

BEAUFORT WEST MUNICIPALITY

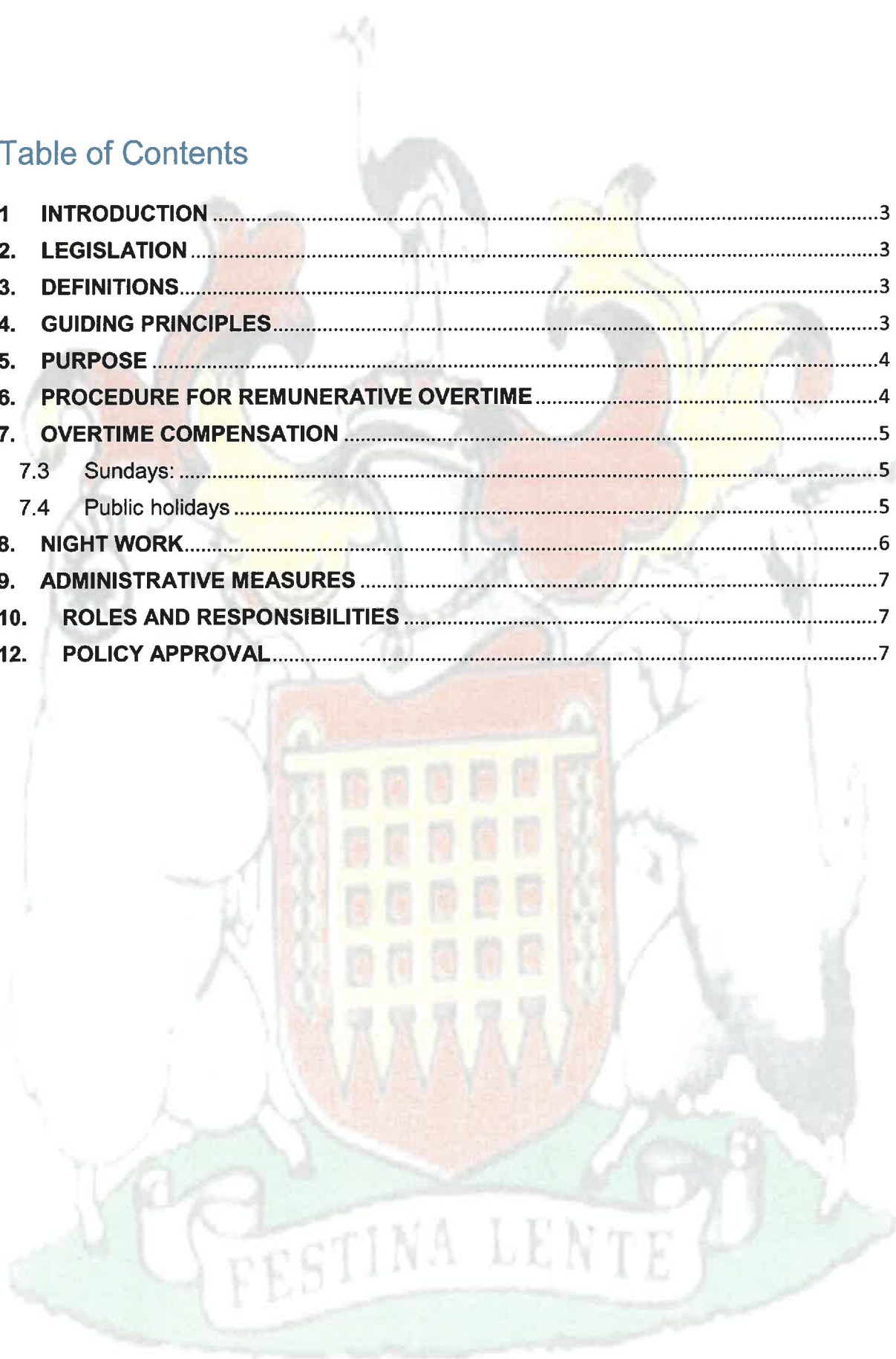


POLICY	OVERTIME POLICY
Approved	26th June 2023
Author(s)	Human Resources
Consultation	LLF Meeting 15 June 2023

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1 INTRODUCTION

The employees of Beaufort West Municipality work for 40 hours in a normal working week. Normal working hours are as per approved Council Policy. Some employees of Beaufort West Municipality are required to work shifts, on, weekends and on public holidays.

Employees may from time to time be obligated to work outside their normal working hours.

2. LEGISLATION

Overtime is generally regulated by the Basic Condition of Employment Act (BCEA-section 10) and the SALGA Collective Agreement and these provisions should govern overtime payment.

3. DEFINITIONS

Overtime means the time that the employee's works during a day or week in excess of the employee's ordinary hours of work.

Emergency Overtime means work that must be done without delay because of circumstances for which the employer could not reasonably have expected to make provision and which cannot be performed by employees during their ordinary hours of work. Emergency work excludes the performance of routine maintenance work outside normal working hours. It is however the prerogative of the Employer to decide if any overtime not included in this definition qualifies as emergency overtime.

4. GUIDING PRINCIPLES

The working of overtime should be subject to very strict control measures and therefore only staff in a Supervisory capacity who have been authorized by his/her Director, shall be entitled to approve the performance of overtime by subordinates.

A monthly report on all overtime worked and the expenditure involved should be submitted to the Section 79 Committees for Finance and ~~Government~~.

An employee will be entitled to paid overtime when he/she is requested by written instruction by the Municipal Manager or his/her Delegate or the employee's Superior who is duly authorized to do so, to perform duties outside his normal working hours.¹

¹ Employees on standby in terms of Clause 109 of the Collective Agreement on Conditions of Service for the Western Cape Division of the SALGBC (South African Local Government Bargaining Council), shall receive overtime payment, *irrespective of the statutory threshold*.

5. PURPOSE

The purpose of this policy is to regulate overtime worked by employees outside their normal working hours.

6. PROCEDURE FOR REMUNERATIVE OVERTIME

6.1 Working overtime should be an exception rather than a rule, Supervisors must ensure that overtime work is minimized.

6.2 Overtime shall be paid or time-off granted to all employees who qualify in terms of the BCEA.

6.3 Employees earning more than the overtime earnings threshold provided for in BCEA as amended and as determined from time to time, will be provided time-off for overtime worked calculated on straight time basis (1 hour overtime worked = 1 hour time off), subject to the provisions of this policy. The approving authority and the employee involved must agree beforehand on time-off for overtime worked.

6.4 In terms of Clause 10(1)(b) of the Basic Conditions of Employment Act, an employer may not require or permit an employee to:

- a) To work overtime except in accordance with an agreement
- b) To work more than:
 - a. Three (3) hours overtime a day or;
 - b. Ten (10) hours overtime a week

6.5 Supervisors must authorize overtime work only if the work is urgent and cannot be done during normal working hours.

6.6 The number of overtime hours required for such a task shall be agreed upon between the Supervisor and the employee, and shall not exceed the limits stipulated in Clause 6.4.

6.7 Where possible, work to be done should be stipulated beforehand:

- indicating what needs to be done and for how long.

6.8 Attendance registers are signed by employees working overtime at the starting and finishing time and controlled by the Supervisor in charge.

- Records of all overtime duties are kept
- Sufficient Funds must be available to finance overtime pay.

6.9 It is the responsibility of Supervisors to ensure that overtime claimed has:

- i. actually been performed;



- ii. was necessary; and
- iii. Was performed in the most cost effective manner.

6.10 All overtime work should as far as possible be performed at the employees normal place of work.

6.11 If the above limits are exceeded the Supervisor shall be held liable.

Supervisors should look at innovative ways of reducing overtime, for example, using shifts and time- off for overtime worked, this must be agreed with employee, before the overtime is worked.

7. OVERTIME COMPENSATION

7.1 Overtime shall be paid for work done beyond 40 hours per week, provided that provisions in above have been met.

7.2 Hourly rates as per the Basic Conditions of Employment Act are as follows:

7.2.1. Overtime worked beyond normal working hours (remove (i.e. 7h30 to 16h15) and replace with (as approved by Council)) on a normal working day: one and a half (1,5) times an employee's hourly salary.

7.2.2 Saturdays: one and a half (1.5) times an employee's hourly salary.

7.3 Sundays:

An employer must pay an employee who works on a Sunday at double the employees' salary for every hour worked, unless the employee ordinarily works on a Sunday, in which case, the employer must pay the employee at 1, 5 times the employees' salary for each hour worked.

7.4 Public holidays

An employer may not require an employee to work on a public holiday except in accordance with an agreement. If a public holiday falls on a day on which the 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); 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.



- c) If an employee works on a public holiday on which the employee would not ordinarily work, the employer must pay the employee an amount equal to:
- i) The employee's ordinary daily wage; plus
 - ii) The amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method. The amount due, after statutory deductions, will be paid with the employee's salary in the month immediately following the month the overtime is worked.

7.5 The Municipality and the employee(s) concerned may agree that an employee be compensated with time off, as set out in section 10(3) (a) and (b) of the BCEA. Such time off must be taken within one month after the overtime was worked. If, for operational reasons the employee is not able to take the time off, the employer will pay the overtime according to the rates mentioned above.

8. NIGHT WORK

8.1 For the purposes of this policy night work means work performed after 18h00 and before 6h00 the next day

8.2 An employer may only require or permit an employee to perform night work if so agreed and if:

- An employee is compensated by the payment of an allowance, which may be a remove (shift) replace with (night work)_allowance, as per the Bargaining Council Agreement, or by a reduction of working hours.
- Transport is available between the employee's place of work and home at the commencement and conclusion of employees shift.

8.3 An employer who requires an employee to perform work on a regular basis after 23h00 and before 6h00 the next day must:

- a) Inform the employee in writing or orally if the employee cannot read in a language the employee understands
 - of any safety and health hazards associated with the work that the employee is required to perform, and
 - of the employees right to undergo medical examination in terms of paragraph (b)
- b) At the request of the employee allow the employee to undergo medical examination, for the account of the employer, concerning those hazards:
 - Before the employee starts, or within a reasonable period of the employee starting such work and
 - At the appropriate intervals while the employee continues to perform



such work.

- c) transfer the employee to a suitable day work within a reasonable time if:
 - the employee suffers from a health condition associated with performance of night work, and
 - It is practicable for the employer to do so
- d) An employee works on a regular basis if s/he works for a period of longer than one hour after 23h00 at least five times a months or 50 times per year.

9. ADMINISTRATIVE MEASURES

- 9.1 A request for remunerated overtime shall be approved by the Head of Department before submission to the Human Resource Management Unit for further processing.
- 9.2 All claim forms for approved remunerated overtime duty shall be submitted to the Human Resource Management Unit to certify that all information provided, is correct as well as to place a copy of the overtime claim on the employees' personal file for record purposes.

10. ROLES AND RESPONSIBILITIES

- 10.1 The Municipal Manager or his/her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.
- 10.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

11. POLICY MONITORING AND EVALUATION

- 11.1 This Policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 11.2 Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 11.3 Head of Corporate Services shall carry out the monitoring and evaluation of the Policy's implementation.

12. POLICY APPROVAL

This policy was formulated by HR Management in consultation with the Local Labour Forum.



Authorized by Municipal Manager:

Signature: _____

Date: _____



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