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Act No. 44 of 1937, as amended by Act No. 22 of 1942, establishes a wage board and provides for the determination of conditions of employment and other incidental matters. It repealed previous legislation on the subject.

The act applies to every trade or section of a trade but does not apply to persons employed in farming operations or in domestic service in private households or in the service of the Union Government, the Railway Administration or a Provincial Administration or in certain other spheres as set out in section TWO (2) of the Act.

The wage board created by section THREE is required to investigate and report to the Minister of Labour concerning the trade or section of trade in the area specified in the reference by the Minister or in the application of any trade union or employers' organisation or, where there is no such union or organisation, any number of employees or employers, subject to the terms of section FOUR. The Minister may indicate to the board the scope of its investigation and may differentiate or discriminate between classes of employees provided that he shall not discriminate on the basis of race or colour.

The board in its investigation report has to deal with (a) the conditions of employment in the trade concerned, (b) ^{the} on classes of employee it considers should in equity be paid at such rates as will enable them to live in accordance with civilized standards of life and (c) any other relevant matter. In addition to the report, the minister may direct the board to submit a recommendation but before it makes a recommendation the board has to take into consideration a number of matters specified in section EIGHT.

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The recommendation may include provisions as to minimum rates of pay, cost of living allowances, deductions from pay, method of calculating wages, date and place of payment, payment for piece work, prohibition of the employment of a person under a specified age, over-time work, keeping of records by the employer etc., as laid down in section NINE.

In connection with every investigation, interested persons are advised by notice in the Gazette that they may make representations to the Board.

Every report and recommendation made by the board has to be laid by the Minister before Parliament.

When the Minister receives a recommendation he may cause it to be published in the Gazette and call upon interested persons to lodge objections. Any such objections that may be made are considered and reported upon by the board. The Minister may then subject to the provisions of section SIXTEEN, make a determination which must be published in the Gazette. The minister may, if he deems it expedient and after consultation with the board amend the determination, subject to the terms of section SIXTEEN (BIS), or cancel or suspend it in terms of section SEVENTEEN.

It is not necessary to deal here with the other sections of the Act except to note that under section TWENTY-FOUR (1) no agreement express or implied, including a labour tenant contract or service contract in terms of the Native Service contract Act No. 24 of 1932, whether entered into before or after the coming into operation of any determination or the issue of any licence of exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by that determination or licence, or of the

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application to any employee of any treatment or the grant to him of any benefits less favourable to him than the treatment or benefits so prescribed nor shall it effect any waiver by any employee of the application to him of any provision of that determination or licence.

In fact, a number of determinations has been made relating to the wages and conditions of employment of Natives in trades.

The Unemployment Insurance Act.

No. 53 of 1946.

Unemployment benefit was provided for by the Unemployment Benefit Act of 1937 as amended. A few unemployment funds were also established by Industrial Councils constituted under the Industrial Conciliation Act 1937. It soon became apparent that those benefit arrangements were too limited in their scope and that many thousands of works, especially those in receipt of low wages, were not covered. The Unemployment Benefit Act of 1937 was accordingly repealed by the Unemployment Insurance Act No.53 of 1946 which now covers all workers throughout the Union except those referred to in Section 2(2) thereof and provided for the establishment of one central Unemployment Insurance Fund instead of a number of unemployment benefit funds on an industry basis as was the case under the old Act. Contributors are classified into seven instead of the former three groups, benefits have been substantially improved and the restrictions on the payment of benefit have been modified.

The exceptions under section 2(2) of the Act are, amongst others, Natives employed on gold or coal mines who are provided by their employers with both food and quarters, natives employed in rural areas, except those working in a factory or in a "mine" or "works" as defined in the Mines and Works Act 1911 (provided, of course, that it is not a gold or coal mine, as above mentioned) and Natives working as domestic servants in private households or employed in agriculture, excluding forestry.

The money with which to finance the insurance scheme is derived from the Unemployment Insurance Fund established under section four of the Act. The Revenue sources of the Fund are mainly (a) the contributions of employers and contributors (b) contributions from the Consolidated Revenue Fund (c) interest from investments and (d) the assets of the Unemployment Benefit Funds established under the 1937 Act.

UNEMPLOYMENT INSURANCE ACT 1946.
STATEMENT FOR THE INFORMATION OF
MALE NATIVE CONTRIBUTORS.

WERKLOOSHEIDVERSEKERINGSWET 1946.
VERKLARING VIR DIE INLIGTING VAN
MANLIKE NATURELLE BYDRAERS.

MOLAO OA PABALLO EA BA FELETSOENG KE MOSEBETSI.
HLALOSO E HLAHISETISOANG BANNA BA MA-AFRIKA
BA NTS'ANG KABELO.

UMTHETHO WENGQINISEKISO YA6APHELELWE
NGUMSE6ENDZI.
INKCAZELO KU6ANIKELI A6ANTSUNDU A6ANGAMADODA.

UMTHETHO WESIVIVANE SA6APHELELWE UMSE6ENZI.
INCAZELO KU6ANIKELI 6ESILISA A6ANSUNDU.

1. Some years ago the Government set up Funds to which employers and employees paid contributions and from which benefits were paid to employees when they became unemployed. Native men were not included in these Funds.

In 1946 Parliament passed a new Act—the Unemployment Insurance Act—which combined all Funds, and extended the scheme to nearly all employees including native males.

The effect of this is that many natives now, for the first time, will be insured and will be paid benefits when they are unemployed and unable to get work. The following employees are however, excluded:—

- (a) All those employed on farms in connection with farming;
 - (b) All domestic servants in private households;
 - (c) Natives employed in a coal or gold mine who receive food and quarters;
 - (d) Natives employed in rural areas unless employed in a “factory” or on a “works” or “mine” other than a coal or gold mine;
 - (e) Persons who come from places outside the Union of South Africa to work, and whose contracts of service or the law requires the employer to send them back out of the Union, when they cease to be employed.
2. Employers and employees pay contributions to the Fund and the Government also pays a very large amount.

Employers have to send both their own contributions and those of their employees to the Fund.

The Contributions of employees are deducted from their wages either weekly or monthly when wages are paid. The contributions which are paid by employers and employees are as follows:—

On weekly wages up to	Employer pays for each contributor	Contributor pays
£1. 10. 0. per week	Ninepence.	Threepence.
£2. 10. 0. „ „	One Shilling.	Eightpence.
£3. 10. 0. „ „	One Shilling.	One Shilling.
£4. 10. 0. „ „	One Shilling. and threepence.	One Shilling. and threepence.
£5. 10. 0. „ „	One Shilling. and Sixpence.	One Shilling. and Sixpence.
£6. 10. 0. „ „ and over	One Shilling. and ninepence.	One Shilling. and ninepence.
£6. 10. 0. „ „	Two Shillings.	Two Shillings.

3. When an employee who has been a contributor for thirteen weeks loses his employment and cannot get work he can apply for unemployment benefit.

Only contributors are entitled to draw benefit from the Fund. If a contributor is only unemployed for one week or less no benefits are payable.

No benefits are payable to a contributor who is sick and cannot work, or who has left work for the purpose of having a holiday.

If an applicant has lost his employment through his own fault the payment of benefit may be stopped for any period up to six weeks.

When he first applies, an applicant is registered for work and if there is suitable work available he will be sent to it. Benefits are not paid to contributors who refuse to accept suitable work.

The following are the rates of benefit laid down in the Act:—

On weekly wages up to	Benefit per week.
£1. 10. 0. per week	22/6 but not exceeding three quarters of weekly earnings.
£2. 10. 0. " "	25/- per week.
£3. 10. 0. " "	30/- " "
£4. 10. 0. " "	35/- " "
£5. 10. 0. " "	40/- " "
£6. 10. 0. " "	45/- " "
and over	
£6. 10. 0. " "	50/- " "

4. Application for benefits must be made at the office of a Native Commissioner, Registering Officer under the Native (Urban areas) Act, or where there are no such officers, at the office of a Magistrate, Assistant Magistrate, or Special Justice of the Peace. Benefits are not payable for any period prior to the date on which application is made.

The applicant must take with him his Contributor's Record Card (U.F. 4) which he should have received from his employer on ceasing to be employed. An applicant must attend at the office at which he made application on days which are notified to him to sign the unemployed register as evidence that he is still unemployed and to enable further efforts to be made to place him in work.

The Fund will be of particular value to contributors when there is a shortage of work and large numbers of people are unemployed.

1. Enige jare gelede het die Regering Fondse daargestel waartoe alle werkgewers en werknemers bydraes moes betaal en waaruit voordele aan werknemers betaal is wanneer hulle werkloos was. Hierdie Fondse het nie manlike natuurlike ingesluit nie.

In 1946 het Parlement 'n nuwe Wet goedgekeur—die Werkloosheidsver-sekeringswet—wat al die Fondse gekombineer, en die skema uitgebrei het tot naasteby alle werknemers insluitende manlike natuurlike.

Die uitwerking hiervan is dat 'n groot aantal natuurlike nou vir die eerste keer verseker sal wees en voordele betaal sal word wanneer hulle werkloos is en nie werk kan vind nie.

Die volgende werknemers word egter uitgesluit:—

- (a) Almal wat in verband met boerdery op plase in diens is;
- (b) Bediendes in diens in private huishoudings;
- (c) Natuurlike wat by 'n goud- of steenkoolmyn in diens is en wat beide voedsel en huisvesting ontvang;
- (d) Natuurlike wat in 'n buitestedelike gebied in diens is tensy in diens in 'n „fabriek” of in 'n „bedryf” of „myn” anders dan 'n steenkool- of goudmyn.
- (e) Persone wat kom om te werk vanaf plekke buite die Unie van Suid-Afrika en wie se dienskontrakte of die Wet van die werkgewer vereis om hulle terug te stuur uit die Unie uit wanneer hulle diens beëindig word.

2. Werkgewers en werknemers betaal bydraes aan die Fonds en die Staat betaal ook 'n aansienlike bedrag.

Werkgewers moet beide hulle eie bydraes en die van hulle werknemers aan die Fonds stuur.

Die bydraes van die werknemers word of weekliks of maandeliks, wanneer lone betaal word, van die lone afgetrek. Die bydraes wat deur werkgewers en werknemers betaal word is as volg:—

Op weeklikse lone tot en met	Werkgewer betaal vir elke bydraer	Bydraer betaal.
£1. 10. 0. per week.	Nege pennies	drie pennies.
£2. 10. 0. „ „	Een sjieling	Agt. pennies.
£3. 10. 0. „ „	Een sjieling	Een sjieling
£4. 10. 0. „ „	Een sjieling en Drie pennies.	Een sjieling en drie pennies.
£5. 10. 0. „ „	Een sjieling en ses pennies.	Een sjieling en ses pennies.
£6. 10. 0. „ „ en meer as	Een sjieling en nege pennies.	Een sjieling en nege pennies.
£6. 10. 0. „ „	Twee sjielings.	Twee sjielings.

3. Wanneer 'n werknemer wat 'n bydraer was vir dertien weke uit diens raak en nie werk kan vind nie, mag hy aansoek doen om werkloosheidsbystand. Slegs bydraers mag voordele uit die Fonds trek. Geen voordele is betaalbaar nie as 'n bydraer net vir een week of minder werkloos is.

Geen voordele is betaalbaar aan 'n bydraer wat siek is en nie kan werk nie of wat sy werk laat staan het met die doel om vakansie te hou.

As 'n applikant sy werk deur sy eie skuld verloor het mag betaling van voordele vir enige tydperk tot en met ses weke geskors word.

Wanneer hy aansoek doen om bystand, word 'n applikant vir werk geregistreer en as daar geskikte werk beskikbaar is sal hy daarheen gestuur word. Voordele word nie aan bydraers wat geskikte werk weier betaal nie.

Die volgende skale van bystand is deur die Wet neergelê:—

Op weeklikse lone tot en met	Voordele per week.
£1. 10. 0. per week.	22/6 maar nie meer as driekwart van weeklikse verdienste nie.
£2. 10. 0. „ „	25/- per week.
£3. 10. 0. „ „	30/- „ „
£4. 10. 0. „ „	35/- „ „
£5. 10. 0. „ „	40/- „ „
£6. 10. 0. „ „	45/- „ „
en meer as	
£6. 10. 0. „ „	50/- „ „

4. Aansoek om bystand moet gedoen word by die kantoor van 'n Naturelle-kommissaris, Registrasie Beampte onder die Naturelle (Stedelike Gebiede) Wet, of, waar daar geen sulke beamptes is nie, by die kantoor van 'n Magistraat, Assistent Magistraat, of spesiale Vrederegter. Voordele word nie betaal nie vir enige tydperk voor die datum waarop aansoek gedoen word.

Die applikant moet sy „Bydraer se Verslagkaart” (U.F. 4) wat by diensbeëindiging deur sy werkgewer aan hom uitgereik moet word, met hom meeneem.

'n Applikant moet homself, op die dae waarvan hy inkennis gestel word, by die kantoor waar hy aansoek gedoen het aanmeld om die register vir werklose te teken as bewys dat hy nog werkloos is en om verdere pogings om vir hom werk te kry te vergemaklik.

Die Fonds sal van besondere waarde wees vir bydraers wanneer daar 'n tekort aan werk is en groot aantalle mense werkloos is.

1. Ngeminyaka edlulileyo Umfuso wamisa izikhwama zemali ababenikela kuzo abanini-misebenzi ne zisebenzi, okwakuthi uma izisebenzi ziphelelwe umsebenzi ziholelwe ngayo. Abesilisa abansundu babenga livulelwanga ithuba kulezo zikhwama.

Ngo 1946 i-Palamende yamisa umthetho omusha—Umthetho Wesivivane Sabaphelelwe Umsebenzi—owaqukatha zonke izikhwama zemali wa qhubekisela lelisu cishe ku6e kuzo zonke izisebenzi kanye nezabesilisa abansundu. Usizo lwalemali luzokuba ukuthi abantu abaningi abansundu manje okokuqala, babe nento abayigcinelweyo abaya kuyiholelwa uma baphelelwe umsebenzi behluleka ukuwuthola.

Izisebenzi ezibalwe lapha ngezansi azingeni kulelisu:—

- (a) bonke abasebenza umsebenzi oqondene nokulima emapulazini;
- (c) abantu abasebenza emigodini yamaladle noma yegolide abaphiwa ukudla nendawo yokulala;
- (d) abantu abasebenza phandle kwamadoloba ngaphandle koku6a 6e sebenza e Factory noma lapho kusetshenzwa ngemishini noma emgodini ongesiwo wamaladle noma wegolide;
- (e) abantu abaphuma ezindaweni ezingaphandle kwe Nyunyana bezosebenza, la6o isivumelwano sa6o sokusebenza noma umthetho ufuna uku6a umnini-misebenzi abathumele emakhaya ngaphandle kwe Nyunyana uma kuphele isikhathi sa6o sokusebenza.

2. Abanini-misebenzi nezisebenzi banikela e Sikhwameni no Mfuso nawo unikela imali eningi.

Abanini-misebenzi bamelwe wukuthumela umnikelo wa6o kanye nomnikelo wezisebenzi e Sikhwameni.

Imali engena esikhwameni ihleshulwa eholweni la6o lesonto noma lenyanga nxa bemukela iholo. Imali ekhiswa abanini-misebenzi ne zisebenzi inje:—

Eholweni eligcina ku

Abanini-misebenzi bakhiphela
izisebenzi esinye nesinye

Izisebenzi sikhapha.

£1. 10. 0. ngesonto.	9d.	3d.
£2. 10. 0. „	1/-.	8d.
£3. 10. 0. „	1/-.	1/-.
£4. 10. 0. „	1/3.	1/3.
£5. 10. 0. „	1/6.	1/6.
£6. 10. 0. „	1/9.	1/9.
ukudlula ku		
£6. 10. 0. „	2/-.	2/-.

3. Uma isisebenzi silahlekelwa umsebenzi ngemuva kokukhipha imali amasonto ayi shumi nantathu futhi singakwazi ukuthola umsebenzi singacela usizo lwa**abaphelele**we umsebenzi.

A**banikelayo** kuphela a**banelungelo** lokuthola usizo kulesi Sikhwama. Uma isisebenzi siqede isonto noma isikhathi esinga phansi kwesonto siphelelwe umsebenzi asinakuthola usizo.

Uma umuntu okhiphe leyo mali egula ehluleka ukusebenza noma eyeke ukusebenza ngenxa yokuyo phumula, akana kuthola usizo.

Uma umuntu ocela lemali eye walahlekelwa umsebenzi ngecala lakhe imali angeze ayithola isikhathi esingamasonto ayisithupha.

Uma ecela imali okokuqala, igama lakhe lifakwa encwadini yamagama abafuna umsebenzi kuthi lapho kukhona umsebenzi ofaneleyo athunywelwe kuwo. Imali yosizo ayinikwa osuke wala ukuthatha umsebenzi ofaneleyo. Lena yimali yosizo eyamukelwayo emiswe Umthetho:—

Emalini abayiholayo egcina ku	Imali yosizo eholwayo
£1. 10. 0. ngesonto.	22/6 kodwa kungabi ngaphezulu kwamakwata amathathu ehlo eliholwa ngesonto.
£2. 10. 0. „ „	25/- ngesonto.
£3. 10. 0. „ „	30/- „
£4. 10. 0. „ „	35/- „
£5. 10. 0. „ „	40/- „
£6. 10. 0. „ „	45/- „
edlula ku	
£6. 10. 0. „ „	50/- „

4. Lemali kumelwe uku**ba** icelwe ehovisini lika Nda**abaza**bahtu naku Mbali wezivumelwamo zomsebenzi, (Umthetho wamadoloba) kuthi ezindaweni lapho kungekho khona la**bo**—icelwe ku Mthethimacala noma kulowo oyi-Sandla sakhe noma enkosini efungisa abantu.

Imali ayikhishelwa isikhathi esingaphambi kokucelwa kwayo. Ocelayo imali umelwe wukuletha ikhadi lakhe lokunikela (U.F. 4) azobe eselinikwe umnini-msebenzi mhla ephelelwa yiwo. Ocelayo umelwe uku**ba** abekhona ehovisini lelo acele kulo, ngezinsuku lezo atshelwe uku**ba** eze ngazo ukuzo sayina encwadini ya**abaphelele**we umsebenzi ukuze lokho kufakazise ukuthi akakawutholi umsebenzi nokwenzela ukuthi kuzanywe ukumfunela umsebenzi. Ezikhathini zokwesweleka komsebenzi lapho iningi lizula lingawutholi, lesi Sikhwama sizoba nosizo kakhulu kula**bo** a**ba**be sikhiphela imali.

1. Kwiminyaka ethile egqithileyo u-Rulumente wemisa ii-Ngxowa aabenikela kuzo imali abaqeshi nabaqeshwa neyayibatala abaqeshwa besakuphelewa ngumsebenzi. Amadoda antsundu ayengalivulelwanga ithuba lokunikela kweezi Ngxowa.

Ngo 1946 i Palamente yemisa umthetho omtsha—u-Mthetho we-Ngqinisekiso yabaphelelwe ngumsebenzi—owahlanganisa zonke ii-Ngxowa, lathi ke elocebo laphantse ukuvulela bonke abaqeshwa isango kunye nabantsundu abangamadoda.

Isiphumo salento kukuthi unindzi lwabantsundu ngoku, ekuyakuaba yinto yokuqala, luyakuqinisekiswa lubatalwe imali xa luphelelwe ngumsebenzi lungawufumani kwananjalo.

Aba bangezantsi apha, noko kunjalo, bona bavalelwe kwelicebo:—

- (a) bonke abaqeshwe ezifama ngokunxulumene nomsebenzi wokulima;
- (b) bonke abasebendza kubanini zindlu kwizindlu za6o;
- (c) abasebendza emigodini yamaladle neyegolide abaphiwa ukutya nendawo yokulala;
- (d) abaqeshwe emaphandleni, ngele kwa6aqeshwe ezi “factory”, kumas-hishini emitshini, nakwimigodi engeyiyo yamaladle na golide;
- (e) abaphuma kwiindawo ezingaphandle kwelo-Mdi6aniso beze kusebendza, naabo izivumelwano za6o zokusebendza, noku6a ngumthetho unyanzela okoku6a umqeshi ababuyisele ngaphandle kwelo-Mdi6aniso bakuq6i6a ixesha la6o lomsebenzi.

2. Abaqeshi nabaqeshwa kunyanzelekile okoku6a bagalele imali kule Ngxowa waye no Rulumente eyikhupela imali enindzi.

Abaqeshi bathumela iminikelo ya6o kunye neyabaqeshwa kule Ngxowa.

Iminikelo yabaqeshwa icuntsulwa emivuzweni ya6o yeveki noku6a yeyen-yanga xa behlaulwa. Iminikelo ehlaulwa nga6aqeshi nabaqeshwa imi ngoluhlo6o:—

Emivuzweni eyi	A6aqeshi 6ahlalela umntu ngamnye onikelayo	Uminikeli uhlaula.
£1. 10. 0. ngeveki.	9d.	3d.
£2. 10. 0. „ „	1/.	8d.
£3. 10. 0. „ „	1/.	1/.
£4. 10. 0. „ „	1/3.	1/3.
£5. 10. 0. „ „	1/6.	1/6.
£6. 10. 0. „ „	1/9.	1/9.
ngaphezu kwe		
£6. 10. 0. „ „	2/.	2/.

3. Xa umqeshwa elahlekelwe ngumsebenzi engawufumani, esakunikela ixesha elingangeveki ezilishumi linantathu, unako ukucela uncedo lwemali lokungasebenzi kwakhe.

Nga banikeli kuphela abanelungelo lokutsala imali yoncedo e-Ngxoweni. Uku ba umnikeli unexesha leveki kuphela nanganeno koko engasebenzi, akukho mali anokuyihlulwa.

Akukho mali eyakuhlulwa umnikeli othe wa gula aka binako ukusebenza nokuba uthe walahla umsebenzi ngesizathu sokuya kuphumla.

Xa athe umnikeli walahlekwa ngumsebenzi ngetyala elilelakhe, imali iyanqandwa angayifumani ukuya kuthi ga ngeveki ezintandathu.

Xa eqala ukucela umnikeli, ubalwa encwadini eyalatha uku ba ufuna umsebenzi, ze athi akuwufumana umsebenzi omfaneleyo, athunyelwe kuwo. Akukho mali ehlaulwa abanikeli xa bethe bawala umsebenzi ofanelekileyo.

Nanga ke amanani emali amiswe ngu-Mthetho:—

Emivuzweni ema kwi

Uncedo ngeveki ngama.

£1. 10. 0.	0. ngeveki.	22/6 phofu ingeqi kwiziqendu ezithathu zesine. (3/4) kwindzuzo yeveki.
£2. 10. 0.	„	25/- ngeveki.
£3. 10. 0.	„	30/- „
£4. 10. 0.	„	35/- „
£5. 10. 0.	„	40/- „
£6. 10. 0.	„	45/- „
	Ngele kwe	
£6. 10. 0.	„	50/- „

4. Isicelo salemali sendziwa e ofisini ka Mhle naku Nobala wemvumelwano phakathi komqeshi nomqeshwa, ngokomthetho wabasebenzi base zidholophini, ize kwiindawo ezingenabo, kwi ofisi ye Manti, neye Sandla se Manti nakweye Nkosi efungisayo. Imali yoluncedo ayihlaulelwa naliphina ixesha elingaphambi komhla esithe sendziwa ngawo isicelo.

Kufuneka umnikeli eye e ofisini ephethe isiphili gana sakhe esibalwe umnikelo wakhe (U.F. 4) xa eyakucela uncedo, isiphili gana ayakusifumana kumqeshi wakhe mhla waphelwa ngumsebenzi.

Umnikeli kufuneka eyile kwi ofisi endze isicelo kuyo ngemini ayalelwe uku ba abekho ngazo ukuza kubalisa encwadini ya ba ngekasebenzi lonto iba bubungqina boku ba akakasebenzi ukuze abenokuzanyelwa ngakumbi umsebenzi.

Ingxowa iyakuxabiseka ngokukodwa ku banikeli xa unqabile umsebenzi xa unindzi lungasebenzi.

SESOTHO.

1. Ka lilemo tse itseng tse fetileng 'Muso o ile oa emisa mekotla eo beng ba mesebetsi le basebetsi ba neng ba lahlela chelete ho eona hore e patale basebetsi mohla ba feletsoeng ke mosebetsi. Banna ba Ma-Afrika ba ne ba sa fua sebaka hore le bona ba nts'etse mekotla ena chelete.

Ka 1946 Parlaente ea hloma molao o mocha, molao oa peheletso ea ba feletsoeng ke mosebetsi o ileng oa akaretisa mekotla kaofela, oa ba oa batla o bulela basebetsi kaofela monyako esita le banna ba Ma-Afrika.

Molemo o tla hlalisoa ke molao ona ke hore Ma-Afrika a mangata joale, e tla ba lekhetlo la pele hore a kene peheletsong eo 'me a lefuoe chelete ha a feletsoe ke mosebetsi, a sa o fumane.

Basebetsi ba baliloeng ka tlase mona ke ba sa akaretsoang thusong ena:—

- (a) Kaofela ba sebetsang mosebetsi o mabapi le oa temo lipolasing;
- (b) Kaofela ba sebeletsang beng ba matlo ka matlong a bona;
- (c) Ma-Afrika a sebetsang merafong ea mashala kapa ea gauta a fuoang lijo le matlo a ho robala;
- (d) Ma-Afrika a sebetsang kante ho litoropo ha e se ha a sebetsa faktiring (factory) kapa machining kapa morafong oo e seng oa mashala kapa gauta.
- (e) Batho ba tsoang litulong tse kante ho Kopano ea South Afrika ho tla sebetsa bao tumellano tsa bona tsa ho sebetsa le molao li tlamang mong a mosebetsi hore a ba khutlisetse morao ba tsoe Kopano ha ho felile nako ea bona.

2. Beng ba mesebetsi le basebetsi ba akhela chelete mokotleng 'me 'Muso le oona o kenya e ngata ho oona.

Beng ba mesebetsi ba ts' oanetse ho romela chelete ea bona hammoho le ea basebetsi ba bona mokotleng.

Chelete e nts'etsoang mokotla ke basebetsi e nts'oa meputsong ea bona ha ba e amohela, leha e ka ba ka veke kapa ka khoeli.

Chelete e nts'uong ke beng ba mesebetsi le basebetsi e ka mokhoa ona:—

Meputsong ea veke ho fihlela	Beng ba mesebetsi ba nts'etsa mohiruoa e mong le e mong	Mohiruoa o nts'a
£1. 10. 0. ka veke.	9d.	3d.
£2. 10. 0. „	1/-.	8d.
£3. 10. 0. „	1/-.	1/-.
£4. 10. 0. „	1/3.	1/3.
£5. 10. 0. „	1/6.	1/6.
£6. 10. 0. „	1/9.	1/9.
ho feta		
£6. 10. 0. „	2/-.	2/-.

3. Ha mohiruo a ka lahlehloa ke mosebetsi a se a qetile liveke tse leshome le metso e meraro a ntse a akhela mokotleng 'me mosebetsi a sa o fumane, a ka kopa thuso eo ea ba feletsoeng ke mosebetsi. Ke batho ba ileng ba akhela chelete tsa bona feela mokotleng ba ka bang le tokelo ea ho fumana thuso ho oona. Ha motho a qetile veke feela kapa nako e ka tlase ho veke a lahlehetsoe ke mosebetsi, ha ho thuso eo a ka e fumanang. Ha motho ea akhelang chelete mokotleng ona a ile a kula a sitoa ho sebetsa kapa a tlohela mosebetsi ka baka la ho ea phomola, ha ho thuso eo a ka e fumanang.

Ha motho a kopa thuso e le hore o lahlehetsoe ke mosebetsi ka molato oo e leng oa hae, ho fuoa ha hae thuso ho ka thibeloa ka nako e fihlang livekeng tse ts'eletseng.

Ha a qala ho kopa thuso, mokopi o ngoloa bukeng ea ba batlang mosebetsi 'me ha o le teng o mo lokelang o romeloa ho oona. Batho ba neng ba nts'etsa mokotla ona chelete ha ba e nehoe ha ba ka hana ho kena mosebetsing o lokileng.

Ena ke chelete ea thuso e amoheloang, kamoo e beiloeng ke molao ka teng:—

Meputsoeng ea veke
ho fihlela

Chelete ea thuso ea veke.

£1. 10. 0. ka veke.	22/6 empa e sa fete karolo tse tharo tsa moputso oa veke.
£2. 10. 0. „	25/- ka veke.
£3. 10. 0. „	30/- „
£4. 10. 0. „	35/- „
£5. 10. 0. „	40/- „
£6. 10. 0. „ ho feta	45/- „
£6. 10. 0. „	50/- „

Kopo ea chelete ena e ts'oanetse ho hlalisoa kantorong ea Komishinara, Mongoli ea ngolang litumellano tsa ba kenang mosebetsing (ka molao oa basebetsi litoropong), kapa moo ho seng bahlanka bana ba baliloeng ba 'Muso kopo e hlalisoa kantorong ea 'Mastrata, Motlatsi oa 'Mastrata kapa morena eo ho ikanoang kapele ho eena. Chelete ena ha e lefelloe nako e kapele ho eo motho a hlalisisitseng kopo ea hae ka eona.

Mokopi o ts'oanetse ho ea kopa chelete a ts'oere karata e pakang ho lefa ha hae (U.F.4) eo a e amohetseng ho mong a hae mohla a felloang ke mosebetsi

Mokopi o ts'oanetse ho ba teng kantorong eo a kopileng thuso ho eona ka matsatsi ao a a tsebisitsoeng ho tla ka oona ho tla ingola hore ha a e-so fumane mosebetsi hore hoo e tle e be bopaki le hore a lekeloe hape ho kenngoa mosebetsing.

Mokotla ona o tla ba le thuso e kholo haholo ho ba o nts'etsang chelete mehlang eo mosebetsi o hlokehlang 'me bongata bo solla ho o batla.

7

WORKMEN'S COMPENSATION ACT NO. 30 OF 1941 AS
AMENDED BY ACT NO. 27 OF 1945.

The Act, which is administered by the Department of Labour, amended and consolidated the laws relating to compensation for disablement caused by accidents to or industrial diseases contracted by workmen in the course of their employment or for death resulting from such accidents or diseases.

"Accident" means an accident arising out of and in the course of a workman's employment and resulting in a personal injury.

"Workman" means any person who has entered into or works under a contract of service or of apprenticeship or learnership with an employer but does not include amongst others (1) domestic servants, (a) in a private household or (b) in a boarding house or institution in which are ordinarily employed not more than five such servants, (2) persons employed in agriculture unless in connection with a vehicle or machine driven by mechanical power and unless the accident occurred whilst working with such vehicle or machine and (3) person employed on alluvial diamond, gold or corundum diggings or on prospecting for alluvial diamonds, gold or base minerals unless in connection with explosives or a vehicle or machine driven by mechanical power and unless the accident occurred whilst working with such explosives or vehicle or machine. ~~A native servant falling outside the scope of the Act who meets with an accident in the course of his employment will have to look to the common law for his legal remedy.~~

The Workmen's Compensation Act 1914 provided for payment of compensation for the death or injury of a workman arising out of and in the course of his employment but was silent on the subject of medical aid. In the 1934 Act employees were compelled to insure with approved insurance companies against their liabilities under the Act and provision was also made for the payment of reasonable medical expenses incurred by the workmen.

In/.....

In the 1941 Act the benefits payable to injured workmen were improved and the system of insurance with private companies was replaced by a mutual insurance fund under State aegis. Employers are obliged to register with the Workmen's Compensation Commissioner and to pay to him the prescribed premiums, whereupon the Commissioner pays out compensation from the fund so formed; in regard to Native workers he has delegated his authority to the Director of Native Labour. Certain employers, such as the State the ^{MINES} ~~mines~~ affiliated to the Transvaal Chamber of Mines, the building and allied trades insured with the federated Employees' Mutual Assurance Co., Ltd. and certain leading municipalities do not contribute to the fund but are held to be individually liable to pay out benefits under the Act.

Whenever an accident occurs to a Native workman likely to involve a claim to compensation or medical aid, the employer must supply the appointed Native Affairs Department Officer with information on the prescribed form which is then forwarded to the Director of Native Labour.

Accident compensation for temporary total disablement shall, in the case of a Native workman whose pay does not exceed £13.6.8 a month, be periodical payments during such temporary disablement at the rate of 66²/₃% of his monthly earnings for a period not exceeding twelve months, but the Commissioner may direct the continuation of such payments for such further period as he may determine; also if the periodical payments amount to less than £6.10.0 a month they shall be increased to that amount or to 75% of the Native's monthly earnings, which case is the less, provided that a workman who is not supplied with free food and quarters by his employer is not entitled to compensation for disablement for less than seven days, and provided also that a workman who is supplied with free food and quarters as part of his normal earnings and who continues to receive free food and quarters during disablement is not entitled to compensation for temporary disablement if the disablement lasts for less than fourteen days.

If/.....

If the Native earns more than £13.6.8 a month his claim is assessed on the basis applicable to a European workman.

The compensation in case of temporary partial disablement is such portion of the abovementioned periodical payments as the commissioner deemes equitable.

~~A workman whose temporary disablement lasts for more than eighteen months may be considered to be permanently disabled.~~

In the event of permanent disablement, compensation is assessed for 100% disability at a lump sum equal to thirty times the workman's ^{up to twenty pounds of such earnings} monthly earnings together with fifteen times his monthly earnings in excess of twenty pounds, with a minimum compensation of £150 and a maximum of £800; the lump sum is decreased proportionately if the disablement is under 100%.

Dependants of a workman killed in an accident during the course of his employment or who dies as the result of such an accident are entitled to such lump sum as is deemed equitable but not exceeding the amount a workman would receive for permanent total disablement. Burial expenses up to £5 may also be met at the discretion of the Commissioner or employer individually liable to pay.

Medical expenses are paid in all cases of temporary or permanent disablement up to a total of £50 but this amount may be exceeded in cases where the Commissioner considers that further treatment would be to the benefit of the injured workman. Medical expenses are limited to a period of two years from the date of the accident. Artificial limbs, appliances and dentures are supplied when necessary, without cost to the workman.

A disease caused by employment is not compensable under the Act unless caused by an accident or unless it is one of those included in the Second Schedule to the Act. That Schedule specifies a number of "industrial" diseases with the occupations in which they usually occur, but the list may be amended or extended by the Governor-General, by Proclamation. If it is shown to the satisfaction of the Commissioner that a workman is suffering from a scheduled disease and is thereby disabled for employment or his death was caused by such disease and further that he

was/.....

was employed in any occupation referred to in the Schedule in respect of that disease within two years prior to his disablement or death it is presumed, in terms of section 92 of the Act, that the disease was due to his occupation unless the contrary be proved. In regard to silicosis, however, the disease must have been due to employment in connection with excavation work and the two year period is not applicable. Compensation is payable as if such disablement or death were caused by an accident.

The Act requires an employer to furnish and maintain such appliances and services for rendering first aid as may be prescribed and if a workman suffers an accident necessitating his removal to hospital the employer must provide conveyance. Detailed regulations under the Mines and Works Act 1911 were published in Government-Gazette Extraordinary dated 11th August, 1937, laying down amongst other things the precautions to be taken on mines and works to prevent the occurrence of accidents.

Natives employed on machinery (other than machinery dealt with in the Mines and Works Act 1911) in factories and on building work have their interests protected by Act No. 22 of 1941 and the regulations thereunder published under Government Notice No. 1195 dated 28th August, 1941, which prescribe elaborate measures to be taken by employers for the safety of workers. The emphasis in legislation for the prevention of accidents is laid upon the responsibility of the employer to adopt the precautions laid down by the Government.

REGISTRATION FOR EMPLOYMENT, No. 34 of 1945.

The object of this Act is to make it compulsory for all unemployed persons, (styled workseekers) to register with Labour Exchanges and to require employers to notify such Exchanges of the engagement or termination of service of all persons employed by them. A workseeker is defined as a person, not being more than 65 years of age in the case of a male, or 60 years of age in the case of a female who is capable of and available for work; no Native under 15 years of age is regarded as a workseeker for the purpose of the Act. By this means the present Labour Exchange machinery will be enabled to function much more efficiently and it will be possible at any time to ascertain simply and accurately the extent and nature of prevailing unemployment, and consequently to take steps to deal with the position.

Section 2(5) of the Act provides that it shall not be applicable to Native workseekers except after consultation with the Minister of Native Affairs and although the Act is in force as regards Europeans it has not yet been made applicable to Natives. When this is done the Department of Native Affairs, except in certain of the areas where the Registration Regulations under the Natives (Urban Areas) Consolidation Act, 1945, are administered by the local authorities, will organise or conduct Native labour employment offices under the Act.

Section 2(6) provides that the Act shall not apply to employers in respect of the employment of any person in agriculture or in domestic service in private households.
Some of the administrative requirements of the Registration

for Employment Act are to-day being carried out under the regulations published in terms of the Natives (Urban Areas) Consolidation Act, in that Natives entering urban areas are required to register either with the Department of Native Affairs or with the local authority, to obtain a permit to seek work.

SILICOSIS ACT NO. 47 OF 1946.

The abovementioned Act amended, consolidated and extended the law relating to Miners' Phthisis and came into force on the 1st August, 1946. It repealed the Miners' Phthisis Acts Consolidation Act No. 35 of 1925 and later Acts on the subject. The term "Miners' Phthisis" has been dropped from the 1946 Act as being misleading because it denotes a tubercular infection. It was thought that silicosis was associated with an infection but as silicosis has since been found to exist independently of infection it follows that this silicotic is not necessarily phthisical and not necessarily a source of danger to his fellows. Instead therefore of "Miners' Phthisis" the Act refers to "Silicosis" and "Tuberculosis".

"Silicosis" means any form of Pneumoconiosis due to the inhalation of mineral dust.

"Tuberculosis" means tuberculosis of the respiratory organs and a person is deemed to be suffering from it (a) if the Silicosis Medical Bureau has found that his sputum contains tubercle bacilli or (b) if the Bureau has found him to be suffering from "closed tuberculosis" which previously impaired his working capacity.

The "Minister" is the Minister of Mines.

The Act goes further than the previous ones in that it extends the definition of silicosis so as to include diseases of the lungs caused by mineral dust other than silica dust, e.g. coal dust, iron ore dust, asbestos dust and a combination of two or more such diseases. Not only the large gold mines but also the small gold mines and mines in which any mineral other than gold is mined can be called upon to provide for compensation for persons who have contracted lung disease through working in those mines.

Before/.....

Before proceeding to deal with the provisions of the Act in so far as they concern benefits to Native labourers mention must be made of the measures taken to prevent the Native mine worker from contracting silicosis or tuberculosis.

The Silicosis Medical Bureau has, inter alia to perform any medical work or research work which the Minister has entrusted to it with a view to preventing persons from contracting Silicosis or tuberculosis. Then there is the Silicosis Research Committee whose work it is to investigate all matters affecting the health of persons working at mines and to report to the Minister the result of their investigations. The Committee has to carry out research work in connection with the prevention of the production of dust in mines and for rarefying dust in and removing dust from mines and for counteracting and removing any other cause of silicosis.

Before a Native can commence work in a dusty occupation or a scheduled for controlled registered mine he has to pass a medical examination to show that he is fit for such work.

Reverting to the Act, a Silicosis Medical Bureau has been established to conduct and control the medical examinations for which the Act provides and to undertake the research work mentioned above. The findings or decisions of the Bureau are subject to review by the Silicosis Medical Board of Appeal. A small Committee of which the Native Affairs Department representative is a member has been created by Section twenty-five to advise the Minister on any matter relating to the administration of the Act.

A Board, known as the Silicosis Board, has been established to perform such duties and exercise such powers as may be imposed or conferred upon it by the Act. The Director of Native Labour or other officer of the Native Affairs Department designated by the Minister of Native Affairs shall be ex-officio a member of the Board.

A distinction is drawn between "scheduled" and "registered" mines. Under the repealed Acts mines were "scheduled" and a financial system was set up, and it was decided to retain those in the Act and to allow for new mines to become scheduled. Smaller gold mines and other mines in which silicosis, asbestosis, anthracosis, siderosis etc., can be contracted are to be "registered" mines and have a less intricate financial system.

The Act provides for payments of benefits to Native sufferers or to the dependents of deceased Native sufferers, but on a different system from those applicable to European Miners. This was considered to be due to the impracticability of bringing about periodical medical examination of the great majority of Natives once they have ceased to work at the mines and to the administrative problems connected with identification, proof of payment and questions of dependency. Accordingly a uniform lump sum benefit ^{RELATED} selected to earnings and representing an improvement on the benefits which were payable under the repealed Acts is provided for Silicosis irrespective of the stage of the disease.

4

There is, however, no compensation provided for a Native who has contracted tuberculosis without silicosis while employed at a "registered" mine.

The benefits for Native labourers are briefly as follows:-

- (a) For an applicant suffering from tuberculosis only, an amount equal to twenty times the sum of his monthly earnings, or the sum of one hundred pounds, whichever of the two sums is the greater, provided the sufferer has, throughout a period of thirty days or longer, or periods amounting in the aggregate to thirty days or longer but less than eight years, worked in a "dusty occupation" at Scheduled Mines.
- (b) For an applicant suffering from tuberculosis only who, throughout a period of eight years or longer or throughout periods amounting in the aggregate to eight years or longer, worked in a "dusty Occupation" at Scheduled mines, an amount equal to thirty six times the amount of his monthly earnings, or the sum of one hundred and eighty pounds, whichever of the two sums is the greater.
- (c) For an applicant suffering from Silicosis (irrespective of the stage to which the disease has progressed) or from Silicosis with Tuberculosis, a sum calculated in accordance with the provisions set out in (b) above.
- (d) When a Native labourer who has become entitled to a sum under (a) above is thereafter found to be suffering from Silicosis he is entitled to a further sum equal to the difference between the first mentioned sum and a sum calculated in accordance with the provisions set out in (b) above.
- (e) In addition, provision is made for those sufferers who, on the date the Act came into operation were domiciled in the Union, and who, after the 1st August, 1943, were compensated under the 1925 Act, to be paid certain levelling up benefits equal to the difference between the amount they actually received and the

amount/.....

5
amount they would be entitled to under the formula set out under (a) (b) (c) and (d) above.

- (f) In all cases where the beneficiary dies before receiving compensation as provided for above, his dependants, if any, are entitled to whatever compensation may be due to the beneficiary himself.

All Native labourers, even though they may have been discharged from the Mines, are entitled to be considered for benefits under the Act provided they are certified by the Silicosis Medical Bureau to be suffering from either Silicosis or Tuberculosis or both, and provided further that in cases of Tuberculosis only the Bureau's examination is performed within a period of twelve months from the date upon which the sufferers last worked in a dusty occupation at a Scheduled mine, and the Bureau expresses the opinion that they were so suffering within a period of six months from the said date.

In terms of the Act it is the duty of the Director of Native Labour to assist the Native sufferer or his dependants, as the case may be, in obtaining the compensation due to them and all claims are accordingly prepared by the Department's officers and sent to the Director for transmission to the Silicosis Board which body makes its award in each case and transmits the amount to the Secretary for Native Affairs for payment to the beneficiaries or their dependants as the case may be.

In the case of Native beneficiaries resident in the Union the amounts are paid out through District officers in monthly instalments, but in the case of extra-Union Natives the awards are paid over in lump sums to the beneficiaries personally before they are repatriated or where dependants are to be compensated the awards are remitted in full by the Secretary for Native Affairs to the authorities of the particular Territory concerned, who, in turn, arrange for the amounts to be paid over to the dependants resident within their area of jurisdiction.

The Silicosis Board may contribute up to one half of the cost of establishing or maintaining sanatoria for the accommodation and treatment of Native labourers suffering from silicosis.

6

Owing to the practice of polygamy by Natives and the complexities of the Native customs of various tribes it was found to be impracticable to arrive at a formula for "dependency" and the following provisions were therefore made for determining who is a "dependent" of a deceased Native labourer viz:-

Any person for whose maintenance -

- (a) A Native labourer is, in the opinion of the Native Affairs Authority, wholly or partly responsible; or
 - (b) a deceased Native labourer was, in the opinion of the Native Affairs Authority, wholly or partly responsible,
- shall be deemed to be the dependent of the Native labourer or of the deceased Native labourer, in question, as the case may be.

A posthumous child or grandchild of a deceased Native labourer for whose maintenance the deceased would, in the opinion of the Native Affairs Authority, be wholly or partly responsible if he were alive, shall be deemed to be a dependent of the deceased.

It may be added that although the 1925 Act and amending Acts were repealed, the Chamber of Mines has agreed to continue to subsidise the ex-gratia scheme under which all Native sufferers who were compensated under the provisions of the repealed Acts are granted additional benefits if it be found, upon medical re-examination, which takes place at regular intervals of 12 months, that the disease in respect of which they were originally compensated has progressed to a more advanced stage, e.g. if the medical examination discloses that, in the case of Silicosis, the disease has progressed from ante-primary to primary or, in tuberculosis cases, the beneficiary is found to be suffering from Silicosis as well.

The benefits of the ex-gratia scheme, which scheme came into operation during 1939, apply to all Union Natives as well as to those from the High Commission Territories of Basutoland, Swaziland and Bechuanaland and to their dependants, if any, should the sufferer die subsequent to the 31st May, 1939 and the post mortem examination reveal that the disease had in fact progressed a further stage.

The rates of contributions by employers and contributors and from the Consolidated Revenue Fund in respect of each group are set out in the Schedule to the Act, which reads as follows :-

SCHEDULE.

Rates of Contributions by Employers and Contributors and from the Consolidated Revenue Fund.

GROUP according to rate of contributor's annual earnings,	Contributions per week.		
	By the employer in respect of every contributor in his employ.	By every contributor.	From the Consolidated Revenue Fund in respect of every contributor.
1.	2.	3.	4.
I. - up to £78 per annum	nine pence.	three pence.	nine pence.
II.- exceeding £78 but not exceeding £130 per annum.	one shilling.	eight pence.	ten pence.
III.- exceeding £130 but not exceeding £182 per annum.	one shilling.	one shilling.	one shilling.
IV.- exceeding £182 but not exceeding £234 per annum.	one shilling and three pence.	one shilling and three pence.	one shilling.
V.- exceeding £234 but not exceeding £286 per annum	one shilling and six pence.	one shilling and six pence.	one shilling.
VI.- exceeding £286 but not exceeding £338 per annum.	one shilling and nine pence.	one shilling and nine pence.	one shilling.
VII.- Exceeding £338 but not exceeding £750 per annum.	two shillings.	two shillings.	one shilling.

It is provided that any contributor, who would have been entitled to benefit under the Unemployment Benefit Act, 1937, shall, whenever he qualifies for benefit under the 1946 Act, receive both his old rate benefit plus the new rate provided that the

joint/.....

joint benefits shall not exceed three-quarters of his normal weekly earnings. This arrangement is to continue until the contributor has exhausted his credits in a fund under the 1937 Act or until the same number of years have elapsed from the date when the present measure comes into force as the number of years that such old fund has been in existence whereupon any surplus remaining from the old fund will accrue to the new fund.

Application for benefit has to be made to the "claims officer" from whose decision, an appeal lies to a committee.

He must submit all cases of benefit refused to the committee for review.

Benefits may be drawn for a total of twenty-six weeks in any period of fifty-two weeks. Thereafter payment of benefit ceases unless the Board after considering a report by a committee decides that further reduced benefits may be authorised.

It is also provided that no benefit is payable for less than one week of unemployment unless the commencement of such period of unemployment occurs within nine weeks of any previous period of unemployment: Provided that if a contributor continues to be unemployed during a second week, then he shall receive benefit for the same number of days during the first week as he is unemployed during the second week. In order to qualify for benefit the applicant must have been a contributor for at least thirteen weeks and must be capable of and available for work. Benefit will not be paid if the contributor is unemployed due to a stoppage of work which is related to a trade dispute or if he refuses to accept suitable work. One or two other safeguards have also been inserted to prevent the payment of benefit to other than bona fide claimants.

The rates of benefits payable to a contributor out of the fund are set out in section thirty-nine of the Act and subject to the conditions laid down therein, are as follows :-

Group I	.....	22/6	per calendar week or	threequarters of the weekly earnings whichever is the less
Group II	.....	25/-	per calendar week;	
Group III	.....	30/-	per calendar week;	
Group IV	.....	35/-	per calendar week;	
Group V	.....	40/-	per calendar week;	
Group VI	.....	45/-	per calendar week;	
Group VII	.....	50/-	per calendar week;	

The Act is administered by the Department of Labour but the Department of Native Affairs has undertaken to carry out the work entailed in the administration of the Act as it affects Natives, except in those urban areas where the Local authorities administer the Registration Regulations under the Natives (Urban Areas) Consolidation Act and have undertaken to perform the work connected with Unemployment Insurance. In any district where the Department of Native Affairs has no office the work will be performed by the Magistrate.

The policy underlying the Act is that benefits should not have to be granted whilst work is available. It has, therefore, been necessary to inaugurate labour exchanges, where necessary, in each centre affected to ensure that applicants are directed to such work as may be offering. Such labour exchanges function on the same lines as are envisaged in the Registration for Employment Act, but the procedure is somewhat simplified. When the latter Act is applied to Natives there should thus be a minimum of dislocation.

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