

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette

Staatskoerant

R1,00 Price • Prys
R0,10 Plus 10% VAT • BTW
R1,10 Selling price • Verkoopprys
Other countries R1,40 Buitelands
Post free • Posvry

Vol. 330

PRETORIA, 31 DECEMBER 1992
DESEMBER 1992

No. 14502

GENERAL NOTICE

NOTICE 1169 OF 1992

DEPARTMENT OF MANPOWER

PROPOSED AMENDMENT OF THE REGULATIONS PROMULGATED IN TERMS OF SECTION 37 OF THE BASIC CONDITIONS OF EMPLOYMENT ACT, 1983

1. With reference to the Basic Conditions of Employment Amendment Act, 1992 (Act No. 104 of 1992), published in *Government Gazette* No. 14094 of 3 July 1992, which, *inter alia*, provides for the inclusion of farm workers under the Basic Conditions of Employment Act, 1983, it is essential that the regulations, be amended accordingly. Draft amending regulations have been drawn up and is published in the Schedule hereto for general information and comment.

2. (a) All interested parties are invited to submit written comments on the draft amending regulations as soon as possible. Such comments should be forwarded to the Director-General: Manpower, Private Bag X117, Pretoria, 0001, for attention Mr F. S. Watermeyer [Tel. (012) 310-6334].

(b) Comments should reach the Director-General not later than 19 February 1993.

(c) The name, telephone number, fax number and adres of a person who may be contacted in regard to the comments should be stated clearly.

3. The final amending regulations will be drawn up by the Department of Manpower for submission to the Minister of Manpower after the comments received on this draft amending regulations have been processed.

ALGEMENE KENNISGEWING

KENNISGEWING 1169 VAN 1992

DEPARTEMENT VAN MANNEKRAAG

VOORGESTELDE WYSIGING VAN DIE REGULASIES UITGEVAARDIG INGEVOLGE ARTIKEL 37 VAN DIE WET OP BASIESE DIENSVOORWAARDES, 1983

1. Na aanleiding van die Wysigingswet op Basiese Diensvoorwaardes, 1992 (Wet No. 104 van 1992), gepubliseer in *Staatskoerant* No. 14094 van 3 Julie 1992 wat onder ander voorsiening maak vir die insluiting van plaaswerkers onder die Wet op Basiese Diensvoorwaardes, 1983, is dit nodig dat die regulasies ook dienooreenkomsdig gewysig word. Konseptregulasiewysigings is opgestel en word in die Bylae hieronder vir algemene inligting en kommentaar gepubliseer.

2. (a) Alle belanghebbendes word versoek om so spoedig moontlik skriftelik kommentaar op die konseptregulasiewysigings te lewer. Die kommentaar moet gestuur word aan die Direkteur-generaal: Mannekrag, Privaatsak X117, Pretoria, 0001, vir die aandag van mnr. F. S. Watermeyer [Tel. (012) 310-6334].

(b) Die kommentaar moet die Direkteur-generaal nie later nie as 19 Februarie 1993, bereik.

(c) Die naam, telefoonnummer, faksnummer en adres van 'n persoon met wie oor die kommentaar geskakel kan word, moet ook duidelik gemeld word.

3. Die finale regulasiewysigings sal deur die Departement van Mannekrag vir voorlegging aan die Minister van Mannekrag opgestel word nadat kommentaar wat op hierdie konseptregulasiewysigings ontvang is, verwerk is.

AMENDMENT OF REGULATIONS

SCHEDULE

1. In this Schedule, "the Regulations" means the regulations published under Government Notice No. R. 1148 of 3 June 1983, as amended by Government Notices Nos. R. 1056 of 25 May 1984, R. 1018 of 10 May 1985, R. 501 of 18 March 1988, R. 2253 of 4 November 1988, R. 922 of 27 April 1990 and R. 3028 of 28 December 1990.

2. Regulation 1 (1) of the Regulations is hereby amended by the insertion after the definition of "annexure" of the following definition:

"'payment in kind', in the case of a farm worker, means any non-monetary payment, made or owing to any person in pursuance of such person's employment which is made or owing to such person as payment in cash, the value of which is coupled—

(a) to a fixed rate of the weekly or monthly remuneration, as the case may be, which scale—

(i) in the case where the employer provides food to an employee in his employ, is not less than 15 per cent;

(ii) in the case where the employer provides quarters to an employee in his employ, is not less than 5 per cent;

(iii) in the case of an employer who provides any other payment in kind excluding payment in terms of paragraph (a) (i) and (ii), including the right of use of land, to an employee in his employ, is not less than 5 per cent; or

(b) notwithstanding the provisions of paragraph (a), in terms of an agreement between him and his employer, the value of such payment being determined by the agreement concerned;" and

3. Regulation 1 (2) (f) of the Regulations is hereby amended by the insertion of "Mitchells Plain" after "Malmesbury".

4. Regulation 2 (1) of the Regulations is hereby amended by the substitution of "R40 500", "R37 500" and "R34 500" for "R31 800", "R29 400" and "R27 000", respectively.

5. Regulation 2 (3) (a) of the Regulations is hereby amended by the insertion of "Mitchells Plain" after "Kuils River".

6. Regulation 4 of the Regulations is hereby amended by the addition at the end thereof of the following proviso: "Provided that in the case of an employer engaged in farming activities, the summaries shall be in the form of Annexure 4A".

WYSIGING VAN REGULASIES

BYLAE

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgowing No. R. 1148 van 3 Junie 1983, soos gewysig by Goewermentskennisgewings Nos. R. 1056 van 25 Mei 1984, R. 1018 van 10 Mei 1985, R. 501 van 18 Maart 1988, R. 2253 van 4 November 1988, R. 922 van 27 April 1990 en R. 3028 van 28 Desember 1990.

2. Regulasie 1 (1) van die Regulasies word hierby gewysig deur na die omskrywing van "aanhangsel" die volgende omskrywing in te voeg:

"'betaling in natura', in die geval van 'n plaaswerker, enige nie-geldelike betaling, aan iemand gedoen of verskuldig, wat as betaling in kontant aan so iemand gedoen of verskuldig is, waarvan die waarde gekoppel word—

(a) aan 'n vasgestelde skaal van die weeklikse of maandelikse beloning, na gelang van die geval, welke skaal—

(i) in die geval van 'n werkgewer wat voedsel aan 'n werknemer in sy diens verskaf, nie minder as 15 persent is nie;

(ii) in die geval van 'n werkgewer wat huisvesting aan 'n werknemer in sy diens verskaf, nie minder as 5 persent is nie; en

(iii) in die geval van 'n werkgewer wat enige ander betaling in natura, uitgesonderd betaling ingevolge paragrawe (a) (i) en (ii), insluitende gebruiksreg van grond, aan 'n werknemer in sy diens verskaf, nie minder as 5 persent is nie; of

(b) ondanks die bepaling van paragraaf (a), ingevolge 'n ooreenkoms tussen hom en sy werkgewer, die waarde van welke betaling by die betrokke ooreenkoms bepaal word; en"

3. Regulasie 1 (2) (f) van die Regulasies word hierby gewysig deur "Mitchells Plain" na "Malmesbury" in te voeg.

4. Regulasie 2 (1) van die Regulasies word hierby gewysig deur "R31 800", "R29 400" en "R27 000" deur onderskeidelik "R40 500", "R37 500" en "R34 500" te vervang.

5. Regulasie 2 (3) (a) van die Regulasies word hierby gewysig deur "Mitchells Plain" na "Kuilsrivier" in te voeg.

6. Regulasie 4 van die Regulasies word hierby gewysig deur aan die einde daarvan die volgende voorbeholdsbeplaling by te voeg: "Met dien verstande dat in die geval van 'n werkgewer betrokke by boerde rybedrywighede die opsommings in die vorm van Aanhangsel 4A moet wees."

7. The annexures to the Regulations are hereby amended—

- (a) by the substitution for Annexure 1 of the following annexure: (attached)
- (b) by in Annexure 4—
 - (i) the substitution of the expression:

"SUMMARY TO BE KEPT BY AN EMPLOYER (EXCLUDING AN EMPLOYER ENGAGED IN FARMING ACTIVITIES) IN TERMS OF SECTION 21

The following is a summary of the provisions of the most important sections of the Basic Conditions of Employment Act, 1983 (excluding farming activities):"

for the expression:

"SUMMARY TO BE KEPT BY EMPLOYER IN TERMS OF SECTION 21

The following is a summary of the provisions of the most important sections of the Basic Conditions of Employment Act, 1983:";

- (ii) the substitutions for paragraph 1 (b) of the summary of sections 1 (2) and (3) of the following paragraph:

"(b) who is employed in private households;"

- (iii) the insertion in the summary of section 11 of "Workers' Day" after "Good Friday";

- (iv) the substitution for the summary of section 17 of the following summary:

"An employer shall not, without prejudice to the provisions of section 52A of the Child Care Act, 1983 (Act No. 74 of 1983), employ any person under the age of 15 years and shall not require or permit a female employee to work during the period four weeks prior to the expected date of her confinement and eight weeks after that date.

Note: Section 52A of the Child Care Act, 1983 (Act No. 74 of 1983), refers to 'Prohibition of employment of certain children.';

- (v) the addition at the end of the summary of section 18 of the following "or having discussed his conditions of employment with his fellow workers, his employer of any other person, or has refused or failed to carry out an order of his employer that is in conflict with the provisions of the Act."; and

- (vi) the insertion after the summary of section 22 of the following summary:

"RECOVERY OF CERTAIN AMOUNTS DUE IN TERMS OF THE ACT

Section 30

No employee shall recover from an employer and no employer shall recover from an employee any amount due to him by virtue of a provision of the Act unless the Attorney-General has refused to prosecute, the party concerned has been acquitted on a charge or the Director-General has issued a certificate on application, stating that the employer or employee, as the case may be, has requested that the provisions of section 27 shall not be applied in respect of his claim.

7. Die aanhangsels van die Regulasies word hierby gewysig—

- (a) deur Aanhangsel 1 deur die volgende aanhangsel te vervang: (aangeheg)
- (b) deur in Aanhangsel 4—
 - (i) die uitdrukking:

"OPSOMMING WAT KAGTENS ARTIKEL 21 DEUR WERKGEWER GEHOU MOET WORD

Die volgende is 'n opsomming van die bepalings van die belangrikste artikels van die Wet op Basiese Diensvoorraarde, 1983:"

deur die volgende te vervang:

"OPSOMMING WAT KAGTENS ARTIKEL 21 DEUR 'N WERKGEWER (UITGESONDERD 'N WERKGEWER BETROKKEN BY BOERDERYBEDRYWIGHED) GEHOU MOET WORD

Die volgende is 'n opsomming van die bepalings van die belangrikste artikels van die Wet op Basiese Diensvoorraarde, 1983 (uitgesonderd ten opsigte van boerderybedrywighede):";

- (ii) paragraaf 1 (b) van die opsomming van artikel 1 (2) en (3) deur die volgende paragraaf te vervang:

"(b) wat in private huishoudings in diens is;"

- (iii) in die opsomming van artikel 11, "Werkersdag" na "Goeie Vrydag" in te voeg;

- (iv) die opsomming van artikel 17 deur die volgende opsomming te vervang:

" 'n Werkgever mag nie sonder om afbreuk te doen aan die bepalings van artikel 52A van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), iemand onder die ouderdom van 15 jaar in diens neem nie en mag nie vereis of toelaat dat 'n vroulike werknemer gedurende die tydperk vier weke voor die verwagte datum van haar bevalling en agt weke na daardie datum werk nie.

Opmerking: Artikel 52A van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), verwys na 'Verbod op indiensneming van sekere kinders.';

- (v) aan die einde van die opsomming van artikel 18, die volgende by te voeg: "of sy diensvoorraarde met sy medewerknemers, sy werkgever of enige ander persoon bespreek het, of geweier of versium het om 'n opdrag van sy werkgever wat strydig is met die bepalings van die Wet, uit te voer.;" en

- (vi) die volgende opsomming na die opsomming van artikel 22 in te voeg:

"VERHAAL VAN SEKERE BEDRAE VERSKULDIG INGEVOLGE HIERDIE WET

Artikel 30

'n Werknemer verhaal nie op 'n werkgever en 'n werkgever verhaal nie op 'n werknemer 'n bedrag aan hom verskuldig uit hoofde van 'n bepaling van die Wet nie, tensy die Prokureur-generaal geweier het om te vervolg, die betrokke party op 'n aanklag vrygespreek is of die Direkteur-generaal 'n sertifikaat op aansoek uitgereik het met die strekking dat die werknemer of werkgever, na gelang van die geval, versoek het dat die bepalings van artikel 27 nie ten opsigte van sy eis toegepas word nie.

Note: While the said certificate is in force, the provisions of sections 27 (inquiry by court as to amount of certain unpaid moneys), 28 (court order concerning payment of certain amounts to designated officer) and 29 (disposal of amount paid to designated officer) shall not apply in criminal proceedings in which the matters at issue correspond mainly to those in the civil proceedings in question.

If the complainant should decide to no longer pursue the matter in civil law, he may request that the certificate be withdrawn and that the complaint be proceeded with in accordance with criminal law.”;

(c) By the insertion after Annexure 4 of the following annexure:

Opmerking: Terwyl genoemde sertifikaat van krag is, is die bepalings van artikels 27 (ondersoek deur hof na bedrag van sekere onbetaalde gelde), 28 (hofbevel betreffende betaling van sekere bedrae aan aangewese beampete) en 29 (beskikking oor bedrae aan aangewese beampete betaal) nie van toepassing nie in 'n strafgeding waarin die geskilpunte in hoofsaak ooreenstem met dié in die betrokke siviele geding.

As die klaer sou besluit om sy saak nie meer sivielregtelik te voer nie, kan hy vra dat die sertifikaat teruggetrek word en dat die klag strafregtelik verder gevoer word.”;

(c) deur die volgende aanhangsel na Aanhangsel 4 in te voeg:

"AANHANGSEL 1**[Regulasie 3 (1)]****WET OP BASIESE DIENSVORWAARDES, 1983****TYD- EN LOONREGISTER**

Week geëindig..... 19.....

(1) Meld skofte gewerk in instigting:

Skofwerker: Skof(a) : tot Skof(b) : tot
 Dagwerker: : tot (meld die gewone aanvangs- en ophoutyd van werk.)

(2) Besonderhede van persone in diens:

								Identiteitsdokumentnommer van werknemer							
								Volle naam							
								Beroep							
								Meld ouderdom indien onder 21, meld andersins "volwasse"							
								Gewone tyd gewerk (in ure en breuke daarvan). Meld (a), (b) of (c) na die getal ure volgens skofte gewerk—kyk paragraaf (1)							
								Totale gewone tyd vir week, d.w.s. uitgesondert oortyd							
								Meld of werkzaam op tydwerk-, stukwerk- of aansporingsbonuswerkgrondslag							
								Indien tydwerker, meld gewone loon per uur, per dag, per week of per maand							
								Indien stukwerker of aansporingsbonuswerker, meld minimum bedrag per week betaalbaar							
								Indien plaaswerker, meld waarde van betaling in natura							
								Bedrag verskuldig vir gewone tyd gewerk							
								Oortyd gewerk (in ure en breuke daarvan) (meld dag van die week)							
								Totale oortyd vir week (ure)							
								Bedrag verskuldig vir oortyd gewerk (indien plaaswerker, insluitende waarde van betaling in natura)							
								Ure gewerk op Sondae en op openbare feesdae							
								Bedrag verskuldig vir werk op Sondae en openbare feesdae (indien plaaswerker, insluitende waarde van betaling in natura)							
								Bedrag verskuldig ten opsigte van enige toelaes (meld soort toelae) (uitgesondert 'n plaaswerker)							
								Gemagtigde aftrekkings							
								Totale bedrag verskuldig							

Opmerkings:

- (a) Indien daar kortyd gewerk is, meld as rede óf "Afwezigheid van werknemer" óf "Kortyd vereis deur werkgever".
- (b) Indien skof (a), (b) of (c) nie gewerk word nie, meld ure gewerk in elke geval.
- (c) Indien ander voordele ontvang is, bv. etes of huisvesting, meld aard en waarde daarvan (uitgesondert 'n plaaswerker).
- (d) 'n Plaaswerker se lon sluit die waarde soos omskryf van betaling in natura in, waar die werkgever voedsel, huisvesting, Gebruikersreg van grond en enige ander betaling in natura verskaf.
- (e) Hierdie aantekeninge, of 'n mikroreprodukksie daarvan, moet deur die werkgever vir 'n tydperk van minstens drie jaar na die datum van die laaste inskrywing daarin of daarop bewaar word [kyk artikel 20 (3) van die Wet]."

"ANNEXURE 1"**[Regulation 3 (1)]****BASIC CONDITIONS OF EMPLOYMENT ACT, 1983****TIME AND WAGES REGISTER**

Weekended 19.....

(1) State shifts worked in establishment:

Shift worker: Shift (a) to Shift (b) to Shift (c) to
 Dayworker: to (State the ordinary commencing and stopping time of work.)

(2) Particulars in respect of persons employed:

Identity document number of employee	Name in full	Occupation	Specify age if under 21, otherwise state "adult"	Ordinary time worked (in hours and fractions thereof). State (a), (b) or (c) according to the shifts worked—vide paragraph (1).	Total ordinary time for week, i.e. excluding overtime State whether employed on time work, piece work or incentive bonuses work	If time worker, state ordinary wages per hour, per day, per week or per month If piece worker, state ordinary wages per hour, per day, per week or per month Minimum amount payable per week If farm worker, state value of payment in kind Amount due for ordinary time worked (state day of week (in hours and fractions thereof))	Total overtime for week (hours) Amount due for overtime worked (if farm worker, including value of payment in kind)	Hours worked on Sundays and on public holidays including value of payment in kind (if farm worker, including value of payment in kind)	Amount due for work on Sundays and public holidays (if farm worker, including value of payment in kind)	Authorised deductions	Total amount due	
Mo	Tu	We	Th	Fr	Sa	R	R	R	R	R	R	R
Mo	Tu	We	Th	Fr	Sa	R	R	R	R	R	R	R
Mo	Tu	We	Th	Fr	Sa	R	R	R	R	R	R	R
Mo	Tu	We	Th	Fr	Sa	R	R	R	R	R	R	R

Remarks:

- (a) If short-time worked, specify reason as either "Absence of employee" or "Shorttime required by employer".
- (b) If not working shift (a), (b) or (c), state hours worked in each case.
- (c) If in receipt of other benefits, e.g. lodging or food, state nature and value thereof (excluding a farm worker).
- (d) A farm worker's wage includes the value of payment in kind as prescribed, where the employer provides food, quarters, the right of use of land and any other payment in kind.
- (e) These records, or a microreproduction thereof, shall be retained by the employer for a period of not less than three years after the date of the last entry therein or thereon [see section 20 (3) of the Act]."

"ANNEXURE 4A

(Regulation 4)

BASIC CONDITIONS OF EMPLOYMENT ACT, 1983

SUMMARY TO BE KEPT BY AN EMPLOYER ENGAGED IN FARMING ACTIVITIES IN TERMS OF SECTION 21

The following is a summary of the provisions of the most important sections of the Basic Conditions of Employment Act, 1983, applicable to farming activities:

APPLICATION OF THE ACT

Section 1

The Act applies to all employers and employees in farming activities.

The definition of wage in the case of farm workers includes payment in kind, the value of which shall be determined as prescribed, and includes the provision of food, quarters, the right of use of land and any other payment in kind.

ORDINARY WORKING HOURS

Sections 2, 3, 4 and 5

No employer shall require or permit a farm worker—

- (a) subject to the provisions of section 6A of the Act, to work for more than 48 hours in any week;
- (b) to work for a spread-over of more than 14 hours on any day;
- (c) (i) (aa) who works not more than five days per week, to work for more than nine hours and 36 minutes on any day, or
 - (bb) who works six days per week, to work for more than eight hours and 36 minutes on any day;
 - (ii) who is casual employee, to work for more than nine hours and 36 minutes on any day; and
 - (iii) who is a shift worker—
 - (aa) who works not more than five shifts per week, to work a shift of longer than nine hours and 36 minutes, or
 - (bb) who works six shifts per week, to work a shift of longer than eight hours.

Notes:

(1) The provisions of section 3 (spread-overs) do not apply to a farm worker while he is engaged on emergency work.

(2) 'Casual employee' means a day worker (farm worker) who is employed by the same employer on not more than three days in any week.

(3) 'Emergency work' means work which, owing to fire, accident, storm, epidemic, act of violence, theft, breakdown of plant or machinery or any other unforeseen circumstances, is required to be done without delay or work in connection with the overhauling or repairing of plant or machinery which cannot be performed within normal working time and includes, in the case of any farming activity, work in connection with the handling of products which is required to be done without delay owing to the perishable nature of such products and work in connection with the tending of live-stock which cannot be performed within normal working time.

"AANHANGSEL 4A

(Regulasie 4)

WET OP BASIESE DIENSVOORWAARDES, 1983

OPSOMMING WAT KAGTENS ARTIKEL 21 DEUR 'N WERKGEWER BETROKKE BY BOERDERYBEDRYWIGHEDE GEHOU MOET WORD

Die volgende is 'n opsomming van die bepalings van die belangrikste artikels van die Wet op Basiese Diensvoorwaardes, 1983, wat op boerderybedrywighede van toepassing is:

TOEPASSING VAN DIE WET

Artikel 1

Die Wet is van toepassing op alle werkgewers en werknemers in boerderybedrywighede.

Die woordomskrywing van loon in die geval van plaaswerkers sluit ook betaling in natura in, die waarde waarvan vasgestel word soos voorgeskryf en sluit die verskaffing van voedsel, huisvesting, gebruikersreg van grond en enige ander betaling in natura, in.

GEWONE WERKURE

Artikels 2, 3, 4 en 5

Geen werkgewer mag vereis of toelaat dat 'n plaaswerker—

- (a) behoudens die bepalings van artikel 6A van die Wet, meer as 48 uur in 'n week werk nie;
- (b) 'n werkspreiding van meer as 14 uur op enige dag werk nie;
- (c) (i) (aa) wat hoogstens vyf dae per week werk, meer as nege uur en 36 minute op enige dag werk nie, of
 - (bb) wat ses dae per week werk, meer as agt uur en 36 minute op enige dag werk nie;
 - (ii) wat 'n los werknemer is, meer as nege uur en 36 minute op enige dag werk nie; en
 - (iii) wat 'n skofwerker is—
 - (aa) wat hoogstens vyf skofte per week werk, 'n skof van langer as nege uur en 36 minute werk nie, of
 - (bb) wat ses skofte per week werk, 'n skof van langer as agt uur werk nie.

Opmerkings:

(1) Die bepalings van artikel 3 (werkspreidings) is nie van toepassing nie op 'n plaaswerker terwyl hy noodwerk verrig.

(2) 'betaling in natura', in die geval van 'n plaaswerker enige nie-geldelike betaling vir werk van 'n gereelde aard of vir gewoonlik verigte werk aan iemand gedoen of verskuldig, wat as betaling in kontant aan so iemand gedoen of verskuldig is, waarvan die waarde gekoppel word:

- (a) aan 'n vasgestelde skaal van die weeklikse of maandelikse beloning, na gelang van die geval, welke skaal—
 - (i) in die geval van 'n werkgewer wat voedsel aan 'n werknemer in sy diens verskaf, nie minder as 15 persent is nie;
 - (ii) in die geval van 'n werkgewer wat huisvesting aan 'n werknemer in sy diens verskaf, nie minder as 5 persent is nie; en

(4) 'payment in kind', in the case of a farm worker, any non-monetary payment for work of a regular nature or for work normally performed, made or owing to any person in pursuance of such person's employment which is made or owing to such person as payment in cash, the value of which is coupled:

(a) to a fixed rate of the weekly or monthly remuneration, as the case may be, which scale—

(i) in the case where the employer provides food to an employee in his employ, is not less than 15 per cent;

(ii) in the case where the employer provides quarters to an employee in his employ, is not less than 5 per cent;

(iii) in the case of an employer who provides any other payment in kind excluding payment in terms of paragraph (a) (i) and (ii), including the right of use of land, to an employee in his employ, is not less than 5 per cent; or

(b) notwithstanding the provisions of paragraph (a), in terms of an agreement between him and his employer, the value of such payment being determined by the agreement concerned.

(5) 'Shift worker' means an employee (farm worker) who works in shifts in or in connection with an activity in respect of which work is performed in two or more shifts per day.

(6) 'Spread-over', in relation to an employee (farm worker), means the period in any day reckoned from the time when such employee (farm worker) first commences work until he ceases work for that day, and for the purposes of this definition day means a period of 24 consecutive hours reckoned from the time of the said commencement of work.

EXTENSION OF WORKING HOURS OF A FARM WORKER

Section 6A

An employer may conclude a written agreement with a farm worker, signed by both parties, in terms of which the ordinary working hours of the farm worker for a period agreed upon, but not exceeding four months in any continuous period of 12 months, are extended, but not by more than four hours per week: Provided that the ordinary working hours of the farm worker shall be reduced by a corresponding number of hours during a period of the same duration as that during which the extended hours were in force, and in the same period of 12 months.

Note: If the farm worker cannot write, then he must affix his mark on the written agreement with the intention that it serve as his signature.

MEAL INTERVALS

Section 7

(a) No employer shall require or permit a farm worker to work for more than five hours continuously without a meal interval of not less than one hour, but an employer may enter into an agreement with his farm worker to shorten the meal interval to not less than 30 minutes.

(b) The time by which a farm worker's meal interval exceeds one hour and 15 minutes shall not be regarded as time worked by the farm worker.

Note: The provisions of this section do not apply to a farm worker while he is engaged on emergency work.

(iii) in die geval van 'n werkewer wat enige ander betaling in natura, uitgesonderd betaling ingevolge paragrawe (a) (i) en (ii), insluitende gebruiksreg van grond, aan 'n werknemer, in sy diens verskaf, nie minder as 5 persent is nie; of

(b) ondanks die bepaling van paragraaf (a), ingevolge 'n ooreenkoms tussen hom en sy werkewer, die waarde van welke betaling by die betrokke ooreenkoms bepaal word.

(2) 'Los werknemer' beteken 'n dagwerker (plaaswerker) wat hoogstens drie dae in 'n week by dieselfde werkewer in diens is.

(3) 'Noodwerk' beteken werk wat weens brand, ongeluk, storm, epidemie, gewelddaad, diefstal, die onklaarraking van 'n installasie of enige masjinerie of 'n ander onvoorsiene gebeurtenis sonder versuim verrig moet word of werk in verband met die opknap of herstel van 'n installasie of enige masjinerie wat nie binne gewone werktyd verrig kan word nie en ook, in die geval van 'n boerderybedrywigheid, werk in verband met die hantering van produkte wat weens die bederfbare aard van die produkte sonder versuim verrig moet word en werk in verband met die versorging van lewende hawe wat nie binne gewone werktyd verrig kan word nie.

(5) 'Skofwerker' beteken 'n werknemer (plaaswerker) wat skofte werk in of in verband met 'n bedrywigheid met betrekking waartoe daar in twee of meer skofte per dag gewerk word.

(6) 'Werkspreiding', met betrekking tot 'n werknemer (plaaswerker), beteken die tydperk op enige dag gereken vanaf die tydstip waarop die werknemer (plaaswerker) die eerste maal begin werk totdat hy sy werk vir daardie dag staak, en by die toepassing van hierdie omskrywing beteken 'dag' 'n tydperk van 24 opeenvolgende ure gereken vanaf bedoelde begin van werk.

VERLENGING VAN WERKURE VAN 'N PLAASWERKER

Artikel 6A

'n Werkewer kan met 'n plaaswerker 'n skriftelike ooreenkoms, deur beide partye onderteken, aangaan ingevolge waarvan die gewone werkure van die plaaswerker vir 'n ooreengekome tydperk, wat nie langer as vier maande in enige aaneenlopende tydperk van 12 maande mag wees nie, verleng word, maar met hoogstens vier uur per week: Met dien verstande dat die gewone werkure van die plaaswerker met 'n ooreenstemmende getal ure verminder word gedurende 'n tydperk van dieselfde duur as dié waartydens die verlengde ure gegeld het, en in dieselfde tydperk van 12 maande.

Opmerking: Indien die plaaswerker nie kan skryf nie, moet hy sy merk op die skriftelike ooreenkoms aanbring met die bedoeling dat dit as sy handtekening geld.

ETENSPOUSES

Artikel 7

(a) Geen werkewer mag vereis of toelaat dat 'n plaaswerker meer as vyf uur ononderbroke werk sonder 'n etenspouse van minstens een uur nie, maar 'n werkewer kan met sy plaaswerker 'n ooreenkoms aangaan om die etenspouse tot minstens 30 minute te verkort.

(b) Die tyd waarmee 'n plaaswerker se etenspouse een uur en 15 minute oorskry, word nie gereken as tyd deur die plaaswerker gewerk te wees nie.

Opmerking: Die bepalings van hierdie artikel is nie van toepassing nie op 'n plaaswerker terwyl hy noodwerk verrig.

OVERTIME**Section 8**

No employer shall require or permit a farm worker to work overtime other than in terms of an agreement concluded with him by his employer and provided such overtime does not exceed three hours on any day or 10 hours in any week, except that in the case of a farm worker working extended working hours by virtue of an agreement concluded in terms of section 6A, overtime shall not exceed two hours and 30 minutes on any day or six hours per week. The maximum overtime may on application by the employer be increased by an inspector after consultation with the employer and the farm worker concerned.

Note: The provisions of this section shall not apply to a farm worker while he is engaged on emergency work.

PAYMENT FOR OVERTIME**Section 9**

A farm worker who works overtime must be paid at not less than one and one-third times his hourly wage (including the value of payment in kind) for the overtime worked by him.

PAYMENT FOR WORK ON SUNDAYS**Section 10**

A farm worker who, in the ordinary course of events, does not work on a Sunday and has worked for not longer than four hours on a Sunday must be paid not less than one day's wage. If he has worked for longer than four hours on a Sunday, he must—

(a) be paid double his daily wage or double his wage rate in respect of the whole time worked by him, whichever amount is the greater; or

(b) be paid not less than one and one third times his wage rate for the time worked by him and within seven days of such Sunday be granted one day's leave on full pay.

In the case of a farm worker who performs work which in the ordinary course of events is required to be performed on a Sunday his employer shall—

(a) pay him, if he has worked less than one hour on a Sunday, an amount calculated at a rate of double his ordinary wage for one working hour;

(b) pay him, if he has worked for longer than one hour but not longer than two hours on a Sunday, an amount calculated at a rate of double his ordinary wage in respect of the time actually worked by him;

(c) pay him, if he has worked for longer than two hours but not longer than five hours on a Sunday, an amount of not less than the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a weekday; or

(d) pay him, if he has worked for longer than five hours on a Sunday, an amount which shall not be less than either an amount calculated at a rate of double his ordinary wage in respect of the whole time worked by him on a Sunday, or an amount equal to double the wage payable to him in respect of the time (excluding overtime) ordinarily worked by him on a weekday, whichever amount is the greater; and

OORTYD**Artikel 8**

Geen werkewer mag vereis of toelaat dat 'n plaaswerker oortyd werk nie behalwe ingevolge 'n ooreenkoms wat sy werkewer met hom aangegaan het en mits sodanige oortyd nie drie uur op 'n dag of 10 uur in 'n week oorskry nie, behalwe dat in die geval van 'n plaaswerker wat verlengde werkure werk uit hoofde van 'n ooreenkoms ingevolge artikel 6A aangegaan, oortyd nie twee uur en 30 minute op 'n dag of ses uur per week mag oorskry nie. Die maksimum oortyd kan op aansoek van die werkewer deur 'n inspekteur na oorlegpleging met die werkewer en die betrokke plaaswerker verhoog word.

Opmerking: Die bepalings van hierdie artikel is nie van toepassing nie op 'n plaaswerker terwyl hy noodwerk verrig.

BETALING VIR OORTYD**Artikel 9**

'n Plaaswerker wat oortyd werk, moet teen minstens een en 'n derde maal sy uurloon (insluitende die waarde van betaling in natura) betaal word vir die oortyd wat hy gewerk het.

BETALING VIR WERK OP SONDAE**Artikel 10**

'n Plaaswerker wat nie in die gewone loop van sake op 'n Sondag werk nie en hoogstens vier uur op 'n Sondag gewerk het, moet minstens 'n dag se loon daarvoor betaal word. Indien hy langer as vier uur op 'n Sondag gewerk het, moet hy—

(a) twee dae se loon of teen dubbel sy loonskala vir die volle tyd deur hom gewerk, betaal word, watter bedrag ook al die grootste is; of

(b) teen minstens een en 'n derde maal sy loonskala vir die tyd deur hom gewerk, betaal word en moet aan hom binne sewe dae na sodanige Sondag een dag verlof met volle betaling toegestaan word.

In die geval van 'n plaaswerker wat werk verrig wat in die gewone loop van sake op 'n Sondag verrig moet word, moet sy werkewer aan hom, indien hy—

(a) minder as een uur op 'n Sondag gewerk het, 'n bedrag betaal wat bereken is teen 'n skaal van dubbel sy gewone loon vir een werkuur;

(b) langer as een uur maar hoogstens twee uur op 'n Sondag gewerk het, 'n bedrag betaal wat bereken is teen 'n skaal van dubbel sy gewone loon ten opsigte van die tyd werklik deur hom gewerk;

(c) langer as twee uur maar hoogstens vyf uur op 'n Sondag gewerk het, 'n bedrag betaal wat nie minder is nie as die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) wat gewoonlik deur hom op 'n weekdag gewerk word; of

(d) langer as vyf uur op 'n Sondag gewerk het, 'n bedrag betaal wat nie minder is nie as óf 'n bedrag bereken teen 'n skaal van dubbel sy gewone loon ten opsigte van die volle tyd deur hom op 'n Sondag gewerk, óf 'n bedrag gelyk aan dubbel die loon aan hom betaalbaar ten opsigte van die tyd (uitgesonderd oortyd) wat gewoonlik deur hom op 'n weekdag gewerk word, watter bedrag ook al die grootste is; en

(e) if he has worked the hours contemplated in paragraph (c) or (d) above on a Sunday, grant him, without remuneration, any ordinary working day in the succeeding week as a day on which he is not required to work.

Note: Payment for work on Sundays is made in terms of the farm worker's wage including the value of payment in kind.

PUBLIC HOLIDAYS AND PAYMENT FOR WORK ON PUBLIC HOLIDAYS

Section 11

All farm workers are entitled to New Year's Day, Good Friday, Workers' Day, Ascension Day, Republic Day, the Day of the Vow and Christmas Day as paid holidays. If a farm worker works on a public holiday which is a paid holiday for him, he must be paid a day's pay plus—

(a) an amount not less than his wage rate for the time worked by him on that day, or a day's pay, whichever is the greater amount; or

(b) an amount not less than one third of his wage rate for the time worked by him on that day, and be granted on day's leave on full pay within seven days.

Notes:

(1) The amount payable in terms of paragraph (a) above is whichever amount is the greater.

(2) Payment for work on public holidays is made in terms of the farm worker's wage including the value of payment in kind.

ANNUAL LEAVE

Section 12

An employer shall grant to a farm worker (excluding a casual employee) at least 14 consecutive days' leave of absence on full pay in respect of each period of 12 consecutive months of employment with him. The leave period must, for each paid public holiday which falls within that period and which would otherwise have been an ordinary working day for such farm worker, be extended by one working day with full pay.

Notes:

(1) Payment in respect of leave is made before his leave commences: Provided that the period of leave may be reduced by the number of days during the relevant leave cycle on which the farm worker was granted occasional leave on full pay at his written request.

(2) Upon termination of employment, payment in respect of *pro rata* leave is made in terms of the farm worker's wage including the value of payment in kind.

SICK LEAVE

Section 13

A farm worker who is absent from work through incapacity is entitled (subject to the production of a medical certificate in respect of any absence in excess of two consecutive days, if required by the employer)—

(a) in the case of a farm worker who works not more than five days a week, to not less than 30 working days, and

(e) die ure beoog in paragraaf (c) of (d) hierbo op 'n Sondag gewerk het, een gewone werkdag sonder beloning in die daaropvolgende week toestaan as 'n dag waarop hy nie hoef te werk nie.

Opmerking: Betaling vir werk op Sondae geskied volgens die plaaswerker se loon insluitende die waarde van betaling in natura.

OPENBARE FEESDAE EN BETALING VIR WERK OP OPENBARE FEESDAE

Artikel 11

Vir plaaswerkers is Nuwerjaarsdag, Goeie Vrydag, Werkersdag, Hemelvaartdag, Republiekdag, Gelofte dag en Kersdag betaalde vakansiedae. Indien 'n plaaswerker op 'n openbare feesdag werk wat vir hom 'n betaalde vakansiedag is, moet hy 'n dag se loon betaal word plus—

(a) 'n bedrag van minstens sy loonskaal vir die tyd wat hy op daardie dag gewerk het of 'n dag se loon, watter bedrag ook al die grootste is; of

(b) 'n bedrag van minstens een derde van sy loonskaal vir die tyd wat hy op daardie dag gewerk het, en moet aan hom binne sewe dae een dag verlof met volle betaling toegestaan word.

Opmerkings:

(1) Die bedrag betaalbaar ingevolge paragraaf (a) hierbo is die grootste bedrag.

(2) Betaling vir werk op openbare feesdae geskied volgens die plaaswerker se loon insluitende die waarde van betaling in natura.

JAARLIKSE VERLOF

Artikel 12

'n Werkgewer moet aan 'n plaaswerker (uitgesonderd 'n los werknemer) minstens 14 opeenvolgende dae verlof met volle besoldiging toestaan ten opsigte van elke tydperk van 12 agtereenvolgende maande diens by die werkgewer. Vir elke betaalde openbare feesdag wat binne die verloftydperk val en wat andersins vir die plaaswerker 'n gewone werkdag sou gewees het, moet een werkdag met volle besoldiging by die verloftydperk gevoeg word.

Opmerkings:

(1) Betaling ten opsigte van verlof geskied voordat hy met verlof gaan: Met dien verstande dat die verloftydperk verminder kan word met die aantal dae waarop daar aan die plaaswerker gedurende die betrokke verlofsiklus op sy skriftelike versoek geleenthedsverlof met volle besoldiging toegestaan is.

(2) By beëindiging van diens geskied betaling ten opsigte van *pro rata* verlof volgens die plaaswerker se loon insluitende die waarde van betaling *in natura*.

SIEKTEVERLOF

Artikel 13

'n Plaaswerker wat weens ongesiktheid van sy werk afwesig is, is (behoudens die voorlegging van 'n mediese sertifikaat, as die werkgewer dit vereis, ten opsigte van enige afwesigheid van meer as twee agtereenvolgende dae) geregtig op—

(a) in die geval van 'n plaaswerker wat hoogstens vyf dae per week werk, minstens 30 werkdae; en

(b) in the case of any other farm worker, to not less than 36 working days,
sick leave on full pay during each period of 36 consecutive months of employment.

An employer shall render such assistance as is reasonable under the circumstances to a farm worker who lives on his farm and has been absent from work through incapacity for a period covering more than two consecutive days to obtain a medical certificate, unless he has exempted the farm worker from the obligation to produce such a certificate.

Notes:

(1) In the first 12 months' employment a farm worker shall not be entitled to sick leave on full pay at a rate of more than—

(a) in the case of a farm worker who works not more than five days per week, one working day in respect of each completed period of five weeks of employment; and

(b) in the case of every other farm worker, one working day in respect of each completed month of employment.

(2) The provisions of this section do not apply to any casual employee.

TERMINATION OF CONTRACTS OF EMPLOYMENT

Section 14

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

(a) during the first four weeks of employment, not less than one working day's notice; and

(b) thereafter, one month's notice:

Provided that if any written contract of employment provides for a period of notice of equal duration for both parties which is longer than the said one working day or one month, notice shall in accordance with such contract be given over such longer period.

(2) The prescribed notice shall be given on or before the first or the 15th day of a month and shall run from such first or 15th day.

(3) An employer and his farm worker, except an illiterate farm worker, shall give notice in writing.

(4) When an employer terminates a contract of employment with a farm worker before the date on which he was in terms of section 14 (1) of the Act or otherwise entitled to terminate it, or as contemplated in section 14 (4) of the Act, the farm worker concerned shall be entitled—

(a) to the accommodation for the period to which he would have been entitled under his contract of employment if the contract of employment had been terminated with the required notice, or for a period of 30 days from the date on which the contract of employment was terminated, whichever period is the longer;

(b) to his livestock being kept on the land of the employer for the period stipulated in his contract of employment or for 30 days from the date on which the said contract was terminated, whichever period is the longer; and

(c) to tend to his standing crops on such land, which form part of his remuneration, and harvest and remove it within a reasonable time after it has become ready for harvesting, unless the employer pays the farm worker the amount they have agreed on for such crops.

(b) in die geval van enige ander plaaswerker, minstens 36 werkdae,
siekteverlof met volle besoldiging gedurende elke tydperk van 36 agtereenvolgende maande diens.

'n Werkewer moet aan 'n plaaswerker wat op sy plaas woon en weens ongesiktheid uit sy werk afwesig was vir 'n tydperk wat strek oor meer as twee opeenvolgende dae, die hulp wat onder die omstandighede redelik is, verleen om 'n mediese sertifikaat te bekom, tensy hy die plaaswerker vrygestel het van die verpligting om so 'n sertifikaat voor te lê.

Opmerkings:

(1) Gedurende die eerste 12 maande diens is 'n plaaswerker nie geregtig nie op siekteverlof met volle besoldiging teen 'n skaal van meer as—

(a) in die geval van 'n plaaswerker wat hoogstens vyf dae per week werk, een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens; en

(b) in die geval van enige ander plaaswerker, een werkdag ten opsigte van elke voltooide maand diens.

(2) Die bepalings van hierdie artikel is nie op 'n los werkneem van toepassing nie.

BEËINDIGING VAN DIENSKONTRAKTE

Artikel 14

(1) 'n Werkewer of sy plaaswerker wat die dienskontrak wil beëindig, moet—

(a) gedurende die eerste vier weke diens minstens een werkdag kennis gee; en

(b) daarna een maand kennis gee:

Met dien verstaande dat indien 'n skriftelike dienskontrak 'n tydperk van kennisgewing van gelyke duur vir beide partye bepaal wat langer as genoemde een werkdag of een maand is, moet kennis ooreenkomsdig sodanige kontrak oor sodanige langer tydperk gegee word.

(2) Die voorgeskrewe kennis moet voor of op die eerste of die 15de dag van 'n maand gegee word en loop vanaf sodanige eerste of 15de dag.

(3) 'n Werkewer en sy plaaswerker, uitgesonderd 'n ongeletterde plaaswerker, moet skriftelik kennis gee.

(4) Wanneer 'n werkewer 'n dienskontrak met 'n plaaswerker beëindig voor die datum waarop hy dit ingevolge artikel 14 (1) van die Wet of andersins kon beëindig het of soos in artikel 14 (4) van die Wet beoog, is die betrokke plaaswerker geregtig—

(a) op die huisvesting vir die tydperk waarop hy kragtens sy dienskontrak geregtig sou gewees het indien die dienskontrak met die vereiste kennisgewing beëindig was of vir 'n tydperk van 30 dae vanaf die datum waarop die dienskontrak beëindig is, watter tydperk ook al die langste is;

(b) dat sy lewende hawe op die grond van die werkewer gehou word vir die tydperk wat sy dienskontrak bepaal of vir 30 dae vanaf die datum waarop die dienskontrak beëindig is, watter tydperk ook al die langste is; en

(c) om sy ongeoeste gewasse op dié grond wat deel uitmaak van sy beloning te versorg en binne 'n redelike tyd nadat dit geoes kan word, te oes en te verwyder, tensy die werkewer die plaaswerker vir sodanige gewasse die bedrag betaal waarop hulle ooreenkoms.

Note: The termination of a contract of employment concluded between an employer and a farm worker shall not derogate from the provisions of section 19 (1) (f). (For details see the summary of section 19 in this Annexure.)

CERTIFICATE OF SERVICE

Section 15

Every employer shall furnish a farm worker with a certificate of service upon termination of employment except where such farm worker deserts.

PROHIBITION OF CERTAIN EMPLOYMENT

Section 17

An employer shall not, without prejudice to the provisions of section 52A of the Child Care Act, 1983 (Act No. 74 of 1983), employ any person under the age of 15 years and shall not require or permit a female farm worker to work during the period four weeks prior to the expected date or her confinement and eight weeks after that date.

Note: Section 52A of the Child Care Act, 1983 (Act No. 74 of 1983), refers to 'Prohibition of employment of certain children'.

VICTIMISATION PROHIBITED

Section 18

It is an offence for an employer to dismiss or alter the service conditions of a farm worker to the disadvantage of the latter by reason of such farm worker having given evidence before a court or law or having given information to an inspector or other person entitled to such information under the Act or because the farm worker belongs to any trade union or takes part in the lawful activities of such a union, or having discussed his conditions of employment with his fellow farm workers, his employer or any other person, or has refused or failed to carry out an order of his employer that is in conflict with the provisions of the Act.

PROHIBITION OF CERTAIN ACTS RELATING TO PAYMENT OF REMUNERATION

Section 19

No employer shall—

- (a) require or permit a farm worker to—
 - (i) repay to him any remuneration paid to that farm worker;
 - (ii) give a receipt for or otherwise to represent that he has received more than he actually received by way of remuneration;
 - (b) levy any fine against a farm worker or deduct any amount from his remuneration, except in accordance with a written authority given to him by the farm worker or in accordance with an order of court or a provision of any law;
 - (c) require or permit a farm worker who has worked reduced working hours for his ordinary remuneration and whose employment has been terminated before he could have worked extended working hours in respect of the said reduced hours, to repay him any amount of such remuneration; and

Opmerking: Die beëindiging van 'n dienskontrak aangegaan tussen 'n werkewer en 'n plaaswerker doen nie afbreuk aan die bepalings van artikel 19 (1) (f) nie. (Sien besonderhede in die opsomming van artikel 19 in hierdie Aanhangesel.)

DIENSSERTIFIKAAT

Artikel 15

Elke werkewer moet 'n plaaswerker by diensbeëindiging van 'n dienssertifikaat voorsien, behalwe in 'n geval waar die plaaswerker dros.

VERBOD OP SEKERE DIENS

Artikel 17

'n Werkewer mag nie, sonder om afbreuk te doen aan die bepalings van artikel 52A van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), iemand onder die ouderdom van 15 jaar in diens neem nie en mag nie vereis of toelaat dat 'n vroulike plaaswerker gedurende die tydperk vier weke voor die verwagte datum van haar bevalling en agt weke na daardie datum werk nie.

Opmerking: Artikel 52A van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), verwys na 'Verbod op indiensneming van sekere kinders'.

VERBOD OP VIKTIMISASIE

Artikel 18

'n Werkewer begaan 'n misdryf as hy 'n plaaswerker ontslaan of die diensvooraarde van 'n plaaswerker tot sy nadeel verander omdat sodanige plaaswerker voor 'n gereghof getuenis afgelê het of inligting verstrek het aan 'n inspekteur of ander persoon wat kragtens die Wet op sodanige inligting geregtig is of omdat die plaaswerker aan 'n vakvereniging behoort of aan die wettige bedrywighede van so 'n vakvereniging deelneem, of sy diensvooraarde met sy medeplaaswerkers, sy werkewers of enige ander persoon bespreek het, of geweier of versuim het om 'n opdrag van sy werkewer wat strydig is met die bepalings van die Wet, uit te voer.

VERBOD OP SEKERE HANDELINGE BETREFFENDE BETALING VAN BELONING

Artikel 19

Geen werkewer mag—

- (a) van 'n plaaswerker vereis of hom toelaat om—
 - (i) enige beloning wat aan hom betaal is, aan die werkewer terug te betaal nie;
 - (ii) 'n kwitansie te gee vir meer as wat hy werklik by wyse van beloning ontvang het of andersins voor te gee dat hy dit ontvang het nie;
- (b) 'n plaaswerker 'n boete oplê of enige bedrag van sy beloning aftrek nie behalwe ooreenkomsdig 'n skriftelike magtiging aan hom deur die plaaswerker verleen of ooreenkomsdig 'n hofbevel of 'n bepaling van die een of ander wet;
- (c) vereis of toelaat dat 'n plaaswerker wat verkorte werkure teen sy gewone beloning gwerk het en wie se diens beëindig is voordat hy verlengde werkure ten opsigte van genoemde verkorte ure kon gwerk het, enige bedrag van genoemde beloning aan hom terugbetaal nie; en

(d) require or permit a farm worker in his employment to perform any work for him for a remuneration calculated on the basis of the amount of work performed, unless he pays the farm worker for such work at least the remuneration which he ordinarily pays him.

Note: No employer shall deduct from a farm worker's remuneration an amount except—

(i) in accordance with a written authority given to him by such farm worker; or

(ii) in accordance with an order of court or a provision of any law.

RECORDS TO BE KEPT BY EMPLOYERS

Section 20

Every employer shall at all times keep a time and wages register in respect of all farm workers in his employment.

INSPECTORS

Section 22

Employers must provide the necessary facilities for inspection by duly appointed and identifiable inspectors of the Department of Manpower. Any employer who hinders such an inspector in the exercise of his duties shall be guilty of an offence.

RECOVERY OF CERTAIN AMOUNTS DUE IN TERMS OF THE ACT

Section 30

No farm worker shall recover from an employer and no employer shall recover from a farm worker any amount due to him by virtue of a provision of the Act unless the Attorney-General has refused to prosecute, the party concerned has been acquitted on a charge or the Director-General has issued a certificate on application, stating that the employer or farm worker, as the case may be, has requested that the provisions of section 27 shall not be applied in respect of his claim.

Note: While the said certificate is in force, the provisions of sections 27 (inquiry by court as to amount of certain unpaid moneys), 28 (court order concerning payment of certain amounts to designated officer) and 29 (disposal of amount paid to designated officer) shall not apply in criminal proceedings in which the matters at issue correspond mainly to those in the civil proceedings in question.

If the complainant should decide no longer to pursue the matter in civil law, he may request that the certificate be withdrawn and that the complaint be proceeded with in accordance with criminal law.

PRIVATE AGREEMENTS

Section 35

The provisions of the Act or a condition subject to which exemption was granted (section 34) shall not be affected by any agreement.

Note: The extension of working hours of a farm worker by written agreement in terms of section 6A of the Act is not affected by the provisions of section 35.”.

(d) vereis of toelaat dat 'n plaaswerker in sy diens enige werk vir hom verrig teen 'n beloning bereken op die grondslag van die hoeveelheid werk wat verrig word nie, tensy hy die plaaswerker vir sodanige werk minstens die beloning betaal wat hy hom gewoonlik betaal.

Opmerking: Geen werkewer mag van 'n plaaswerker se beloning enige bedrag aftrek nie behalwe—

(i) ooreenkomsdig 'n skriftelike magtiging aan hom deur die plaaswerker verleen; of

(ii) ooreenkomsdig 'n hofbevel of 'n bepaling van die een of ander wet.

AANTEKENINGE DEUR WERKGEWERS GEHOU TE WORD

Artikel 20

Elke werkewer moet te alle tye 'n tyd- en loonregister hou ten opsigte van alle plaaswerkars in sy diens.

INSPEKTEURS

Artikel 22

Werkewers moet aan behoorlik aangestelde en identifiseerbare inspekteurs van die Departement van Mannekrag, die nodige fasilitete vir inspeksies verskaf. Enige werkewer wat so 'n inspekteur in die uitvoering van sy pligte hinder, begaan 'n misdryf.

VERHAAL VAN SEKERE BEDRAE VERSKULDIG INGEVOLGE HIERDIE WET

Artikel 30

'n Plaaswerker verhaal nie op 'n werkewer en 'n werkewer verhaal nie op 'n plaaswerker 'n bedrag aan hom verskuldig uit hoofde van 'n bepaling van die Wet nie, tensy die Prokureur-generaal geweier het om te vervolg, die betrokke party op 'n aanklag vrygespreek is of die Direkteur-generaal 'n sertifikaat op aansoek uitgereik het met die strekking dat die plaaswerker of werkewer, na gelang van die geval, versoek het dat die bepalings van artikel 27 nie ten opsigte van sy eis toegepas word nie.

Opmerking: Terwyl genoemde sertifikaat van krag is, is die bepalings van artikels 27 (ondersoek deur hof na bedrag van sekere onbetaalde gelde), 28 (hofbevel betreffende betaling van sekere bedrae aan aangewese beample) en 29 (beskikking oor bedrae aan aangewese beample betaal) nie van toepassing nie in 'n strafgeding waarin die geskilpunte in hoofsaak ooreenstem met dié in die betrokke siviele geding.

As die klaer sou besluit om sy saak nie meer sivil-regtelik te voer nie, kan hy vra dat die sertifikaat teruggetrek word en dat die klag strafregtelik verder gevoer word.

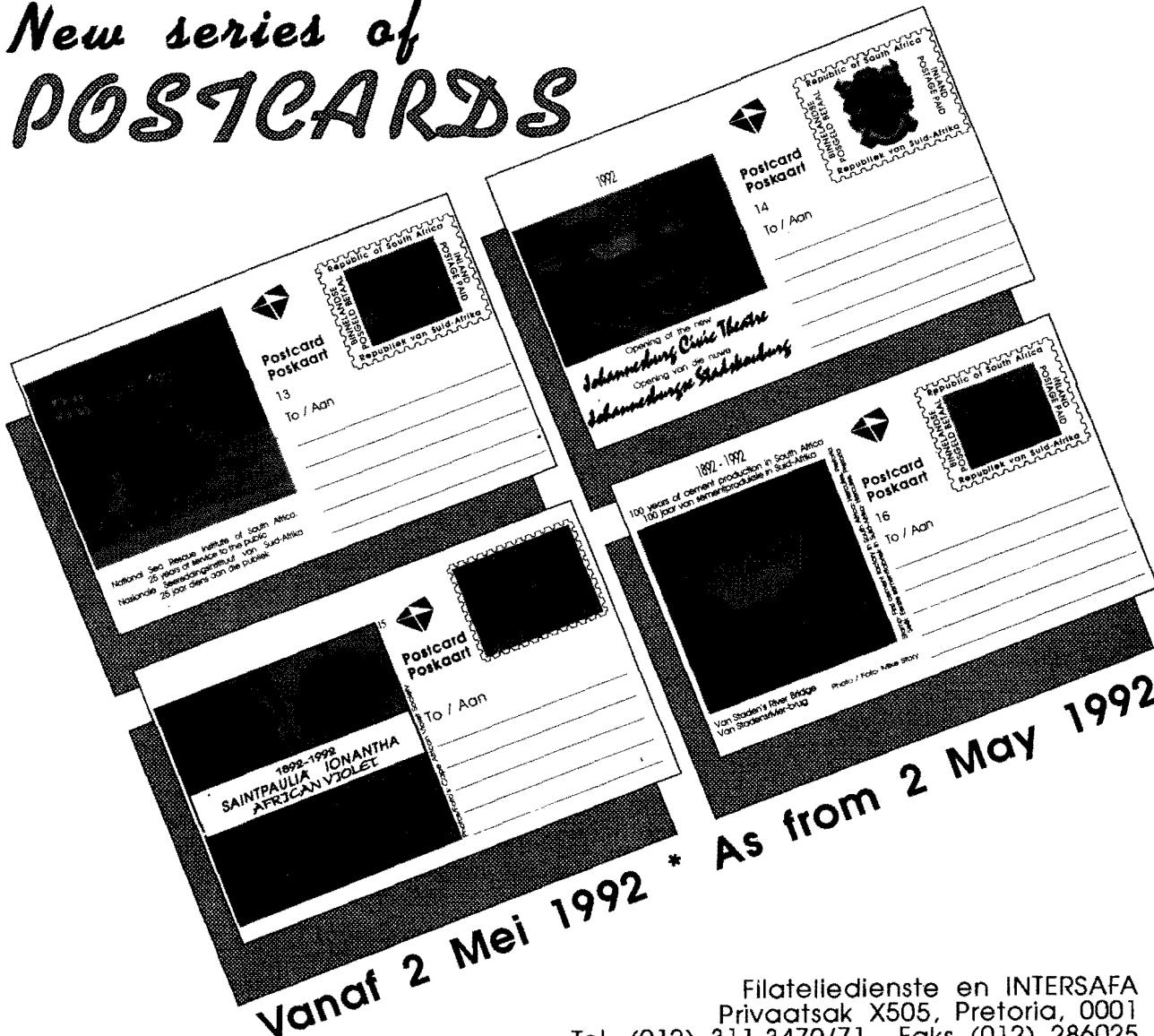
PRIVATE OOREENKOMSTE

Artikel 35

Die bepalings van die Wet of 'n voorwaarde waarop vrystelling verleen is (artikel 34), word nie deur 'n ooreenkoms geraak nie.

Opmerking: Die verlenging van werkure van 'n plaaswerker by wyse van 'n skriftelike ooreenkoms kragtens artikel 6A van die Wet word nie deur die bepalings van artikel 35 geraak nie.”.

Nuwe reeks POOSKAARTE New series of POSTCARDS



Filateliedienste en INTERSAFA
Privaatsak X505, Pretoria, 0001
Tel. (012) 311-3470/71 Faks (012) 286025
Hanteer alle filateliese items van die RSA
Amptelike agent vir Namibië, Transkei,
Bophuthatswana, Venda en Ciskei

Seëls, Gedenkkoeverte, Maksimumkaarte
en Gemonteerde stelle (jaarpakte)

Philatelic Services and INTERSAPA
Private Bag X505, Pretoria, 0001
Tel. (012) 311-3470/71 Fax (012) 286025
Handles all RSA philatelic items
Official agent for Namibia, Transkei,
Bophuthatswana, Venda and Ciskei

Stamps, Commemorative envelopes, Maximum cards
and Mounted sets (year packs)

FILATELIEDIENSTE EN INTERSAF PHILATELIC SERVICES AND INTERSAPA

HANTEER ALLE FILATELIESE ITEMS VAN DIE RSA
AMPTELIKE AGENT VIR NAMIBIË, TRANSKEI,
BOPHUTHATSWANA, VENDA EN CISKEI
SEËLS, GEDENKKOEVERTE, MAKSIUMKAARTE
EN GEMONTEERDE STELLE
(JAARPAKKE)

HANDLES ALL RSA PHILATELIC ITEMS
OFFICIAL AGENT FOR NAMIBIA, TRANSKEI,
BOPHUTHATSWANA, VENDA AND CISKEI
STAMPS, COMMEMORATIVE ENVELOPES,
MAXIMUM CARDS AND MOUNTED SETS
(YEAR PACKS)

NUWE AËROGRAMME - NEW AEROGRAMS
VANAF 1 OKTOBER 1991 - AS FROM 1 OCTOBER 1991



PRIVATSAK / PRIVATE BAG X505, PRETORIA, 0001
TEL.: (012) 311-3470/71.
FAKSNR./ FAX NO.(012) 286025

CONTENTS			INHOUD		
No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GENERAL NOTICE			ALGEMENE KENNISGEWING		
Manpower, Department of <i>General Notice</i>			Mannekrag, Departement van <i>Algemene Kennisgewing</i>		
1169	Basic Conditions of Employment Amendment Act (104/1992): Proposed amendment of the regulations.....	1 14502	1169	Wysigingswet op Basiese Diensvoorraad (104/1992): Voorgestelde wysiging van die regulasies	1 14502