



## **OVERTIME MANAGEMENT POLICY**

**2024/25**

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## **1. DEFINITIONS**

- 1.1. All expressions used in this policy which are defined in the Basic Conditions of Employment Act, 1997 (Act of 1997), shall bear the same meaning as in the act unless the intention appears.
- 1.2. "employees" shall have the same meaning as defined in section 200A of the Labour Relations Act, 66 of 1995 as amended.
- 1.3. "earning threshold" shall mean the determination of the earnings threshold as determined by the Minister by the Department of Labour from time to time.

## **2. PURPOSE OF THE POLICY**

- 2.1. To regulate working of overtime by employees excluding employees belonging to a class determined by the employer or as determined by the Minister of Labour.
- 2.2. To regulate overtime conditions not provide for in the main Collective Agreement on Conditions of Service.

## **3. HOURS OF WORK**

- 3.1. In terms of the Main Collective Agreement on Condition of Service, employees, excluding temporary employees and those referred to in clauses 7.2 and 7.3 are required to work a 40-hour working week;
- 3.2. In terms of clause 7.2 of the aforesaid Collective Agreement, the determination of hours of work for Senior Management, safety and security personnel, emergency personnel, and those employees working less than 24 hours per month, is delegated to be dealt with and finalised in the divisions of the Council.
- 3.3. The working hours of employees employed to work a part of a full day for example "5/8" shall remain unaffected by this agreement.
- 3.4. The working hours of temporary employees shall be as per their specific contracts of employment.

## **4. OVERTIME**

- 4.1 If an employee, excluding an employee belonging to a class as contemplated above, works overtime, the employer shall compensate such an employee at least one and half times the employees' wage for overtime worked.
- 4.2 In an employee belonging to a class determined by employer works overtime and it not compensated, such employee shall be granted special leave on full pay calculated at one-half for overtime worked.
- 4.3. An employer may not require or permit an employee to work overtime exceeding three hours overtime a day; ten hours overtime a week.

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## 5. PAY FOR WORK ON SUNDAYS

- 5.1. An employer must pay an employee who works on a Sunday at double the employee's wage for each hour worked, unless the employee ordinarily works on Sunday, in which case the employer must pay the employee at one and one-half times the employee's wage for each hour worked.
- 5.2. If an employee works less than employee's ordinary shift on a Sunday and the payment that an employee is entitled to in terms of (5.1) above is less than the employee's ordinary daily wage, the employer must pay the employee the employee's ordinary wage. Despite (5.1 and 5.2) above, an agreement may permit an employer to grant an employee who works on a Sunday paid time off equivalent to the difference in value between the pay received by the employee for working on Sunday and the pay that the employee is entitled to in terms of (5.1 and 5.2) above.

## 6. PAY FOR WORK ON PUBLIC HOLIDAYS

- 6.1. Employees must be paid double pay for any public holiday that falls on a working day.
- 6.2. An employee who does not work on the public holiday, at least the salary that the employee would ordinarily would have received for work on that day.
- 6.3. An employee who does work on the public holidays-  
At least double the amount referred to in paragraph (a) above 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.

## 7. EARNINGS THRESHOLD

- 7.1. An employer shall be required to implement the salary/earnings threshold as may be determined by the Minister of Employment and Labour from time to time
- 7.2. The earnings threshold as per the BCEA is **R254 371.67** per annum (**R21 197,63**) per month.
- 7.3. Any municipality that wishes to pay overtime to employees earning in excess of threshold of **R254 371.67** per annum must apply for exemption to the divisional bargaining council.

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**8. PROCEDURE: CLAIM FOR COMPENSATION IN RESPECT OF OVERTIME WORKED**

- 8.1. Overtime can only be worked in unforeseen emergency work and may not be for dealing with workload,
- 8.2. A request for an employee to work overtime shall be requested by the head of department on a prescribed form stating the name of the employee concerned, date, estimated hours to be worked and the reasons for working overtime.
- 8.3. Overtime to be approved in writing by the Municipal Manager or Managers reporting to the Municipal Manager prior to such overtime worked.
- 8.4. Overtime worked may not be banked for more than 60 days, failing which such overtime shall be forfeited.
- 8.5. This policy is supported by the attached Annexures which are strongly recommended when applying for overtime. These are:
- Annexure A - Request for Overtime
  - Annexure B - Authorization for Overtime

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**PREPARED BY: MANAGER HR AND ADMINISTRATION**  
**DATE OF ADOPTION BY COUNCIL: 10 JULY 2024**  
**COUNCIL RESOLUTION NO:C01**

  
**MUNICIPAL MANAGER**  
**S.G. KHUZWAYO**

11/07/2024  
**Date**