

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 R183 008,00 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;
- 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. Overtime may not exceed three hours a day or ten hours a week. Employee must receive 1½ hours' normal wage for overtime work.

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, and not 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. The collective agreement lapses after one year, but if it is renewed twice, it does not lapse.

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 must be paid. Unless the employee lives at 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 may be agreed 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.

The weekly rest can be reduced to a minimum of eight hours 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 work night work:

- agreement;
- the employer must pay an allowance or a reduction in working hours; and
- transport is available between the places of work and home.

The employer must tell employees about the health hazards and their right to undergo medical examination, 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 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 Payments and Calculations info sheet.

RELEVANT LEGISLATION

Basic Conditions of Employment Act, Chapter 2