uur op 'n dag;
- (b) in die geval van enige ander werknemer, tien uur in 'n week

(8) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule, mag 'n werkgewer nie 'n vroulike werknemer verplig of toelaat om—

- (a) tussen 6 n.m. en 6 v.m. te werk nie;
- (b) op meer as vyf dae in 'n week na 1 n.m. te werk nie;
- (c) meer as twee uur oortyd op 'n dag te werk nie;
- (d) oortyd op meer as drie agtereenvolgende dae in 'n week te werk nie;
- (e) oortyd op meer as sestig dae in 'n jaar te werk nie;
- (f) na voltooiing van haar gewone werkure meer as een uur op 'n dag oortyd te werk nie, tensy hy—
  - (i) die werknemer voor 12-uur middag daarvan in ken-nis gestel het; of
  - (ii) die werknemer van 'n toereikende ete voorsien en haar genoeg tyd toegelaat het om dit te nuttig voor-dat sy met die oortydwerk moet begin; of
  - (iii) sodanige werknemer betyds minstens twee sjeelings en ses pennies betaal het om haar in staat te stel om 'n ete te verkry en te nuttig voordat die oortydwerk moet begin.

(9) *Betaling vir oortyd.*—'n Werkgewer moet aan 'n werknemer wat oortyd werk, besoldiging betaal teen 'n skaal van minstens—

- (a) in die geval van 'n los werknemer, een en 'n half maal sy dagloon gedeel deur agt ten opsigte van elke uur of gedeelte van 'n uur aldus op 'n dag gewerk;
- (b) in die geval van enige ander werknemer, een en 'n derde maal sy uurloon ten opsigte van elke uur of gedeelte van 'n uur aldus in 'n week gewerk

(10) *Voorbehoudsbepalings.*—(a) Die bepalings van hierdie klousule geld nie vir 'n bestuurder, onderbestuurder, voorman of vir 'n senior besturende, professionele of administratiewe werk-nemer nie indien en terwyl sodanige werknemer 'n gereelde loon teen 'n skaal van minstens £780 per jaar ontvang, en ook nie vir 'n wag nie.

(b) Die bepalings van subklousules (4), (5) and (7) geld nie vir 'n werknemer gedurende enige tydperk waarin hy noodwerk verrig nie.

(c) Die bepalings van subklousule (4) geld nie vir 'n besteller, drywer, inspekteur, bestelwabe-dien-de of 'n bestelwabe-dien-de se assistent nie.

(11) Vir die toepassing van subklousules (9) en (10) beteken die uitdrukking „loon” 'n werknemer se loon plus sy lewens-kostetoelae.

#### 6. JAARLIKSE VERLOF.

(1) Behoudens die bepalings van subklousules (2) en (3), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke voltooid tydperk van twaalf maande diens by hom, die volgende toestaan:—

- (a) In die geval van 'n wag, een-en-twintig agtereenvolgende kalenderdae verlof;
  - (b) in die geval van enige ander werknemer, veertien agter-eenvolgende kalenderdae verlof;
- en sodanige werknemer ten opsigte van sodanige verlof die volgende betaal:—

- (i) In die geval van 'n wag, 'n bedrag van minstens drie maal die weekloon waarop hy vanaf die eerste dag van sy ver-lof geregtig is;

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

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

- (i) if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within two months after the completion of the twelve months of employment to which it relates or, if the employer and his employee agrees 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) the period of leave shall not be concurrent with sick leave granted in terms of clause 7 nor, unless the employee so requests and the employer agrees in writing, with any period of military training;
- (iii) if 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 day, be added to the said period as a further period of leave and the employee shall be paid an amount of not less than his daily wage in respect of each such day added;
- (iv) 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 an employee, an employer may permit the leave to accumulate over a period of not more than twenty-four months of employment: Provided that—

- (i) 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) 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.

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

- (a) in the case of a watchman, one-fourth, and
- (b) in the case of every other employee, 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.

- (ii) in die geval van enige ander werknemer, 'n bedrag van minstens dubbel die weekloon waarop hy vanaf die eerste dag van sy verlof geregtig is:

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

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

- (i) indien sodanige verlof nie vroeër toegestaan is nie, dit behoudens die bepalings van subklousule (3) so toegestaan moet word dat dit begin binne twee maande na voltooiing van die twaalf maande diens waarop dit betrekking het of, indien die werkgever en sy werknemer daartoe ooreenkom, die tydperk waarin sodanige verlof toegestaan moet word, verleng kan word tot 'n tydperk van hoogstens ses maande bereken vanaf die voltooiing van die twaalf maande diens waarop die verlof betrekking het;
- (ii) die verloftydperk nie mag saamval met siekteverlof wat ingevolge klousule 7 toegestaan is nie, en ook nie met enige tydperk van militêre opleiding nie tensy die werknemer dit versoek en die werkgever skriftelik daarmee instem;
- (iii) indien Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag binne die tydperk van sodanige verlof val, nog 'n werkdag vir elke sodanige dag by genoemde tydperk gevoeg moet word as verdere verlof en aan werknemer 'n bedrag van minstens sy dagloon betaal moet word ten opsigte van elke dag aldus bygevoeg;
- (iv) 'n werkgever elke dag geleentheidsverlof met volle besoldiging wat hy gedurende die tydperk van twaalf maande diens waarop die verlof betrekking het, op die skriftelike versoek van sy werknemer toegestaan het, van die verlof kan aftrek.

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

- (i) so 'n versoek nie later as twee maande na afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, deur die werknemer gedoen word nie, en
- (ii) die werkgever die datum van ontvangs van sodanige versoek op die versoek skryf, dit onderteken en die versoek bewaar vir 'n tydperk van minstens drie jaar vanaf sodanige datum of die datum van afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het, d.w.s. van die jongste datum af.

(b) Die bepalings van subklousule (2) geld *mutatis mutandis* vir die verlof in hierdie klousule genoem.

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

(5) 'n Werknemer wie se dienskontrak gedurende 'n tydperk van twaalf maande diens by dieselfde werkgever eindig voordat die verlof voorgeskryf in subklousule (1), ten opsigte van daardie tydperk opgeloopt het, moet by sodanige beëindiging en benewens enige ander besoldiging wat hom toekom, ten opsigte van elke voltooiide maand dien van sodanige dienstydsperk 'n bedrag betaal word van minstens—

- (a) in die geval van 'n wag, een kwart, en
- (b) in die geval van alle ander werknemers, een sesde,

van die weekloon wat hy onmiddellik voor sodanige beëindiging ontvang het: Met dien verstande dat 'n werkgever 'n proporsionele bedrag kan aftrek ten opsigte van enige verloftydperk wat ingevolge die vierde voorbehoudsbepaling van subklousule (2) aan 'n werknemer toegestaan is, en voorts met dien verstande dat 'n werknemer—

- (i) wat sy diens verlaat sonder om dit op te sê en die opseggingstermyn uit te dien wat in klousule 12 voorgeskryf word—tensy die werkgever afstand van sodanige opsegging gedoen het; of
- (ii) wat sy diens sonder 'n regsgeldige rede verlaat; of
- (iii) wat deur sy werkgever sonder kennisgewing ontslaan word om 'n rede wat vir sodanige ontslag regsgeldig is; nie op enige betaling kragtens hierdie subklousule geregtig is nie

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

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

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

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

- (i) in the case of an employee who had before 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 leave in terms thereof, on the date on which such employment commenced;
- (iii) in the case of any other employee, on the date on which such employee entered his employer's service or on the date of the coming into force of this Determination, whichever is the later.

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

#### 7. SICK LEAVE.

(1) Subject to the provisions of sub-clause (2), an employer shall grant to his employee, other than a casual employee, who is absent from work through incapacity not less than twenty-four work days of 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 that—

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

(7) Vir die toepassing van hierdie klousule, word die uitdrukking "diens" geag alle tydperke in te sluit ten opsigte waarvan 'n werkgewer ingevolge subklousule (1) van klousule 12 aan 'n werknemer 'n bedrag betaal ter vervanging van opsegging en ook enige tydperk of tydperke waarin 'n werknemer afwesig is—

- (a) met verlof ingevolge subklousule (1);
- (b) met siekteverlof ingevolge klousule 7;
- (c) op las of op versoek van sy werkgewer;
- (d) om militêre opleiding te ondergaan,

vir altesaam hoogstens tien weke in 'n jaar ten opsigte van punte (a), (b) en (c), plus enige tydperk van militêre opleiding wat hy in daardie jaar ondergaan het, en diens word geag te begin—

- (i) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling op 'n tydperk van jaarlikse verlof ingevolge 'n wet geregtig geword het, op die datum waarop sodanige werknemer laas op sodanige verlof ingevolge daardie wet geregtig geword het;
- (ii) in die geval van 'n werknemer wat voor die inwerking-treding van hierdie Vasstelling in diens was en op wie 'n wet wat vir jaarlikse verlof voorsiening maak, betrekking gehad het maar wat nog nie daarkragtigens op verlof geregtig geword het nie, op die datum waarop sodanige diens begin het;
- (iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer in die diens van sy werkgewer getree het of op die datum waarop hierdie Vasstelling van krag geword het, naamlik die jongste van die twee datums.

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

#### 7. SIEKTEVERLOF.

(1) Behoudens die bepalings van subklousule (2), moet 'n werkgewer aan sy werknemer, uitgesonderd 'n los werknemer, wat van sy werk afwesig is weens ongeskiktheid, altesaam hoogstens vier-en-twintig werkdag siekteverlof gedurende 'n tydkring van vier-en-twintig agtereenvolgende maande diens by hom toestaan en moet sodanige werkgewer aan sodanige werknemer ten opsigte van enige tydperk van afwesigheid ingevolge hierdie subklousule minstens die loon betaal wat hy sou ontvang het as hy daardie tydperk gewerk het. Met dien verstande dat—

- (i) in die eerste vier-en-twintig agtereenvolgende maande diens 'n werknemer nie op meer as een werkdag siekteverlof met volle betaling ten opsigte van elke voltooide maand diens geregtig is nie;
- (ii) Hierdie klousule nie geld nie vir 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes, minstens gelyk aan dié wat die werknemer daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer waarborg dat, in geval van ongeskiktheid in die omstandighede uiteengesit in hierdie klousule, aan hom altesaam minstens die bedrag gelyk aan sy loon vir vier-en-twintig werkdag in 'n tydkring van vier-en-twintig maande diens betaal sal word, behalwe dat gedurende die eerste vier-en-twintig maande waarin die bydraes deur die werknemer betaal word, die gewaarborgde skaal nie hoër as die aanwassingskaal gemeld in die eerste voorbehoudsbepaling van hierdie sub-klousule, hoef te wees nie;
- (iii) waar 'n werkgewer ingevolge enige wet verplig is om gelde vir die hospitaal- of mediese behandeling van 'n werknemer te betaal en hy wel sodanige gelde betaal, die bedrag aldus betaal, afgetrek kan word van die bedrag dat verskuldig is ten opsigte van afwesigheid weens ongeskiktheid soos in hierdie klousule bepaal;
- (iv) as 'n werkgewer by enige ander wet verplig word om 'n werknemer sy volle loon te betaal ten opsigte van enige tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepalings van hierdie klousule nie geld nie;
- (v) die loon wat aan 'n werknemer wat stukwerk doen, betaal moet word vir 'n tydperk van afwesigheid met siekteverlof soos in hierdie klousule bepaal, bereken moet word op grondslag van die besoldiging wat aan sodanige werknemer op sy betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) Die werkgewer kan, as voorafgaande voorwaarde vir die betaling deur hom, van 'n bedrag wat kragtens hierdie klousule deur 'n werknemer geëis word ten opsigte van afwesigheid vir 'n tydperk van meer as drie agtereenvolgende kalenderdae, eis dat die werknemer 'n sertifikaat indien wat deur 'n mediese praktisyn onderteken is en wat die aard en duur van die werknemer se ongeskiktheid bevestig.

(3) Waar 'n werknemer gedurende die eerste tydkring van vier-en-twintig maande diens by dieselfde werkgewer weens ongeskiktheid afwesig is vir 'n langer tydperk as die siekteverlof wat hy ten tyde van sodanige ongeskiktheid tegoed het, is hy slegs ten opsigte van die siekteverlof wat hy aldus tegoed het, op betaling geregtig; maar sy werkgewer moet, as hy dit nie voorheen gedoen het nie, by verstryking van genoemde diens-tydkring of by diensbeëindiging voor sodanige verstryking, hom ten opsigte van dié tydperk van afwesigheid weens ongeskiktheid betaal wat hy aan siekteverlof by sodanige verstryking of beëindiging tegoed het maar nog nie geneem het nie.

(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),
  - (iv) undergoing military training;
 amounting in the aggregate in any year to not more than ten weeks in respect of items (i), (ii) and (iii), plus any period of military training undergone in that year, 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 an employee's wage plus his cost of living allowance.

#### 8. PUBLIC HOLIDAYS AND SUNDAYS.

(1) *Public Holidays.*—An employee who is not required to work on New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day shall, for the week in which such day falls, be paid not less than his weekly wage.

(2) Whenever an employee works 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, plus his hourly wage for each hour of part of an hour worked by the employee in the aggregate on such day: Provided that where an employee works for less than four hours on any 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 one third times his hourly wage for each hour or part of an hour worked by him in the aggregate on such Sunday, and grant him within fourteen days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: 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) For the purpose of this clause the expression "wage" shall mean an employee's wage plus his cost of living allowance.

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

(6) Notwithstanding anything to the contrary contained in this Determination, an employer shall not require or permit—

- (a) his delivery employee, driver, vanman or vanman's assistant to work on any Sunday nor shall he require or permit any other class of employee to perform on any Sunday the duties of any of these classes of employees;
- (b) any employee, other than a watchman, to work on more than six days in any week from Sunday to Saturday, except for the performance of emergency work.

#### 9. PIECE-WORK.

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

- (a) in the case of an employee, other than a casual 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;
- (b) in the case of a casual employee, in respect of each day on which piece-work is performed, the amount which he would have been required to pay to 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 piece-work rates referred to in sub-clause (1).

(4) Vir die toepassing van hierdie klousule—

- (a) word die uitdrukking "diens" geag enige tydperk of tydperke in te sluit waarin 'n werknemer afwesig is—
  - (i) met verlof ingevolge klousule 6,
  - (ii) op las of op versoek van sy werkgever,
  - (iii) met siekteverlof ingevolge subklousule (1),
  - (iv) om militêre opleiding te ondergaan,
 wat in 'n jaar altesaam op nie meer as tien weke ten opsigte van punte (i), (ii) en (iii) te staan kom nie, plus enige tydperk van militêre opleiding wat hy, in daardie jaar ondergaan het, en enige dienstydperk wat 'n werknemer by dieselfde werkgever gehad het onmiddellik voor die datums waarop hierdie Vasstelling in werking tree, moet vir die toepassing van hierdie klousule geag word diens ooreenkomstig die bepalinge van hierdie Vasstelling te wees, en enige siekteverlof met volle betaling wat aan sodanige werknemer gedurende sodanige tydperk toegestaan is, word geag toegestaan te wees ingevolge hierdie Vasstelling;
- (b) beteken "ongeskiktheid" onvermoë om te werk as gevolg van siekte of 'n besering, uitgesonderd dié wat deur 'n werknemer se eie wangedrag veroorsaak is: Met dien verstande dat enge onvermoë om te werk wat veroorsaak is deur 'n ongeluk waarvoor vergoeding ingevolge die Ongevalwet, 1941, betaalbaar is, geag moet word ongeskiktheid te wees slegs ten opsigte van enige tydperk van onvermoë om te werk waarvoor geen betaling vir ongeskiktheid ingevolge daardie Wet betaalbaar is nie;
- (c) beteken "loon" 'n werknemer se loon plus sy lewenskostoelae.

#### 8. OPENBARE VAKANSIEDAE EN SONDAG.

(1) *Openbare vakansiedae.*—'n Werknemer wat nie verplig word om op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag te werk nie, moet vir die week waarin sodanige dag val, minstens sy weekloon betaal word.

(2) Wanneer 'n werknemer op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag werk, moet sy werknemer hom vir die week waarin sodanige dag val, minstens sy weekloon, plus sy uurloon vir elke uur of gedeelte van 'n uur wat die werknemer altesaam op sodanige dag gewerk het, betaal: Met dien verstande dat waar 'n werknemer minder as vier uur op sodanige dag werk, hy geag word vier uur te gewerk het.

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

- (i) dubbel sy dagloon betaal, of
- (ii) een en een derde maal sy uurloon vir elke uur of gedeelte van 'n uur wat hy altesaam op sodanige Sondag gewerk het, betaal en hom binne veertien dae na sodanige Sondag een dag verlof toestaan en hom ten opsigte daarvan minstens sy dagloon betaal: Met dien verstande dat waar sodanige werknemer verplig of toegelaat word om minder as vier uur op sodanige Sondag te werk, hy geag word vier uur te gewerk het.

(4) Vir die toepassing van hierdie klousule beteken "loon" 'n werknemer se loon plus sy lewenskostoelae.

(5) Die bepalinge van hierdie klousule geld nie vir 'n bestuurder, onderbestuurder, voorman of op 'n senior besturende, professionele of administratiewe werknemer nie indien en terwyl sodanige werknemer 'n gereelde loon van minstens £780 per jaar ontvang, en ook nie vir 'n los werknemer of 'n wag nie.

(6) Ondanks andersluidende bepalinge in hierdie Vasstelling mag 'n werkgever dit nie vereis of toelaat dat—

- (a) sy besteller, drywer, bestelwabediende of bestelwabediende se assistent op 'n Sondag werk nie, en hy mag ook geen ander klas werknemer verplig of toelaat om die pligte van enigeen van hierdie klasse werknemers op 'n Sondag uit te voer nie;
- (b) 'n werknemer, uitgesonderd 'n wag, op meer as ses dae in 'n week van Sondag tot Saterdag werk nie, behalwe wanneer hy noodwerk verrig.

#### 9. STUKWERK.

(1) 'n Werkgever kan, na minstens 'n week kennisgewing aan sy werknemer, 'n stukwerkstelsel invoer en die werkgever moet, behoudens die bepalinge van klousule 4 (6), aan so'n werknemer wat 'n tyd lank sodanige stukwerk doen, 'n besoldiging betaal teen die tariewe wat volgens sodanige stelsel van toepassing is: Met dien verstande dat, afgesien van die hoeveelheid werk wat gedoen word, die werkgever sodanige werknemer minstens die volgende, plus vyf persent, moet betaal:—

- (a) In die geval van 'n werknemer, uitgesonderd 'n los werknemer, ten opsigte van elke week waarin stukwerk verrig word, die bedrag wat hy aan sodanige werknemer vir daardie week sou moes betaal het as hy besoldiging ontvang het op grondslag van tyd gewerk;
- (b) in die geval van 'n los werknemer, ten opsigte van elke dag waarop stukwerk verrig word, die bedrag wat hy aan sodanige werknemer vir daardie dag sou moes betaal het as hy besoldiging ontvang het op grondslag van tyd gewerk.

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

(3) An employer who intends to cancel or amend 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.

#### 10. PROPORTION OR RATIO.

(1) An employer shall not employ an unqualified female clerk, male clerk, female counterhand or male counterhand unless he has in his employ a qualified female clerk, male clerk, female counterhand or male counterhand, respectively, and for each qualified female clerk, male clerk, female counterhand or male counterhand in his employ he shall not employ more than one unqualified female clerk, male clerk, female counterhand or male counterhand, respectively: Provided that an employer who has a qualified male clerk or counterhand in his employ may employ an unqualified female clerk or counterhand, respectively, in lieu of an unqualified male clerk or counterhand, as the case may be.

(2) An employer shall not employ a baker or a confectioner unless he has in his employ a foreman baker or a foreman confectioner, respectively: Provided that a baker or confectioner may be engaged in making dough for not more than four hours in the absence of a foreman.

(3) An employer shall not employ a baker's assistant or a confectioner's assistant unless he has in his employ a baker or a confectioner, respectively, and he shall not employ more than four baker's assistants or confectioner's assistants for each baker or confectioner, respectively, in his employ.

(4) An employer shall not require or permit a vanman to be in charge of or responsible for more than one van.

(5) For the purpose of this clause—

(a) an employer or a manager who is wholly or mainly engaged in the work of a particular class of employee may be deemed to be a qualified employee in that class;

(b) an employer or a manager who, on any shift, is wholly or mainly engaged in performing the work of a foreman baker or foreman confectioner may for such shift be deemed to be a foreman baker or foreman confectioner, as the case may be;

(c) an unqualified employee who is receiving a wage of not less than the wage prescribed for a qualified employee of his class may be deemed to be a qualified employee:

Provided that an employer or a manager may not be so deemed for more than one shift on any day or for more than one class of employee on any day or in more than one establishment on any day.

(6) This clause shall apply separately to each establishment and sub-clauses (2) and (3) shall apply to each shift in an establishment in which more than one shift is worked on any day.

#### 11. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING.

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

#### 12. TERMINATION OF CONTRACT OR EMPLOYMENT.

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

(a) during the first four weeks of employment, twenty-four hours;

(b) after the first four weeks of employment, one week's,

notice of termination of 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 forfeiture or penalties which by law may be applicable in respect of an employee who deserts.

(3) 'n Werkgewer wat voornemens is om 'n stukwerkstelsel wat in werking is, of die tariewe wat daarvolgens geld, af te skaf of te wysig, moet sy werkgewer wat volgens daardie stelsel werk, minstens 'n maand kennis gee van sodanige voorneme: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer kennisgewingstydperk kan ooreenkom, en in so 'n geval moet die werkgewer minstens vir die tydperk waarvoor daar ooreengekom is, kennis gee.

#### 10. GETALSVERHOUDING.

(1) 'n Werkgewer moet nie 'n ongekwalifiseerde vroulike klerk, manlike klerk, vroulike toonbankbediende of manlike toonbankbediende in diens neem nie tensy hy onderskeidelik 'n gekwalifiseerde vroulike klerk, manlike klerk, vroulike toonbankbediende of manlike toonbankbediende in diens het, en vir elke gekwalifiseerde vroulike klerk, manlike klerk, vroulike toonbankbediende of manlike toonbankbediende in sy diens, kan hy onderskeidelik hoogstens een ongekwalifiseerde vroulike klerk, manlike klerk, vroulike toonbankbediende of manlike toonbankbediende in diens neem: Met dien verstande dat 'n werkgewer wat 'n gekwalifiseerde manlike klerk of toonbankbediende in diens het, onderskeidelik 'n ongekwalifiseerde vroulike klerk of toonbankbediende in diens kan neem in plaas van 'n ongekwalifiseerde manlike klerk of toonbankbediende, na gelang van die geval.

(2) 'n Werkgewer moet nie 'n bakker of banketbakker in diens neem nie tensy hy onderskeidelik 'n voormanbakker of 'n voormanbanketbakker in diens het: Met dien verstande dat 'n bakker of banketbakker vir hoogstens vier uur deeg kan aanmaak in die afwesigheid van 'n voorman.

(3) 'n Werkgewer moet nie 'n bakkersassistent of 'n banketbakkersassistent in diens neem nie tensy hy onderskeidelik 'n bakker of banketbakker in diens het, en hy kan onderskeidelik hoogstens vier bakkersassistent of banketbakkersassistent vir elke bakker of banketbakker in diens neem.

(4) 'n Werkgewer moet nie 'n bestelwadiende verplig of hom toelaat om oor meer as een bestelwa toesig te hou of verantwoordelik daarvoor te wees nie.

(5) Vir die toepassing van hierdie klousule—

(a) kan 'n werkgewer of bestuurder wat geheel en al of hoofsaaklik besig is met die werk van 'n bepaalde klas werknemer, geag word 'n gekwalifiseerde werknemer in daardie klas te wees;

(b) kan 'n werkgewer of bestuurder wat op enige skof geheel en al of hoofsaaklik besig is om die werk van 'n voormanbakker of voormanbanketbakker te verrig, vir sodanige skof geag word 'n voormanbakker of voormanbanketbakker, na gelang van die geval, te wees;

(c) kan 'n ongekwalifiseerde werknemer wat minstens die loon ontvang wat vir 'n gekwalifiseerde werknemer van sy klas voorgeskryf is, geag word 'n gekwalifiseerde werknemer te wees:

Met dien verstande dat 'n werkgewer of bestuurder nie vir meer as een skof per dag of ten opsigte van meer as een klas werknemer per dag of in meer as een bedryfsinrigting per dag as sodanig geag kan word nie;

(6) Hierdie klousule is afsonderlik op elke bedryfsinrigting van toepassing, en subklousules (2) en (3) is van toepassing op elke skof in 'n bedryfsinrigting waarin meer as een skof per dag gewerk word.

#### 11. UNIFORMS, OORPAKKE EN BESKERMENDE KLERE.

'n Werkgewer wat sy werknemer verplig om 'n uniform, oorpak of beskermende klere te dra of 'n werkgewer wat ingevolge enige wet of regulasie verplig is om sy werknemers daarvan te voorsien, moet dit kosteloos verskaf en in 'n bruikbare en sindelike toestand hou, en sodanige uniform, oorpak of beskermende klere bly die werkgewer se eiendom.

#### 12. BEÏNDIGING VAN DIENSKONTRAK.

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

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

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

kennis gee van die beëindiging van die dienskontrak, of 'n werkgewer of werknemer kan die kontrak sonder kennisgewing beëindig deur in plaas van sodanige kennisgewing aan die werknemer minstens die volgende te betaal of aan die werkgewer minstens die volgende te betaal of te verbeur, na gelang van die geval—

(i) in die geval van vier-en-twintig uur kennisgewing, die dagloon wat die werknemer ten tyde van sodanige beëindiging ontvang;

(ii) in die geval van 'n week kennisgewing, die weekloon wat die werknemer ten tyde van sodanige beëindiging ontvang:

Met dien verstande dat dit nie inbreuk maak nie op—

(i) die werkgewer of werknemer se reg om die kontrak sonder kennisgewing om 'n regsgeldige rede te beëindig nie;

(ii) 'n skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n kennisgewingtermyn wat vir albei partye lewe lank en langer langer is as wat in hierdie klousule voorgeskryf word;

(iii) die toepassing van verbodings of strafbeding wat wetlik van toepassing mag wees in die geval van 'n werknemer wat dros.

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

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

(i) the period of notice shall not run concurrently with, nor shall notice be given during, an employee's absence on leave granted in terms of clause 6 or any period of military training;

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

(iii) where only twenty-four hours' notice is required to be given, such notice may be given on any work day.

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

### 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 casual employee, with a certificate of service, substantially in the form prescribed in the schedule to this Determination, showing the full names of the employer and his employee, the occupation of the employee, the date of commencement and the date of termination of the contract and the rate of remuneration at the date of such termination.

### 14. PROHIBITION OF EMPLOYMENT.

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

### 15. LOG-BOOK.

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

#### DAILY LOG.

Name of employer.....  
Name of driver/vanman.....  
Time of starting work..... a.m./p.m. .... a.m./p.m.  
Time of finishing work..... a.m./p.m. .... a.m./p.m.  
Number of hours worked.....  
Particulars of any accident or delay.....

(Signature of driver/vanman.)

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

(2) Every driver or vanman shall in the log-book referred to in sub-clause (1) keep a daily log in duplicate in respect of each day's work, and shall within twenty-four hours of the completion of the day's work to which it relates deliver a copy thereof to his employer.

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

### SCHEDULE.

I/We, (a).....  
carrying on trade in the Bread and Confectionery Industry at.....

hereby certify that (a).....  
was employed by me/us (a) from the..... day of....., 19....., to the day of....., 19....., in the occupation of (b).....

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

Signature of Employer or Authorised Representative.

Date.....

(a) Delete whichever inapplicable.

(b) State occupation in which employee was wholly or mainly engaged, e.g., clerk, labourer, baker, baker's assistant, vanman.

(2) Waar daar 'n ooreenkoms kragtens die tweede voorbehoudsbepaling van subklousule (1) aangegaan is, moet die betaling of verbeuring in plaas van kennisgewing ooreenstem met die kennisgewingtermyn waarvoor daar ooreengekom is.

(3) Die kennisgewing voorgeskryf in subklousule (1), moet voor of op die gewone betaaldag van die bedryfsinrigting aan sodanige werknemer gegee word en loop vanaf die dag na sodanige betaaldag: Met dien verstande dat—

(i) die kennisgewingtermyn nie met 'n werknemer se afwesigheid met verlof wat ingevolge klousule 6 toegestaan is en ook nie met enige tydperk van militêre opleiding mag saamval nie en dat kennis nie gedurende sodanige afwesigheid gegee moet word nie;

(ii) kennis nie gedurende 'n werknemer se afwesigheid met siekteverlof wat ingevolge klousule 7 toegestaan is, gegee moet word nie;

(iii) waar slegs vier-en-twintig uur kennis gegee moet word, sodanige kennisgewing op enige werkdag gegee kan word.

(4) Vir die toepassing van hierdie klousule beteken „loon" 'n werknemer se loon plus sy lewenskostetoelae.

### 13. DIENSSERTIFIKAAT.

'n Werkgever moet by beëindiging van die dienskontrak, behalwe in die geval waar 'n werknemer gedros het, 'n dienssertifikaat hoofsaaklik in die vorm soos voorgeskryf in die Bylae van hierdie Vasstelling, aan sy werknemer, uitgesonderd 'n los werknemer, uitreik waarin die volle name van die werkgever en sy werknemer, die beroep van die werknemer, die datum van aanvang en die datum van beëindiging van die kontrak en die besoldigingskaal op die datum van die beëindiging gemeld word.

### 14. VERBOD OP INDIENSNEMING.

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

### 15. LOGBOEK.

(1) Elke werkgever moet aan sy drywer of bestelwabediende 'n logboek verskaf wat sover moontlik in onderstaande vorm moet wees—

#### DAAGLIKSE LOG.

Naam van werkgever.....  
Naam van drywer/bestelwabediende.....  
Werk begin om..... vm./nm..... vm./nm.  
Werk gestaak om..... vm./nm..... vm./nm.  
Getal ure gewerk.....  
Besonderhede van enige ongeluk of vertraging.....

(Handtekening van drywer/bestelwabediende.)

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

(2) Elke drywer of bestelwabediende moet in die logboek genoem in subklousule (1), 'n daaglikse log ten opsigte van elke dag se werk in tweevoud invul en moet binne vier-en-twintig uur na voltooiing van die dag se werk waarop dit betrekking het, 'n kopie daarvan aan sy werkgever besorg.

(3) Elke werkgever moet die kopie van die daaglikse log wat ooreenkomstig subklousule (2) aan hom besorg is, drie jaar lank na sodanige besorging bewaar.

### BYLAE.

Ek/Ons, (a).....  
wat die Brood- en Banketnywerheid beoefen te.....

sertifiseer hierby dat (a).....  
by my/ons in diens was (a) vanaf die..... dag van....., 19..... tot die dag van....., 19..... in die hoedanigheid van (b).....

By diensbeëindiging was sy/haar (a) loon (lewenskostetoelae uitgesluit)..... pond.....  
..... sjielings..... pennies per week/maand.

Handtekening van Werkgever of Gemagtigde Verteenwoordiger.

Datum.....

(a) Skrap wat nie van toepassing is nie.

(b) Meld die betrekking waarin werknemer uitsluitlik of hoofsaaklik in diens was, by, klerk, arbeider, bakker, bakkers-assistent, bestelwabediende.

No. 2045.]

[11 December 1959.]

**Factories, Machinery and Building Work Act, 1941.****Bread and Confectionery Industry,  
Pietermaritzburg.**

I, JOHANNES DE KLERK, Minister of Labour, acting in terms of sub-section (1) of section *twenty-two* of the Factories, Machinery and Building Work Act, 1941, hereby declare the provisions of the Determination for the Bread and Confectionery Industry, published under Government Notice No. 2044 of the 11th December, 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. 2045.]

[11 Desember 1959.]

**Wet op Fabriek, Masjinerie en Bouwerk, 1941.****Brood- en Banketnywerheid,  
Pietermaritzburg.**

Ek, JOHANNES DE KLERK, Minister van Arbeid, handelende kragtens subartikel (1) van artikel *twee-entwintig* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, verklaar hierby dat die bepalings van die Vastelling vir die Brood- en Banketnywerheid, gepubliseer by Goewermentskennisgewing No. 2044 van 11 Desember 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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