

Argief.

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE



UITGAWE OP GESAG.
**EXTRAORDINARY
OF SOUTH WEST AFRICA**

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PROKLAMASIE

**VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK
VAN SUID-AFRIKA.**

PROCLAMATION

**BY THE STATE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA.**

R.83/1972 (Republiek).]

No. 83/1972 (Republic).]

**REGULASIES VIR DIE INSTELLING VAN
WERKVERSKAFFINGSBURO'S IN DIE GEBIED
SUIDWES-AFRIKA.**

**REGULATIONS FOR THE ESTABLISHMENT OF
EMPLOYMENT BUREAUX IN THE TERRITORY OF
SOUTH WEST AFRICA**

NADEMAAL dit dienstig is om doeltreffender fasiliteite daar te stel waardeur werkgewers en werksoekers met mekaar in verbinding gestel kan word;

WHEREAS it is expedient to create more efficient facilities for placing employers and workseekers in contact with one another;

SO IS DIT dat ek kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), hierby verklaar dat die regulasies wat in die Bylae hiervan vervat is, ondanks die bepalinge in enige ander wet vervat, regskrag het in die Gebied Suidwes-Afrika met uitsluiting van die gebiede wat in artikel 2 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), omskryf is.

NEW THEREFORE, under and by virtue of the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby declare that the regulations contained in the Schedule hereto shall, notwithstanding the provisions of any other law, be of force and effect in the Territory of South West Africa, excluding the areas defined in section 2 of the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act 54 of 1968).

GEGEE onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die nege-en-twintigste dag van Maart Eenduisend Negehonderd Twee-en-sewentig.

GIVEN under my Hand and the Seal of the Republic of South Africa at Cape Town on this the twenty-ninth day of March One thousand Nine hundred and Seventy-two.

J. J. FOUCHE,
Staatspresident.
Op las van die
Staatspresident-in-rade
M. C. BOTHA.

J. J. FOUCHE,
State President.
By Order of the State President-
in-Council
M. C. BOTHA.

BYLAE

REGULASIES VIR WERKVERSKAFFINGSBURO'S.

WOORDOMSKRYWING:

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken —

- (i) „geproklameerde gebied” ’n geproklameerde gebied genoem in artikel 22 van die Stadsgebiede-proklamasie;
- (ii) „Hoofnaturellekommissaris” ’n beampte wat kragtens artikel 4(1) van die Naturelle-administrasie-Proklamasie 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika) aangestel is en ook ’n beampte wat op sy gesag optree;
- (iii) „huisvesting” enige gebou, huis, hut, kamer of ander bouwerk wat gebruik word of bedoel is vir gebruik vir woondoeleindes deur ’n werknemer of sy gesin;
- (iv) „Minister” die Minister van Bantoe-administrasie en -ontwikkeling;
- (v) „Naturellekommissaris” ’n beampte wat aangestel is kragtens artikel 4 (2) van die Naturelle-administrasie-Proklamasie 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika) en ook ’n landdros of ’n addisionele of ’n assistent-landdros wat kragtens genoemde artikel 4(2) as ’n Naturellekommissaris aangestel is;
- (vi) „Sekretaris” die Sekretaris van Bantoe-administrasie en -ontwikkeling en ook enige ander beampte in die Staatsdiens wat op sy gesag optree;
- (vii) „Stadsgebiede-proklamasie” die Proklamasie op Inboorlinge in Stedelike Gebiede 1951 (Proklamasie 56 van 1951) (Suidwes-Afrika);
- (viii) „stedelike plaaslike bestuur” ’n stedelike plaaslike bestuur omskryf in artikel 1 van die Stadsgebiede-proklamasie.
- (ix) „werknemer” en „werksoeker” ’n persoon omskryf in die derde laaste paragraaf van artikel 25 van die Naturelle-administrasie-Proklamasie 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika), maar nie ’n persoon wat lid is van die bevolkingsgroep wat as die Namas bekend staan wat in artikel 22(1)(a) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), genoem is nie;
- (x) „werkverskaffingsbeampte” ’n beampte wat deur die Hoofnaturellekommissaris kragtens regulasie 3 gelisensieer is om ’n werkverskaffingsburo te bestuur.

STIGTING VAN WERKVERSKAFFINGSBURO'S

2. (1) Hierby word ’n werkverskaffingsburo ingestel vir elke Naturellekommissaris se regsgebied, wat bestuur word deur ’n beampte in die Staatsdiens of ’n persoon wat vir die doel deur die Hoofnaturellekommissaris gelisensieer is, wat die werkverskaffingsbeampte heet, en sodanige buro kan behartig word deur ’n stedelike plaaslike bestuur wat vir dié doel deur die Minister aangewys word, en die setel van sodanige buro kan ook deur die Minister aangewys word, en die buro kan subkantore bedryf buite die regsgebied van ’n stedelike plaaslike bestuur wat die werkverskaffingsburo behartig.

SCHEDULE

EMPLOYMENT BUREAUX REGULATIONS

DEFINITIONS

1. In these regulations, unless the context otherwise indicates —

- (i) “accommodation” means any building, house, hut room or other structure used or intended for use for residential purposes by an employee or his family;
- (ii) “Chief Native Commissioner” means an officer appointed in terms of section 4 (1) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South West Africa), and includes an officer acting under his authority;
- (iii) “employee” and “workseeker” means a person defined in the third last paragraph section 25 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South West Africa), but excludes a person who is a member of the population group known as the Namas referred to in section 22 (1) (a) of the South West Africa Constitution Act, 1968 (Act 39 of 1968);
- (iv) “employment officer” means an officer who has been licensed by the Chief Native Commissioner in terms of regulation 3 to conduct an employment bureau;
- (v) “Minister” means the Minister of Bantu Administration and Development;
- (vi) “Native Commissioner” means an officer appointed in terms of section 4 (2) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South West Africa), and includes a magistrate or an additional or an assistant magistrate who has been appointed a Native Commissioner in terms of the said section 4 (2);
- (vii) “proclaimed area” means a proclaimed area referred to in section 22 of the Urban Areas Proclamation;
- (viii) “Secretary” means the Secretary for Bantu Administration and Development and includes any other officer in the Public Service acting under his authority;
- (ix) “Urban Areas Proclamation” means the Natives (Urban Areas) Proclamation, 1951 (Proclamation 56 of 1951) (South West Africa);
- (x) “urban local authority” means an urban local authority defined in section 1 of the Urban Areas Proclamation.

ESTABLISHMENT OF EMPLOYMENT BUREAUX

2. (1) There is hereby established an employment bureau for every Native Commissioner's area of jurisdiction, which shall be conducted by an officer in the Public Service or a person who has been licensed for that purpose by the Chief Native Commissioner, to be known as the employment officer, and such bureau may be conducted by any urban local authority designated for that purpose by the Minister, the headquarters of such Bureau also being designated by the Minister, and may operate sub-offices outside the area of jurisdiction of an urban local authority conducting the employment bureau.

(2) 'n Beampte wat 'n werkverskaffingsburo bestuur, word by die toepassing van die Strafproseduurewettigheidswet, 1963 (Ordinansie 34 van 1963), geag 'n vredesbeampte te wees.

BEVOEGDHEDE EN WERKSAAMHEDE VAN DIE HOOFNATURELLEKOMMISSARIS, NATURELLEKOMMISSARISSE EN WERKVERSKAFFINGSBEAMPTES

3. (1) Die Hoofnaturellekommissaris —

- (i) moet die bedrywigheid van die werkverskaffingsburo's in sy reggebied beheer;
- (ii) moet ondersoek instel na enige aangeleentheid rakende die indiensneming van werknemers en die doeltreffende funksionering van werkverskaffingsburo's;
- (iii) moet in die algemeen die stappe doen wat nodig is om die doeltreffende funksionering van werkverskaffingsburo's in sy gebied te verseker;
- (iv) het die bevoegdheid om op alle redelike tye enige werkverskaffingsburo in sy gebied en enige perseel in sy gebied waarop daar werknemers is, te inspekteer;
- (v) het op alle redelike tye toegang tot die registers, boeke en rekenings van 'n werkverskaffingsburo in sy gebied;
- (vi) het die bevoegdheid om 'n werkverskaffingsbeampte te lisensieer.

(2) 'n Werkverskaffingsbeampte moet —

- (i) sy buro ooreenkomstig hierdie regulasies en enige wettige voorskrifte wat hy van tyd tot tyd van die Hoofnaturellekommissaris of die Sekretaris ontvang, beheer en bestuur;
- (ii) die registers hou en die opgawes en inligting verskaf wat die Sekretaris van tyd tot tyd vereis;
- (iii) met ander werkverskaffingsbeamptes, werkgevers en erkende liggame saamwerk om die doeltreffende funksionering van sy buro te verseker.

(3) 'n Werkverskaffingsbeampte kan benewens enige ander voorgeskrewe bevoegdhede of werksaamhede —

- (i) weier om magtiging te verleen tot die indiensplasing, indiensneming of die verdere indienshouding van 'n werknemer in die gebied van die betrokke werkverskaffingsburo en, by skriftelike kennisgewing aan die betrokke werkgever, 'n diensooreenkoms met die werknemer aangaan, nietig verklaar, as hy oortuig is —
 - (a) dat die diensooreenkoms met dié werknemer nie *bona fide* is nie, of
 - (b) dat dié werknemer nie ingevolge 'n maatreël uitgevaardig deur 'n wetgewende raad genoem in artikel 3 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), goedkeuring het om 'n gebied omskryf in artikel 2 van genoemde Wet te verlaat nie of die maksimum tydperk van enige goedkeuring wat hy wel het, oorskryf het;
 - (c) dat dié werknemer nie van die verpligting onthef is om volgens 'n vroeëre diensooreenkoms diens te verrig nie; of

(2) Any officer who conducts an employment bureau shall be deemed to be a peace officer for the purposes of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963).

POWERS AND FUNCTIONS OF THE CHIEF NATIVE COMMISSIONER, NATIVE COMMISSIONERS AND EMPLOYMENT OFFICERS

3. (1) The Chief Native Commissioner —

- (i) shall control the activities of the employment bureaux in his area of jurisdiction;
- (ii) shall inquire into any matter affecting the employment of employees and the efficient functioning of the employment bureaux;
- (iii) generally shall take all such steps as are necessary to ensure the efficient functioning of employment bureaux in his area;
- (iv) shall have the power at all reasonable times to inspect any employment bureau in his area and any premises within his area upon which there are employees;
- (v) shall have access at all reasonable times to the records, books and accounts of an employment bureau in his area;
- (vi) shall have the power to license an employment officer.

(2) An employment officer shall —

- (i) control and conduct his bureau in terms of these regulations and any lawful instructions which he may from time to time receive from the Chief Native Commissioner or the Secretary;
- (ii) keep such records and registers and furnish such returns and information as may be required from time to time by the Secretary;
- (iii) co-operate with other employment officers, employers and recognised bodies to ensure the efficient functioning of his bureau.

(3) An employment officer may, in addition to any other powers or functions which may be prescribed —

- (i) refuse to sanction the placement in employment, engagement, or continued employment of any employee in the area of the employment bureau concerned, and by notice in writing to the employer concerned declare any agreement of employment with such employee cancelled if he is satisfied —
 - (a) that the agreement of employment with such employee is not *bona fide*; or
 - (b) that such employee has no approval in terms of an enactment of a legislative council referred to in section 3 of the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act 54 of 1968), to leave any area defined in section 2 of the said Act, or, if he has been granted approval, has exceeded the maximum period of such approval; or
 - (c) that such employee has not been released from the obligation of rendering service under an earlier agreement of employment; or

- (d) dat dië werknemer geen vergunning kragtens hierdie regulasies of enige ander wet het om in 'n werkverskaffingsburo se regsgebied te wees of om diens te aanvaar nie; of
 - (e) dat dië werknemer weier om hom aan 'n geneeskundige ondersoek deur 'n geneeskundige beampte te onderwerp of, nadat hy geneeskundig ondersoek is, nie gesond verklaar en soos voorgeskryf ingeënt is nie, of daar bevind word dat hy aan 'n venetiese siekte of aan tuberkulose of aan 'n ander kwaal of siekte ly wat volgens die oordeel van die geneeskundige beampte vir die openbare gesondheid gevaarlik is; of
 - (f) dat 'n verwyderingsbevel kragtens 'n wet of hierdie regulasies teen die werknemer uitgevaardig is; of
 - (g) dat daar nie vir dië werknemer in 'n geproklameerde gebied of by 'n myn of fabriek omskryf in Proklamasie 3 van 1917 (Suidwes-Afrika) huisvesting wat deur hom of 'n bevoegde outoriteit goedgekeur is, beskikbaar is nie, of indien sodanige huisvesting wel beskikbaar is, die werknemer dit nie bewoon nie, tensy dië werknemer sy toestemming het om tydelik ander huisvesting te bewoon; of
 - (h) dat die bepalings in subregulasie (4) nie nagekom is nie;
- (ii) 'n werknemer toelaat om op die voorgeskrewe voorwaardes as 'n los werker te werk of vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig, en vereis dat 'n werknemer wat aldus as 'n los werker werk saam is, werk by die dag op die voorgeskrewe voorwaardes moet aanvaar;
 - (iii) die huisvesting van enige werknemer en plek waar sodanige werknemer in diens is vir die toepassing van hierdie regulasies inspekteer, asook ondersoek instel of die diensvoorwaardes uiteengesit in die diensooreenkoms deur die werknemer se werkgever nagekom word;
 - (iv) 'n werknemer wat afkomstig is uit 'n gebied buite die gebied waar hierdie regulasies van toepassing is en wat in transito is tussen die setel of subkantoor van die werkverskaffingsburo en sy werkplek en/of tussen die setels van twee werkverskaffingsburo's, in verbinding stel met sy werkgever en voorsien van voedsel en verblyf, en kan die koste van voedsel en verblyf op die werknemer se werkgever verhaal wanneer die werkgever die werknemer ontvang, teen 'n tarief wat die Minister goedkeur.
- (4) 'n Werkverskaffingsbeampte verleen nie magtiging tot die indiensneming of die verdere indienshouding van 'n werknemer wat onder die ouderdom van 16 jaar is, in die gebied van die betrokke werkverskaffingsburo op 'n ander plek as op die grond waarop sy ouer of sy voog woonagtig is of in diens is nie, tensy hy in besit is van 'n skriftelike bewys wat uitgereik is deur die Naturellekommissaris van die gebied waar sy ouer of voog sy verblyf het en wat aantoon dat sy ouer of voog sy toestemming daartoe verleen het: Met dien verstande dat aan geen werknemer onder die ouderdom van 18 jaar magtiging verleen word om by 'n myn te werk nie.
- (d) that such employee is not permitted by these regulations or any other law to be in the area of jurisdiction of an employment bureau or to take up employment; or
 - (e) that such employee refuses to submit himself to medical examination by a medical officer or, having been medically examined, has not been passed as healthy and vaccinated as prescribed, or is found to be suffering from venereal disease or from tuberculosis or from any other ailment or disease which in the opinion of the medical officer is dangerous to public health; or
 - (f) that an order of removal has been made against such employee under any law or these regulations; or
 - (g) that no accommodation in a proclaimed area or at a mine or works defined in Proclamation 3 of 1917 (South West Africa) approved by him or a competent authority is available for such employee, or, if such accommodation is available, that such employee is not occupying it, unless such employee has obtained his permission to occupy other accommodation temporarily; or
 - (h) that the provisions of subregulation (4) have not been complied with;
- (ii) permit any employee to work as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor on the conditions prescribed, and require any employee so working as a casual worker to take employment by the day on such conditions as may be prescribed;
 - (iii) inspect the accommodation and place of employment of any employee for the purposes of these regulations and also investigate whether the conditions of employment as set out in the agreement of employment are being carried out by such employee's employer;
 - (iv) place any employee who comes from an area outside the area in which these regulations apply, and who is in transit between the headquarters or sub-office of the employment bureau and his place of employment and/or between the headquarters of two employment bureaux, in contact with his employer, and may provide such employee with food and lodging, and may recover the cost of such food and lodging from the employee's employer when such employer receives such employee, at a tariff approved by the Minister.
- (4) An employment officer shall not sanction the employment or the continued employment of an employee who is under the age of sixteen years in the area of the employment bureau concerned at any place other than the land on which his parent or guardian resides or is employed, unless he is in possession of written proof issued by the Native Commissioner of the area in which his parent or guardian resides, showing that his parent or guardian has granted permission thereto: Provided that no employee under the age of eighteen years shall be permitted to work at a mine.

(5) 'n Werksoeker, uitgesonderd 'n werksoeker in 'n geproklameerde gebied wat uit hoofde van die bepalings van artikel 10 (1) (a) of (b) van die Stadsgebiede-proklamasie geregtig is om in daardie gebied te wees, aan wie 'n werkverskaffingsbeampte nie geskikte werk kan aanbied nie of vergunning geweier het om in sy regsgebied diens te aanvaar of in diens te wees, of wat by drie agtereenvolgende geleenthede geskikte werk wat hom deur so 'n beampte aangebied is, sonder wettige rede geweier of versuim het om dit te aanvaar, of 'n werknemer wie se diensooreenkoms deur so 'n beampte nietig verklaar is, word verwys na die Naturellekommissaris in wie se gebied die betrokke werkverskaffingsburo geleë is, en sodanige Naturellekommissaris kan na oorweging van al die tersaaklike omstandighede beveel dat die werksoeker of werknemer en sy gesin, as daar so 'n gesin is, terugkeer na sy verblyfplek of laaste woonplek of enige ander plek wat in die bevel bepaal is.

(6) 'n Naturellekommissaris het die bevoegdheid om, behoudens die bepalings in regulasie 4 hieronder, ondersoek in te stel na die klagtes van 'n werknemer wat met sy diensooreenkoms ontevrede is, en het die bevoegdheid om 'n bevel uit te reik wat in genoemde regulasie 4 genoem word.

WYSE WAAROP MET WERKNEMERS GEHANDEL WORD WAT KLAGTES HET OF DIENSOOREENKOMSTE VERBREEK

4. (1) 'n Werknemer wat 'n party is by 'n diensooreenkoms en wat na sy diensaanvaarding ontevrede is met sodanige diensooreenkoms, kan 'n klagte indien by die werkverskaffingsbeampte wat die werknemer moet verwys na die Naturellekommissaris in wie se gebied die betrokke werkverskaffingsburo geleë is.

(2) Die Naturellekommissaris stel kragtens die bevoegdheid hom verleen by regulasie 3(6) ondersoek in na die klagte van die werknemer wat ingevolge subregulasie (1) na hom verwys is en kan na oorlegpleging met die werkgever van sodanige werknemer die diensooreenkoms nietig verklaar, indien hy daarvan oortuig is dat die werknemer se klagte gegrond is.

(3) 'n Naturellekommissaris kan 'n werknemer wie se diensooreenkoms hy kragtens subregulasie (2) nietig verklaar het, verwys na die betrokke werkverskaffingsbeampte, wat die werknemer geskikte werk kan aanbied.

(4) 'n Werknemer wie se diensooreenkoms nie kragtens subregulasie (2) nietig verklaar is nie, en wat sodanige ooreenkoms verbreek, en 'n werknemer wat 'n diensooreenkoms buite die gebied waarin hierdie regulasies van toepassing is, aangegaan het en versuim het om ingevolge sodanige diensooreenkoms diens te aanvaar, en 'n werknemer wat in 'n gebied bly in stryd met 'n bevel kragtens regulasie 3 (5) uitgereik, word beskou onwettig in sodanige gebied te wees.

(5) 'n Naturellekommissaris kan, ondanks die bepalings van 'n ander wet, by lasbrief gerig aan 'n lid van die Suid-Afrikaanse Polisie, beveel dat 'n werknemer wat onwettig in die gebied is waarin hierdie regulasies van toepassing is, onmiddellik uit sodanige gebied verwyder word na die plek wat in die lasbrief bepaal is.

(6) Die Naturellekommissaris kan, wanneer hy 'n bevel genoem in subregulasie (5) uitreik, beveel dat die

(5) Any workseeker, other than a workseeker in a proclaimed area who is by virtue of section 10 (1) (a) or (b) of the Urban Areas Proclamation entitled to be in such area, to whom an employment officer cannot offer suitable employment or who has been refused permission by an employment officer to take up or be in employment in his area of jurisdiction, or who has on three consecutive occasions refused or failed without lawful cause to take up suitable employment offered to him by such officer, or an employee whose agreement of employment has been declared cancelled by such officer, shall be referred to the Native Commissioner in whose area the employment bureau concerned is situated, and such Native Commissioner may, after considering all the relevant circumstances, order that such workseeker or employee and his family, if any, return to his home or last place of residence or any other place indicated in the order.

(6) Subject to the provisions of regulation 4 below, a Native Commissioner shall have the power to investigate the complaints of any employee who is dissatisfied with his agreement of employment, and shall have the power to make an order referred to in the said regulation 4.

MANNER OF DEALING WITH EMPLOYEES WHO HAVE COMPLAINTS OR WHO BREAK AGREEMENTS OF EMPLOYMENT

4. (1) Any employee who is a party to an agreement of employment and after taking up employment is dissatisfied with such agreement of employment may lay a complaint with the employment officer who shall refer such employee to the Native Commissioner in whose area the employment bureau concerned is situated.

(2) Under the powers vested in him by regulation 3 (6), the Native Commissioner shall investigate the complaints of such employee referred to him under subregulation (1) and may, after consulting the employer of such employee, declare the agreement of employment cancelled if he is satisfied that such employee has grounds for complaint.

(3) A Native Commissioner may refer any employee whose agreement of employment he has declared cancelled in terms of subregulation (2) to the employment officer concerned who may offer such employee suitable employment.

(4) Any employee whose agreement of employment has not been declared cancelled in terms of subregulation (2) and who breaks such agreement and any employee who has entered into an agreement of employment outside the area in which these regulations apply and who fails to take up employment under such agreement of employment and any employee who remains in any area in contravention of an order made under regulation 3 (5), shall be deemed to be unlawfully in such area.

(5) A Native Commissioner may, notwithstanding the provisions of any other law, by warrant addressed to any member of the South African Police order that any employee who is deemed to be unlawfully in the area in which these regulations apply be removed immediately from such area to a place specified in the warrant.

(6) The Native Commissioner may, in making any order referred to in subregulation (5), order that the

kosse van verwydering en huisvesting hangende die verwydering van die werknemer, betaal word uit geld wat in sy besit gevind word of andersins aan hom behoort of wat hom uit enige bron toekom.

(7) (i) 'n Werkgewer is nie aanspreeklik vir die kosse van voedsel en verblyf van 'n werknemer na sy diensaanvaarding nie, tensy hy werklik diens aan die werkgewer lewer.

(ii) 'n Naturellekommissaris kan skriftelik beveel dat die kosse van 'n werknemer se voedsel en verblyf waarvoor 'n werkgewer nie ingevolge hierdie subregulasie aanspreeklik is nie, betaal word uit geld wat in sodanige werknemer se besit gevind word of andersins aan hom behoort of wat hom uit enige bron toekom.

REGISTRASIE VAN WERKGEWERS IN GEPROKLA-MEERDE GEBIEDE

5. (1) Elke persoon wat gewoonlik 'n werknemer in 'n geproklameerde gebied in diens het, moet hom by die werkverskaffingsburo as werkgewer laat registreer.

(2) Die werkverskaffingsbeampte moet 'n rekord-kaart byhou, wesentlik in die vorm uiteengesit in die Vierde Bylae hiervan, van elke persoon wat werknemers in die geproklameerde gebied in diens het en moet op sodanige kaart die name aanteken van al die werknemers wat in diens van sodanige persoon geregistreer is.

(3) Elke persoon wat die dienste van 'n werknemer in 'n geproklameerde gebied nodig het, moet die werkverskaffingsbeampte skriftelik daarvan verwettig.

AANMELDING VAN WERKSOEKERS

6. (1) Elke werksoeker in 'n geproklameerde gebied moet binne 72 uur nadat hy werkloos geraak het of binne veertien dae nadat hy sestien jaar oud geword het of opgehou het om 'n voltydse leerling of student aan 'n onderwysinrigting te wees, hom by die werkverskaffingsburo vir indiensplasing aanmeld.

(2) Elke werksoeker in 'n nie-geproklameerde gebied wat werkloos is, kan hom by die werkverskaffingsburo aanmeld vir indiensplasing en moet hom binne 72 uur aldus vir indiensplasing aanmeld nadat hy vir langer as veertien dae werkloos was: Met dien verstande dat 'n werksoeker nie in 'n nie-geproklameerde gebied werk mag soek nie tensy hy skriftelike bewys het dat hy van die verpligting onthef is om volgens 'n diensooreenkoms diens te verrig: Met dien verstande voorts dat 'n werksoeker alleenlik in die regsgebied van die werkverskaffingsbeampte wat sy indiensplasing kragtens regulasie 10 registreer het, werk mag soek.

(3) Die werkverskaffingsbeampte moet, tensy hy kragtens regulasie 3 (3) weier om 'n werksoeker in diens te plaas —

(i) 'n diensrekordkaart, wesentlik in die vorm uiteengesit in die Eerste Bylae hiervan, ten opsigte van sodanige werksoeker invul;

(ii) die werksoeker in kennis stel van werkgewers wat die dienste van 'n werknemer nodig het;

cost of removing such employee and of accommodation pending his removal be met from any money found in his possession or otherwise belonging to him or accruing to him from any source.

(7) (i) An employer shall not be liable for an employee's food and lodging after he has taken up employment, unless such employee is actually rendering service to the employer.

(ii) A Native Commissioner may order in writing that the cost of an employee's food and lodging for which an employer shall not be liable in terms of this subregulation be met from any money found in such employee's possession or otherwise belonging to him or accruing to him from any source.

REGISTRATION OF EMPLOYERS IN PROCLAIMED AREAS

5. (1) Every person who ordinarily employs an employee in a proclaimed area shall register as an employer at the employment bureau.

(2) The employment officer shall keep a record card, substantially in the form set out in the Fourth Schedule hereto, of every person who employs employees in the proclaimed area and record on such card the names of all employees registered in the employ of such person.

(3) Every person who requires the services of an employee in a proclaimed area shall advise the employment officer in writing of such requirement.

REPORTING OF WORKSEEKERS

6. (1) Every workseeker in a proclaimed area shall within 72 hours after becoming unemployed or within fourteen days of attaining the age of sixteen years or ceasing to be a full-time pupil or student at an educational institution report at the employment bureau for employment.

(2) Every workseeker in a non-proclaimed area who is unemployed may report at the employment bureau for employment within 72 hours and shall so report to be placed in employment after having been unemployed for longer than fourteen days: Provided that a workseeker shall not seek work in a non-proclaimed area unless he has written proof that he has been released from the obligation of rendering service under an agreement of employment: Provided further that a workseeker shall seek work only in the area of jurisdiction of the employment officer who registered his employment under regulation 10.

(3) The employment officer shall, unless he refuses in terms of regulation 3 (3) to place a workseeker in employment —

(i) complete a service record card in respect of such workseeker substantially in the form set out in the First Schedule hereto;

(ii) advise the workseeker of employers requiring the services of an employee;

- (iii) die werksoeker verwys na 'n werkgewer wat die dienste van 'n werknemer nodig het;
- (iv) indien hy nie sodanige werksoeker dadelik in diens kan plaas nie, sodanige werksoeker beveel om hom by hom aan te meld op die datums deur hom bepaal.

- (iii) refer such workseeker to an employer who requires the services of an employee;
- (iv) if he cannot place such workseeker in employment forthwith, instruct such workseeker to report to him on such dates as he may specify.

INDIENSNEMING VAN WERKSOEKERS IN GEPROKLAMEERDE GEBIEDE

7. (1) Niemand mag 'n werksoeker in 'n geproklameerde gebied in diens neem of hou nie, tensy sodanige werksoeker na hom verwys is kragtens regulasie 6 (3).

(2) Elke persoon na wie 'n werksoeker kragtens regulasie 6 (3) verwys word en wat nie bereid is om die werksoeker in diens te neem nie, moet op die vorm voorgeskryf in die Vyfde Bylae hiervan wat deur die werksoeker aan hom oorhandig moet word, aandui dat hy nie bereid is om die werksoeker in diens te neem nie, die vorm onderteken en dateer, en die vorm moet binne een dag nadat die persoon dit onderteken en gedateer het, aan die werkverskaffingsbeampte deur die werksoeker oorhandig word.

KENNISGEWING VAN INDIENSNEMING IN GEPROKLAMEERDE EN NIE-GEPROKLAMEERDE GEBIEDE

8. (1) Iemand wat 'n werknemer in diens neem, moet nadat hy sodanige werknemer in diens geneem het, indien hy nie andersins ingevolge enige wet belet word om sodanige werknemer in diens te neem nie en indien sodanige werknemer nie ingevolge enige wet belet word om in die betrokke gebied in diens te wees of diens te aanvaar nie —

- (i) binne drie dae, of binne dertig dae indien die persoon 'n werknemer in 'n nie-geproklameerde gebied in diens geneem het, 'n kennisgewing wesentlik in die vorm uiteengesit in die Tweede Bylae hiervan, waarvan afskrifte gratis by die werkverskaffingsburo verkrygbaar is, invul en dit aflewer by of stuur aan die betrokke werkverskaffingsbeampte;
- (ii) die erkenning van die werkverskaffingsbeampte dat die werknemer geregistreer is, hou;
- (iii) 'n register hou van alle werknemers in sy diens.

(2) Die bepalinge van subregulasie (1) is nie van toepassing nie in die geval van 'n werknemer —

- (i) wat onderneem het om diens te verrig vir 'n bepaalde tydperk van minder as drie dae;
- (ii) wat onderneem het om diens te lewer as 'n los werker of vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig, indien sodanige werknemer deur die betrokke werkverskaffingsbeampte kragtens regulasie 3 gemagtig is om sodanige diens te lewer of werk te verrig;
- (iii) wat vir dieselfde werkgewer in 'n ander gebied geregistreer is.

REGISTER VAN INDIENSPLASINGS

9. Wanneer die werkverskaffingsbeampte die kennisgewing genoem in regulasie 8 (1) ontvang, moet hy —

EMPLOYMENT OF WORKSEEKERS IN PROCLAIMED AREAS

7. (1) No person shall engage or continue to employ a workseeker in a proclaimed area unless such workseeker has been referred to him under regulation 6 (3).

(2) Every person to whom a workseeker has been referred under regulation 6 (3) and who is not prepared to employ such workseeker shall indicate on the form prescribed in the Fifth Schedule hereto, which is to be handed to him by such workseeker, that he is not prepared to employ such workseeker, and shall sign and date the form, and such form shall within one day after it has been signed and dated by such person be handed to the employment officer by such workseeker.

NOTIFICATION OF EMPLOYMENT IN PROCLAIMED AND NON-PROCLAIMED AREAS

8. (1) Any person who engages an employee shall after engaging such employee, if he is not otherwise prohibited under any law from employing such employee and if such employee is not prohibited under any law from being employed in or taking up employment in the area concerned —

- (i) within three days, or within 30 days if such person has employed an employee in a non-proclaimed area, complete a notification which shall be substantially in the form set out in the Second Schedule hereto, copies of which may be obtained free of charge from the employment bureau, and deliver or post such notification to the employment officer concerned;
- (ii) retain the acknowledgement by the employment officer of the registration of such employee;
- (iii) keep a record of all employees in his employ.

(2) The provisions of subregulation (1) shall not apply in the case of an employee —

- (i) who has undertaken to render service for a fixed period of less than three days;
- (ii) who has undertaken to render service as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor if such employee is authorised by the employment officer concerned in terms of regulation 3 to render such service or do such work;
- (iii) who has been registered for the same employer in another area.

RECORD OF EMPLOYMENTS

9. The employment officer, on receiving the notification referred to in regulation 8 (1), shall —

- (i) indien daar geen ander wettige rede is waarom die indiensplasing van sodanige werknemer nie geregistreer moet word nie, dit registreer deur die diensrekordkaart van die betrokke werknemer uiteengesit in die Eerste Bylae hiervan, dienoreenkomstig te endosseer;
- (ii) die werkgever verwittig van die feit dat sodanige indiensplasing geregistreer is deur 'n kennisgewing van registrasie, wesentlik in die vorm uiteengesit in die Derde Bylae hiervan, by die werkgever af te lewer of aan hom te pos.

KENNISGEWING VAN DIENSVERANDERING IN GEPROKLAMEERDE EN NIE-GEPROKLAMEERDE GEBIEDE

10. Iemand in regulasie 8 (1) genoem, moet, indien die werknemer in daardie regulasie genoem, te sterwe kom of sy diens verlaat of indien die diens van sodanige werknemer om enige ander rede beëindig word, binne drie dae na sodanige afsterwe, diensverlating of -beëindiging onder sy aandag gebring is, die betrokke werkverskaffingsbeampte daarvan verwittig deur 'n kennisgewing, wesentlik in die vorm uiteengesit in die Tweede Bylae hiervan, by hom af te lewer of aan hom te pos.

WERKVERSKAFFINGSBUROGELDE

11. (1) Iemand (met inbegrip van die Staat, waarby die Poskantooradministrasie, die Spoorwegadministrasie en die Administrasie van Suidwes-Afrika inbegrepe is) wat 'n werknemer in 'n geproklameerde gebied in diens neem, moet aan die werkverskaffingsbeampte binne wie se regsgebied sodanige werknemer in die loop van enige maand hoofsaaklik in diens is, in plaas van die registrasiegeld in Goewermentskennisgewing 65 van 1955 (Suidwes-Afrika) genoem, 'n maandelikse bedrag van vyftig sent betaal.

(2) Iemand (met inbegrip van die Staat, waarby die Poskantooradministrasie, die Spoorwegadministrasie en die Administrasie van Suidwes-Afrika inbegrepe is) wat 'n werknemer in 'n nie-geproklameerde gebied in diens neem by 'n myn of fabriek omskryf in Proklamasie 3 van 1917 (Suidwes-Afrika), moet aan die betrokke werkverskaffingsbeampte by indiensneming van sodanige werknemer 'n bedrag van drie Rand betaal en daarna jaarliks drie rand op die jaardag van die werknemer se datum van diensaanvaarding.

(3) 'n Werknemer wat deur 'n werkverskaffingsbeampte kragtens regulasie 3 toegelaat is om in 'n geproklameerde gebied as 'n los werker te werk of vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig, moet aan die werkverskaffingsbeampte die maandelikse bedrag betaal wat in subregulasie (1) genoem is.

(4) Die gelde wat die werkverskaffingsbeampte in gevolge subregulasies (1) (2) en (3) ontvang, moet op die Inboorlinginkomsterekening in artikel 17 van die Stadsgebiedproklamasie genoem, inbetaal word vir die doeleindes van genoemde artikel 17. Ondanks die bepaling van genoemde artikel 17, kan genoemde rekening belas word met die koste wat die werkverskaffingsbeampte aangaan om 'n werknemer in regulasie 3 (3) (iv) genoem, met sy werkgever in verbinding te stel.

TOEPASSING VAN REGULASIES

12. Waar ook al enigiets in enige ander wet vervat, strydig is met hierdie regulasies, geld die bepaling van

- (i) if there is no other lawful reason why the employment of such employee should not be registered, register such employment by endorsing the service record card of the employee concerned, prescribed in the First Schedule hereto, accordingly;
- (ii) advise the employer of the fact that such employment has been registered by delivering or posting to him a notification of registration substantially in the form set out in the Third Schedule hereto.

NOTIFICATION OF CHANGE OF EMPLOYMENT IN PROCLAIMED AND NON-PROCLAIMED AREAS

10. Any person referred to in regulation 8 (1) shall, if the employee referred to in that regulation dies or leaves his employ, or if the employment of such employee is terminated for any other cause, within three days of such death, departure or termination having been brought to his notice, advise the employment officer concerned of such fact by delivering or posting to him a notification substantially in the form set out in the Second Schedule hereto.

EMPLOYMENT BUREAU FEES

11. (1) Any person (including the State, which includes the Post Office Administration, the Railways Administration and the South West Africa Administration) who employs an employee in a proclaimed area shall pay to the employment officer within whose area of jurisdiction such employee is mainly employed in the course of any month, instead of the registration fee referred to in Government Notice 65 of 1955 (S.W.A.), a monthly fee of fifty cents.

(2) Any person (including the State, which includes the Post Office Administration, the Railways Administration and the South West Africa Administration) who employs an employee in a non-prescribed area on any mine or works defined in Proclamation 3 of 1917 (S.W.A.), shall pay to the employment officer concerned on engaging such employee a fee of three rand and thereafter annually on the anniversary of the date of engagement of the employee a fee of three rand.

(3) An employee who has been permitted by an employment officer in terms of regulation 3 to work as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor in a proclaimed area shall pay to the employment officer the monthly fee referred to in subregulation (1).

(4) The fees received by the employment officer in terms of subregulations (1), (2) and (3) shall be paid into the Native Revenue Account referred to in section 17 of the Urban Areas Proclamation for the purposes of the said section 17. Notwithstanding the provisions of the said section 17, any expenses incurred by the employment officer in placing any employee referred to in regulation 3 (3) (iv) in contact with his employer may be charged to the said Account.

APPLICATION OF REGULATIONS

12. Wherever anything contained in any other law is inconsistent with these regulations, the provisions of

hierdie regulasies, vir solank hulle van krag is, bo die bepalings van enige sodanige ander wet.

these regulations shall for as long as they are in force prevail over the provisions of any such other law.

MISDRYWE EN ALGEMENE STRAFBEPALINGS

13. (1) Iemand wat deur 'n doen of late 'n bepaling van hierdie regulasies oortree of versium om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en, in geval van 'n voortdurende oortreding, met 'n bykomende boete van hoogstens twintig rand, of, by wanbetaling 'n eweredige tydperk van bykomende gevangenisstraf vir elke dag wat die oortreding voortduur: Met dien verstande dat die duur van sodanige eweredige tydperk van bykomende gevangenisstraf in geen geval ses maande te bowe mag gaan nie.

(2) 'n Oortreding van of versium om te voldoen aan 'n bepaling van hierdie regulasies kan verhoor word en die maksimum strawwe kan opgelê word deur die hof van 'n Naturellekommissaris of landdros.

(3) Iemand wat 'n werknemer in stryd met die bepalings van hierdie regulasies of enige ander wet in diens neem of hou, kan benewens die strawwe wat in subregulasie (1) van hierdie regulasie voorgeskryf is, deur die hof gelas word om die reiskoste (insluitende begeleierskoste en die koste van padkos) van die werknemer na die plek in die lasbrief bepaal, te betaal.

KORT TITEL

14. Hierdie regulasies kan vir alle doeleindes aangehaal word as die Regulasies vir Werkverskaffingsburo's 1972, en tree in werking op die datum van publikasie daarvan in die Staatskoerant.

OFFENCES AND GENERAL PENALTIES

13. (1) Any person who by any act or omission contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months, and, in the case of a continuing offence, to an additional fine not exceeding twenty rand or, in default of payment, a proportionate period of additional imprisonment for each day during which the offence continues: Provided that the duration of any such proportionate period of additional imprisonment shall in no case exceed six months.

(2) Every contravention of or failure to comply with these regulations may be tried and the maximum penalties may be imposed by any Native commissioner's court or magistrate's court.

(3) Any person who engages or employs an employee contrary to the provisions of these regulations or any other law may, in addition to any penalty prescribed in subregulation (1) of this regulation, be ordered by the court to pay the travelling expenses (including the expenses of an escort and food for the journey) of the employee to the place specified in the warrant.

SHORT TITLE

14. These regulations may for all purposes be cited as the Employment Bureaux Regulations, 1972, and shall come into operation on the date of publication thereof in the Government Gazette.

EERSTE BYLAE

DIENSREKORDKAART

Naam
 Domisilie
 Land van herkoms
 Geskatte ouderdom
 Huidige woonadres
 Kaptein/Hoofman
 Vorige werk: Nywerheid
 Beroep
 Indien oorgeplaas, vermeld: Buro
 Nywerheid Magtiging
 Opmerkings

FIRST SCHEDULE

SERVICE RECORD CARD

Name
 Domicile
 Country of Origin
 Estimated age
 Present residential address
 Chief/Headman
 Previous work: Industry
 Occupation
 If transferred, state: Bureau
 Industry
 Authority
 Remarks

Keersy van kaart.

Back of card:

DIENSREKORD

Datum(s) van registrasie en herregistrasie	Datum(s) van indiensneming	Werkgewer(s) en adres(se)	Beroep	Indien lone nie voor- geskryf nie, vermeld lone en voordele	Datum van ontslag

RECORD OF SERVICE

Date(s) of registra- tion and re-registra- tion	Date(s) of employ- ment	Employer(s) and address(es)	Occupation	If wages not pre- scribed, state wages and benefits	Date(s) of discharge

TWEEDE BYLAE**KENNISGEWING DEUR WERKGEWER**

Telefoonnommer Adres

Die Werkverskaffingsbeampte,

Geliewekennis te neem dat manlike/vroulike* werknemer—
 Familiennaam
 Voornaam
 Distrik van domisilie
 Land van herkoms

- *1. deur my in diens geneem is met ingang van
 Aard van werk
 Loonskaal
 *2. deur my ontslaan is met ingang van
 *3. gesterf het op
 *4. my diens verlaat het op
 *5. met verlof is met ingang van
 tot
 Ek sluit in vir die registrasiegelde.
 Hy was tevore in diens van
 te
 Datum Naam

* Skrap wat nie van toepassing is nie.

DERDE BYLAE**KENNISGEWING VAN REGISTRASIE**

(Moet deur werkgever gehou word)

Hierby word gesertifiseer dat —

deur my geregistreer is vir diens by
 te as
 in die werkverskaffingsburo van
 Werkverskaffingsbeampte

SECOND SCHEDULE**NOTIFICATION BY EMPLOYER**

Telephone Address

The Employment Officer,

Please note that the male/female* employee —
 Surname
 First Names
 District of Domicile
 Country of origin

- *1. was engaged by me with effect from
 Nature of employment
 Rate of pay
 *2. was discharged by me with effect from
 *3. died on
 *4. left my employ on
 *5. was granted leave with effect from
 to
 I enclose for the registration fee.
 He was previously employed by
 at
 Date Name

* Delete whichever is inapplicable.

THIRD SCHEDULE**NOTIFICATION OF REGISTRATION**

(To be retained by employer)

This is to certify that —

has been registered by me for employment by
 at as
 in the employment bureau of
 Employment Officer

VIERDE BYLAE**REKORDKAART VAN WERKGEWERS**

Naam
 Adres en distrik
 Telefoon Nywerheid
 Getal in diens
 Manlik Vroulik

Besonderhede van werknemers

Naam	Datum van indiensneming	Hoe gehuisves	Datum van ontslag

Op keersy

Datum van aansoek	Getal verskaf	Datum van kennis- gewing van in- diensneming	Lone en voordele	Getal in diens		
				MANS	VROUE	JEUGDIGES

FOURTH SCHEDULE**RECORD CARD OF EMPLOYERS**

Name
 Address and district
 Telephone Industry
 Number in employment
 Male Female

Particulars of Employees

Name	Date of engagement	How accomodated	Date of discharge

Back of card:

Date(s) of application	Number supplied	Date of notification of engagement	Wages and benefits	Number in employment		
				MEN	WOMEN	YOUTHS

VYFDE BYLAE

VERWYSING VAN WERKSOEKER NA
MOONTLIKE WERKGEWER

Aan

Meneer,

Volgens my rekords bestaan daar 'n vakature op u
diensstaat vir een werknemer

Die draer hiervan —

Naam
is as 'n werksoeker geregistreer en wens om oorweeg te
word vir diens by u.Indien u besluit om hom in diens te neem, geliewe
die aangehegte vorm in te vul en dit saam met die draer
aan my te stuur.Indien u nie bereid is om hom in diens te neem nie,
verstrek asseblief redes

Dienswillig die uwe,

Werkverskaffingsbeampte

Adres

Datum

FIFTH SCHEDULE

INTRODUCTION OF WORKSEEKER TO
PROSPECTIVE EMPLOYER

To

Sir,

According to my records there is a vacancy on your
establishment for one employee

The bearer hereof —

Name
is registered as a workseeker and desires to be considered
for employment by you.If you decide to engage him, please complete the
attached form and return it to me with the bearer.If you are not prepared to engage him, please state
reasons

Yours faithfully,

Employment Officer

Address

Date