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UNIE VAN SUID-AFRIKA

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## GOVERNMENT NOTICES.

### DEPARTMENT OF LABOUR.

No. 919.]

[24 June 1960.

WAGE ACT, No. 5 OF 1957.

WAGE DETERMINATION No. 205.

### UNSKILLED LABOUR—PIETERMARITZBURG.

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 Magisterial District of Pietermaritzburg in any of the undermentioned trades:—

- (1) Asphalting (non-building industry);
- (2) brewing;
- (3) bridge-building;
- (4) market and commission agencies;
- (5) demolition of buildings;
- (6) distilling;
- (7) excavating or levelling soil;
- (8) fertiliser manufacture;
- (9) municipal or local management board undertakings (including boroughs, townships, public health areas of the local health commissions and health committees);
- (10) preparing sites for building or other purposes;
- (11) processing of tanning extract;
- (12) roadmaking;
- (13) breaking up of scrap metal;
- (14) shipping agencies;
- (15) transportation of passengers or goods;
- (16) dealing in wool, hides, skins or mohair;
- (17) waste paper recovery;
- (18) letting offices;
- (19) cleaning of buildings (including windows);
- (20) ice cream manufacture or distribution;
- (21) excavating, pumping, selling or delivering of sand or gravel;
- (22) delivering and messenger services (except delivery by means of motor-propelled vehicles);
- (23) civil engineering (non-building industry),

and to the employers of such employees: Provided that it shall not apply to employees employed in that section of the trade dealing in wool, hides, skins or mohair, in respect of which the licensee referred to in Item 11 (General Dealer) of Part I of the Second Schedule of the Licences Consolidation Act, 1925, is required to be taken out.

##### 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;

## GOEWERMENSKENNISGEWINGS.

### DEPARTEMENT VAN ARBEID.

No. 919.]

[24 Junie 1960.

LOONWET, No. 5 VAN 1957.

LOONVASSTELLING 205.

### ONGESKOOLDE ARBEID—PIETERMARITZBURG.

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 bevoegdhede 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 Ongeskoolde Arbeid gemaak het en die 18de dag van Julie 1960 bepaal het as die datum waarop die bepalinge van genoemde Vasstelling bindend word.

#### BYLAE.

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

Hierdie Vasstelling is van toepassing op alle werknemers wat ongeskoolde arbeid verrig in die landdrostdistrik Pietermaritzburg in engeen van ondergenoemde bedrywe:—

- (1) Asfaltering (nie boubedryf nie);
- (2) bierbrou;
- (3) brugbou;
- (4) mark- en kommissieagentskappe;
- (5) sloping van geboue;
- (6) distillering;
- (7) uitgrawe of gelykmaak van grond;
- (8) kunsmisvervaardiging;
- (9) munisipale of plaaslike bestuursraadondernemings, (insluitende munisipaliteite, dorpe, openbare gesondheidsgebiede van die kommissies vir plaaslike gesondheid en gesondheidskomitees);
- (10) voorbereiding van terreine vir bou- of ander doeleindes;
- (11) looi-ekstrakvervaardiging;
- (12) padmaak;
- (13) opbreek van ou metaal;
- (14) skeepsagentskappe;
- (15) passasiers- en goederevervoer;
- (16) handel in wol, huide, velle of angorahaar;
- (17) herwinning van afvalpapier;
- (18) verhuur van kantore;
- (19) skoonmaak van geboue (met inbegrip van vensters);
- (20) vervaardiging of verspreiding van roomys;
- (21) uitgrawe, uitpomp, verkoop of aflewering van sand of gruis;
- (22) aflewerings- en bodedienste (behalwe aflewerings met motor-aangedrewe voertuie);
- (23) siviele ingenieurswese (nie boubedryf nie);

en op die werkgewers van sodanige werknemers; met dien verstande dat dit nie van toepassing is nie op werknemers wat in diens is in die afdeling van die bedryf wat handel met wol, huide, velle of angorahaar, ten opsigte waarvan die lisensies genoem in Item 11 (Algemene Handelaar) van Deel I van die Tweede Bylae van die Licenties Konsolidatie Wet, 1925, uitgeneem moet word.

##### 2. WOORDOMSKRYWINGS.

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

„onafgebroke proses” ’n werksaamheid wat ingevolge die bepalinge van paragraaf (a) van subartikel (1) van artikel negentien van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, bepaal is as ’n werksaamheid waarin onafgebroke werk deur middel van drie skofte per dag nodig is;

"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 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, Road-making and Civil Engineering (Non-building Industry)—*

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

#### D. *Market and Commission Agencies—*

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

#### E. *Demolition of Buildings—*

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

"lewenskostetoelae" die toelae voorgeskryf in Oorlogsmaat-reël No. 43 van 1942, soos gewysig, en soos uitgelê ingevolge die bepalings van 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 hoër lewenskostetoelae betaal as wat aldus voorgeskryf is, dit die hoër toelae beteken;

"daaglikse werknemer" 'n werknemer wat per dag in diens is; "noodwerk"—

- (a) werk wat sonder versuim gedoen moet word as gevolg van onvoorsiene oorsake soos brand, storm, grond-insakking, ongeluk, geweldpleging, epidemie of diefstal;
- (b) werk wat nodig is vir die instandhouding of voorsiening van lig-, krag-, water-, telefoon-, openbare gesondheids-, sanitêre-, skoonmaak-, openbare vervoer- of lughawediensle of vir die lewering van goedere aan hospitale of die polisie of krygsmagte;
- (c) werk wat noodsaaklik is as gevolg van 'n algemene onklaarraking van installasie of masjinerie of geboue wat werklik onbruikbaar is of dreig om dit te word;
- (d) 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 werk van of verbonde aan op- of aflaai van trokke of voertuie wat aan die Suid-Afrikaanse Spoorweë en Hawens behoort;

"bedryfsinrigting" 'n perseel waarin of in verband waarmee een of meer werknemers in diens is in een of meer van die bedrywe in klousule 1 genoem;

"wet" ook die gemene reg;

"nagweg" 'n werknemer wat in diens is om in die nag of op Sondae of openbare vakansiedae eiendom te bewaak;

"stukwerk" 'n stelsel waarkragtens 'n werknemer se besoldiging gebaseer word op die hoeveelheid van die gedane werk;

"korttyd" 'n tydelike vermindering in die getal gewone werke as gevolg van ongunstige weersgesteldhede of 'n tekort aan grondstowwe of 'n algemene onklaarraking van installasie of masjinerie of geboue wat onbruikbaar is of dreig om dit te word;

"werkdag" die tydperk in enige dag vanaf die tyd wat die werknemer begin werk totdat hy vir daardie dag ophou werk;

"ongeskoolde arbeid", 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, padmaak en siviele ingenieurswese (nie boubedryf nie)—*

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

#### D. *Mark- en Kommissieagentskappe—*

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

#### E. *Sloping van geboue—*

- (1) enige soort dakteëls, sinkplate, asbesplate of ander dakmateriaal losmaak of afbreek;
- (2) planke, balke of ander soorte timmerhout losmaak of afbreek;
- (3) baksteenmure, betonmure of mure van ander materiaal met koevoete, hamers of ander gereedskap losmaak, afbreek of opbreek;
- (4) afgebreekte materiaal sorteer of in bondels bind;
- (5) spykers uit planke of balke verwyder;

**F. 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;

**G. 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;

**H. Municipal or Local Management 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 G and I to P of this definition;

**I. Processing of Tanning Extract—**

- (1) feeding bark to cutting machine;
- (2) filling bags with extract;
- (3) operating sewing machine;

**J. 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;

**K. Transportation of Passengers or Goods—**

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

**L. Dealing in Wool, Hides, Skins or Mohair—**

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

**M. 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;

**N. 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) ladling;

**O. Excavating, Pumping, Sales or Delivery of Sand or Gravel—**

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

**P. Delivery Services, Including Messenger Services (Except Delivery by means of Motor-propelled Vehicles)—**

- (1) performing personal delivery services;
- (2) operating duplicating machines;

**Q. 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 roneoed 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 marking, branding, stamping or stencilling such containers or other articles;

**F. Distilling—**

- (1) afvalprodukte oopsprei, bymekaarmaak of in vate, kanne, sakke of ander houters gooi;
- (2) bestanddele in vate of panne roer;
- (3) sny-, meng- of parsmasjien met vrugte of ander grondstowwe voer;
- (4) etikette met 'n handmasjien perforeer;

**G. Kunsmisvervaardiging—**

- (1) afval sorteer;
- (2) kunsmissoorte met die hand meng;
- (3) hout, bene of ander materiaal fynkap;
- (4) met 'n handsif werk;

**H. Munisipale of plaaslike bestuursraadondernemings (insluitende munisipaliteite, dorpe, openbare gesondheidsgebiede van die kommissies vir plaaslike gesondheid en gesondheidskomitees)—**

- (1) artikels, geboue of toerusting met die hand teer;
- (2) skoorstene onder toesig verf;
- (3) steenkoolstortgeute oop- of toemaak;
- (4) steiers onder toesig oprig;
- (5) padtekens opsit 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 G en I tot P van dié woordomskrywing genoem word;

**I. Looi-ekstrakvervaardiging—**

- (1) snymasjien met bas voer;
- (2) sakke met ekstrak vul;
- (3) naaimasjien bedien;

**J. Opbreek van ou metaal—**

- (1) enige ou metaal, masjiene, wrakke, voertuie of brúe met hamers, sae, beitels, koevoete of skroef-sleutels buig of opbreek, of onder toesig met blaaslamp buig of sny;
- (2) ou metaal sorteer maar nie gradeer nie;

**K. Passasiers- of goederevervoer—**

- (1) passasiersvoertuie uitvee, was, afstof of poleer;
- (2) brandstoftenks volmaak, oliebakke leegtap of volmaak;
- (3) batterye afhaal, volmaak of terugsit;
- (4) domkrag of hystoestel gebruik om voertuie of vragte te hys of te laat sak;

**L. Handel in wol, huide, velle of Angorahaar—**

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

**M. Herwinning van afvalpapier—**

- (1) afvalpapier in sakke, bale, kaste of ander houters stop;
- (2) afvalpapier sorteer of in sakke of bale pers of bind;

**N. Vervaardiging of verspreiding van roomys—**

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

**O. Uitgrawe, uitpomp, verkoop of aflewer van sand of gruis—**

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

**P. Afleverings- en bodedienste (behalwe afleverings met motoraangedrewe voertuie)—**

- (1) persoonlike afleveringsdienste verrig;
- (2) afrolmasjiene bedien;

**Q. 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, kaste, blikke, platkissies, kartonne, konkas, sakke, bale of enige ander houer opmaak of toemaak, volmaak of leegmaak; etikette op sulke houters of ander artikels plak of dit merk, brandmerk, stempel of sjabloner;



- (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 work-shop, storeroom, shed, premises, vehicle or railway truck, other than by the use of power equipment;
- (6) cleaning or washing premises, doors, windows, equipment, tools, machinery, furniture, vehicles, containers or other articles, including polishing furniture and brushing carpets;
- (7) cooking rations or making or serving tea or similar beverages for or to employees, or making or serving tea or other refreshments for or to the employer or his guests;
- (8) delivering or conveying messages, parcels, letters or goods on foot 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-place; removing refuse or ashes; sorting out cinders;
- (12) oiling or greasing vehicles or machinery, but not electric generating machinery or motor vehicles;
- (13) mending, cleaning or shaking out bags;
- (14) gardening, i.e. digging, raking, mowing, spreading, mixing, watering, trimming hedges, weeding, felling or removing trees or other vegetation or planting under supervision;
- (15) using rubber or other stamps where selection or discretion is unnecessary;
- (16) removing, replacing, changing or inflating wheels or tyres or tubes of motor vehicles, bicycles or wheelbarrows or repairing tubes;
- (17) minding, cleaning, feeding or in any other way tending livestock;
- (18) assisting a journeyman other than by using the tools of his trade;
- (19) operating a hand-boist 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 excavation 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;
- (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.

- (4) deure of vensters oop- of toemaak;
- (5) dra, sleep, stoot, trek, verpak, opstapel, rol, verskuif of begrawe van enige artikel, ding of houer hetsy in of op die werkplek, pakkamer, loods, perseel, voertuig of spoorwegwa behalwe deur die gebruik van kragtoerusting;
- (6) persele, deure, vensters, toerusting, gereedskap, masjinerie, meubels, voertuie, houters 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, heinings snoei, onkruid verwyder, bome of ander plantegroei afkap of verwyder, of onder toesig plant;
- (15) rubber- of ander stempels gebruik waar seleksie of diskresie nie nodig is nie;
- (16) wiele of buite- of binnebande van motorvoertuie, fietse of 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 handhystoestel 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 houters wat spesiaal gemaak is om sodanige artikels te bevat;
- (23) klaargemaakte karton- of veselborddose of soortgelyke houters met die hand opstel;
- (24) asfalt met sand, gruis, klei of gebreekte klip met die hand meng, of gemengde asfalt met skopgawe, harken, 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 houters in outomatiese of halfoutomatiese wasmasjiene plaas of daaruit neem; etikette van bottels, kaste of ander artikels met die hand verwyder of opplak; etikette aan outomatiese etiketteermasjiene voer;
- (28) klip, grond, 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) staalversterkingsmateriaal onder toesig met draad verbind of vasheg, of sodanige materiaal sny, buig of inmekaarsit;
- (33) koekepanne koppel of ontkoppel; spore lê of vas- of losbout; koekepanhystoestel bedien;
- (34) sement of beton in vorms vasstamp of beton in fondamente vasstamp, onderdele van vorms vir sement- of betonprodukte aanmekaarbout of op 'n ander manier saamvoeg of vorms uitmekaarmaak;
- (35) artikels, lêë bottels, sakke, pakkies of ander houters sorteer of toedraai;
- (36) oorpakke, uniforms of beskermende klere was;
- (37) kaste uit voorafbereide materiaal maak of heelmaak;
- (38) persele of eiendom bewaak;
- (39) handdoeke, seep of 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 in geld aan 'n werknemer betaalbaar ingevolge die bepalings van klousule 3 (1) ten opsigte van sy gewone werkure soos in klousule 5 voorgeskryf; met dien verstande dat as 'n werkgewer aan sy werknemer gereeld 'n bedrag betaal wat hoër is as dié in klousule 3 (1) voorgeskryf ten opsigte van sodanige gewone werkure, dit die hoër bedrag beteken.

(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:—

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

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
|                                                                 | Per Day.  |
|                                                                 | £ s. d.   |
| (a) Daily employee.....                                         | 0 7 6     |
|                                                                 | Per Week. |
|                                                                 | £ s. d.   |
| (b) Night watchman.....                                         | 2 1 9     |
| (c) Employee (other than a daily employee or a night watchman)— |           |
| (i) female.....                                                 | 1 9 6     |
| (ii) male of the age of 18 years or over.....                   | 1 16 9    |
| (iii) male under the age of 18 years.....                       | 1 7 6     |

(2) By die toepassing van hierdie Vaststelling word daar geag dat 'n werknemer tot die klas behoort waarin hy uitsluitlik of hoofsaaklik in diens is.

3. BESOLDIGING.

(1) Die minimum loon wat 'n werkgever aan elke lid van die volgende klasse en sy werknemers moet betaal, is soos volg:—

EMPLOYEES IN ANY MUNICIPAL OR LOCAL MANAGEMENT BOARD UNDERTAKING (INCLUDING A BOROUGH, TOWNSHIP, PUBLIC HEALTH AREA OF THE LOCAL HEALTH COMMISSION OF 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 Pietermaritzburg.                                        | In all Other Areas.  | In the Municipal Area of Pietermaritzburg. | In all Other Areas.  | In the Municipal Area of Pietermaritzburg. | In all Other Areas.  |
|                                                                 | Per Day.<br>s. d.                                                                 | Per Day.<br>s. d.    | Per Day.<br>s. d.                          | Per Day.<br>s. d.    | Per Day.<br>s. d.                          | Per Day.<br>s. d.    |
| (d) Daily employee.....                                         | 6 9                                                                               | 5 3                  | 7 3                                        | 5 9                  | 7 6                                        | 6 3                  |
|                                                                 | Per Week.<br>£ s. d.                                                              | Per Week.<br>£ s. d. | Per Week.<br>£ s. d.                       | Per Week.<br>£ s. d. | Per Week.<br>£ s. d.                       | Per Week.<br>£ s. d. |
| (e) Night watchman.....                                         | 1 16 3                                                                            | 1 10 0               | 1 19 9                                     | 1 12 3               | 2 1 9                                      | 1 14 3               |
| (f) Employee (other than a daily employee or a night watchman)— |                                                                                   |                      |                                            |                      |                                            |                      |
| (i) female.....                                                 | 1 5 0                                                                             | 1 0 0                | 1 7 9                                      | 1 1 9                | 1 9 6                                      | 1 3 6                |
| (ii) male of the age of 18 years or over.....                   | 1 11 3                                                                            | 1 5 0                | 1 14 9                                     | 1 7 3                | 1 16 9                                     | 1 9 3                |
| (iii) male under the age of 18 years.....                       | 1 3 9                                                                             | 0 18 9               | 1 6 0                                      | 1 0 6                | 1 7 6                                      | 1 2 0                |

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

|                                                                   |                      |
|-------------------------------------------------------------------|----------------------|
|                                                                   | Per dag.<br>s. d.    |
| (a) Daaglikse werknemer.....                                      | 7 6                  |
|                                                                   | Per week.<br>£ s. d. |
| (b) Nagwag.....                                                   | 2 1 9                |
| (c) Werknemer (uitgesonderd 'n daaglikse werknemer of 'n nagwag)— |                      |
| (i) vrou.....                                                     | 1 9 6                |
| (ii) man, 18 jaar of ouer.....                                    | 1 16 9               |
| (iii) man, onder die ouderdom van 18 jaar.....                    | 1 7 6                |

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

|                                                                | Vir die eerste twaalf maande vanaf die inwerkingtreding van hierdie vasstelling. |                        | Vir die daaropvolgende twaalf maande.          |                        | Daarna.                                        |                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------|------------------------------------------------|------------------------|------------------------------------------------|------------------------|
|                                                                | In die munisipale gebied van Pietermaritzburg.                                   | In alle ander gebiede. | In die munisipale gebied van Pietermaritzburg. | In alle ander gebiede. | In die munisipale gebied van Pietermaritzburg. | In alle ander gebiede. |
|                                                                | Per dag.<br>s. d.                                                                | Per dag.<br>s. d.      | Per dag.<br>s. d.                              | Per dag.<br>s. d.      | Per dag.<br>s. d.                              | Per dag.<br>s. d.      |
| (d) Daaglikse werknemer.....                                   | 6 9                                                                              | 5 3                    | 7 3                                            | 5 9                    | 7 6                                            | 6 3                    |
|                                                                | Per week.<br>£ s. d.                                                             | Per week.<br>£ s. d.   | Per week.<br>£ s. d.                           | Per week.<br>£ s. d.   | Per week.<br>£ s. d.                           | Per week.<br>£ s. d.   |
| (e) Nagwag.....                                                | 1 16 3                                                                           | 1 10 0                 | 1 19 9                                         | 1 12 3                 | 2 1 9                                          | 1 14 3                 |
| (f) Werknemer (uitgesonderd 'n daaglikse werknemer of nagwag)— |                                                                                  |                        |                                                |                        |                                                |                        |
| (i) vrou.....                                                  | 1 5 0                                                                            | 1 0 0                  | 1 7 9                                          | 1 1 9                  | 1 9 6                                          | 1 3 6                  |
| (ii) man, 18 jaar of ouer.....                                 | 1 11 3                                                                           | 1 5 0                  | 1 14 9                                         | 1 7 3                  | 1 16 9                                         | 1 9 3                  |
| (iii) man, onder die ouderdom van 18 jaar...                   | 1 3 9                                                                            | 0 18 9                 | 1 6 0                                          | 1 0 6                  | 1 7 6                                          | 1 2 0                  |



(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) or (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.

(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, roadmaking or civil engineering (non-building industry) 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.

(g) Ondanks enige andersluidende bepalinge in hierdie sub-klausule, moet daar aan 'n werknemer wat uitsluitlik of hoofsaaklik in diens is om sanitêre emmers te verwyder, leeg te maak, skoon te maak of terug te plaas, 'n loon betaal word van minstens dié wat vir sy gebied voorgeskryf word in paragraaf (c) of (f), wat die geval ook al mag wees, vir 'n manlike werknemer van 18 jaar of ouer, plus drie sjelings en ses pennies per week, of, indien hy 'n daaglikse werknemer is, minstens dié wat vir sy gebied voorgeskryf word in paragraaf (a) of (d), wat die geval ook al mag wees, plus ses pennies per dag.

(h) Ondanks enige andersluidende bepalinge in hierdie sub-klausule, indien 'n daaglikse werknemer as 'n nagwag in diens is, moet sy loon nie minder wees nie as dié wat voorgeskryf word in paragraaf (a) of (d) hiervan, wat die geval ook al mag wees, plus een sjieling per dag; met dien verstande dat vir die toepassing van hierdie paragraaf die uitdrukking „dag” 'n tydperk van vier-en-twintig opeenvolgende ure beteken, gereken vanaf die tydstop waarop die werknemer begin werk.

(i) Ondanks andersluidende bepalinge in hierdie klausule, 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 kon verrig nie, moet sy werkgever hom minstens sy volle dagloon betaal, afgesien daarvan of hy dié dag agt en 'n half uur of minder gewerk het, of vir die werk beskikbaar was; met dien verstande dat as van hom verwag was om te werk of om beskikbaar te wees vir minder as vier uur op enige dag, sy loon vir dié dag nie meer as die helfte van sy dagloon hoef te wees nie.

(2) *Kontrakbasis.*—By die toepassing van hierdie klausule is die basis van die kontrak van 'n werknemer, uitgesonderd 'n daaglikse werknemer, weekliks, en behoudens soos bepaal in klausule 4 (6) moet aan 'n werknemer ten opsigte van 'n week minstens die volle weekloon betaal word, voorgeskryf by sub-klausule (1) vir 'n werknemer van sy klas en die gebied waarin hy werk, of hy in daardie week die maksimum getal ure in klausule 5 vir hom voorgeskryf, gewerk het, of minder.

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

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

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

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

(5) *Onderhoudstoelae.*—'n Werkgever moet, benewens enige ander besoldiging verskuldig aan sy werknemer wat huismeeubels, verpak, uitpak, laai, aflaai of vervoer en wat op enige reis in die uitvoering van sy pligte, vir 'n tydperk wat oor een of meer nagte strek van sy woonplek of sy werkgever se bedryfsinrigting afwesig is, 'n onderhoudstoelae van minstens die volgende betaal:—

(i) Vier sjelings en ses pennies vir elke nag van sodanige afwesigheid; en

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

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

#### 4. BETALING VAN BESOLDIGING.

(1) *Werknemers, uitgesonderd daaglikse werknemers.*—Behoudens soos bepaal in klausule 6 (4), moet enige bedrag wat aan 'n werknemer, uitgesonderd 'n daaglikse werknemer, verskuldig is, weekliks in kontant, of met die toestemming van die werknemer, maandeliks in kontant betaal word gedurende werkeure of binne vyftien minute nadat hy ophou werk het, op die gewone betaaldag van die bedryfsinrigting vir so 'n werknemer, of by diensbeëindiging as dit voor die gewone betaaldag plaasvind; met dien verstande dat enige werkgever in engeen van die volgende bedrywe sy werknemer elke twee weke in plaas van weekliks kan betaal; asfaltering (nie boubedryf nie), brugbou, sloping van geboue, uitgrawe of gelykmaak van grond, voorbereiding van terreine vir bou- of ander doeleindes, padmaak of siviele ingenieurswese (nie boubedryf nie).

(2) *Daaglikse werknemers.*—Die werkgever moet die besoldiging wat aan sy daaglikse werknemers verskuldig is, by die voltooiing van elke dag se werk in kontant betaal.

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

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

(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 local management 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 0       | 0 17 4    |
| (ii) Lodging ... ..            | 2 0       | 0 8 8     |
| (iii) Board and lodging ... .. | 6 0       | 1 6 0     |

(e) whenever the ordinary hours of work prescribed in clause 5 are reduced on account of short-time, a deduction to the amount of the employee's (other than a daily employee'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.

(5) *Kos en inwoning*.—Behoudens soos bepaal in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, mag 'n werkgewer nie van sy werknemer vereis om by hom of by enige persoon of plek wat hy aanwys te eet of in te woon of te eet en in te woon nie; met dien verstande dat hierdie subklousule nie van toepassing is op werknemers in 'n munisipale of paaslike bestuursraad-onderneming waarin eiendom bewaak of persele gepatrolleer word nie.

(6) *Aftrakkings*.—'n Werkgewer mag nie sy werknemer boetes ople of van sy werknemer se besoldiging aftrakkings maak nie; met dien verstande dat hy die volgende aftrakkings mag maak:—

- (a) Met die skriftelike toestemming van sy werknemer 'n afrekking vir verlof-, siektebystands-, versekerings-, spaar-, voorsorgs- of pensioenfondse;
- (b) behoudens wanneer anders in hierdie Vasstelling bepaal, as 'n werknemer van sy werk afwesig is, uitgesonderd op las of versoek van sy werkgewer, 'n afrekking in verhouding tot die tydperk van sy afwesigheid en bereken op die basis van die loon wat so 'n werknemer daardie tyd ten opsigte van sy gewone werkure ontvang het;
- (c) 'n afrekking van enige bedrag wat 'n werkgewer kragtens enige wet of enige bevel van 'n bevoegde hof verplig of toegelaat word om te maak;
- (d) wanneer 'n werknemer toestem of ingevolge die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, verplig is om kos of inwoning of kos en inwoning van sy werkgewer aan te neem, 'n afrekking van hoogstens die ondergenoemde bedrae:—

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

(e) wanneer die gewone werkure in klousule 5 voorgeskryf verminder word weens korttyd, 'n afrekking gelyk aan die uurloon van 'n werknemer, uitgesonderd 'n daaglikse werknemer, ten opsigte van elke uur van sodanige vermindering; met dien verstande dat—

- (i) sodanige afrekking nie meer mag wees as een derde van die werknemer se weekloon nie, afgesien van die getal ure waarmee die gewone werkure aldus verminder word;
- (ii) geen afrekking gedoen mag word nie in die geval van korttyd wat veroorsaak word deur 'n tekort aan grondstowwe, tensy die werkgewer sy werknemer op die vorige werkdag kennis gegee het van sy voorneme om die gewone werkure te verminder;
- (iii) geen afrekking gedoen mag word nie in die geval van korttyd as gevolg van ongunstige weersgesteld-hede of 'n algemene onklaarraking van installasie of masjinerie of geboue wat onbruikbaar is of dreig om dit te word, ten opsigte van die eerste uur wat nie gewerk word nie, tensy die werkgewer sy werknemer op die vorige dag in kennis gestel het dat geen werk beskikbaar sal wees nie;

(f) 'n afrekking van 'n bedrag gelyk aan sy dagloon ten opsigte van enige openbare vakansiedag, uitgesonderd Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Gelofte-dag of Kersdag, waarop die werknemer op sy eie versoek toegelaat word om nie te werk nie.

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

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

- (a) in die geval van 'n daaglikse werknemer, agt en 'n half op enige dag maar sodat ses-en-veertig nie in 'n week by dieselfde werknemer 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 paragraaf (i) hiervan, agt op enige dag; met dien verstande dat—
    - (aa) waar die werkure van 'n werknemer minder is as agt op een dag in enige week, die perk van agt uur oorskry kan word deur hoogstens 'n halfuur op die orige dae van die week;
    - (bb) waar werk gewoonlik verrig word op hoogstens vyf dae in 'n week, die perk van agt uur per dag oorskry mag word deur hoogstens een en 'n half uur op enige sodanige dag;

maar so dat die gewone werkure hoogstens ses-en-veertig per week is.

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

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



(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 local management 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 Assistant Divisional Inspector, Department of Labour, Pietermaritzburg, the meal intervals may be so reduced;
- (iv) that if an employee employed in any municipal or local management 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.

(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 local management 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;

(3) *Etenspouses.*—'n Werkgewer mag nie sy werknemer, uitgesonderd 'n werknemer wat skofwerk doen aan 'n onafgebroke proses, verplig of toelaat om langer as vyf uur onafgebroke te werk sonder 'n etenspouse van minstens een uur nie, wanneer die werknemer nie verplig of toegelaat mag word om enige werke te doen nie, en die pouse mag nie as deel van die gewone werkure van die werknemer beskou word nie; met dien verstande dat—

- (i) as die pouse langer as een en 'n kwart uur is, tyd wat langer as dit duur, as deel van die gewone werkure geag moet word;
- (ii) werktye wat onderbreek word deur tussenpose van minder as die minimum voorgeskrewe tydperk vir etenspouses, as aaneenlopend geag moet word;
- (iii) 'n werkgewer (uitgesonderd in 'n munisipale of plaaslike bestuursraadonderneming) met sy werknemer kan ooreenkom om die tydperk van die etenspouse in te kort tot minstens 'n halfuur, en in dié geval en nadat die werkgewer 'n opgaaf van sodanige ooreenkoms by die Assistent-Afdelingsinspekteur, Departement van Arbeid, Pietermaritzburg, ingedien het, kan die etenspouse aldus ingekort word;
- (iv) as 'n werknemer wat in enige munisipale of plaaslike bestuursraadonderneming in diens is, daartoe instem, sy etenspouse ingekort kan word tot nie minder nie as 'n halfuur;
- (v) in die geval van 'n werknemer wat uitsluitlik of hoofsaaklik in diens is vir die skoonmaak van persele of strate of voertuie wat vir passasiersvervoer gebruik word, of vir die versorging van diere, indien sodanige pouse langer as drie uur duur, enige tydperk van meer as drie uur beskou moet word as deel van die gewone werkure.

(4) *Werkure moet opeenvolgend wees.*—Behoudens soos bepaal in subklousules (3) en (9), moet alle werkure van 'n werknemer op enige dag opeenvolgend wees.

(5) *Oortyd.*—Alle tyd wat 'n werknemer bo die getal ure soos in subklousule (1) voorgeskryf, gewerk het, moet as oortyd beskou word.

(6) *Beperking van oortyd.*—(a) 'n Werkgewer mag nie 'n werknemer, uitgesonderd 'n daaglikse werknemer, verplig of toelaat om oortyd te werk vir meer as tien uur in enige week nie; met dien verstande dat by die toepassing van hierdie weeklikse beperking, die eerste twee uur wat meer is as ses-en-veertig in enige week wat deur 'n werknemer gewerk word wat op skofwerk aan 'n onafgebroke proses in diens is, buite rekening gelaat kan word.

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

(7) *Vroulike werknemers.*—Ondanks andersluidende bepalings in hierdie klousule mag 'n werkgewer nie van 'n vroulike werknemer vereis of haar toelaat om soos volg te werk nie—

- (a) tussen 6 nm. en 6 vm.;
- (b) op meer as vyf dae in enige week na een uur nm.;
- (c) op enige dag meer as twee uur oortyd, behalwe dat 'n werknemer wat vyf dae per week werk hoogstens vier uur oortyd op 'n Saterdag mag werk, maar so dat tien uur nie in enige sodanige week oorskry word nie;
- (d) op meer as drie opeenvolgende dae in 'n week oortyd;
- (e) op meer as 60 dae in enige jaar oortyd;
- (f) op enige dag na voltooiing van haar gewone werkure meer as een uur oortyd tensy hy—
  - (i) sodanige werknemer voor twaalfuur middag op daardie dag daarvan in kennis gestel het; of
  - (ii) aan sodanige werknemer betyds 'n voldoende ete verskaf het sodat sy dit kan nuttig voordat sy met sulke oortyd moet begin; of
  - (iii) aan sodanige werknemer minstens twee sjelings en ses pennies betyds betaal het om 'n ete te kan verkry en nuttig voordat die oortyd moet begin.

(8) *Betaling vir oortyd.*—'n Werkgewer moet sy werknemer wat oortyd werk, 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 ten opsigte van elke uur of gedeelte van 'n uur aldus op enige dag gewerk;
- (b) in die geval van enige ander werknemer, een en 'n derde maal sy uurloon ten opsigte van elke uur of gedeelte van 'n uur oortyd altesaam op enige dae in enige week gewerk; met dien verstande dat by die toepassing van hierdie subklousule daar geag word dat die uitdrukking „loon" die werknemer se loon plus sy lewenskostetoelae beteken.

(9) *Werkdag.*—Die gewone werkure, etenspouse en oortyd van 'n werknemer wat in enige munisipale of plaaslike bestuursraad-brouery of Naturelle-eethuis in diens is 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 diensvrye dae toestaan in elke vier opeenvolgende weke diens; met dien verstande dat—

- (i) hy ten opsigte daarvan geen aftrekking van die nagwag se loon moet doen nie;



- (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-clauses (3), (4) and (6) shall not apply to a stable-hand or to an employee in any municipal or local management board undertaking employed in any hospital, clinic, nurses' quarters, native men's hostel or beer hall.

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

#### 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 twenty (5) of the Factories, Machinery and Building Work Act, 1941.

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

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

(3) (a) At the written request of 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) 'n werkgewer in plaas daarvan om sy nagwag enige sodanige diensvrye dag toe te staan, aan hom die loon kan betaal wat hy sou ontvang het as hy op sodanige diensvrye dag nie gewerk het nie, plus 'n bedrag van minstens sy dagloon ten opsigte van elke sodanige diensvrye dag wat nie toegestaan word nie;

(iii) indien 'n nagwag se dienskontrak eindig voordat al die diensvrye dae waarop hy ooreenkomstig hierdie subklousule geregtig geword het, aan hom gegee is, sy werkgewer hom ten opsigte van elke sodanige diensvrye dag wat nie gegee is nie, 'n bedrag moet betaal van minstens sy dagloon;

(iv) vir die toepassing van hierdie subklousule die uitdrukking—

- (a) „dag” 'n tydperk van vier-en-twintig opeenvolgende ure beteken, bereken vanaf die tyd waarop die nagwag gewoonlik met sy dienste begin;
- (b) „loon” die nagwag se loon plus sy lewenskostetoelae beteken.

(11) *Voorbehoudsbepalings.*—(a) Behoudens soos bepaal in subklousule (10) is die bepaling van hierdie klousule nie op 'n nagwag van toepassing nie.

(b) Die bepaling van subklousules (3), (4) en (6) is nie op 'n werknemer van toepassing terwyl hy in diens is om noodwerk te verrig nie.

(c) Die bepaling van subklousule (3) is nie op 'n werknemer wat uitsluitlik in diens is om nagvuil te verwyder, van toepassing nie.

(d) Die bepaling van subklousules (3), (4) en (6) is nie van toepassing op 'n staljong of op 'n werknemer in enige munisipale of plaaslike bestuursraadonderneming wat in enige hospitaal, kliniek, verpleegsterskwartiere, Naturellemanshostel of biersaal in diens is nie.

(e) Die bepaling van subklousules 7 (a), (b), (c) en (d) is nie van toepassing op enige vroulike werknemer in enige munisipale of plaaslike bestuursraadonderneming wat in enige vrouehospitaal, kliniek, openbare swembad of openbare gemakhuisie in diens is nie.

#### 6. JAARLIKSE VERLOF.

(1) Behoudens die bepaling van subklousule (2) moet 'n werkgewer aan sy werknemer, uitgesonderd 'n daaglikse werknemer, ten opsigte van elke voltooide tydperk van twaalf maande dien by hom die volgende toestaan:—

- (a) In die geval van 'n nagwag, een-en-twintig opeenvolgende kalenderdae verlof;
- (b) in die geval van alle ander werknemers, veertien opeenvolgende kalenderdae verlof;

en moet aan sodanige werknemer ten opsigte van sodanige verlof die volgende betaal:—

- (i) In die geval van 'n werknemer in paragraaf (a) genoem, 'n bedrag van minstens driemaal die weekloon waarop hy geregtig was, op die eerste dag van die verlof; en
- (ii) in die geval van 'n werknemer in (b) genoem, 'n bedrag van minstens dubbel die weekloon waarop hy geregtig was op die eerste dag van die verlof;

met dien verstande dat by die toepassing van hierdie klousule die weekloon van 'n werknemer wat op 'n basis werk waarvoor voorsiening gemaak word in klousule 9, bereken moet word op die basis uiteengesit in artikel twintig (5) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941.

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

- (i) as die verlof nie eerder toegestaan is nie, dit behoudens soos bepaal in subklousule (3), so toegestaan moet word dat dit begin binne twee maande na voltooiing van die twaalf maande diens waarop dit betrekking het, of as die werkgewer en sy werknemer daarvoor ooreengekom het, kan die tydperk waarin die verlof toegestaan moet word, verleng word tot 'n tydperk van hoogstens ses maande gereken vanaf die voltooiing van die twaalf maande diens waarop die verlof betrekking het;
- (ii) die tydperk van verlof nie met siekteverlof ingevolge klousule 7 toegestaan, mag saamval nie;
- (iii) as Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Gelofte dag of Kersdag binne die tydperk van sodanige verlof val, ter vervanging van elke sodanige dag nog 'n dag by die genoemde tydperk gevoeg moet word as 'n verdere tydperk van verlof, en die werknemer moet 'n bedrag van minstens sy dagloon ten opsigte van elke sodanige bykomende dag betaal word;
- (iv) 'n werkgewer enige dae geleentheidsverlof met volle betaling wat op die skriftelike versoek van sy werknemer gedurende die twaalf maande diens waarop die tydperk van jaarlikse verlof betrekking het, aan sy werknemer toegestaan is, van sodanige verloftydperk mag aftrek.

(3) (a) Op die skriftelike versoek van die werknemer kan 'n werkgewer toelaat dat die jaarlikse verlof oor 'n tydperk van hoogstens vier-en-twintig maande diens oploop; met dien verstande dat—

- (i) dié versoek van die werknemer gerig word binne twee maande na afloop van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het; en

(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) 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 local management 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.

(ii) dat die datum van die ontvangs van sodanige versoek op die versoekstuk aangeteken en met sy handtekening bekragtig word deur die werkgewer wat die versoekstuk vir 'n tydperk van minstens drie jaar moet bewaar vanaf sodanige datum of, na gelang van die jongste datum, vanaf die datum van die verstryking van die eerste tydperk van twaalf maande diens waarop die verlof betrekking het.

(b) Die bepaling van subklousule (2) is *mutatis mutandis* van toepassing op die verlof in hierdie subklousule genoem.

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

(5) 'n Werknemer wie se dienskontrak eindig gedurende 'n dienstrydperk van twaalf maande voordat die tydperk van verlof, voorgeskryf in subklousule (1) ten opsigte van daardie tydperk, opgeloopt het, moet by sodanige beëindiging, en benewens enge ander besoldiging wat aan hom verskuldig mag wees vir eke voltooide maand diens minstens die volgende betaal word:—

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

wat hy onmiddellik voor die datum van sodanige beëindiging ontvang het; met dien verstande dat 'n werkgewer 'n eweredige aftrekking mag maak ten opsigte van enige verloftydperk aan 'n werknemer toegestaan ingevolge die vierde voorbehoudsbepaling van subklousule (2), en voorts met dien verstande dat 'n werknemer—

- (i) wat sy diens verlaat sonder om die kennis te gee en die diensopseggingstyd uit te dien wat in klousule 12 voorgeskryf word tensy die werkgewer van sodanige opseggingstyd afgesien het; of
- (ii) wat sy diens verlaat sonder rede wat regtens as voldoende beskou word; of
- (iii) wat deur sy werkgewer sonder kennisgewing ontslaan word om enige rede wat regtens as voldoende vir sodanige ontslag sonder kennisgewing erken word,

niet op enige betaling kragtens hierdie subklousule geregtig is nie.

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

(7) By die toepassing van hierdie klousule, word daar geag dat die uitdrukking „diens” 'n tydperk omvat ten opsigte waarvan die werkgewer ingevolge die bepaling van klousule 12, 'n uitbetaling aan die werknemer doen in plaas van hom kennis te gee en ook enige tydperk of tydperke waarin die werknemer—

- (a) met verlof kragtens hierdie klousule afwesig is;
- (b) met siekteverlof kragtens klousule 7 afwesig is;
- (c) op las of op versoek van sy werkgewer van die werk afwesig is;

wat in enige jaar hoogstens altesaam tien weke beloop en diens word geag te begin—

- (i) in die geval van 'n werknemer wat, voor hierdie Vastelling van krag geword het, op verlof kragtens enige wet geregtig geword het, op die datum waarop sodanige werknemer laas op sodanige verlof kragtens sodanige wet geregtig geword het;
- (ii) in die geval van 'n werknemer wat in diens was voor die aanvangsdatum van hierdie Vastelling en op wie enige wet wat vir jaarlikse verlof voorsiening maak, van toepassing was, maar wat nog nie op verlof daarkragtens geregtig geword het nie, op die datum waarop sodanige diens begin is;
- (iii) in die geval van enige ander werknemer, op die datum waarop sodanige werknemer in sy werkgewer se diens getree het of die datum waarop hierdie Vastelling van krag word, na gelang van die jongste.

(8) (a) Ondanks enige andersluidende bepaling in hierdie klousule, kan 'n werkgewer vir die doeleindes van jaarlikse verlof, te eniger tyd, maar hoogstens een keer gedurende enige tydperk van twaalf maande sy bedryfsinrigting sluit vir veertien opeenvolgende kalenderdae plus enige bykomende dae wat bygevoeg moet word ingevolge die derde voorbehoudsbepaling van subklousule (2).

(b) 'n Werknemer wat ten tye van die sluitingsdatum van 'n bedryfsinrigting ingevolge paragraaf (a) nie geregtig is op die volle tydperk van jaarlikse verlof in subklousule (1) (b) voorgeskryf nie, moet ten opsigte van enige verlof aan hom verskuldig deur sy werkgewer betaal word op die basis in subklousule (5) uiteengesit, en vir jaarlikse verlofdoeleindes daarna, sal daar beskou word dat sy diens begin het op die datum van die sluiting van die bedryfsinrigting.

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

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



# 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;
- (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—
  - (i) on leave in terms of clause 6,
  - (ii) on the instructions or at the request of his employer,
  - (iii) on sick leave in terms of sub-clause (1), amounting in the aggregate in any year to not more than ten weeks;
- (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—
  - (i) if he so works for a period not exceeding four hours, not less than his daily wage, or
  - (ii) 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

# 7. SIEKTEVERLOF.

(1) 'n Werkgever 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 vyfdagweek werk, minstens tien werkdag;
- (b) in die geval van enige ander werknemer, minstens twaalf werkdag—

siekteverlof altesaam gedurende enige twaalf opeenvolgende maande diens by hom en moet hy aan sodanige werknemer ten opsigte van enige tydperk van afwesigheid hierooreenkomstig minstens die loon betaal wat hy sou ontvang het as hy gedurende sodanige tydperk gewerk het; met dien verstande dat—

- (i) 'n werkgever, as 'n voorwaarde vir die betaling deur hom van 'n bedrag wat ooreenkomstig hierdie klousule deur 'n werknemer geëis word ten opsigte van enige afwesigheid van die werk vir 'n tydperk wat meer as drie opeenvolgende kalenderdae dek, van die werknemer kan vereis dat hy 'n sertifikaat, geteken deur 'n mediese praktisyn, toon wat die aard en duur van die werknemer se ongeskiktheid bevestig;
- (ii) hierdie klousule nie geld nie vir 'n werknemer op wie se skriftelike versoek 'n werkgever bydraes, minstens gelyk aan dié wat die werknemer self daarin stort, betaal aan enige fonds of organisasie wat die werknemer aanwys en wat aan die werknemer waarborg dat aan hom in geval van ongeskiktheid in die omstandighede in hierdie klousule vermeld, altesaam minstens die ekwivalent van sy loon vir tien of twaalf werkdag al na gelang van die geval, in enige twaalf maande diens, betaal sal word;
- (iii) indien 'n werkgever ingevolge enige wet gelde vir hospitaal- of mediese behandeling ten opsigte van 'n werknemer moet betaal, en sodanige gelde wel betaal, die aldus betaalde bedrag afgetrek kan word van die bedrag wat ingevolge hierdie klousule ten opsigte van afwesigheid weens ongeskiktheid verskuldig is;
- (iv) indien 'n werkgever by enige ander wet verplig word om 'n werknemer sy volle loon te betaal, ten opsigte van enige tydperk van ongeskiktheid waarvoor hierdie klousule voorsiening maak, die bepalinge van hierdie klousule nie geldig is nie;
- (v) die loon betaalbaar aan 'n werknemer wat stukwerk doen, vir enige tydperk van afwesigheid weens siekteverlof kragtens hierdie klousule, bereken moet word op die basis van die besoldiging wat aan sodanige werknemer op sy laaste betaaldag onmiddellik voor sodanige afwesigheid betaal is.

(2) Vir die toepassing van hierdie klousule word daar geag dat die uitdrukking—

- (a) „diens” enige tydperk of tydperke omvat waarin 'n werknemer afwesig is—
  - (i) met verlof ingevolge klousule 6;
  - (ii) op las of op versoek van sy werkgever;
  - (iii) met siekteverlof ingevolge subklousule (1);
 en wat in enige jaar altesaam hoogstens tien weke beloop;
- (b) „ongeskiktheid” die onvermoë om te werk weens enige siekte of besering beteken, 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 ongevalk waarvoor daar ingevolge die Ongevallewet, 1941, vergoeding betaalbaar is, sodanige onvermoë geag word ongeskiktheid te wees slegs ten opsigte van dié tydperk van onvermoë om te werk waarvoor geen vergoeding weens arbeidsongeskiktheid ingevolge genoemde Wet betaalbaar is nie;
- (c) „loon” 'n werknemer se loon plus sy lewenskostetoelae beteken.

# 8. OPENBARE VAKANSIEDAE EN SONDAE.

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

(2) Wanneer 'n werkgever 'n werknemer verplig of toelaat om op Nuwejaarsdag, Goeie Vrydag, Hemelvaartsdag, Gelofte dag of Kersdag te werk, moet hy, behoudens soos bepaal in klousule 4 (6), die werknemer vir die week waarin sodanige dag voorkom, minstens sy weekloon betaal plus sy uurloon vir elke uur of gedeelte van 'n uur wat die werknemer op so 'n dag gewerk het; met dien verstande dat waar die werknemer verplig is of toegelaat word om minder as vier uur op so 'n dag te werk, daar beskou sal word dat hy vier uur gewerk het.

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

- (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 die Sondag werk, of minstens twee maal sy dagloon, watter ook al die meeste is.

(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 local management 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.

(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 hours' notice, the daily wage which the employee is receiving at the time of such termination;

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

Provided that this shall not affect—

(i) the right of an employer or an employee to terminate the contract without notice for any cause recognised by law as sufficient;

(b) een en een-derde maal sy uurloon vir elke uur of gedeelte van 'n uur wat hy op die Sondag gewerk het, betaal en hom binne veertien dae van sodanige Sondag af een dag verlof toestaan en hom ten opsigte daarvan minstens sy dagloon betaal; met dien verstande dat wanneer sodanige werknemer verplig of toegelaat word om vir minder as vier uur op die Sondag te werk, daar beskou sal word dat hy vier uur gewerk het.

(4) Subklousule (3) is nie van toepassing nie op 'n werknemer wat in 'n munisipale of plaaslike bestuursraadonderneming werk in of in verband met enige persele wat nie as 'n fabriek geregistreer of registreerbaar is ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941, nie, en wat, uit die aard van sy werk, gereeld op Sondag dwarsdeur die jaar of gedurende 'n seisoen moet werk; maar die werkgever van so 'n werknemer moet aan sodanige werknemer binne sewe dae van so 'n Sondag af wat hy gewerk het, een dag verlof toestaan en, behoudens die bepalings van klousule 4 (6), minstens die werknemer se weekloon betaal ten opsigte van die week waarin sodanige dag verlof voorkom.

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

(6) Hierdie klousule is nie van toepassing op 'n daaglikse werknemer of 'n nagwas nie.

#### 9. STUKWERK.

(1) 'n Werkgever mag na minstens een week kennisgewing aan sy werknemer enige stukwerkstelsel invoer en, behoudens soos bepaal in klousule 4 (6), moet die werkgever aan sodanige werknemer wat op die stukwerkstelsel in diens is, besoldiging betaal teen die skaal wat kragtens sodanige stelsel geld; met dien verstande dat, afgesien van die hoeveelheid van die werk wat gedoen is, die werkgever aan sodanige werknemer minstens die volgende moet betaal:—

(a) In die geval van 'n daaglikse werknemer, vir elke dag waarop stukwerk verrig word, die bedrag wat hy hom vir dié dag sou moes betaal het as besoldiging geskied het op die basis van tyd gewerk;

(b) in die geval van 'n werknemer, uitgesonderd 'n daaglikse werknemer, vir elke week waarin stukwerk verrig word, die bedrag wat hy hom vir dié week sou moes betaal het as besoldiging geskied het op die basis van die tyd wat hy gewerk het;

plus vyf persent.

(2) 'n Werkgever moet op 'n opvallende plek in sy bedryfs- inrigting 'n afskrif van die tariewe in subklousule (1) genoem, opgeplak hou.

(3) 'n Werkgever wat van voorneme is om enige stukwerkstelsel wat in werking is, of die skale wat daarkragtens van toepassing is, in te trek of te wysig, moet sy werknemer wat volgens sodanige stelsel werk, minstens een maand kennis van sy voorneme gee; met dien verstande dat 'n werkgever en sy werknemer oor 'n langer tydperk van kennisgewing kan ooreenkom, en die tydperk van kennisgewing moet dan minstens dié wees waaroor aldus ooreengekom is.

(4) Ondanks andersluidende bepalings in hierdie klousule, hoef 'n werkgever nie kennis van sy voorneme om 'n stukwerkstelsel in te stel of in te trek of te wysig, aan 'n daaglikse werknemer te gee nie.

#### 10. TYDBONUS.

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

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

'n Werkgever moet enige uniform, oorpak, wasjas, voorskoot, pet, stewels of beskermende klere wat hy sy werknemer verplig om te dra of wat hy by wet of regulasie verplig is om te voorsien, kosteloos verskaf en in 'n diensbare toestand hou, en sodanige artikels bly die eiendom van die werkgever.

#### 12. BEÏNDIGING VAN DIENSKONTRAK.

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

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

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

kennis gee van sy voorneme om die kontrak te beëindig, of 'n werkgever of werknemer mag die kontrak sonder kennisgewing beëindig deur aan die werknemer die volgende te betaal, of die werknemer mag dit beëindig deur die volgende aan die werkgever te betaal of te verbeur, na gelang van die geval, in plaas van die kennisgewing minstens—

(i) in die geval van vier-en-twintig uur kennisgewing, 'n bedrag gelyk aan die dagloon wat die werknemer ontvang op die datum van die beëindiging;

(ii) in die geval van 'n week kennisgewing, 'n bedrag gelyk aan die weekloon wat die werknemer ontvang op die datum van die beëindiging;

met dien verstande dat dit geen inbreuk mag maak nie—

(i) op die werkgever of werknemer se reg om die kontrak sonder kennisgewing te beëindig om enige oorsaak wat regtens as genoegsaam erken word;



- (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.

No. 920.] [24 June 1960.  
**FACTORIES, MACHINERY AND BUILDING WORK  
 ACT, 1941, AS AMENDED.**

#### UNSKILLED LABOUR—PIETERMARITZBURG.

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. 919 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.

- (ii) op enige skriftelike ooreenkoms tussen 'n werkgewer en sy werknemer wat voorsiening maak vir 'n tydperk van kennisgewing van gelyke duur vir beide partye en vir langer as wat in hierdie klousule voorgeskryf word;
- (iii) op die toepassing van enige verbeurings of boetes wat by wet toegepas kan word ingeval 'n werknemer dros;

voorts met dien verstande dat waar die loon van 'n werknemer op die datum van beëindiging verminder word deur aftrekkings ten opsigte van korttyd, daar beskou word dat die uitdrukking „wat die werknemer ontvang op die datum van die beëindiging” beteken „sou ontvang het op die datum van beëindiging as geen aftrekkings ten opsigte van korttyd gedoen is nie” vir die doel van die uitbetaling in plaas van kennisgewing deur die werkgewer aan die werknemer.

(2) As 'n ooreenkoms ingevolge die bepalings van die tweede voorbehoudsbepaling by subklousule (1) gesluit is, moet die betalings of verbeuring in plaas van kennisgewing ooreenstem met die tydperk van kennisgewing waarvoor ooreengekom is.

(3) Die kennisgewing wat in subklousule (1) voorgeskryf is moet op 'n werkdag gegee word en tree in werking vanaf die dag waarop dit gegee is; met dien verstande dat—

- (i) die tydperk van kennisgewing nie mag saamval met en kennis ook nie gegee mag word nie gedurende 'n werknemer se afwesigheid op verlof wat ingevolge die bepalings van klousule 6 toegestaan is;
- (ii) kennis nie gegee mag word terwyl 'n werknemer afwesig is met siekteverlof wat toegestaan is ingevolge die bepalings van klousule 7 nie.

(4) By die toepassing van hierdie klousule beteken „loon” die werknemer se loon plus sy lewenskostetoelae.

(5) Hierdie klousule is nie van toepassing op 'n daaglikse werknemer nie.

#### 13. VERBOD OP INDIENSNEEMING.

'n Werkgewer mag niemand onder die ouderdom van 15 jaar in diens neem nie.

No. 920.] [24 Junie 1960.  
**WET OP FABRIEKE, MASJINERIE EN BOUWERK,  
 1941, SOOS GEWYSIG.**

#### ONGESKOOLDE ARBEID—PIETERMARITZBURG.

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 Vasstelling vir ongeskoolde arbeid, gepubliseer by Goewermentskennisgewing No. 919 van 24 Junie 1960, oor die algemeen nie vir die persone wie se werkure en beloning ten opsigte van oortyd, openbare feesdae en werk op Sondae 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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