

WIETA

	Code Principle	Fair Working Hours and Conditions	Date	May 2016
	Subject	Extension of Ordinary Hours	Benchmark Ref	07.02(b)
	Legal reference	Basic Conditions of Employment Act, No. 75 of 1997: Sectoral Determination 13: Farm Worker Sector, South Africa		

SECTION 12 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

12. EXTENSION OF ORDINARY HOURS OF WORK FOR FARM WORKERS

- (1) A worker and an employer may conclude a written agreement in terms of which the farm worker's ordinary hours of work–
 - (a) are extended by not more than five hours per week for a period of not more than four months in any continuous period of twelve months; and
 - (b) are reduced by the same number of hours during a period of the same duration in the same twelve month period.
- (2) An agreement in terms of sub-clause (1) may not extend the farm worker's ordinary hours of work to more than ten hours on any day.
- (3) During any period of extended or reduced ordinary hours of work in terms of sub-clause (1), the employer must pay the farm worker the wage the farm worker would have received for the farm worker's normal ordinary hours of work.
- (4) If a farm worker's employment terminates for any reason at a time when the farm worker has worked a great number of extended ordinary hours than reduced ordinary hours, the employer must pay the worker for the extended ordinary hours worked at the overtime rate in terms of clause 13.
- (5) An employer who concludes a contract in terms of this clause must-
 - (a) supply the farm worker with a copy of the contract; and
 - (b) record any extended or reduced hours work in terms of the contract on the statement supplied to the worker in terms of clause 6.