

WORKING TIME



APPLICATION

This does not apply to senior managers, travelling sales staff or people who work less than 24 hours a month. Employees earning more than R205 433.30 a year are also excluded.

ORDINARY WORKING TIME

In determining work time the employer must consider -

- occupational health and safety;
- the family responsibilities of the employee; and
- the Code of Good Practice on the Regulation of Working Time.

Maximum working hours:

- 45 hours a week and nine hours a day if the employee works five or less days a week; and
- eight hours a day if the employee works more than five days a week.

In order to serve the public, work time may be extended by up to 15 minutes a day, but not more than one hour a week.

OVERTIME

Agreement is needed before an employee can be required to work overtime. An employee may not be permitted to work for more than twelve hours per day. Overtime may not exceed ten hours a week. An employee must receive 1½ hours' normal wage for overtime worked.

Alternatively, the employer and employee may reach an agreement for the employee to be paid his or her ordinary wage for overtime worked and to be given at least 30 minutes' time off on full pay for every hour of overtime worked or to be given at least 90 minutes' paid time off for each hour of overtime worked.

COMPRESSED WORKING WEEK

By written agreement, employees can work up to 12 hours a day (including lunch intervals) with no overtime pay, provided they work not

more than 45 hours ordinary time a week, not on more than five days a week and not more than ten hours' overtime per week.

AVERAGING OF WORK TIME

Ordinary and overtime hours may be averaged over a period of up to four months by collective agreement. The employee may not work more than 45 ordinary working hours a week and five hours' overtime a week.

MEAL TIMES

A meal interval of at least one hour must be given after five hours work without break. By written agreement the meal break can be reduced to a minimum of 30 minutes, or done away with if the employee works less than six hours a day.

During the meal break, an employee may only do work that cannot be left unattended or done by anyone else. The employee must be paid for any part of the meal break he/she is required to work or to be available to work or for any part of a meal break that exceeds 75 minutes unless the employee lives on the premises of the workplace.

DAILY AND WEEKLY REST PERIOD

There must be a daily rest period of at least 12 consecutive hours. There must be a weekly rest period of at least 36 consecutive hours. Sunday is a rest day unless agreed otherwise.

By agreement, a daily rest period of at least ten hours is permitted if the employee lives at the workplace and the meal break is at least three hours. A rest period of at least 60 consecutive hours every two weeks can be agreed to.

The weekly rest period can be reduced to a minimum of eight hours in any week if the rest period during the following week is extended equivalently.

SHIFT WORK

If the employee works a shift stretching over Sunday and another day, or a public holiday and another day, the entire shift is taken to be on the day on which most of the shift fell.

NIGHT WORK

Night work is any work performed between 18:00 and 06:00. The following is required before employees can be required to do night work:

- There must be an agreement.
- The employee must be compensated by a shift allowance or by a reduction in working hours.
- Transport must be available between the place of work and home.

The employer must tell employees about the health hazards and their right to undergo a medical examination for these, for the employer's account, if night work is regularly required. 'Regularly' means working more than one hour between 23:00 and 06:00 at least five times a month or 50 times a year. If night work affects the employee's health the employer must transfer the employee to a day shift if it is practical.

PUBLIC HOLIDAYS

Normally employees do not work on public holidays unless by agreement. There are 12 public holidays each year, but if a public holiday falls on a Sunday, the Monday is a public holiday.

For payment of overtime and public holidays, see the Payments and Calculations information sheet.

RELEVANT LEGISLATION

Basic Conditions of Employment Act, Chapter 2