

## WIETA

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

## SECTION 16 & 20 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

### 16. WORK ON SUNDAYS

- (1) An employer must pay a farm worker who works on a Sunday in accordance with the following table:

Time worked on a Sunday	Payment
One hour or less	Double the wage for one hour
More than one hour but not more than two hours	Double the ordinary wage for time worked
More than two hours but not more than five hours	The ordinary daily wage.
More than five hours	The greater of double the wage payable in respect of time worked (excluding overtime) or double the ordinary daily wage.

- (2) For the purposes of sub-clause (1), a farm worker who does not reside on the employer's farm who works on a Sunday must be regarded as having worked at least two hours on that day.
- (3) Any time worked on a Sunday by a farm worker is not taken into account in calculating a farm worker's ordinary hours of work in terms of clause 11, but is taken into account in calculating the overtime worked by the farm worker in terms of clause 13.
- (4) If a shift worked by a farm worker falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday, unless the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day.

### 20. PUBLIC HOLIDAYS

- (1) An employer may not require a farm worker to work on a public holiday, except in accordance with an agreement.

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- (2) If a public holiday falls on a day on which a farm worker would ordinarily work, an employer must pay-
- (a) a farm worker who does not work on the public holiday, at least the wage that the farm worker would ordinarily have received for work on that day;
  - (b) a farm worker who does work on the public holiday-
    - (i) at least double the daily wage; or
    - (ii) if it is greater, the amount referred to in sub-clause(2)(a) plus the amount earned by the employee for the time worked on that day.
- (3) If a farm worker who works on a public holiday on which the farm worker would not normally work, the employer must pay that farm worker an amount equal to -
- (a) the farm worker's daily wage; plus
  - (b) the farm worker's hourly wage for each hour worked on the public holiday.
- (4) An employer must pay a farm worker for a public holiday on the farm worker's normal payday.
- (5) If a shift worked by a farm worker falls on a public holiday and another day, the whole shift is deemed to have been worked on the public holiday, but if the greater portion of the shift was worked on the other day, the whole shift is deemed to have been worked on the other day.

Accessed from <http://www.labour.gov.za/DOL/legislation/sectoral-determinations/sectoral-determination-13-farm-worker-sector>.