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GOVERNMENT NOTICES.

DEPARTMENT OF LABOUR.

No. 918.]

[24 June 1960.]

WAGE ACT, No. 5 of 1957.

WAGE DETERMINATION No. 204.

UNSKILLED LABOUR—DURBAN.

By direction of the Deputy-Minister of Labour it is hereby notified in terms of sub-section (2) of section fourteen of the Wage Act, 1957, that he, acting on behalf of and under the powers vested in the Minister of Labour by sub-section (1) of section fourteen of the said Act, has made the Determination in the Schedule hereto in respect of Unskilled Labour and has fixed the 18th day of July, 1960, as the date from which the provisions of the said Determination shall be binding.

SCHEDULE.

1. AREA AND SCOPE OF DETERMINATION.

This Determination shall apply to all employees who perform unskilled labour in the area comprising the magisterial district of Durban and the areas under the jurisdiction of either the municipal council or town board of Pinetown, Queensburgh and Westville in any of the undermentioned trades:—

- (1) Asphalting (non-building industry);
- (2) brewing;
- (3) bridge-building;
- (4) bunkering;
- (5) market and commission agencies;
- (6) demolition of buildings;
- (7) distilling;
- (8) excavating or levelling soil;
- (9) fertiliser manufacture;
- (10) generation and distribution of electricity;
- (11) manufacture or distribution of gas;
- (12) municipal or town board undertakings (including boroughs, townships, public health areas of the local health commissions and health committees);
- (13) preparing sites for building or other purposes;
- (14) processing of tanning extract;
- (15) roadmaking;
- (16) breaking up of scrap metal;
- (17) shipping agencies;
- (18) transportation of goods;
- (19) manufacture of whale products;
- (20) refining or cleaning of oil;
- (21) manufacturing or mending hessian or jute bags;
- (22) excavating, pumping, selling or delivering of sand or gravel;
- (23) waste paper recovery;
- (24) manufacture or distribution of ice-cream,

and to the employers of such employees: Provided that it shall not apply to employees employed in the area under the jurisdiction of the health committee of Umbogintwini in the manufacture of fertiliser or the manufacture or distribution of gas.

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN ARBEID.

No. 918.]

[24 Junie 1960.]

LOONWET No. 5 VAN 1957.

LOONVASSTELLING No. 204.

ONGESKOOLDE ARBEID—DURBAN.

In opdrag van die Adjunk-minister van Arbeid word hierby ingevolge subartikel (2) van artikel veertien van die Loonwet, 1957, bekendgemaak dat hy handelende namens en kragtens die bevoegdheid verleen aan die Minister van Arbeid by subartikel (1) van artikel veertien van genoemde Wet, die Vasstelling wat in die Bylae hiervan verskyn ten opsigte van Ongeschoolde Arbeid gemaak het en die 18de dag van Julie 1960 bepaal het as die datum waarop die bepalings van genoemde Vasstelling bindend word.

BYLAE.

1. GEBIED EN OMVANG VAN DIE VASSTELLING.

Hierdie Vasstelling is van toepassing op alle werknemers wat ongeschoolde arbeid verrig in die gebied wat die landdrosdistrik Durban en die gebiede onder die jurisdiksie van of die munisipale raad of dorpsbesture van Pinetown, Queensburgh en Westville insluit, in enige van ondergenoemde bedrywe:—

- (1) Asfaltering (nie boubedryf nie);
- (2) bierbrou;
- (3) bruggbou;
- (4) bunkerwerk;
- (5) mark- en kommissieagentskappe;
- (6) sloping van geboue;
- (7) distillering;
- (8) uitgrawe of gelykmaak van grond;
- (9) kunsmisvervaardiging;
- (10) opwekking en verspreiding van elektrisiteit;
- (11) vervaardiging of verspreiding van gas;
- (12) munisipale- of dorpsbestuursondernemings (insluitende munisipaliteite, dorpe, openbare gesondheidsgebiede van die kommissies vir plaaslike gesondheid en gesondheidskomitees);
- (13) voorbereiding van terreine vir bou- of ander doeleindes;
- (14) looi-ekstrakvervaardiging;
- (15) padmaak;
- (16) opbreek van ou metaal;
- (17) skeepsagentskappe;
- (18) goederevervoer;
- (19) vervaardiging van walvisprodukte;
- (20) raffineer of skoonmaak van olie;
- (21) vervaardiging of herstel van gooi- of jutesakke;
- (22) uitgrawe, uitpomp, verkoop of aflewering van sand of gruis;
- (23) herwinning van afvalpapier;
- (24) vervaardiging of verspreiding van roomys;

en op die werkgewers van sodanige werknemers; met dien verstande dat dit nie van toepassing is nie op werknemers in diens in die gebied onder die jurisdiksie van die gesondheidskomitee van Umbogintwini in die kunsmisvervaardigingsbedryf of die bedryf vir die vervaardiging of verspreiding van gas.

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—

“continuous process” means any activity which in terms of paragraph (a) of sub-section (1) of section *nineteen* of the Factories, Machinery and Building Work Act, 1941, has been declared to be an activity in which continuous working by means of three shifts per day is necessary;

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

“daily employee” means an employee who is employed by the day;

“emergency work” means—

(a) any work which, owing to unforeseen circumstances such as fire, storm, land subsidence, accident, act of violence, epidemic or theft, must be done without delay;

(b) any work necessary for the maintenance or provision of light, power, water, telephone, public health, sanitary, cleansing, public transport or airport services or for the supply of goods to hospitals, ships or the police or military forces;

(c) any work necessitated by a general breakdown of plant or machinery or an actual breakdown or threatened breakdown of buildings;

(d) any work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours; or

(e) the work of or connected with the loading or unloading of trucks or vehicles belonging to the South African Railways and Harbours;

“establishment” means any premises in or in connection with which one or more employees are employed in any one or more of the trades mentioned in clause 1;

“law” includes the common law;

“night watchman” means an employee who is engaged in guarding property during the night or on Sundays or public holidays;

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

“short-time” means any temporary reduction in the number of ordinary hours of work owing to the vagaries of the weather, a shortage of raw materials or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings;

“spreadover” means the period in any day from the time an employee first commences work until he ceases work for that day;

“unskilled labour” means, without limiting the usual meaning of the expression whatsoever, in respect of—

A. *Asphalting (non-building industry)*—

- (1) applying or plastering by hand, by means of a brush or other means;
- (2) operating a hand pump;
- (3) ramming asphalt by means of iron rammers or mechanical means;

B. *Brewing*—

- (1) feeding or tapping from processing vats, tanks or other containers by hand;
- (2) turning over grain by means of spades or shovels;
- (3) placing bottles in or removing bottles from semi-automatic beer filling or crown capping machines or automatic washing machines;
- (4) loading coal into bunkers;
- (5) laying out or connecting rubber hose or rubber pipes under supervision;

C. *Bridge-building, Excavating or Levelling Soil, Preparing Sites for Building or Other Purposes and Road-making*—

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

D. *Bunkering*—

- (1) opening, cleaning or preparing ships' holds for loading;
- (2) pushing, opening or closing railway trucks;

E. *Market and Commission Agencies*—

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

F. *Demolition of Buildings*—

- (1) loosening or taking down any kind of roof tiling, corrugated iron sheets, asbestos sheeting or other roofing material;
- (2) loosening or taking down planks, beams or other kinds of timbering;

2. WOORDOMSKRYWING.

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

„ononderbroke proses”, enige werksaamheid wat ingevolge paragraaf (a) van subartikel (1) van artikel *negentien* van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941, verklaar word tot 'n werksaamheid waarin ononderbroke werk deur middel van drie skofte per dag nodig is;

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

„daaglikse werknemer”, 'n werknemer wat by die dag in diens is;

„noodwerk”—

(a) alle werk wat weens onvoorsiene omstandighede soos brand, storm, grondinstorting, ongeluk, gewelddaad, epidemie of diefstal sonder versuim gedoen moet word;

(b) alle werk wat gedoen moet word vir die instandhouding of voorsiening van lig, krag, water, telefoon-, openbare gesondheids-, sanitêre, skoonmaak-, openbare vervoer- of lughawendienste, of vir die lewering van goedere aan hospitale, skepe of die polisie- of krygsmagte;

(c) alle werk genoodsaak ten gevolge van die feit dat die installasie of masjinerie defek is, of die geboue onbruikbaar geraak het of dreig om dit te word;

(d) alle werk in verband met die opknapping of herstel van installasie of masjinerie wat nie gedurende die gewone werkure verrig kan word nie; of

(e) die laai of aflaai van spoorwaens of voertuie van die Suid-Afrikaanse Spoorweë en Hawens of werk wat daarmee in verband staan;

„bedryfsinrigting” 'n perseel waarop of in verband waarmee een of meer werknemers in enigeen of meer van die bedrywe in klousule 1 genoem, in diens is;

„wet”, omvat die gemene reg;

„nagweg”, 'n werknemer wat in die nag of op Sondag of openbare vakansiedae eiendom bewaak;

„stukwerk”, enige stelsel waarvolgens 'n werknemer se besoldiging gebaseer word op die hoeveelheid werk verrig;

„korttyd”, 'n tydelike vermindering van die getal gewone werke te wyte aan ongunstige weersgesteldheid, 'n tekort aan grondstowwe of aan die feit dat die masjinerie of installasie defek is of dat die geboue onbruikbaar is of dreig om dit te word;

„werkdag”, die tydperk op enige dag vanaf die tydstop waarop 'n werknemer eerste met sy werk begin totdat hy sy werk vir dié dag staak;

„ongeskoolde werk”, sonder beperking van die gewone betekenis van die uitdrukking hoegenaamd, met betrekking tot—

A. *Asfaltering (nie boubedryf nie)*—

- (1) met die hand, deur middel van 'n kwas, borsel of ander middel, aansmeer, toedien of pleister;
- (2) 'n handpomp bedien;
- (3) asfalt met ysterstampers of meganiese middels vasstamp;

B. *Bierbrou*—

- (1) prosesvate, tenks of ander houers met die hand voer of daarvan uittap;
- (2) graan met grawe of skopgrawe omkeer;
- (3) bottels in halfoutomatiese biervul- of kroonkurkmasjiene of outomatiese wasmasjiene plaas of daaruit haal;
- (4) steenkool in bunkers laai;
- (5) rubberslange of rubberpype onder toesig uitlê of aansluit;

C. *Brugbou, uitgrawe of gelykmaak van grond, voorbereiding van terreine vir bou- of ander doeleindes en padmaak*—

- (1) steiers onder toesig oprig;
- (2) betonmengers of kragbore bedien;
- (3) asfalt met ysterstampers of meganiese middels vasstamp;

D. *Bunkerwerk*—

- (1) skeepsruime oopmaak, skoonmaak of vir laai gereedmaak;
- (2) spoorwegwaens stoot, oop- of toemaak;

E. *Mark- en kommissieagentskappe*—

- (1) groente, vrugte, pluimvee, blomme of ander plaasprodukte sorteer, verpak of uitstal;

F. *Sloping van geboue*—

- (1) enige soort dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreuk;
- (2) planke, balke of ander soorte timmerhout losmaak of afbreuk;

- (3) loosening, demolishing or breaking up brick walls, concrete walls or walls composed of other material, by means of crowbars, hammers or other tools;
 - (4) sorting or tying in bundles materials obtained from demolitions;
 - (5) removing nails from planks or beams;
- G. Distilling—**
- (1) spreading or collecting waste products or placing waste products into vats, cans, bags or other containers;
 - (2) stirring ingredients in vats or pans;
 - (3) feeding fruit or other raw materials to cutting, mixing or pressing machines;
 - (4) perforating labels by means of a manually operated machine;
- H. Fertiliser Manufacture—**
- (1) sorting waste products;
 - (2) mixing fertilisers by hand;
 - (3) chopping up wood, bones or other materials;
 - (4) working with a hand sieve;
- I. Generation and Distribution of electricity—**
- (1) assisting in erecting poles;
- J. Manufacture or Distribution of Gas—**
- (1) emptying or filling gasometers or gas cylinders under supervision;
 - (2) filling gasometers or gas cylinders with water;
 - (3) unscrewing valves or heads from empty gasometers or gas cylinders;
 - (4) making marks on or removing marks from gasometers or gas cylinders;
 - (5) screwing pipes to or unscrewing pipes from gasometers or gas cylinders;
 - (6) opening or closing filter presses or removing or changing filter cloths;
- K. Municipal or Town Board Undertakings (including boroughs, townships, public health areas of the local health commissions and health committees)—**
- (1) tarring articles, buildings or equipment by hand;
 - (2) painting chimneys under supervision;
 - (3) opening or closing coal chutes;
 - (4) erecting scaffolding under supervision;
 - (5) erecting or hanging out road signs or putting up warning lamps;
 - (6) cutting or threading pipes under supervision;
 - (7) spraying, spreading or applying toxins;
 - (8) the performance of any work mentioned in paragraphs A to J and L to T of this definition;
- L. Processing of Tanning Extract—**
- (1) feeding bark into cutting machine;
 - (2) filling bags with extract;
 - (3) operating sewing machine;
- M. Breaking up of Scrap Metal—**
- (1) bending or cutting, under supervision, by means of a blowlamp, or bending or breaking up by means of hammers, saws, chisels, crowbars or spanners any scrap metal, machine, wrecks, vehicles or bridges;
 - (2) sorting but not grading scrap metal;
- N. Transportation of Goods—**
- (1) filling fuel tanks, draining or filling oil sumps;
 - (2) removing, topping up or replacing batteries;
 - (3) using jack or hoist to lift or lower vehicles or loads;
- O. Manufacture of Whale Products—**
- (1) cleaning boilers or tanks;
 - (2) operating a hoist, winch or capstan by hand;
 - (3) removing offal;
- P. Refining or Cleaning Oil—**
- (1) affixing labels or painting, marking or numbering drums or other containers;
- Q. Manufacturing or Mending Hessian or Jute Bags—**
- (1) counting or cleaning bags or patching or mending bags by hand;
 - (2) cutting bags by hand or machine;
 - (3) teasing hessian or jute by hand;
 - (4) removing any impurities from hessian or jute by hand;
- R. Excavating, Pumping, Selling or Delivering of Sand or Gravel—**
- (1) pumping, washing or screening sand or gravel;
- S. Waste Paper Recovery—**
- (1) placing waste paper in bags, bales, boxes or other containers;
 - (2) sorting waste paper or pressing or securing waste paper in bags or bales;
- T. Ice-cream Manufacture or Distribution—**
- (1) folding paper or containers;
 - (2) heating drums, tanks, pipes or other containers by steam;
 - (3) stirring by hand or hand-operated machine;
 - (4) lading;
- (3) baksteenmure, betonmure of mure van ander materiaal met koevoete, hamers of ander gereedschap losmaak, afbreek of opbreek;
 - (4) afgebreekte materiaal sorteer of in bondels bind;
 - (5) spykers uit planke of balke verwyder;
- G. Distillering—**
- (1) afvalprodukte oorsprei, bymekaarmaak of in vate, kanne, sakke of ander houers gooi;
 - (2) bestanddele in vate of panne roer;
 - (3) sny-, meng-, of persmasjiene met vrugte of ander grondstowwe voer;
 - (4) etikette met 'n handmasjiene perforeer;
- H. Kunsmissvervaardiging—**
- (1) afval sorteer;
 - (2) kunsmisssoorte met die hand meng;
 - (3) hout, bene of ander materiaal fyn kap;
 - (4) met 'n handsif werk;
- I. Opwekking en verspreiding van elektrisiteit—**
- (1) hulp verleen met die oprig van pale;
- J. Vervaardiging en verspreiding van gas—**
- (1) gashouers of gassilinders onder toesig leeg- of volmaak;
 - (2) gashouers of gassilinders met water volmaak;
 - (3) kleppe of koppe van leë gashouers of gassilinders afskroef;
 - (4) merke aan gashouers of gassilinders aanbring of daarvan verwyder;
 - (5) pype aan gashouers of gassilinders vasskroef of daarvan losskroef;
 - (6) filterperse oop- of toemaak of filterdoeke verwyder of vervang;
- K. Munisipale- of dorpsbestuurondernemings (insluitende munisipaliteite, dorpe, openbare gesondheidsgebiede van die kommissie vir plaaslike gesondheid en gesondheidskomitees)—**
- (1) artikels, geboue of uitrusting met die hand teer;
 - (2) skoorstene onder toesig verf;
 - (3) steenkoolstortgeute- oop- of toemaak;
 - (4) steiers onder toesig oprig;
 - (5) padtekens oprig of uithang of waarskuwingslampe opstel;
 - (6) pype onder toesig afsaag of skroefdraad daaraan sny;
 - (7) gifstowwe spuit, spreid of aanwend;
 - (8) die verrigting van enige werk wat in paragrawe A tot J en L tot T van die woordomskrifwing genoem word;
- L. Looi-ekstrakvervaardiging—**
- (1) snymasjiene met bas voer;
 - (2) sakke met ekstrak vul;
 - (3) 'n naaimasjiene bedien;
- M. Opbreek van ou metaal—**
- (1) enige ou metaal, masjiene, wrakke, voertuie of brde met hamers, sae, beitels, koevoete of skroef-sleutels buig of opbreek, of onder toesig met 'n blaaslamp buig of sny;
 - (2) ou metaal sorteer maar nie gradeer nie;
- N. Goedcrevervoer—**
- (1) brandstoftens volmaak, oliebakke leegtap of volmaak;
 - (2) batterye afhaal, volmaak of terugsit;
 - (3) domkrag of hystoestel gebruik om voertuie of vrage te hys of te laat sak;
- O. Vervaardiging van walvisprodukte—**
- (1) ketels of tenks skoonmaak;
 - (2) hystoestel, windas of gangspil met die hand bedien;
 - (3) afval verwyder;
- P. Raffineer of skoonmaak van olie—**
- (1) Etikette opklak of konkas of ander houers verf, merk of nommer;
- Q. Vervaardiging of herstel van going- of jutesakke—**
- (1) Sakke tel, skoonmaak of met die hand lap of herstel;
 - (2) Sakke met die hand of masjiene sny;
 - (3) Going of jute met die hand pluus;
 - (4) Enige onsuiverheid uit going of jute met die hand verwyder;
- R. Uitgrawe, uitpomp, verkoop of aflewer van sand of gruis—**
- (1) sand of gruis uitpomp, was of sif;
- S. Herwinning van afvalpapier—**
- (1) afvalpapier in sakke, bale, kiste of ander houers stop;
 - (2) afvalpapier sorteer of in sakke of bale pers of bind;
- T. Vervaardiging of verspreiding van roomys—**
- (1) houers of papier vou;
 - (2) konkas, tenks, pype of ander houers met stoom verhit;
 - (3) met die hand of handmasjiene omroer;
 - (4) uitskep;

U. All Trades Mentioned in Clause 1—

- (1) affixing stamps to letters, parcels or other articles;
- (2) placing letters, circulars, documents, handbills, advertisements or other written, printed, typed or recorded documents in envelopes or making them up into bundles;
- (3) opening, closing, filling or emptying letters, parcels, casks, boxes, tins, trays, cartons, drums, bags, bales or any other containers; affixing labels to or branding, marking, stamping or stencilling such containers or other articles;
- (4) opening or closing doors or windows;
- (5) carrying, pulling, pushing, hauling, packing, stacking, rolling, moving or burying any article, thing or container, whether in or on the workshop, store-room, shed, premises, vehicle or railway truck, other than by the use of power equipment;
- (6) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, containers or other articles, including polishing furniture and brushing carpets;
- (7) cooking rations or making or serving tea or similar beverages for or to employees, or making or serving tea or other refreshments for or to the employer or his guests;
- (8) delivering or conveying messages, parcels, letters or goods on foot or by means of a bicycle, tricycle or manually propelled vehicle;
- (9) lime-washing, cleaning or disinfecting compounds, latrines, stables or outbuildings;
- (10) loading or unloading;
- (11) making or maintaining fires, whether in hearths, ovens or any other fire-places; removing refuse or ashes; sorting out cinders;
- (12) oiling or greasing vehicles or machinery, but not electric generating machinery or motor vehicles;
- (13) mending, cleaning or shaking out bags;
- (14) gardening, i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation or planting under supervision;
- (15) using rubber or other stamps where selection or discretion is unnecessary;
- (16) removing, replacing, changing or inflating wheels or tyres or tubes of motor vehicles, bicycles or wheelbarrows or repairing tubes;
- (17) minding, cleaning, feeding or in any other way tending live stock;
- (18) assisting a journeyman other than by using the tools of his trade;
- (19) operating a hand-hoist or goods lift by hand; feeding or taking off from a conveyor belt or platform;
- (20) removing, emptying, cleaning or replacing sanitary pails;
- (21) repetitive weighing of goods to a predetermined weight or repetitive measuring of goods to a set gauge;
- (22) packing articles of uniform size and number in containers specially made to contain such articles;
- (23) setting up ready-made cardboard or fibreboard boxes or similar containers by hand;
- (24) mixing asphalt with sand, gravel, clay or crushed stone by hand, or spreading mixed asphalt by means of shovels, rakes, forks or wheelbarrows, or spreading asphalt with pipes or cans;
- (25) opening or closing cocks or valves or adjusting levers, under supervision;
- (26) operating baling presses or other presses by hand, or placing and securing wire, hoops, ropes or metal bands around boxes, bags, fibre or bales;
- (27) placing bottles or similar containers in automatic or semi-automatic washing machines or taking therefrom; removing labels from bottles, boxes or other articles by hand or affixing labels thereto; feeding labels to automatic labelling machines;
- (28) loosening, excavating, breaking or spreading stone, soil, clay, sand or other raw materials; digging trenches, holes or foundations or performing other excavating work by hand; digging out tree stumps;
- (29) cleaning or levelling bricks, stones or concrete by means of hammers, trowels or other tools;
- (30) pulling or pushing wheelbarrows, trolleys, barrows or other manually propelled vehicles;
- (31) operating hand pumps;

U. Al die bedrywe in klousule 1 genoem—

- (1) posseëls op briewe, pakkette of ander artikels plak;
- (2) briewe, omsendbriewe, dokumente, biljette, advertensies of ander geskrewe, gedrukte, getikte of afgerolde geskrifte in koeverte plaas of in pakkies opmaak;
- (3) briewe, pakkette, vate, kiste, blikke, platkissies, kartonne, konkas, sakke, bale of enige ander houers oopmaak of toemaak, volmaak of leegmaak; etikette op sulke houers of ander artikels plak of dit merk, brandmerk, stempel of sjabloner;
- (4) deure of vensters oop- of toemaak;
- (5) dra, sleep, stoot, trek, verpak, opstapel, rol, verskuif of begrawe van enige artikel, ding of houers hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwegwa (behalwe deur die gebruik van kragtoerusting);
- (6) persele, deure, vensters, toerusting, gereedskap, masjinerie, meubels, voertuie, houers of ander artikels skoonmaak of was en dit sluit in meubels opvryf en tapyte uitborsel;
- (7) rantsoene kook of tee of soortgelyke drankie vir werknemers maak of aan hulle bedien, of tee of ander verversings vir die werkgewer of sy gaste maak of bedien;
- (8) boodskappe, pakkette, briewe of goedere te voet, per trapfiets, driewieler of handvoertuig aflewer of vervoer;
- (9) kampongs, latrines, stalle of buitegeboue witkalk, skoonmaak of ontsmet;
- (10) laai of aflaai;
- (11) vuurmaak of vure aan die brand hou, hetsy in kaggels, oonde of enige ander vuurmaakplek; afval of as verwyder, sintels uitsoek;
- (12) voertuie of masjinerie, maar nie elektriese opwekkingsmasjinerie of motorvoertuie nie, olie of smeer;
- (13) sakke heelmaak, skoonmaak of uitskud;
- (14) tuinmaak, d.w.s. spit, hark, gras sny, strooi, meng, natmaak, heining snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder, of onder toesig plant;
- (15) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie;
- (16) wiele of buite- of binnebande van motorvoertuie, fiese of kruiwaens afhaal, terugsit, omruil of oppomp of binnebande herstel;
- (17) lewende hawe oppas, skoonmaak, voer of op enige ander wyse versorg;
- (18) 'n vakman behulpsaam wees op 'n ander wyse as deur die gereedskap van sy vak te gebruik;
- (19) 'n handhystoel of goederehysbak met die hand bedien; 'n vervoerband of platform met die hand voer of daarvan afneem;
- (20) sanitêre emmers verwyder, leegmaak, skoonmaak of terugplaas;
- (21) goedere volgens voorafbepaalde gewig by herhaling weeg of goedere volgens voorafbepaalde maat by herhaling meet;
- (22) artikels van gelyke grootte en getal verpak in houers wat spesiaal gemaak is om sodanige artikels te bevat;
- (23) klaargemaakte karton- of veselborddose of soortgelyke houers met die hand opstel;
- (24) asfalt met sand, gruis, klei of gebreekte klip met die hand meng, of gemengde asfalt met skopgrawe, harke, vurke of met kruiwaens versprei, of asfalt met pype of kanne sprei;
- (25) onder toesig krane of kleppe oopmaak of toemaak, of masjienhefbome verstel;
- (26) baalperse of ander perse met die hand bedien of draad, hoepels, toue of metaalbande om kiste, sakke, vesel of bale sit en vasmaak;
- (27) bottels of soortgelyke houers in outomatiese of halfoutomatiese wasmasjien plaas of daaruit neem; etikette van bottels, kiste of ander artikels met die hand verwyder of opplak; etikette aan outomatiese etiketteermasjiene voer;
- (28) klip, grond, klei, sand of ander grondstowwe losmaak, uithaal, breek of strooi; slote, gate of fondamente grawe of ander uitgrawingswerk met die hand verrig; boomstompe uitgrawe;
- (29) bakstene, klippe of beton met hamers, troffels of ander gereedskap skoonmaak of afvlak;
- (30) kruiwaens, trollies, waentjies of ander handvoertuie trek of stoot;
- (31) handpompe bedien;

- (32) tying or securing steel reinforcing materials with wire under supervision or cutting, bending or assembling such materials;
- (33) coupling or uncoupling cocopans; laying or bolting or unbolting tracks; operating a cocopan hoist;
- (34) ramming cement or concrete in moulds or ramming concrete in foundations, bolting or otherwise securing parts of or dismantling moulds for cement or concrete products;
- (35) sorting or wrapping articles, empty bottles, bags, parcels or other containers;
- (36) washing overalls, uniforms or protective clothing;
- (37) making or repairing boxes from ready prepared material;
- (38) guarding premises or property;
- (39) replacing towels, soap or toilet paper;
- (40) cutting wire, rope or hessian by hand;
- (41) covering with or removing tarpaulins;
- (42) carrying poles, wire or tools;

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

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

3. REMUNERATION.

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

- (32) staalversterkingsmateriaal onder toesig met draad verbind of vasheg, of sodanige materiaal sny, buig of inmeekaarsit;
- (33) koekepanne koppel of ontkoppel; spore lê of vas- of losbou; koekepanhystoestel bedien;
- (34) sement of beton in vorms vasstamp of beton in fondamente vasstamp, onderdele van vorms vir sement- of betonprodukte aanmeekaarbout of op 'n ander manier saamvoeg of vorms uitmeekaarhaal;
- (35) artikels, lêë bottels, sakke, pakkette of ander houers sorteer of toedraai;
- (36) oorpakke, uniforms of beskermende kleres was;
- (37) kiste uit voorafbereide materiaal maak of heelmaak;
- (38) persele of eiendom bewaak;
- (39) handdoeke, seep of toiletpapier vervang;
- (40) draad, tou of goingsak met die hand sny;
- (41) bokseile oorgooi of afhaal;
- (42) pale, draad of gereedskap dra;

"loon", die bedrag aan 'n werknemer ingevolge klousule 3 (1) betaalbaar ten opsigte van sy gewone werkure soos voorgeskryf by klousule 5: Met dien verstande dat, as 'n werknemer sy werknemer vir sy gewone werkure gereeld 'n hoër bedrag betaal as dié in klousule 3 (1) voorgeskryf, dit dié hoër bedrag beteken;

(2) By 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 elkeen van sy werknemers in ondergenoemde klasse moet betaal, word hieronder uiteengesit:—

EMPLOYEES IN ANY TRADE OTHER THAN IN A MUNICIPAL OR TOWN BOARD UNDERTAKING (INCLUDING A BOROUGH, TOWNSHIP, PUBLIC HEALTH AREA OF THE LOCAL HEALTH COMMISSION OR A HEALTH COMMITTEE UNDERTAKING).

	In the Municipal Area of Pinetown.	In all other Areas.
	<i>Per Day.</i> £ s. d. 0 7 9	<i>Per Day.</i> £ s. d. 0 8 3
(a) Daily employee.....		
	<i>Per Week.</i> £ s. d. 2 2 6	<i>Per Week.</i> £ s. d. 2 5 0
(b) Night watchman.....		
(c) Employee (other than a daily employee or a night watchman)—		
(i) Female.....	1 10 0	1 12 0
(ii) Male of the age of 18 years or over.....	1 17 6	2 0 0
(iii) Male under the age of 18 years.....	1 8 3	1 10 0

EMPLOYEES IN ANY MUNICIPAL OR TOWN BOARD UNDERTAKING (INCLUDING A BOROUGH, TOWNSHIP, PUBLIC HEALTH AREA OF THE LOCAL HEALTH COMMISSION OR A HEALTH COMMITTEE UNDERTAKING).

	For the first Twelve Months from the coming into operation of this Determination.			For the next succeeding Twelve Months.			Thereafter.		
	In the Municipal Area of Durban.	In the Municipal or Town Board Areas of Pinetown, Queensburgh and Westville.	In all other Areas.	In the Municipal Area of Durban.	In the Municipal or Town Board Areas of Pinetown, Queensburgh and Westville.	In all other Areas.	In the Municipal Area of Durban.	In the Municipal or Town Board Areas of Pinetown, Queensburgh and Westville.	In all other Areas.
	<i>Per Day.</i> £ s. d. 0 7 9	<i>Per Day.</i> £ s. d. 0 6 9	<i>Per Day.</i> £ s. d. 0 6 3	<i>Per Day.</i> £ s. d. 0 8 3	<i>Per Day.</i> £ s. d. 0 7 3	<i>Per Day.</i> £ s. d. 0 6 6	<i>Per Day.</i> £ s. d. 0 8 3	<i>Per Day.</i> £ s. d. 0 7 9	<i>Per Day.</i> £ s. d. 0 7 0
(d) Daily employee.....									
	<i>Per Week.</i> £ s. d. 2 2 6	<i>Per Week.</i> £ s. d. 1 18 6	<i>Per Week.</i> £ s. d. 1 15 0	<i>Per Week.</i> £ s. d. 2 5 0	<i>Per Week.</i> £ s. d. 2 0 3	<i>Per Week.</i> £ s. d. 1 15 6	<i>Per Week.</i> £ s. d. 2 5 0	<i>Per Week.</i> £ s. d. 2 2 6	<i>Per Week.</i> £ s. d. 1 19 0
(e) Night watchman.....									
(f) Employee (other than a daily employee or a night watchman)—									
(i) Female.....	1 10 0	1 7 0	1 4 0	1 12 0	1 8 3	1 4 6	1 12 0	1 10 0	1 7 3
(ii) Male of the age of 18 years or over.....	1 17 6	1 13 6	1 10 0	2 0 0	1 15 3	1 10 6	2 0 0	1 17 6	1 14 0
(iii) Male under the age of 18 years.....	1 8 3	1 5 3	1 2 6	1 10 0	1 6 6	1 3 0	1 10 0	1 8 3	1 5 6

WERKNEMERS IN ENIGE BEDRYF UITGESONDERD IN 'N MUNISIPALE- OF DORPSBESTUURSONDERNEMING (INSLUITENDE 'N MUNISIPALITEIT, DORP, OPENBARE GESONDHEIDSGEBIED VAN DIE KOMMISSIE VIR PLAASLIKE GESONDHEID OF 'N GESONDHEIDSKOMITEE).

	In die munisipale gebied van Pinetown.	In alle ander gebiede.
	Per dag. £ s. d. 0 7 9	Per dag. £ s. d. 0 8 3
(a) Daaglikse werknemer.....		
	Per week. £ s. d. 2 2 6	Per week. £ s. d. 2 5 0
(b) Nagwag.....		
(c) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n nagwag)—		
(i) Vrou.....	1 10 0	1 12 0
(ii) Man van 18 jaar of ouer.....	1 17 6	2 0 0
(iii) Man onder 18 jaar.....	1 8 3	1 10 0

WERKNEMERS IN ENIGE MUNISIPALE OF DORPSBESTUURSONDERNEMING (INSLUITENDE 'N MUNISIPALITEIT, DORP, OPENBARE GESONDHEIDSGEBIED VAN DIE KOMMISSIE VIR PLAASLIKE GESONDHEID OF 'N GESONDHEIDSKOMITEE).

	In die eerste twaalf maande vanaf die datum van inwerkingtreding van hierdie vasstelling.			In die daaropvolgende twaalf maande.			Daarna.		
	In die munisipale gebied van Durban.	In die munisipale of dorpsbestuursgebiede van Pinetown, Queensburgh en Westville.	In alle ander gebiede.	In die munisipale gebied van Durban.	In die munisipale of dorpsbestuursgebiede van Pinetown, Queensburgh en Westville.	In alle ander gebiede.	In die munisipale gebied van Durban.	In die munisipale of dorpsbestuursgebiede van Pinetown, Queensburgh en Westville.	In alle ander gebiede.
	Per dag. £ s. d. 0 7 9	Per dag. £ s. d. 0 6 9	Per dag. £ s. d. 0 6 3	Per dag. £ s. d. 0 8 3	Per dag. £ s. d. 0 7 3	Per dag. £ s. d. 0 6 6	Per dag. £ s. d. 0 8 3	Per dag. £ s. d. 0 7 9	Per dag. £ s. d. 0 7 0
(d) Daaglikse werknemer.....									
	Per week. £ s. d. 2 2 6	Per week. £ s. d. 1 18 6	Per week. £ s. d. 1 15 0	Per week. £ s. d. 2 5 0	Per week. £ s. d. 2 0 3	Per week. £ s. d. 1 15 6	Per week. £ s. d. 2 5 0	Per week. £ s. d. 2 2 6	Per week. £ s. d. 1 19 0
(e) Nagwag.....									
(f) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n nagwag)—									
(i) Vrou.....	1 10 0	1 7 0	1 4 0	1 12 0	1 8 3	1 4 6	1 12 0	1 10 0	1 7 3
(ii) Man van 18 jaar of ouer.....	1 17 6	1 13 6	1 10 0	2 0 0	1 15 3	1 10 6	2 0 0	1 17 6	1 14 0
(iii) Man onder 18 jaar....	1 8 3	1 5 3	1 2 6	1 10 0	1 6 6	1 3 0	1 10 0	1 8 3	1 5 6

(g) Notwithstanding anything to the contrary in this sub-clause, an employee who is wholly or mainly engaged in removing, emptying, cleaning or replacing sanitary pails shall be paid a wage of not less than that prescribed for his area in paragraph (c) of (f), as the case may be, for a male employee of the age of 18 years or over, plus three shillings and sixpence per week, or, if he is a daily employee, not less than that prescribed for his area in paragraph (a) or (d), as the case may be, plus sixpence per day.

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

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

(g) Ondanks enige andersluidende bepalings in hierdie subklousule, moet die loon van 'n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die verwydering, leegmaak, skoonmaak of terugplaas van sanitêre emmers, minstens dié wees wat in paragraaf (c) of (f), al na gelang van die geval, voorgeskryf is vir 'n manlike werknemer van 18 jaar of ouer vir sy gebied, plus drie shillings en ses pennies per week, of, indien hy 'n daaglikse werknemer is, minstens dié voorgeskryf vir sy gebied in paragraaf (a) of (d), na gelang van die geval, plus ses pennies per dag.

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

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

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

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

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

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

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

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

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

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

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

4. PAYMENT OF REMUNERATION.

(1) *Employees Other than Daily Employees.*—Save as provided in clause 6 (4), any amount due to an employee, other than a daily employee, shall be paid in cash weekly or, with the consent of the employee, monthly during the hours of work or within fifteen minutes of ceasing work, on the usual pay day of the establishment for such employee or on termination of employment if this takes place before the usual pay day: Provided that an employer in any of the trades of asphaltting (non-building industry), bridge-building, demolition of buildings, excavating or levelling soil, preparing sites for building or other purposes or roadmaking may so pay his employee fortnightly instead of weekly.

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

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

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

(5) *Board and Lodging.*—Save as provided in the Natives (Urban Areas) Consolidation Act, 1945, an employer shall not require his employee to board or lodge or board and lodge with him or with any person or at any place nominated by him: Provided that this sub-clause shall not apply to employees in a municipal or town board undertaking engaged in guarding property or patrolling premises.

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

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

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

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

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

	Per Week		Per Month	
	s.	d.	£	s. d.
(i) Board	4	9	0	17 4
(ii) Lodging	2	0	0	8 8
(iii) Board and lodging	6	0	1	6 0

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

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

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

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

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

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

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

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

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

4. BETALING VAN BESOLDIGING.

(1) *Werknemers uitgesonderd daaglikse werknemers.*—Behoudens soos bepaal in klousule 6 (4), moet iedere bedrag verskuldig aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks in kontant of, as die werknemer daartoe instem, maandeliks in kontant betaal word gedurende die werkure of binne vyftien minute nadat die werk gestaak is, op die dag waarop die bedryfsinrigting so 'n werknemer gewoonlik betaal, of as dit voor die gewone betaaldag geskied, by die diensbeëindiging: Met dien verstande dat 'n werkgever in engeen van die bedrywe ten opsigte van asfaltering (nie boubedryf nie), brugbou, sloping van geboue, uitgrawe of gelykmaak van grond, voorbereiding van terrein vir bou- of ander doeleindes of padmaak, sy werknemer tweeweekliks in plaas van weekliks kan betaal.

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

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

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

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

Met dien verstande dat hierdie subklousule nie van toepassing is nie op werknemers wat in 'n munisipale- of dorpsbestuursonderneming in diens is om eiendom te bewaak of personele te patrolleer.

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

(a) met die skriftelike toestemming van sy werknemer, 'n bedrag vir vakansie-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfondse;

(b) behoudens waar in hierdie Vasstelling anders bepaal word, wanneer 'n werknemer om 'n ander rede as op las of versoek van sy werkgever uit sy werk afwesig is, 'n bedrag eweredig met die tydperk van sy afwesigheid en bereken op grondslag van die loon wat so 'n werknemer ten tyde van die afwesigheid vir sy gewone werkure ontvang het;

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

(d) wanneer 'n werknemer instem, of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig word, om kos of inwoning of kos en inwoning van sy werkgever aan te neem, 'n bedrag hoogstens gelyk aan die bedrae hieronder:—

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

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

- (i) that such deduction shall not exceed one-third of the employee's weekly wage, irrespective of the number of hours by which the ordinary hours of work are thus reduced;
 - (ii) that no deduction shall be made in the case of short-time arising out of shortage of raw materials, unless the employer has given his employee notice on the previous work day of his intention to reduce the ordinary hours of work;
 - (iii) that no deduction shall be made in the case of short-time owing to the vagaries of the weather or a general breakdown of plant or machinery or a breakdown or threatened breakdown of buildings in respect of the first hour not worked unless the employer has given his employee notice on the previous day that no work will be available;
- (f) a deduction of an amount equal to his daily wage in respect of any public holiday, other than New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day, on which an employee at his own request is permitted not to work.

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

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

- (a) in the case of a daily employee, eight and a half on any day, but so that forty-six is not exceeded in any week with the same employer;
- (b) in the case of any other employee—

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

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

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

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

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

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

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

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

(4) *Hours of Work to be Consecutive.*—Save as provided in sub-clauses (3) and (9), all hours of work of an employee on any day shall be consecutive.

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

Met dien verstande—

- (i) dat sodanige aftrekking, ongeag die getal ure waarmee die gewone werkure aldus verminder word, hoogstens gelyk aan een derde van die werknemer se weekloon mag wees;
- (ii) dat geen aftrekking mag geskied ten opsigte van korttyd wat deur 'n tekort aan grondstowwe ontstaan nie, tensy die werkgewer sy werknemer op die vorige werkdag van sy voornemens om die gewone werkure te verminder, kennis gegee het;
- (iii) dat ten opsigte van korttyd weens ongunstige weersgesteldheid, of ten gevolge van die feit dat die installasie of masjinerie defek is, of die geboue onbruikbaar is of dreig om dit te word, geen aftrekking mag geskied vir die eerste uur waarin nie gewerk word nie, tensy die werkgewer sy werknemer op die vorige dag kennis gegee het dat daar geen werk sal wees nie;

(f) ten opsigte van 'n ander openbare vakansiedag as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Geloftedag of Kersdag, waarop die werknemer op eie versoek toegelaat word om nie te werk nie, 'n bedrag gelyk aan sy dagloon.

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

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

- (a) In die geval van 'n daaglikse werknemer, agt en 'n half op 'n dag, maar dan so dat ses-en-veertig in 'n week by dieselfde werkgewer nie oorskry word nie;

(b) in die geval van enige ander werknemer—

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

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

(bb) dat, indien in die reël nie op meer as vyf dae in 'n week gewerk word nie, die perk van agt uur op 'n dag met hoogstens een en 'n half uur op so 'n dag oorskry kan word,

maar dan so dat die gewone werkure in enige week nie ses-en-veertig oorskry nie.

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

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

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

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

(4) *Werkure moet opeenvolgend wees.*—Behoudens die bepalinge van subklousules (3) en (9) moet alle werkure van 'n werknemer op iedere dag opeenvolgend wees.

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

(6) *Limitation of Overtime.*—(a) An employer shall not require or permit an employee, other than a daily employee, to work overtime for more than ten hours in any week: Provided that, in the application of this weekly limitation, the first two hours in excess of forty-six in any week worked by an employee employed on shift work on a continuous process may be disregarded.

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

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

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

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

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

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

(9) *Spreadover.*—The ordinary hours of work, meal interval and overtime of an employee employed in any municipal or town board brewery or Native eating-house shall be completed within a spreadover of not more than thirteen hours.

(10) *Time off.*—An employer shall grant his night watchman, other than a daily employee, not less than four days off in every four consecutive weeks of employment: Provided—

- (i) that he shall make no deduction from the night watchman's wage in respect thereof;
- (ii) that an employer may, in lieu of granting his night watchman any such day off, pay him the wage which he would have received if he had not worked on such a day off, plus an amount of not less than his daily wage in respect of each such day off not granted;
- (iii) that, where a night watchman's contract of employment terminates before he has been granted all the days off to which he has become entitled by virtue of this sub-clause, his employer shall pay him in respect of each such day off not granted an amount of not less than his daily wage;
- (iv) that for the purpose of this sub-clause the expression—
 - (a) "day" means a period of twenty-four consecutive hours calculated from the time the night watchman normally commences duty;
 - (b) "wage" means the night watchman's wage plus his cost of living allowance.

(11) *Savings.*—(a) Save as provided in sub-clause (10), the provisions of this clause shall not apply to a night watchman.

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

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

(d) The provisions of sub-clause (6) shall not apply to an employee employed in the bunkering trade.

(e) The provisions of sub-clauses (3), (4) and (6) shall not apply to a stable hand or to an employee in any municipal or town board undertaking employed in any hospital, clinic or public bathing establishment.

(f) The provisions of sub-clause 7 (a), (b), (c) and (d) shall not apply to any female employee in any municipal or town board undertaking employed in any women's hostel, hospital, clinic, beach bathing establishment, public swimming bath or public convenience.

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

(6) *Beperking van oortyd.*—(a) 'n Werkgewer mag nie vereis of toelaat dat 'n werknemer, uitgesonderd 'n daaglikse werknemer, langer oortyd werk as hoogstens tien uur in 'n week nie: Met dien verstande dat by die toepassing van dié weeklikse beperking die eerste twee uur bo ses-en-veertig uur wat 'n werknemer werk wat skofwerk by 'n onafgebroke proses doen, nie in ag geneem hoef te word nie.

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

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

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

(8) *Betaling vir oortydwerk.*—'n Werkgewer moet 'n werknemer wat oortydwerk betaal teen 'n skaal van minstens—

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

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

(9) *Werksdag.*—Die gewone werkure, etenspouse en oortydwerk van 'n werknemer in diens by enige munisipale of dorpsbestuursbrouery of Naturelle-eetplek moet binne 'n werkdag van hoogstens dertien uur voltooi wees.

(10) *Diensvrye tyd.*—'n Werkgewer moet aan sy nagwag, uitgesonderd 'n daaglikse werknemer, minstens vier vrye dae in elke vier opeenvolgende weke diens, toestaan: Met dien verstande dat—

- (i) hy geen aftrekking ten opsigte daarvan van die nagwag se loon mag maak nie;
- (ii) 'n werkgewer, in plaas daarvan om aan sy nagwag 'n vry dag toe te staan, aan hom die loon kan betaal wat hy sou ontvang het as hy nie op so 'n vry dag sou gewerk het nie, plus 'n bedrag van minstens sy daaglikse loon ten opsigte van elke sodanige vry dag wat nie toegestaan is nie;
- (iii) waar 'n nagwag se dienskontrak beëindig word voordat al die vry dae waarop hy ingevolge hierdie subklousule geregtig is, aan hom toegestaan is, sy werknemer hom ten opsigte van elke sodanige vry dag wat nie toegestaan is nie 'n bedrag van minstens sy daaglikse loon moet betaal;
- (iv) vir die toepassing van hierdie subklousule dit uitdrukking—
 - (a) „dag" 'n tydperk van vier-en-twintig opeenvolgende ure bereken vanaf die tydstop waarop die nagwag gewoonweg met sy werk begin, beteken;
 - (b) „loon" die nagwag se loon plus sy lewenskostetoelae beteken.

(11) *Voorbehoudsbepalings.*—(a) Behoudens soos bepaal in subklousule (10), geld die bepalings van hierdie klousule nie vir 'n nagwag nie.

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

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

(d) Die bepalings van subklousule (6) geld nie vir 'n werknemer wat in diens is in die bunkerwerkbedryf nie.

(e) Die bepalings van subklousule (3), (4) en (6) geld nie vir 'n staljong of vir 'n werknemer in diens by 'n munisipale of dorpsraadsonderneming in enige hospitaal, kliniek of openbare baai-inrigting nie.

(f) Die bepalings van subklousule 7 (a), (b), (c) en (d) geld nie vir 'n vroulike werknemer wat in diens is by 'n munisipale of dorpsbestuursonderneming en enige damestehuis, hospitaal, kliniek, strandbaai-inrigting, openbare swembad of openbare toiletkamers nie.

6. ANNUAL LEAVE.

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

- (a) in the case of a night watchman, twenty-one consecutive calendar days' leave,
 - (b) in the case of any other employee, fourteen consecutive calendar days' leave,
- and shall pay such employee in respect of such leave—
- (i) in the case of an employee mentioned in paragraph (a), an amount of not less than three times the weekly wage to which he is entitled as from the first day of the leave;
 - (ii) in the case of an employee mentioned in paragraph (b), an amount of not less than double the weekly wage to which he is entitled as from the first day of the leave:

Provided that for the purpose of this clause the weekly wage of any employee who is employed on any basis provided for in clause 9 shall be calculated on the basis set out in section 20 (5) of the Factories, Machinery and Building Work Act, 1941.

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

- (i) that, if such leave has not been granted earlier, it shall, save as provided in sub-clause (3), be granted so as to commence within two months after the completion of the twelve months of employment to which it relates, or, if the employer and his employee agree thereto, the period within which such leave must be granted may be increased to a period not exceeding six months reckoned from the completion of the twelve months of employment to which the leave relates;
- (ii) that the period of leave shall not be concurrent with sick leave granted in terms of clause 7;
- (iii) that, if New Year's Day, Good Friday, Ascension Day, the Day of the Covenant or Christmas Day falls within the period of such leave, another work day shall, for each such holiday, be added to the said period as a further period of leave and the employee shall be paid an amount not less than his daily wage in respect of each such day added;
- (iv) that an employer may set off against such period of leave any days of occasional leave granted on full pay to his employee at his employee's written request during the period of twelve months of employment to which the period of leave relates.

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

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

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

(4) 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' employment before the period of leave prescribed in sub-clause (1) in respect of that period has accrued, shall upon such termination, and in addition to any other remuneration which may be due to him, be paid in respect of each completed month of such period of employment an amount of not less than—

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

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

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

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

6. JAARLIKSE VERLOF.

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

- (a) In die geval van 'n nagwag, een-en-twintig opeenvolgende kalenderdae verlof;
- (b) aan iedere ander werknemer, veertien opeenvolgende kalenderdae verlof,

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

- (i) In die geval van 'n werknemer in paragraaf (a) vermeld, 'n bedrag van minstens drie maal die weekloon waarop hy vanaf die eerste dag van die verlof geregtig is;
- (ii) in die geval van 'n werknemer in paragraaf (b) vermeld, 'n bedrag van minstens twee maal die weekloon waarop hy vanaf die eerste dag van die verlof geregtig is:

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

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

- (i) dat as die verlof nie eerder toegestaan is nie, dit, behoudens die bepalings van subklousule (3), só toegestaan word dat dit begin binne twee maande ná voltooiing van die twaalf maande diens waarop dit betrekking het, of dat, as die werkgewer en werknemer daartoe ooreenkom, die tydperk waarin sodanige verlof toegestaan moet word, verleng kan word tot 'n tydperk van hoogstens ses maande vanaf die voltooiing van die twaalf maande diens waarop die verlof betrekking het;
- (ii) dat die tydperk van verlof nie mag saamval met siekteverlof wat ingevolge klousule 7 toegestaan is nie;
- (iii) dat, as Nuwejaarsdag, Goede Vrydag, Hemelvaartsdag, Gelofte van Kersdag binne die tydperk van verlof val, vir elke sodanige dag nog 'n dag by gemelde tydperk as verdere verloftyd gevoeg en vir elke sodanige bygevoegde dag aan die werknemer 'n bedrag gelyk aan sy dagloon betaal moet word;
- (iv) dat 'n werkgewer alle dae geleentheidsverlof wat aan sy werknemer op dié se skriftelike versoek gedurende die tydperk van twaalf maande waarop die verloftyd betrekking het, teen volle betaling toegestaan is van sodanige tydperk van verlof kan aftrek.

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

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

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

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

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

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

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

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

op geen betaling kragtens hierdie subklousule geregtig is nie.

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

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

- (a) absent on leave in terms of this clause;
- (b) absent on sick leave in terms of clause 7;
- (c) absent on the instructions or at the request of his employer,

amounting in the aggregate in any year to not more than ten weeks and employment shall be deemed to commence—

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

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

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

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

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

7. SICK LEAVE.

(1) An employer shall grant to his employee, other than a daily employee, who, after one month of employment with him, is absent from work through incapacity—

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

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

- (i) that 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;
- (ii) that this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for ten or twelve work days, as the case may be, in any twelve months of employment;
- (iii) that 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) that if in respect of any period of incapacity covered by this clause an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply;

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

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

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

en wel altesaam hoogstens tien weke in enige jaar en dit word geag dat die diens soos volg begin:

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

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

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

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

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

7. SIEKTEVERLOF.

(1) 'n Werkgewer moet aan sy werknemer, uitgesonderd 'n daaglikse werknemer, wat na een maand diens by hom weens ongeskiktheid van die werk afwesig is, die volgende toestaan:

- (a) in die geval van 'n werknemer wat 'n werkweek van vyf dae het, minstens tien werkdag; en
- (b) in die geval van iedere ander werknemer, minstens twaalf werkdag—

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

- (i) dat 'n werkgewer as voorwaarde vir die betaling deur hom van enige bedrag wat 'n werknemer ingevolge hierdie klousule eis ten opsigte van enige afwesigheid uit sy werk gedurende 'n tydperk van meer as drie opeenvolgende kalenderdae, kan vereis dat die werknemer 'n sertifikaat geteken deur 'n geneesheer voorlê wat die aard en duur van die werknemer se ongeskiktheid bevestig.
- (ii) dat hierdie klousule nie geld vir 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes, minstens gelykstaande met dié wat die werknemer stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer, by ongeskiktheid in die omstandighede in hierdie klousule uiteengesit, betaling waarborg van altesaam minstens die ekwivalent van sy loon vir tien of twaalf werkdag, al na gelang van die geval, in elke twaalf maande diens.
- (iii) dat indien 'n werkgewer ingevolge enige wet gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde wel betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;
- (iv) dat, indien 'n werkgewer ten opsigte van enige tydperk van ongeskiktheid wat deur hierdie klousule genoem word, by enige ander wet verplig word om 'n werknemer sy volle loon te betaal, die bepalings van hierdie klousule nie geld nie;

- (v) that the wage payable to an employee who is employed on piece-work for any period of absence on sick leave in terms of this clause, shall be calculated on the basis of the remuneration paid to such employee on his last pay day immediately preceding such absence.
- (2) 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—
- on leave in terms of clause 6;
 - on the instructions or at the request of his employer;
 - on sick leave in terms of sub-clause (1), amounting in the aggregate in any year to not more than ten weeks;
- (b) "incapacity" means inability to work owing to any sickness or injury other than that caused by an employee's own misconduct; Provided that any inability to work caused by an accident for which compensation is payable under the Workmen's Compensation Act, 1941, shall be deemed to be incapacity only in respect of any period of inability to work for which no disablement payment is payable in terms of that Act;
- (c) "wage" means the employee's wage plus his cost of living allowance.

8. PUBLIC HOLIDAYS AND SUNDAYS.

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

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

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

(a) pay to the employee—

- if he so works for a period not exceeding four hours, not less than his daily wage, or
- if he so works for a period exceeding four hours, not less than double his hourly wage for each hour or part of an hour in respect of the total period worked by him on such Sunday or not less than double his daily wage, whichever is the greater, or

(b) pay him one and a third times his hourly wage for each hour or part of an hour worked by him on such Sunday, and grant him within fourteen days of such Sunday one day's leave and pay him in respect thereof not less than his daily wage: Provided that where such an employee is required or permitted to work for less than four hours on such Sunday, he shall be deemed to have worked for four hours.

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

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

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

9. PIECE-WORK.

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

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

(b) in the case of any other 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,

plus five per cent.

(v) dat die loon wat aan 'n werknemer wat stukwerk verrig, betaalbaar is ten opsigte van enige tydperk van afwesigheid met siekteverlof ingevolge hierdie klousule, bereken moet word op die grondslag van die besoldiging wat aan so 'n werknemer betaal is op sy betaaldag onmiddellik voor sodanige afwesigheid.

(2) By die toepassing van hierdie klousule—

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

(i) met verlof ingevolge klousule 6,

(ii) op las of versoek van sy werkgever,

(iii) met siekteverlof ingevolge subklousule (1),

en wel tot 'n totaal van hoogstens tien weke in enige jaar;

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

(c) beteken „loon” 'n werknemer se loon plus sy lewenskoste-toelae.

8. OPENBARE VAKANSIEDAE EN SONDAE.

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

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

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

(a) aan die werknemer soos volg betaal—

(i) indien hy aldus vir 'n tydperk van hoogstens vier uur werk, minstens sy dagloon, of

(ii) indien hy aldus vir 'n tydperk van meer as vier uur werk, minstens twee maal sy uurloon vir elke uur of gedeelte van 'n uur ten opsigte van die hele tydperk wat hy op dié Sondag werk, of minstens twee maal sy dagloon, watter ook al die meeste is.

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

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

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

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

9. STUKWERK.

(1) Na minstens een week kennisgewing aan sy werknemer kan 'n werkgever 'n stukwerkstelsel invoer en, behoudens soos bepaal in klousule 4 (6), moet die werkgever 'n werknemer wat volgens so 'n stukwerkstelsel werk, besoldig teen die skaal wat volgens dié stelsel geld: Met dien verstande dat die werkgever, ongeag die hoeveelheid gedane werk, die werknemer minstens die volgende betaal—

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

(b) in die geval van enige ander werknemer, vir elke week waarin stukwerk verrig word, die bedrag wat hy so 'n werknemer vir die week sou betaal het as hy hom 'n tydloon betaal het,

plus vyf persent.

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

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

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

10. TIME BONUS.

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

11. PROTECTIVE CLOTHING, UNIFORMS OR OVERALLS.

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

12. TERMINATION OF CONTRACT OF EMPLOYMENT.

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

- (a) during the first four weeks of employment, not less than twenty-four hours,
- (b) after the first four weeks of employment, not less than one week's,

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

- (i) in the case of twenty-four hour's notice, the daily wage which the employee is receiving at the time of such termination;
- (ii) in the case of a week's notice, the weekly wage which the employee is receiving at the time of such termination;

Provided that this shall not affect—

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

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

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

(3) The notice prescribed in sub-clause (1) shall be given on a work day and shall take effect from the day on which it is given: Provided—

- (i) that the period of notice shall not run concurrently with, nor shall notice be given during, an employee's absence on leave granted in terms of clause 6;
- (ii) that notice shall not be given during an employee's absence on sick leave granted in terms of clause 7.

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

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

13. PROHIBITION OF EMPLOYMENT.

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

(2) 'n Werkgewer moet 'n lys van die skale vermeld in subklousule (1) op 'n opvallende plek in sy bedryfsinrigting aangeplak hou.

(3) 'n Werkgewer wat voornemens is om 'n bestaande stukwerkstelsel of die skale wat dienooreenkomstig geld, op enigerlei wyse te skrap of te wysig, moet aan sy werknemer wat daarvolgens werk, minstens een maand kennis van sodanige voorname gee: Met dien verstande dat 'n werkgewer en sy werknemer oor 'n langer kennisgewingtydperk kan ooreenkom en dan moet die werkgewer minstens die ooreengekome kennis gee.

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

10. TYDBONUS.

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

11. BESKERMENDE KLERE, UNIFORMS OF OORPAKKE.

'n Werkgewer moet alle uniforms, oorpakke, wasjasse, voor-skote, pette, stewels of beskermende klere wat hy vereis dat sy werknemer dra of wat enige wet of regulasie hom verplig om aan sy werknemer te verskaf, gratis voorsien en in bruikbare toestand hou, en iedere sodanige artikel bly die eiendom van die werkgewer.

12. BEÏNDIGING VAN DIENSKONTRAK.

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

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

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

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

Met dien verstande dat die volgende nie hierdeur geraak word nie:

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

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

(2) Indien daar ingevolge die tweede voorbehoudsbepaling van subklousule (1) 'n ooreenkoms bestaan, moet die betaling of verbeuring in plaas van opsegging eweredig wees met die ooreengekome opseggingstermyn.

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

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

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

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

13. VERBOD OP INDIENSNEMING.

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

No. 921.] [24 June 1960.
**FACTORIES, MACHINERY AND BUILDING WORK
 ACT, 1941, AS AMENDED.**

UNSKILLED LABOUR—DURBAN.

On behalf of the Minister of Labour, I, MARAIS VILJOEN, Deputy-Minister of Labour, in terms of sub-section (1) of section *twenty-two* of the Factories, Machinery and Building Work Act, 1941, as amended, declare the provisions of the Determination for unskilled labour, published under Government Notice No. 918 of the 24th June, 1960, on the whole to be not less favourable to the persons whose hours of work and remuneration in respect of overtime, public holidays and work on Sundays and public holidays are regulated thereby than the relative provisions of the said Act.

M. VILJOEN,
 Deputy-Minister of Labour.

No. 921.] [24 Junie 1960.
**WET OP FABRIEKE, MASJINERIE EN BOUWERK,
 1941, SOOS GEWYSIG.**

ONGESKOOLDE ARBEID—DURBAN.

Namens die Minister van Arbeid, verklaar ek, MARAIS VILJOEN, Adjunk-minister van Arbeid kragtens subartikel (1) van artikel *twee-en-twintig* van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, soos gewysig, dat die bepalings van die Vastelling vir ongeskoolde arbeid, gepubliseer by Goewermentskennisgewing No. 918 van 24 Junie 1960, oor die algemeen nie vir die persone wie se werkkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondag en openbare feesdae daarby gereël word, minder gunstig as die desbetreffende bepalings van genoemde Wet is nie.

M. VILJOEN,
 Adjunk-minister van Arbeid.

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