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MEMORANDUM TO THE HON. THE MINISTER OF LABOUR ON THE  
BILL TO AMEND THE SHOP & OFFICES ACT OF 1939

GOVERNMENT GAZETTE EXTRAORDINARY  
NO. 222 OF 13TH APRIL, 1962.

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The South African Congress of Trade Unions (hereinafter referred to as 'SACTU') is a Trade Union co-ordinating body with 55 Trade Unions affiliated to it and embracing 54,047 workers (40,000 African and 14,000 White, Indian and Coloured) throughout the Republic of South Africa.

In view of the fact that SACTU represents a great number of workers in South Africa and that a large number of these workers' working conditions are governed by the Shop and Offices Act, we respectfully urge the Hon. the Minister of Labour to take cognisance of the views contained in this memorandum when considering the amending Bill.

In the first instance, SACTU acknowledges and welcomes the Shop and Offices Act amending Bill as being a tremendous advance on the present and long out-dated Shop and Offices Act.

However, as there are still a number of matters in the Bill which are either unsatisfactorily dealt with or omitted, SACTU requests that the following amendments be incorporated:

SECTION I. (DEFINITIONS)

(xxiv) "trade union". This definition should be amended to include unregistered trade unions.

(xxvii) "wage". This definition should be amended to show that it includes any statutory or other cost-of-living allowance which may be payable to an employee (as in Section 8(7) of the Bill).

SECTION II. (APPLICATION OF ACT)

SACTU notes with pleasure that the amending Act will apply to all offices and not only to offices which form part of a shop.

We ask, however, that Sub-section 2(i) (a) be reframed to include those offices attached to factories as there appears to be much confusion as to whether such offices are covered by the Factories Act.

SACTU cannot see the logic of Sub-section 2(i) (d) which excludes hotels and boarding houses from the provisions of the Act and calls for the deletion of this exclusion.

/With reference



With reference to Sub-section 2, we urge the Hon. the Minister to reconsider this section so that no other legislating instrument be permitted to take precedence over any of the provisions of the amending Shops and Offices Act unless such provisions are less favourable than those provided for in the said Act.

SECTION III. (ORDINARY HOURS OF WORK AND OVERTIME)

SACTU strongly opposes a 46 hour week and is of the opinion that a reduction in working hours is long overdue (Sub-section 1 (a))

We ask that the daily limit of working hours be reduced (Sub-section 1 (c)) and object to Sub-section 1(e) where the spread-over is a decided worsening of conditions when compared with Section 4(1) (b) of the present Act.

Referring to Sub-section 1(g) we request that no female be permitted to work after 1 p.m. on a Saturday, the day to be specifically named.

SACTU opposes the provisions of Sub-section 1(h) (i) and (ii) and draws the Minister's attention to the curious anomaly contained therein whereby only the night hours of work of females under the age of 18 years are limited.

We ask that this Sub-section (viz., 1(h)(i) and (ii) be revised and brought into line with the provisions of Section 19(i)(e) of the Factories Act; that this Sub-section of the Act should specifically supercede the provisions of other regulating instruments and apply to all employees.

Sub-section 3(a): We object to the exclusion of "watchman" from the provisions of the hours of work clause. In the case of the other categories listed under this section, we accept that it is more difficult to limit their hours, as they do not work on the premises. This does not apply to a "watchman" and we submit that this category of employee must be given some protection.

SECTION 5: (SUNDAYS AND PUBLIC HOLIDAYS)

Sub-section 2 and 3 are inconsistent as an employee who works for a full Sunday will be paid double time, while an employee who works a full public holiday will be paid two and one third of his normal rate (i.e., time-and-a-third plus a day off). In terms of the above, if an employer is able to make a choice between overtime being worked on a Sunday or a public

/holiday



holiday (e.g., over a long weekend), he will choose the Sunday which will cost him less.

We ask that Subsection 4 be amended so that employees be paid double time on a Sunday even though the shop is permitted to remain open on a Sunday by law.

SECTION 6: (ANNUAL LEAVE)

Subsection 1(a) should be amended and thereby brought into line with the provisions of Wage Determination No. 223: that three weeks annual leave be provided, except in the case of "watchman" where four weeks should be given to compensate for the long hours, work on Sundays and public holidays worked by this category of employee.

Subsection (b) proviso : We object to the penalty period imposed in this proviso on the grounds that it should not be longer than the period of notice, that an employee should only forfeit the equivalent of his notice period. In other words, an employee who is weekly paid should only have to forfeit one weeks pay.

SECTION 13: (CONFINEMENT ALLOWANCES)

SACTU fails to understand how after 23 years only a 50c increase is to be made in the weekly confinement allowance payable under the Act.

We raise strong objections to this paltry increase and ask that a minimum be fixed at R10 per week.

SECTION 14: (EXEMPTIONS)

We fail to see how exemptions can be granted from the provisions of Sections 8,9 and 26 and ask that no exemptions be permitted in respect of these sections.

SECTION 31: (REGULATIONS)

SACTU records its dismay that there is still no compulsion upon employers to provide adequate sanitation, ventilation, light, protective clothing, first aid equipment, tearoom and toilet facilities.

We urge that these regulations be framed and promulgated and not be merely recorded in the Act without ever taking effect, as under the old Act.

/With reference



With reference to Subsection 1(g), SACTU cannot see any necessity for regulations to provide separate facilities for different races and records its strongest opposition at a measure of this nature which can only result in discrimination against certain races.

CONCLUSION:

SACTU feels strongly that the workers concerned should not have to wait 23 years for Parliament to review their working conditions as is the present case, and, therefore, submits that a provision be included for Parliament to review the Act every 3 years.

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**FEDERATION OF SOUTH AFRICAN WOMEN 1954-1963**

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