

Efb.1.3

B I L L

To provide for a national minimum wage and other incidental matters.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa.

Definitions

1. In this Act, unless the context otherwise indicates:-
- (i) 'domestic service' includes the work of those employees whose main or general function is to be about their employers' persons or establishments, residential or quasi-residential, for the purpose of ministering to their employers' needs or wants, or to the needs or wants of those who are members of such establishments, or of those resorting to such establishments including guests;
 - (ii) 'employee' means any person employed by, or working for any employer, and receiving, or being entitled to receive, any remuneration and any other person whatsoever who in any manner assists in the carrying or conducting of the business of an employer;
 - (iii) 'employer' means any person whatsoever who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business;
 - (iv) 'industry' includes any class of productive work or manufacture, including mining operations;
 - (v) 'part-time employee' means an employee who is employed as such by the day or week or month for not more than four working hours in any day or twenty-four working hours in any week;
 - (vi) 'piece work' means any system under which an employee's remuneration is based on the quantity of work done;
 - (vii) 'remuneration' means any payment made or owing to any person, which arises in any manner whatsoever, out of employment; and 'remunerate' has a corresponding meaning;
 - (viii) 'trade' includes any function, process, business, work, undertaking (including a public utility or State undertaking), occupation, profession or calling, and includes a group of trades or section of any trade;
 - (ix) 'trade union' means any number of employees in any trade or industry, or in farming operations or domestic service associated together primarily for the purpose of regulating relations in that trade, industry, farming operation or domestic service between themselves or some of them and their employers or some of their employers;

- (x) 'wage-regulating measure' includes
- (a) an agreement, notice or award which is binding in terms of the Industrial Conciliation Act, 1956 (Act No. 28 of 1956);
 - (b) a determination made or deemed to have been made under the Wage Act, 1957 (Act No. 5 of 1957);
 - (c) a determination made under the Native Building Workers Act, 1951 (Act No. 27 of 1951);
 - (d) an order made under the Native Labour (Settlement of Disputes) Act, 1953 (Act No. 48 of 1953);
 - (e) an agreement, whether oral or written, between an employer and some or all his employees;

Application of this Act

2. (1) This Act shall apply to every industry and trade, to farming operations and to domestic service.
- (2) This Act shall be binding upon the State.

Minimum Wage

3. (1) Notwithstanding anything contained in any wage-regulating measure or other law, the minimum wage which an employer shall pay each of his employees shall be R2 - 00 per day.
- (2) (a) The minimum weekly wage of an employee shall be:-
- (i) five times the minimum daily wage in the case of an employee who works a five-day week;
 - (ii) six times the minimum daily wage of an employee who works a six-day week;
 - (iii) seven times the minimum daily wage in the case of an employee who works a seven-day week.
- (b) The minimum monthly wage of an employee shall be four and a third times his minimum weekly wage.
- (c) The minimum hourly wage of an employee shall be the minimum daily wage divided by the number of daily ordinary hours of work (which excludes overtime) presented for such employee.
- (3) A part-time employee shall be paid not less than sixty percent of the minimum wage presented for an employee in terms of subsection (2) hereof.
- (4) An employer shall pay to an employee, who performed during any period piece-work (irrespective of the amount thereof) a remuneration for the piece work performed by that employee during that period, which shall not be less than the remuneration which would have been payable to the said employee in terms of this Act had he been employed as a time-worker during that period.

Prohibition on payment of minimum wages in kind

4. The minimum wage presented in section 3 of this Act shall be paid in cash, and it shall not be lawful for an employer to remunerate an employee in kind in respect of such minimum wage.

Deductions

5. An employer shall not levy any fines against his employee nor shall he make any deductions from his employee's remuneration: Provided that he may make the following:
- (a) with the written consent of his employee, a deduction for holiday, sick benefit, insurance, savings, provident or pension funds, or subscriptions to a trade union or to a welfare organisation registered in terms of the Welfare Organisations Act, 1947;
 - (b) a deduction of any amount which an employer by any law or order of any competent court is required or permitted to make;
 - (c) whenever an employee agrees to accept board and lodging or board or lodging with his employer, a deduction not exceeding the amounts specified hereunder:

	<u>Per week</u>	<u>Per month</u>
	R c	R c
(i) Board	1. 00	4. 33
(ii) Lodging	0. 50	2. 16
(iii) Board and Lodging	1. 50	8. 66

Period of Operation of this Act

6. This Act shall remain in operation for a period of two years from the date of its commencement: Provided that its operation may be extended for further periods of not more than twelve months at a time by resolution of both Houses of Parliament;

Savings

7. Nothing in this Act contained shall be construed as prohibiting an employer from remunerating an employee at rates of pay higher than those presented in section 3 of this Act, nor as prohibiting higher minimum rates of pay being presented for any class of work by a wage-regulating measure or other law.

Offences

8. (1) An employer who contravenes the provisions of sections 3 or 4 or 5 of this Act shall be guilty of an offence and liable on caution to a fine not exceeding two hundred rand or imprisonment for a period not exceeding two years or such imprisonment without the option of a fine or both such fine and such imprisonment.
- (2) Whenever an employer is convicted of an offence in terms of subsection (1) hereof, the court convicting him shall, after it has determined the amount underpaid, or to be paid, as the case may be, order such employer to pay an amount equal to the amount so determined to the employee in question.

Short title and commencement

9. This Act shall be called the National Minimum Wage Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

Collection Number: AD1137

FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963

PUBLISHER:

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a collection held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.