

"registered trade unions" means a trade union registered under Section 96 of the Labour Relations Act, 1995;

"Secretary of the Council" means the general secretary of the council or anyone appointed to act in his place;

"SACTWU" means the Southern African Clothing and Textile Workers Union;

"un-laden mass" means the mass of any motor vehicle or trailer as recorded in a licence or certificate issued in respect of such motor vehicle or trailer by any authority empowered by law to issue licences in respect of motor vehicles;

"wage" or "ordinary wage" means the amount of money payable to an employee in terms of rates payable as stipulated in this agreement in respect of his ordinary weekly hours of work prescribed in clause 4, and if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in this agreement, it means such higher amount;

"welding machine operator" means an employee engaged in operating an electronic high frequency welding machine used in joining coated fabrics. In classifying an employee for the purpose of determining his main occupation in terms of this Agreement he shall be deemed to be in that class in which he is wholly or mainly engaged.

3. EMPLOYEES

3.1 PRESUMPTIONS

An employee shall be deemed to be working in the employ of an employer, in addition to any period during which he is actually so working, during -

- 3.1.1 any period during which, in accordance with the requirements of his employer, he is present at or in any establishment;
- 3.1.2 any other period during which he is present at or in any such establishment;
- 3.1.3 any period during which he is in charge of any vehicle used in the industry, whether or not it is being driven;
- 3.1.4 the whole of any interval in his work if he is not free to leave the premises of his employer for the whole of such interval; or
- 3.1.5 the whole of any interval in his work if the duration of such interval is not shown in the records required to be kept in terms of clause 19 of this Agreement.

Provided that, if it is proved that any such employee was not working and was free to leave the premises during any part of any period referred to in sub - clauses 3.1.1 to 3.1.5, the presumption established by this clause shall not apply in respect of such employee with reference to that part of such period.

3.2 LETTER OF APPOINTMENT

- 3.2.1 Every employer shall, in respect of every employee, upon commencement of employment prepare written particulars of employment by way of either an employment contract or a letter of appointment as prescribed in Section 29 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).