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GENERAL NOTICE.

DEPARTMENT OF LABOUR.

BANTU LABOUR (SETTLEMENT OF DISPUTES) AMENDMENT ACT, 1973.

The following Bill which the Minister of Labour proposes introducing during the present session of Parliament is published for general information.

Persons desirous of making representations in regard to the Bill are invited to submit such representations, *in threefold*, in writing to the Secretary for Labour, P.O. Box 745, Cape Town, within *twenty-one* days of the date of publication of this notice.

ALGEMENE KENNISGEWING.

DEPARTEMENT VAN ARBEID.

WYSIGINGSWET OP BANTOE-ARBEID (BESLEGTING VAN GESKILLE), 1973.

Die volgende Wetsontwerp wat die Minister van Arbeid voornemens is om gedurende die huidige Parlementsitting in te dien, word vir algemene inligting gepubliseer.

Persone wat graag vertoë omtrent die Wetsontwerp wil rig, word versoek om sodanige vertoë *in drievoud* binne *een-en-twintig* dae na die datum van publikasie van hierdie kennisgewing skriftelik aan die Sekretaris van Arbeid, Posbus 745, Kaapstad, te stuur.

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions proposed by Minister on introduction.

Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the Bantu Labour (Settlement of Disputes) Act, 1953, in order to make further provision for the establishment of committees consisting of employees or on which employees are represented; to amend the provisions of that Act relating to attendance of and participation in certain meetings of an industrial council; to provide for the giving of notice by an employer in connection with a labour dispute; to provide for the extension of the application of certain orders; to empower the Minister to make an order embodying proposals by certain employers concerning the conditions of employment of employees; to repeal section 35; and to provide for incidental matters.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 48 of 1953.

1. Section 1 of the Bantu Labour (Settlement of Disputes) Act, 1953 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "order" of the following definition:

" 'order' means an order made under section 11 (4) or (5) and, for the purposes of the definition of 'labour dispute' in this section and of sections 15, 16, 17 and 22 to 29, inclusive, includes an order made in terms of section 11A (2);".

Substitution of section 7 of Act 48 of 1953.

2. The following section is hereby substituted for section 7 of the principal Act:

"Establishment and functions of works committees, co-ordinating works committees and liaison committees.

7. (1) A works committee may be established in respect of any undertaking or section of an undertaking in which more than twenty employees are employed.

(2) (*a*) If the employees in an undertaking or section of an undertaking referred to in subsection (1) advise their employer that they wish to elect a works committee, the employer shall forthwith notify the inspector defined by regulation accordingly.

(*b*) The employer of employees in such an undertaking or section of an undertaking may at any time request the inspector defined by regulation to cause steps to be taken with a view to the establishment of a works committee in respect of the undertaking or section in question.

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.

Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953, ten einde verdere voorsiening te maak vir die instelling van komitees wat uit werknemers bestaan of waarop werknemers verteenwoordig is; om die bepalings van daardie Wet met betrekking tot die bywoning van en deelname aan sekere vergaderings van 'n nywerheidsraad te wysig; om voorsiening te maak vir kennisgewing deur 'n werkgewer in verband met 'n arbeidsgeskil; om voorsiening te maak vir uitbreiding van die toepassing van sekere orders; om die Minister te magtig om 'n order te maak wat voorstelle van sekere werkgewers in verband met die diensvoorwaardes van werknemers beliggaam; om artikel 35 te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 48 van 1953.

1. Artikel 1 van die Wet op Bantoe-arbeid (Beslegting van Geskille), 1953 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „order" deur die volgende omskrywing te vervang:

„ ‚order', 'n order kragtens artikel 11 (4) of (5) gemaak en, by die toepassing van die omskrywing van ‚arbeidsgeskil' in hierdie artikel en van artikels 15, 16, 17 en 22 tot en met 29, ook 'n order kragtens artikel 11A (2) gemaak;".

Vervanging van artikel 7 van Wet 48 van 1953.

2. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

„Instelling en werksaamhede van werkekomitees, koördinerende werkekomitees en skakelkomitees.

7. (1) 'n Werkekomitee kan ingestel word ten opsigte van 'n onderneming of afdeling van 'n onderneming waarin meer as twintig werknemers in diens is.

(2) (*a*) Indien die werknemers in 'n subartikel (1) bedoelde onderneming of afdeling van 'n onderneming hul werkgewer in kennis stel dat hulle 'n werkekomitee wil kies, moet die werkgewer die inspekteur by regulasie bepaal onverwyld dienooreenkomstig in kennis stel.

(*b*) Die werkgewer van werknemers in so 'n onderneming of afdeling van 'n onderneming kan die inspekteur by regulasie bepaal te eniger tyd versoek om stappe te laat doen met die oog op die instelling van 'n werkekomitee ten opsigte van die betrokke onderneming of afdeling.

(*c*) The said inspector shall, upon the receipt of such a notice or such a request, direct the Bantu labour officer for the area in which the undertaking is situated to convene a meeting of the employees concerned as soon as practicable.

(3) (*a*) If the inspector defined by regulation is of the opinion that a works committee should be established in respect of an undertaking or section of an undertaking referred to in subsection (1) in respect of which no such committee exists and no notice or request under subsection (2) has been furnished to him, he may by notice in writing inform the employer concerned accordingly.

(*b*) If the inspector does not receive from the employer a request as contemplated in subsection (2) (*b*) within thirty days after the date of such notice, he may in writing request the employer to convene a meeting of the employees concerned on a date determined by the inspector after consultation with the employer.

(4) A meeting of employees convened in terms of subsection (2) (*c*) or (3) (*b*) shall be held under the chairmanship of the Bantu labour officer for the area in which the undertaking in question is situated.

(5) (*a*) At such a meeting the employees concerned may elect from among their number a works committee consisting of not less than three and not more than twenty members: Provided that the number of members shall not exceed a quarter of the total number of employees employed in the undertaking or section thereof in question on the day of the meeting.

(*b*) The members of a works committee shall hold office for the period decided upon by the meeting in question and which shall be not less than one year or more than two years, but a member whose period of office has expired shall be eligible for re-election.

(*c*) Any vacancy on a works committee shall be filled by the election of a member at a meeting of the employees concerned, convened by the Bantu labour officer referred to in subsection (4) and held under his chairmanship.

(*d*) The members of a works committee may elect a chairman and a secretary of the committee from among their number at the first meeting of the committee and thereafter whenever the office of chairman or secretary becomes vacant.

(*e*) A works committee may adopt rules with reference to—

(i) the calling and conduct of meetings of the committee and the quorum for and procedure at such meetings;

(ii) the admittance to meetings of the committee of employees of the employer concerned who are not members of the committee, or of the said employer or his authorized representative;

(iii) such other matters as may be necessary or expedient for the proper functioning of the committee.

(6) (*a*) The functions of a works committee shall be to communicate the wishes, aspirations and requirements of the employees in the under-

(*c*) Die bedoelde inspekteur moet, op ontvangs van so 'n kennisgewing of so 'n versoek, aan die Bantoe-arbeidsamptenaar vir die gebied waarin die onderneming geleë is, opdrag gee om so gou doenlik 'n vergadering van die betrokke werknemers te belê.

(3) (*a*) Indien die inspekteur by regulasie bepaal van oordeel is dat 'n werkekomitee ingestel behoort te word ten opsigte van 'n in subartikel (1) bedoelde onderneming of afdeling van 'n onderneming ten opsigte waarvan daar nie so 'n komitee bestaan nie en daar geen kennisgewing of versoek ingevolge subartikel (2) aan hom verstrek is nie, kan hy die betrokke werkgewer by skriftelike kennisgewing dienooreenkomstig meedeel.

(*b*) Indien die inspekteur nie binne dertig dae na die datum van sodanige kennisgewing 'n versoek soos in subartikel (2) (*b*) beoog van die werkgewer ontvang nie, kan hy die werkgewer skriftelik versoek om 'n vergadering van die betrokke werknemers te belê op 'n datum wat die inspekteur na oorlegpleging met die werkgewer bepaal.

(4) 'n Vergadering van werknemers ingevolge subartikel (2) (*c*) of (3) (*b*) belê, word gehou onder voorsitterskap van die Bantoe-arbeidsamptenaar vir die gebied waarin die betrokke onderneming geleë is.

(5) (*a*) By so 'n vergadering kan die betrokke werknemers uit hul midde 'n werkekomitee kies wat uit minstens drie en hoogstens twintig lede bestaan: Met dien verstande dat die aantal lede nie meer is nie as 'n kwart van die totale aantal werknemers wat op die dag van die vergadering in die betrokke onderneming of afdeling daarvan in diens is.

(*b*) Die lede van 'n werkekomitee beklee hul amp vir die tydperk waarop die betrokke vergadering besluit en wat minstens een en hoogstens twee jaar moet wees, maar 'n lid wie se ampstermyn verstryk het, kan weer verkies word.

(*c*) 'n Vakature in 'n werkekomitee word gevul deur die verkiesing van 'n lid op 'n vergadering van die betrokke werknemers deur die in subartikel (4) bedoelde Bantoe-arbeidsamptenaar belê en onder sy voorsitterskap gehou.

(*d*) Die lede van 'n werkekomitee kan uit hul midde 'n voorsitter en 'n sekretaris van die komitee kies op die eerste vergadering van die komitee en daarna wanneer die amp van voorsitter of sekretaris vakant word.

(*e*) 'n Werkekomitee kan reëls aanvaar met betrekking tot—

(i) die byeenroep en hou van vergaderings van die komitee en die kworum vir en prosedure by sodanige vergaderings;

(ii) die verlening van toegang tot vergaderings van die komitee aan werknemers van die betrokke werkgewer wat nie lede van die komitee is nie, of aan die bedoelde werkgewer of sy gemagtigde verteenwoordiger;

(iii) die ander aangeleenthede wat vir die behoorlike verrigting van die werksaamhede van die komitee nodig of dienstig is.

(6) (*a*) Die funksies van 'n werkekomitee is om die wense, strewe en behoeftes van die werknemers in die onderneming of afdeling van 'n

taking or section of an undertaking in respect of which it has been established, to their employer and to represent the said employees in any negotiations with their employer concerning their conditions of service or other matters relating to their employment or welfare.

(*b*) The chairman of a works committee shall act as intermediary between the committee and the employer concerned and shall maintain contact with the regional committee for the area in question or, where no such regional committee exists, with the inspector defined by regulation.

(7) (*a*) If works committees have been established in respect of two or more sections of an undertaking, such works committees may by notice in writing to the employer concerned, signed by the chairmen of the respective works committees, establish a co-ordinating works committee consisting of the chairmen and the secretaries of the respective works committees.

(*b*) The members of a co-ordinating works committee shall elect from among their number a chairman and a secretary of that committee.

(*c*) The provisions of subsection (5) (*e*) shall apply *mutatis mutandis* with reference to a co-ordinating works committee.

(*d*) The functions of a co-ordinating works committee shall be to co-ordinate the activities of the works committees of the various sections of the undertaking in question and to represent the employees of that undertaking in negotiations with their employer concerning their general conditions of service or other matters affecting their general interests.

(*e*) The provisions of subsection (6) (*b*) shall apply *mutatis mutandis* with reference to the chairman of a co-ordinating works committee.

(*f*) An employer shall, within thirty days after receiving a notice in terms of paragraph (*a*), notify the inspector defined by regulation of the establishment of the co-ordinating works committee in question.

(8) (*a*) Where no works committee exists in respect of an undertaking, the employer concerned and his employees may establish a liaison committee—

(i) consisting of such number of members as may be determined by the employer and his employees;

(ii) of which not less than one-half of the members shall be elected by the said employees from among their number, and the other members shall be persons designated by the employer to represent him on such committee; and

(iii) of which the chairman shall be a person (who need not be a member of such committee) designated either by the employer or in a manner determined by the members of such committee.

(*b*) The functions of a liaison committee shall be to consider matters which are of mutual interest to the employer and his employees and to make such recommendations to the employer as the committee may at any time deem expedient, in accordance with rules adopted by it.

onderneming ten opsigte waarvan hy ingestel is, aan hul werkgewer oor te dra en om die bedoelde werknemers te verteenwoordig by onderhandelings met hul werkgewer oor hul diensvoorwaardes of ander aangeleenthede wat in verband staan met hul werk of welsyn.

(*b*) Die voorsitter van 'n werkekomitee tree op as skakel tussen die komitee en die betrokke werkgewer en bly in aanraking met die streekskomitee vir die betrokke gebied of, waar daar nie so 'n streekskomitee bestaan nie, met die inspekteur by regulasie bepaal.

(7) (*a*) Indien werkekomitees ten opsigte van twee of meer afdelings van 'n onderneming ingestel is, kan daardie werkekomitees by skriftelike kennisgewing aan die betrokke werkgewer, wat deur die voorsitters van die onderskeie werkekomitees onderteken is, 'n koördinerende werkekomitee instel wat uit die voorsitters en die sekretarisse van die onderskeie werkekomitees bestaan.

(*b*) Die lede van 'n koördinerende werkekomitee kies uit hul midde 'n voorsitter en 'n sekretaris van daardie komitee.

(*c*) Die bepalings van subartikel (5) (*e*) is *mutatis mutandis* van toepassing met betrekking tot 'n koördinerende werkekomitee.

(*d*) Die funksies van 'n koördinerende werkekomitee is om die werksaamhede van die werkekomitees van die verskillende afdelings van die betrokke onderneming te koördineer en om die werknemers van daardie onderneming te verteenwoordig by onderhandelings met hul werkgewer oor hul algemene diensvoorwaardes of ander aangeleenthede wat hul algemene belang raak.

(*e*) Die bepalings van subartikel (6) (*b*) is *mutatis mutandis* van toepassing met betrekking tot die voorsitter van 'n koördinerende werkekomitee.

(*f*) 'n Werkgewer moet binne dertig dae nadat hy 'n in paragraaf (*a*) bedoelde kennisgewing ontvang het, die inspekteur by regulasie bepaal, in kennis stel van die instelling van die betrokke koördinerende werkekomitee.

(8) (*a*) Waar daar ten opsigte van 'n onderneming geen werkekomitee bestaan nie, kan die betrokke werkgewer en sy werknemers 'n skakelkomitee instel—

(i) wat uit die aantal lede bestaan wat deur die werkgewer en sy werknemers bepaal word;

(ii) waarvan minstens die helfte van die lede deur bedoelde werknemers uit hul midde gekies word, en die ander lede persone is wat deur die werkgewer aangewys is om hom in dié komitee te verteenwoordig; en

(iii) waarvan die voorsitter 'n persoon (wat nie 'n lid van dié komitee hoef te wees nie) is wat òf deur die werkgewer òf op 'n wyse deur die lede van dié komitee bepaal, aangewys is.

(*b*) Die funksies van 'n skakelkomitee is om ooreenkomstig reëls deur hom aanvaar aangeleenthede te oorweeg wat van onderlinge belang vir die werkgewer en sy werknemer is en die aanbevelings aan die werkgewer te doen wat die komitee te eniger tyd dienstig ag.

(*c*) An employer shall, within thirty days after the establishment of a liaison committee by him and his employees, notify the inspector defined by regulation of the establishment of such committee.

(9) (*a*) Any committee which exists at the commencement of this Act and which consists of employees in the undertaking of an employer or of such employees and representatives of that employer and performs the same functions as those of a works committee or a co-ordinating works committee or a liaison committee, shall for the purposes of this Act be deemed to be a works committee or a co-ordinating works committee or a liaison committee, as the case may be, established in terms of this section.

(*b*) An employer in whose undertaking there exists such a committee as is contemplated in paragraph (*a*), shall within thirty days after the commencement of this Act notify the inspector defined by regulation of the existence of such committee and of the manner in which it is constituted.

(10) Whenever an employer has reason to believe that a works committee, co-ordinating works committee or liaison committee established or deemed to have been established in respect of his undertaking or a section thereof in terms of this section, has ceased to function, he shall as soon as practicable notify the inspector defined by regulation accordingly and shall indicate in the notice such facts or circumstances as he may consider to be the reasons why the committee in question has ceased to function.

(11) Whenever a labour dispute arises in an undertaking in respect of which a works committee, a co-ordinating works committee or a liaison committee has been established, the regional committee or the inspector defined by regulation, as the case may be, shall consult the works committee, co-ordinating works committee or liaison committee in question in regard to such dispute.

(12) An employer who fails to comply with the provisions of subsection (2) (*a*), (7) (*f*), (8) (*c*), (9) (*b*) or (10) or with a request of an inspector under subsection (3) (*b*), shall be guilty of an offence.".

Amendment of section 9 of Act 48 of 1953.

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The board may nominate one or more of its members, and the Secretary for Labour may at the request of the board designate an officer, to attend any meeting of an industrial council of which notice is required to be given in terms of subsection (1), and the chairman of any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, or, if there is more than one such committee, the chairman of such of those committees as may be designated by the board, may likewise attend any such meeting and may be accompanied by such member or members of the said committee or committees as may be designated by the board.".

(*c*) 'n Werkgewer moet, binne dertig dae nadat hy en sy werknemers 'n skakelkomitee ingestel het, die inspekteur by regulasie bepaal, in kennis stel van die instelling van sodanige komitee.

(9) (*a*) 'n Komitee wat by die inwerkingtreding van hierdie Wet bestaan en wat uit werknemers in die onderneming van 'n werkgewer of uit sodanige werknemers en verteenwoordigers van daardie werkgewer saamgestel is en dieselfde funksies as dié van 'n werkekomitee of 'n koördinerende werkekomitee of 'n skakelkomitee verrig, word by die toepassing van hierdie Wet geag 'n werkekomitee of 'n koördinerende werkekomitee of 'n skakelkomitee, na gelang van die geval, te wees wat ingevolge hierdie artikel ingestel is.

(*b*) 'n Werkgewer in wie se onderneming daar so 'n komitee bestaan soos in paragraaf (*a*) bedoel, moet die inspekteur by regulasie bepaal binne dertig dae na die inwerkingtreding van hierdie Wet in kennis stel van die bestaan van daardie komitee en van die wyse waarop dit saamgestel is.

(10) Wanneer 'n werkgewer rede het om te glo dat 'n werkekomitee, koördinerende werkekomitee of skakelkomitee wat kragtens hierdie artikel ten opsigte van sy onderneming of 'n afdeling daarvan ingestel is of geag word aldus ingestel te gewees het, opgehou het om te funksioneer, moet hy so gou doenlik die inspekteur by regulasie bepaal dienooreenkomstig in kennis stel en in die kennisgewing die feite of omstandighede aandui wat na sy mening die redes is waarom die betrokke komitee opgehou het om te funksioneer.

(11) Wanneer 'n arbeidsgeskil ontstaan in 'n onderneming ten opsigte waarvan 'n werkekomitee, 'n koördinerende werkekomitee of 'n skakelkomitee ingestel is, moet die streekskomitee of die inspekteur by regulasie bepaal, na gelang van die geval, die betrokke werkekomitee, koördinerende werkekomitee of skakelkomitee met betrekking tot bedoelde geskil raadpleeg.

(12) 'n Werkgewer wat versuim om aan die bepalings van subartikel (2) (*a*), (7) (*f*), (8) (*c*), (9) (*b*) of (10) of 'n versoek van 'n inspekteur ingevolge subartikel (3) (*b*), te voldoen, is aan 'n misdryf skuldig.".

3. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: **Wysiging van artikel 9 van Wet 48 van 1953.**

„(2) Die raad kan een of meer van sy lede nomineer, en die Sekretaris van Arbeid kan op versoek van die raad 'n amptenaar aanwys, om 'n vergadering van 'n nywerheidsraad waarvan kragtens subartikel (1) kennis gegee moet word, by te woon, en die voorsitter van 'n streekskomitee ingestel ten opsigte van die gebied of enige gedeelte van die gebied waarin die betrokke ooreenkoms bedoel is om toegepas te word, of indien daar meer as een so 'n komitee is, die voorsitters van sodanige van daardie komitees as wat die raad mag aanwys, kan insgelyks so 'n vergadering bywoon en kan vergesel wees van sodanige lid of lede van die bedoelde komitee of komitees as wat die raad mag aanwys.".

Amendment of section 10 of Act 48 of 1953.

4. Section 10 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) (*a*) Whenever a labour dispute exists in the undertaking of an employer, the employer shall forthwith notify the inspector defined by regulation of such dispute.

(*b*) An employer who fails to comply with the provisions of paragraph (*a*) shall be guilty of an offence.".

Amendment of section 11 of Act 48 of 1953.

5. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

"(7) The Minister may, if he deems it expedient to do so and after consultation with the Wage Board and the board, in a notice published by him in terms of subsection (6), or by further notice in the *Gazette*, declare that, as from a date and for a period fixed by him in that notice, all the provisions of the order referred to in subsection (5) or such of the provisions thereof as he may specify, shall be binding upon all employers and employees, or upon any specified class or classes of employers and employees, engaged or employed in the trade to which the order relates, in an area additional to that in which it has been declared binding in terms of subsection (6), or engaged or employed in any other trade in any area.".

Insertion of section 11A in Act 48 of 1953.

6. The following section is hereby inserted in the principal Act after section 11:

"Application of conditions of employment in pursuance of proposals by a group or association of employers.

11A. (1) Any group or association of employers engaged in any undertaking, industry, trade or occupation in any area in respect of which no industrial council is in terms of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), registered in respect of such undertaking, industry, trade or occupation, may at any time submit to the Minister proposals concerning the wages or the other conditions of employment of the employees employed in the trade and in the area in question, and request that such proposals be declared binding on all employers and employees engaged or employed in such trade and in such area.

(2) Upon receipt of proposals in terms of subsection (1) and after consultation with the Wage Board and the board, the Minister may, if he deems it expedient to do so and if he regards the group or association of employers in question as sufficiently representative of employers engaged in the relevant trade and area, make an order in accordance with such proposals.

(3) After making an order under subsection (2), the Minister shall cause to be published in the *Gazette* a notice setting forth the provisions of that order, and from a date specified in the notice the said provisions shall be binding upon employers and employees in the trade and area as defined in the order.

(4) The Minister, or an officer designated by him, may, upon request, grant exemption from any provision of an order made in terms of this section to or in respect of any person for such period and subject to such conditions as he may determine.

(5) (*a*) The Minister may, if he deems it expedient to do so, and after consultation with the Wage Board and the board, by notice in the *Gazette*,

4. Artikel 10 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

Wysiging van artikel 10 van Wet 48 van 1953.

„(1A) (*a*) Wanneer 'n arbeidsgeskil in die onderneming van 'n werkgewer bestaan, moet die werkgewer die inspekteur by regulasie bepaal onverwyld van sodanige geskil in kennis stel.

(*b*) 'n Werkgewer wat versuim om aan die bepalings van paragraaf (*a*) te voldoen, is aan 'n misdryf skuldig.".

5. Artikel 11 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 11 van Wet 48 van 1953.

„(7) Die Minister kan, as hy dit raadsaam ag om dit te doen en na oorlegpleging met die Loonraad en die raad, in 'n kennisgewing kragtens subartikel (6) deur hom gepubliseer, of by verdere kennisgewing in die *Staatskoerant*, verklaar dat, vanaf 'n datum en vir 'n tydperk deur hom in daardie kennisgewing vasgestel, al die bepalings van die in subartikel (5) bedoelde order of die bepalings daarvan wat hy vermeld, bindend is vir alle werkgewers en werknemers, of vir 'n vermelde klas of klasse van werkgewers en werknemers, wat betrokke is by of in diens is in die bedryf waarop die order betrekking het, in 'n gebied benewens die gebied waarin dit kragtens subartikel (6) bindend verklaar is, of wat betrokke is by of in diens is in 'n ander bedryf in enige gebied.".

6. Die volgende artikel word hierby in die Hoofwet na artikel 11 ingevoeg:

Invoeging van artikel 11A in Wet 48 van 1953.

„Toepassing van diensvoorwaardes na aanleiding van voorstelle deur 'n groep of vereniging van werkgewers

11A. (1) 'n Groep of vereniging van werkgewers wat in 'n onderneming, nywerheid, bedryf of beroep betrokke is in 'n gebied ten opsigte waarvan geen nywerheidsraad ingevolge die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), ten opsigte van sodanige onderneming, nywerheid, bedryf of beroep geregistreer is nie, kan te eniger tyd voorstelle aangaande die lone of die ander diensvoorwaardes van werknemers in die betrokke bedryf en in die betrokke gebied in diens aan die Minister voorlê en versoek dat bedoelde voorstelle bindend verklaar word vir alle werkgewers en werknemers betrokke by of in diens in daardie bedryf en in daardie gebied.

(2) By ontvangs van voorstelle ingevolge subartikel (1) en na oorlegpleging met die Loonraad en die raad, kan die Minister, as hy dit raadsaam ag om dit te doen en indien hy die betrokke groep of vereniging van werkgewers as voldoende verteenwoordigend van werkgewers in die betrokke bedryf en gebied beskou, 'n order ooreenkomstig bedoelde voorstelle maak.

(3) Nadat hy 'n order ingevolge subartikel (2) gemaak het, moet die Minister 'n kennisgewing in die *Staatskoerant* laat publiseer wat die bepalings van daardie order uiteensit en vanaf 'n datum in die kennisgewing vermeld, is bedoelde bepalings bindend vir werkgewers en werknemers in die bedryf en gebied soos in die order omskryf.

(4) Die Minister of 'n beampte deur hom aangewys, kan, op aansoek, aan of ten opsigte van enige persoon vrystelling verleen van enige bepaling van 'n order wat kragtens hierdie artikel gemaak is, vir die tydperk en onderhewig aan die voorwaardes wat hy bepaal.

(5) (*a*) Indien die Minister dit dienstig ag om dit te doen, kan hy, na oorlegpleging met die Loonraad en die raad, by kennisgewing in die

and as from a date or for a period and in respect of any area specified in that notice, from time to time cancel or suspend any one or more of or all the provisions of an order which has been declared binding in terms of subsection (3).

(*b*) Subject to the provisions of paragraph (*a*), the provisions of an order which has been declared binding in terms of subsection (3), shall remain in force until they are replaced by a new order or a wage regulating measure which is declared binding for the trade and in the area in question after the said order was made.

(6) The provisions of sections 11 (7), 14 and 30 shall apply *mutatis mutandis* with reference to an order made or notice published in terms of this section.".

Amendment of section 24 of Act 48 of 1953.

7. Section 24 of the principal Act is hereby amended by the substitution for paragraph (*c*) of subsection (1) of the following paragraph:

"(*c*) such employee has participated in the election or establishment or operation of a works committee, co-ordinating works committee or liaison committee elected or established in terms of **[subsection (2) of]** section 7 or has functioned as a **[liaison member appointed in terms of subsection (3) of the said section]** chairman or a secretary of such a works committee, co-ordinating works committee or liaison committee,".

Repeal of section 35 of Act 48 of 1953.

8. Section 35 of the principal Act is hereby repealed.

Short title.

9. This Act shall be called the Bantu Labour (Settlement of Disputes) Amendment Act, 1973.

Staatskoerant en vanaf 'n datum of vir 'n tydperk en ten opsigte van 'n gebied in daardie kennisgewing vermeld, een of meer van of al die bepalings van 'n order wat ingevolge subartikel (3) bindend verklaar is, van tyd tot tyd intrek of opskort.

(*b*) Behoudens die bepalings van paragraaf (*a*), bly die bepalings van 'n order wat ingevolge subartikel (3) bindend verklaar is, van krag totdat hulle vervang word deur 'n nuwe order of 'n loonreëlende maatreël wat na die maak van die order vir die betrokke bedryf en in die betrokke gebied bindend verklaar word.

(6) Die bepalings van artikels 11 (7), 14 en 30 is *mutatis mutandis* van toepassing met betrekking tot 'n order wat kragtens hierdie artikel gemaak of kennisgewing wat daarkragtens gepubliseer is.".

7. Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (*c*) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 24 van Wet 48 van 1953.

„(*c*) daardie werknemer deelgeneem het aan die verkiesing of instelling of werksaamhede van 'n werkekomitee, koördinerende werkekomitee of skakelkomitee gekies of ingestel kragtens **[subartikel (2) van]** artikel 7, of opgetree het as 'n **[skakellid aangestel kragtens subartikel (3) van genoemde artikel]** voorsitter of 'n sekretaris van so 'n werkekomitee, koördinerende werkekomitee of skakelkomitee,".

8. Artikel 35 van die Hoofwet word hierby herroep. Herroeping van artikel 35 van Wet 48 van 1953.

9. Hierdie Wet heet die Wysigingswet op Bantoe-arbeid (Beslegting van Geskille), 1973. Kort titel.

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