


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

SECTION 13 & 14 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

13. OVERTIME

- (1) An employer may not require or permit a farm worker-
 - (a) to work overtime except in accordance with an agreement concluded by the employer and the farm worker;
 - (b) to work more than 15 hours' overtime a week; or
 - (c) to work more than 12 hours, including overtime, on any day.

14. PAYMENT OF OVERTIME

- (1) An employer must pay a farm worker at least one and one-half Times the farm worker's wage for overtime worked.
- (2) Despite sub-clause (1), an agreement may provide for an employer to -
 - (i) pay a farm worker not less than the farm worker's ordinary wage for overtime worked and grant the farm worker at least 30 minutes' time off on full pay for every hour of overtime worked; or
 - (ii) grant a farm worker at least 90 minutes' paid time off for each hour of overtime worked.
- (3)
 - (a) An employer must grant paid time off in terms of sub-clause(2) within one month of the farm worker becoming entitled to it.
 - (b) An agreement in writing may increase the period contemplated by paragraph (a) to twelve months.
 - (c) An agreement concluded in terms of paragraph (b) with a farm worker when the farm worker commences employment, or during the first three months of employment, is only valid for one year.
- (4) Any overtime worked on a Sunday or public holiday must be paid in accordance with the provisions for Sundays and public holidays in clauses 16 and 20.