

NTINGA O.R. TAMBO DEVELOPMENT AGENCY SOC LTD



OVERTIME WORK AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS POLICY

POLICY NUMBER	5/P
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PREVIOUS REVIEWS	Nil
NEXT REVIEW DUE	31 August 2020
RESPONSIBLE MANAGER	Head: Corporate Services

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1. PREAMBLE

Overtime will be worked by mutual agreement, but the agreement:

- 1.1 may not require or permit an employee to work for more than 10 hours overtime in any week;
- 1.2 may not require or permit an employee to work for more than 12 hours on any day; and
- 1.3 May not substitute the planned and normal work for an ordinary hours of work in a day.
- 1.4 May not be used as an alternative in absenteeism habits/behaviours.

2. DEFINITIONS

"Overtime" as defined in the Basic Conditions of Employment Act (BCEA)

"Emergency" work refers to work that must be done without delay because of circumstances for which the employer could not reasonably have been expected to make provision and which cannot not be performed by employees during their ordinary hours of work. Emergency work excludes the performance routine maintenance work outside normal working hours.

"Unstructured overtime" is programmed/planned overtime over which the employer has control and for which prior approval is required (e.g. the performance of routine maintenance work outside normal working hours as well as Board, Committee and official meetings of which minutes have been kept) that continue or take place after normal working hours;

"Structured overtime" is where payment is compulsory in terms of the BCEA due to Sundays and Public Holidays. Structured overtime is exclusively for shift workers

"Shift worker" is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

"Ntinga" refers Ntinga O.R. Tambo Development Agency SOC Ltd

"Agency" refers Ntinga O.R. Tambo Development Agency SOC Ltd

"CEO" refers to the Chief Executive Officer

Overtime Policy

3. QUALIFYING REQUIREMENTS FOR PAYMENT OF OVERTIME

- 3.1 Overtime remuneration is payable to employees who perform the Agency's duties beyond the prescribed normal working hours during Mondays to Saturdays;
- 3.2 The Agency employees *may* also be remunerated for overtime in respect of the actual time spent on travelling on Agency business. Agency business excludes attendance of training courses, lectures or seminars and refers to direct work-related matters approved by the Agency.
- 3.3 Senior management & staff who may need to travel to clients and workers who work for less than 24 hours per week, are excluded;
- 3.4 All employees earning more than the threshold of **R205 433.30** per annum as determined by the Minister of Labour do not qualify for overtime payment but can take a time-off to compensate for irregular hours worked. This amount is subject to change after the ministerial determination on earning thresholds.
- 3.5 Senior Managers do not qualify for neither overtime payment nor time-off as stipulated in their employment contracts
- 3.6 The provisions above do not apply to employees who perform call-out duties. Such employees should be remunerated in accordance with the appropriate (Standby) policy.

4. OVERTIME DIRECTIVES

- 4.1 Except in the event of an emergency call-out, an employee performing scheduled overtime duty shall not be compensated for travelling time or transport expenses. Overtime duty shall therefore be scheduled, as far as possible, in such a manner that it coincides with the times during which public transport is available;
- 4.2 An employee shall, under no circumstances be requested or permitted to perform overtime duty during periods of leave;
- 4.3 In terms of the BCEA an employee cannot work overtime of more than 10 hours a week and 40 hours a month. However, if due to operational requirements it is necessary to exceed these limits, Ntinga management shall, after consultation

with the employees affected, apply to the local Department of Labour to increase the overtime limit with respect to anyone or more of, or all the employees or any particular category of employees. There is no agreement that may require or permit an employee to work more than 12 hours on any day.

- 4.4 It is important that even though managers may have approved overtime work they still need to review overtime claims to prevent incorrect or invalid payments being made. Failure to comply with this requirement may lead to action being taken in terms of the municipality's Disciplinary Procedure against the individual.

5. OVERTIME PAYMENT

- 5.1 The employee shall be paid at the rate of one and one-half times the employee's wage for overtime worked
- 5.2 The employee shall be paid double the employee's wage for overtime worked on Sundays, unless the employee ordinarily works on a Sunday in which case the employee shall be paid at a rate of one & one-half times (1,5) the employee's wage for each hour worked
- 5.3 If a public holiday falls on a day on which an employee would ordinarily work, an employer must pay
- a) an employee who does not work on the public holiday, at least the wage that the employee would ordinarily have received for work on that day;
 - b) an employee who does work on the public holiday—
 - (i) at least double the amount referred to in paragraph (a);
 - (ii) or (ii) if it is greater, the amount referred to in paragraph (a) plus the amount earned by the employee for the time worked on that day.
- 5.4 If an employee works on a public holiday on which the employee would not ordinarily work, the employer must pay that employee an amount equal to—
- (a) the employee's ordinary daily wage; plus
 - (b) the amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method.
- 5.5 Alternatively, and provided it is so agreed with the employee, he/she may be granted time off on the basis of 1,5 hours for every hour of overtime worked

- 5.6 Remuneration for overtime worked should be claimed according to the actual time worked and a portion of an hour worked should not be rounded up or down. This implies that any odd minutes of overtime duty should be calculated as a portion of an hour. If for instance a person has worked overtime for 6 hours and 30 minutes, the time worked should be advised to the Payroll Officer as 6,5 hours.

6. CONTROL MEASURES

- 6.1 Overtime should be approved in writing by Head of Department or his/her delegate prior to the commencement of work failing which the payment of such work will not be approved.
- 6.2 Performance of overtime duty must be strictly managed so as to ensure that employees are only scheduled to work overtime if it is considered absolutely essential in the interest of Ntinga and cannot be undertaken during normal working hours.
- 6.3 Managers must take control of absenteeism habits by employees with the hope to be available for overtime performance.

7. SUNDAY WORK

An employee who works on a Sunday must be remunerated on the following basis:

- 7.1 If the employee does not ordinarily work on a Sunday, the employer must pay him/her double his/her rate for the time worked; alternatively, and provided the employee agrees, he/she may be granted time off on the basis of two (2) hours for every hour worked;
- 7.2 If an employee ordinarily works on a Sunday (e.g. if he/she works a shift that is part of his/her 40 hours): One-and-a-half times (1.5) his/her normal wage for time worked. Alternatively, and provided the employee agrees, he/she may be granted time-off on the basis of 1,5 hours for every hour worked; and
- 7.3 If a shift falls on a Sunday and another day: The whole shift is deemed to have been worked on the day on which the larger portion of the shift was worked.

8. WORK ON PUBLIC HOLIDAYS

An employee who works on a Public Holiday must be remunerated as follows:

- 8.1 If the employee ordinarily works on a public holiday, the employer must pay him/her double his/her rate for the time worked;
- 8.2 If the employee does not ordinarily work on a public holiday, the employer must pay the employee double his/her rate for time worked
- 8.3 If a shift falls on a public holiday and another day: The whole shift is deemed to have been worked on the day on which the larger portion of the shift was worked.

9. PUBLIC HOLIDAYS THAT FALL ON A SUNDAY

If a public holiday falls on a Sunday, the following Monday is observed as a public holiday. The provisions of **clause 8** above will therefore apply in respect of the relative Sunday,

10. TIME-OFF IN LIEU OF OVERTIME

- 10.1 Time off in lieu of payment for overtime shall be granted only for unstructured and approved overtime;
- 10.2 Application for time off in lieu of payment for overtime worked shall be made on a prescribed application form;
- 10.3 Time off in lieu of payment for overtime worked cannot be encashed
- 10.4 Time off in lieu of payment for overtime worked must be taken within 6 months from date of accrual. Time off not taken within 6 months will be forfeited. This 6 months period may, for operational reasons, be extended to a maximum of 12 months by the CEO on good motivational grounds by the responsible Head of Department.

11. DISPUTE RESOLUTION


Internal dispute resolution processes shall be followed in the event of any grievances and disputes arising out of the implementation of this policy.

12. APPROVAL AND SIGNATURES

FORMULATED BY:  DATE 28/08/2020

CEO RECOMMENDATION:  DATE 28/08/2020

BOARD APPROVAL: NTINGA O.R. TAMBO DEV. AGY DATE 28/08/2020

BOARD APPROVED COPY
Date:

Signature:
S.O.C