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Navigating the complexities of employment law is crucial for businesses operating in South Africa. Understanding the regulations surrounding working hours, overtime, and rest periods is fundamental to ensuring compliance and fostering a fair working environment. These rules are primarily governed by the Basic Conditions of Employment Act (BCEA), which sets minimum standards for various aspects of employment, including working time. Adhering to these standards is not just a legal requirement but also contributes to employee well-being and productivity. Employers must be diligent in implementing policies and practices that align with the BCEA's provisions on ordinary hours, overtime limits, required breaks, and specific conditions for night and weekend work. Standard Working Hours and Workweek Structure The Basic Conditions of Employment Act (BCEA) sets limits on the maximum ordinary working hours for employees in South Africa. The standard workweek is typically structured around these limits. Maximum Ordinary Hours: An employee may not work more than 45 ordinary hours in any week. Daily Limits: If an employee works a five-day week or less, the maximum ordinary hours per day are 9 hours. If an employee works more than five days a week, the maximum ordinary hours per day are 8 hours. These limits can be varied by collective agreement, but the average ordinary hours over a period of up to four months must not exceed 45 hours per week. Overtime Regulations and Compensation Working beyond the standard ordinary hours constitutes overtime. The BCEA regulates the amount of overtime an employee can work and the compensation they must receive. Maximum Overtime Hours: An employee may not work more than 10 hours of overtime in any week. This limit can be increased by collective agreement to a maximum of 15 hours per week for a period of up to two months. Overtime Compensation: Overtime must be compensated at a rate of at least one and a half times (1.5 times) the employee's ordinary hourly wage. Agreement: An employer may not require an employee to work overtime unless there is an agreement to do so. Compensation for overtime can be in the form of paid time off instead of payment, by agreement. If time off is granted, it must be at a rate of 90 minutes for each hour of overtime worked, or by agreement, 60 minutes for each hour of overtime worked plus payment at a rate of not less than the employee's ordinary hourly wage for the hours of overtime worked. Overtime Compensation Rate 1.5 times ordinary wage Rest Periods and Break Entitlements The BCEA mandates specific rest periods and meal intervals to ensure employees have adequate time to rest during and between shifts. Meal Interval: An employee who works continuously for more than five hours is entitled to a meal interval of at least one continuous hour. This interval can be reduced to not less than 30 minutes by agreement. During a meal interval, an employee is not required to perform any duties and is not paid, unless they are required to work or be available for work during the interval. Daily Rest Period: An employee must have a daily rest period of at least 12 consecutive hours between ending work on one day and starting work on the next. Weekly Rest Period: An employee must have a weekly rest period of at least 36 consecutive hours, which must include Sunday unless otherwise agreed. Type of Break/Rest Minimum Duration Conditions Meal Interval 1 hour (can be 30 mins) After 5 continuous hours of work Daily Rest 12 consecutive hours Between finishing and starting work Weekly Rest 36 consecutive hours Must include Sunday unless agreed otherwise Night Shift and Weekend Work Regulations Specific rules apply to employees who work night shifts or on weekends, particularly Sundays. Night Work: Employees who work between 18:00 and 06:00 are considered to be doing night work. If night work is performed regularly (more than once a week or on average at least five days per month) and extends after 23:00 and before 06:00, the employer must inform the employee of any health and safety hazards associated with the work and their right to undergo a medical examination. Adequate transportation must also be available. Sunday Work: If an employee ordinarily works on a Sunday, they must be paid at a rate of at least one and a half times (1.5 times) their ordinary wage for each hour worked. If an employee does not ordinarily work on a Sunday but does so, they must be paid at double their ordinary wage for each hour worked. Public Holidays: Work on a public holiday must be paid at least double the ordinary wage, unless the employee ordinarily works on that day, in which case they must be paid at least one and a half times their ordinary wage. Working Time Recording Obligations Employers have a legal obligation to keep accurate records of their employees' working time to demonstrate compliance with the BCEA. Required Records: Employers must keep a record of: The time worked by each employee. The remuneration paid to each employee. The date of birth of any employee under 18 years of age. Any other information necessary for compliance with the BCEA. Retention: These records must be kept by the employer for a period of three years. Accessibility: The records must be available for inspection by a labour inspector. Maintaining precise records is essential for calculating correct wages, including overtime pay, and for proving compliance during inspections or in the event of disputes. South Africa has established comprehensive labour laws to regulate working time, ensuring employee rights are protected and fair compensation is provided. These laws offer guidelines for employers to maintain compliance and avoid unfair practices.Basic Conditions of Employment Act (BCEA)The Basic Conditions of Employment Act (BCEA) of 1997 sets minimum employment standards that must be adhered to by employers. While employers can offer better conditions, they cannot provide terms less favourable than those outlined in the BCEA.Working Time RegulationsChapter 2 of the BCEA governs the arrangement of working time, covering regular hours and overtime, applicable to employees below a certain earnings threshold. The key provisions include:Maximum Regular Hours: 45 hours per week.Overtime: Hours beyond the regular working hours are considered overtime, paid at 1.5 times the normal wage rate. Work on Sundays and public holidays requires double the normal wage rate.Code of Good Practice: This code provides guidelines on organising working time, considering employee health, safety, and family responsibilities.Labour Relations Act of 1995The Labour Relations Act establishes procedures for maintaining discipline in the workplace, ensuring fair sanctions based on valid reasons. Employees must be informed of expected behaviour standards within the workplace.Key Provisions of South African Labour LawsSouth Africa has robust legislation to regulate working time and protect employee rights. The Basic Conditions of Employment Act and the Labour Relations Act provide vital guidelines for fair treatment, maximum working hours, overtime compensation, and workplace discipline.Minimum WageNational Minimum Wage: R27,58 per hour.Overtime: 1.5x regular rate for work over 45 hours/week, 2x normal rate for Sundays and public holidays.Breaks: 60-minute meal break after 5 hours of work, reducible through written agreement.Hiring, Working, and Termination LawsHiringEmployers must comply with the Employment Equity Act 1998, which prohibits discrimination based on race, gender, pregnancy, and other grounds. Employers are required to provide written particulars of employment, including job description, wage rate, overtime rate, and leave entitlement.TerminationThe termination of employment requires a notice period based on the employee's service duration:Less than 6 months: At least one week.6 months to 1 year: At least two weeks.More than 1 year: At least four weeks (reducible to two weeks by collective agreement).Employers must provide written notice of termination and a certificate of service upon employment conclusion. Employees terminated due to operational requirements or under the Insolvency Act are eligible for severance pay.Key Labour LawsBasic Conditions of Employment ActThe BCEA applies to most employees and employers, setting legally binding employment conditions. Certain conditions can be modified through individual or collective agreements, but they must comply with the Act's provisions.Occupational Health and Safety ActThis act ensures workplace health and safety, requiring employers to maintain a safe environment and address hazards for employees and non-employees.Labour Relations ActThe act governs labour relations, providing a framework for collective bargaining, dispute resolution, and protection of workers' rights. It promotes fair labour practices and the right to strike.Employment Equity ActThis act promotes workplace equality and addresses unfair discrimination. Employers must implement equity plans to ensure fair representation and eliminate inequalities.Compensation for Occupational Injuries and Diseases ActThis act provides compensation for workers injured or contracting diseases due to employment. It covers medical expenses, disability benefits, and compensation for dependants.Skills Development ActThe act promotes skills development, establishing the National Skills Authority and Sector Education and Training Authorities to coordinate skills initiatives. Employers must contribute to the Skills Development Levy.Unemployment Insurance ActThe act provides unemployment benefits and covers illness, adoption, maternity, and dependant's benefits. Contributions to the Unemployment Insurance Fund are mandated.Whistleblowers ProtectionThe Protected Disclosures Act protects employees who disclose unlawful or corrupt behaviour, fostering a safe and transparent working environment.Employee Payment LawsThe National Minimum Wage Act mandates payment of at least the national minimum wage, overriding conflicting provisions unless more favourable terms exist in contracts or collective agreements. Complaints about underpayment can be lodged with the Department of Employment & Labour.Overtime LawsEmployees cannot work more than:45 hours per week.9 hours per day (for a 5-day workweek).8 hours per day (for more than 5 days per week).Overtime is voluntary, with a maximum of 3 hours per day or 10 hours per week, paid at 1.5 times the normal rate (2x on Sundays and public holidays).Break Laws and Meal IntervalsRest Breaks: Daily rest period of 12 consecutive hours, reducible to 10 hours under specific conditions.Weekly Rest Periods: At least 36 consecutive hours, typically including Sunday or a public holiday.Meal Breaks: At least one hour for work exceeding five continuous hours, reducible to 30 minutes by agreement. Compensation is required if employees work during meal intervals.Breastfeeding LawsBreastfeeding mothers are entitled to two 30-minute breaks per day for breastfeeding or expressing milk during the first six months of their child's life.Leave LawsMandatory LeavesSick Leave: 30 days over three years for public employees.Annual Leave: Minimum of 21 consecutive days per leave cycle.Family Responsibility Leave: Three days per annual cycle for significant life events.Jury Leave: Covers the duration of jury service.Voting Leave: Time to vote in elections.Military Leave: For fulfilling military service or training obligations.Non-Mandatory LeavesBereavement Leave: At the employer's discretion.Child Labour LawsProhibitions and RegulationsChildren under 15 cannot be employed. Those aged 15 to 18 are protected from hazardous work. Working hours for minors are limited to ensure their education and development are not compromised.Night WorkChild workers cannot work before 6 a.m. or after 6 p.m., with some exceptions for specific supervised activities.SanctionsViolations of child labour laws can result in fines or imprisonment for up to three years. Employers must ensure safe and suitable accommodations and provide nutritious food for child workers working away from home.Important NoteThis content is provided for informational purposes only. While efforts are made to ensure accuracy, users should independently verify critical information and not solely rely on this content.For detailed guides on specific topics, refer to comprehensive resources on South Africa's labour laws. This Chapter, except section 7, does not apply to- senior managerial employees; employees engaged as sales staff who travel to the premises of customers and who regulate their own hours of work; employees who work less than 24 hours a month for an employer. Sections 9, 10 (1), 14 (1), 15 (1), 17 (2) and 18 (1) do not apply to work which is required to be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work. The Minister must, on the advice of the Commission, make a determination that excludes the application of this Chapter or any provision of it to any category of employees earning in excess of an amount stated in that determination. Before the Minister issues a notice in terms of subsection (3), the Minister must- publish in the Gazette a draft of the proposed notice; and invite interested persons to submit written representations on the proposed notice within a reasonable period. Every employer must regulate the working time of each employee- in accordance with the provisions of any Act governing occupational health and safety; with due regard to the health and safety of employees; with due regard to the Code of Good Practice on the Regulation of Working Time issued under section 87 (1) (a); and with due regard to the family responsibilities of employees. For the purposes of sections 9 to 16, 'day' means a period of 24 hours measured from the time when the employee normally commences work, and 'daily' has a corresponding meaning. Subject to this Chapter, an employer may not require or permit an employee to work more than- 45 hours in any week; and nine hours in any day if the employee works for five days or fewer in a week; or eight hours in any day if the employee works on more than five days in a week. An employee's ordinary hours of work in terms of subsection (1) may by agreement be extended by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work. Schedule 1 establishes procedures for the progressive reduction of the maximum ordinary hours of work to a maximum of 40 ordinary hours of work per week and eight ordinary hours of work per day. An employee or a worker as defined in section 1 of the National Minimum Wage Act, 2018, who works for less than four hours on any day must be paid for four hours work on that day. This section applies to employees or workers who earn less than the earnings threshold set by the Minister in terms of section 6(3). Subject to this Chapter, an employer may not require or permit an employee to work- overtime except in accordance with an agreement; more than ten hours' overtime a week. 1A. An agreement in terms of subsection (1) may not require or permit an employee to work more than 12 hours on any day. An employer must pay an employee at least one and one-half times the employee's wage for overtime worked. Despite subsection (2), an agreement may provide for an employer to- pay an employee not less than the employee's ordinary wage for overtime worked and grant the employee at least 30 minutes' time off on full pay for every hour of overtime worked; or grant an employee at least 90 minutes' paid time off for each hour of overtime worked. An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it. An agreement in writing may increase the period contemplaten by paragraph (a) to 12 months. An agreement concluded in terms of subsection (1) with an employee when the employee commences employment, or during the first three months of employment, lapses after one year. A collective agreement may increase the maximum permitted overtime to 15 hours a week. A collective agreement contemplated in paragraph (a) may not apply for more than two months in any period of 12 months. An agreement in writing may require or permit an employee to work up to twelve hours in a day, inclusive of the meal intervals required in terms of section 14, without receiving overtime pay. An agreement in terms of subsection (1) may not require or permit an employee to work- more than 45 ordinary hours of work in any week; more than ten hours' overtime in any week; or on more than five days in any week. Despite sections 9 (1) and (2) and 10 (1) (b), the ordinary hours of work and overtime of an employee may be averaged over a period of up to four months in terms of a collective agreement. An employer may not require or permit an employee who is bound by a collective agreement in terms of subsection (1) to work more than- an average of 45 ordinary hours of work in a week over the agreed period; an average of five hours' overtime in a week over the agreed period. A collective agreement in terms of subsection (1) lapses after 12 months. Subsection (3) only applies to the first two collective agreements concluded in terms of subsection (1). Despite this Chapter, the Minister, on grounds of health and safety, may prescribe by regulation the maximum permitted hours of work, including overtime, that any category of employee may work- daily, weekly or during any other period specified in the regulation; and during a continuous period without a break. A regulation in terms of subsection (1) may not prescribe maximum hours in excess of those permitted in sections 9 and 10. A regulation in terms of subsection (1) may be made only- on the advice of the chief inspector appointed in terms of section 27 of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the chief inspector appointed in terms of section 48 of the Mine Health and Safety Act, 1996 (Act 29 of 1996); and after consulting the Commission. An employer must give an employee who works continuously for more than five hours a meal interval of at least one continuous hour. During a meal interval the employee may be required or permitted to perform only duties that cannot be left unattended and cannot be performed by another employee. An employee must be remunerated- for a meal interval in which the employee is required to work or is required to be available for work; and for any portion of a meal interval that is in excess of 75 minutes, unless the employee lives on the premises at which the workplace is situated. For the purposes of subsection (1), work is continuous unless it is interrupted by an interval of at least 60 minutes. An agreement in writing may- reduce the meal interval to not less than 30 minutes; dispense with a meal interval for an employee who works fewer than six hours on a day. An employer must allow an employee- a daily rest period of at least twelve consecutive hours between ending and recommencing work; and a weekly rest period of at least 36 consecutive hours which, unless otherwise agreed, must include Sunday. A daily rest period in terms of subsection (1) (a) may, by written agreement, be reduced to 10 hours for an employee- who lives on the premises at which the workplace is situated; and whose meal interval lasts for at least three hours. Despite subsection (1) (b), an agreement in writing may provide for- a rest period of at least 60 consecutive hours every two weeks; or an employee's weekly rest period to be reduced by up to eight hours in any week if the rest period in the following week is extended equivalently. 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 a Sunday, in which case the employer must pay the employee at one and one-half times the employee's wage for each hour worked. If an employee works less than the employee's ordinary shift on a Sunday and the payment that the employee is entitled to in terms of subsection (1) is less than the employee's ordinary daily wage, the employer must pay the employee the employee's ordinary daily wage. Despite subsections (1) and (2), 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 the Sunday and the pay that the employee is entitled to in terms of subsections (1) and (2). Any time worked on a Sunday by an employee who does not ordinarily work on a Sunday is not taken into account in calculating an employee's ordinary hours of work in terms of section 9 (1) and (2), but is taken into account in calculating the overtime worked by the employee in terms of section 10 (1) (b). If a shift worked by an employee 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. An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it. An agreement in writing may increase the period contemplated by paragraph (a) to 12 months. In this section, 'night work' means work performed after 18:00 and before 06:00 the next day. An employer may only require or permit an employee to perform night work, if so agreed, and if- the employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours; and transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift. An employer who requires an employee to perform work on a regular basis after 23:00 and before 06:00 the next day must- inform the employee in writing, or orally if the employee is not able to understand a written communication, in a language that the employee understands- of any health and safety hazards associated with the work that the employee is required to perform; and of the employee's right to undergo a medical examination in terms of paragraph at the request of the employee, enable the employee to undergo a 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 appropriate intervals while the employee continues to perform such work; and transfer the employee to suitable day work within a reasonable time if- the employee suffers from a health condition associated with the performance of night work; and it is practicable for the employer to do so. For the purposes of subsection (3), an employee works on a regular basis if the employee works for a period of longer than one hour after 23:00 and before 06:00 at least five times per month or 50 times per year. The Minister may, after consulting the Commission, make regulations relating to the conduct of medical examinations for employees who perform night work. 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 an employee would ordinarily work, an employer must pay- 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; an employee who does work on the public holiday- at least double the amount referred to in paragraph (a); or 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. 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- the employee's ordinary daily wage; plus the amount earned by the employee for the work performed that day, whether calculated by reference to time worked or any other method. An employer must pay an employee for a public holiday on the employee's usual pay day. If a shift worked by an employee 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. Normal working hours: The standard working hours in South Africa are 08h00 to 16h00 or 09h00 to 17h00. Weekly hours: Standard work hours typically include 40-45 hours per week, spread over 5 days. While no statutory maximum hours are prescribed for employees over the Earnings Threshold, practical limits should align with health and safety regulations, typically not exceeding 12 hours per day. Overtime compensation For employees earning above the Earnings Threshold, there is no statutory requirement to pay overtime unless included in the company's policies and procedures. Break rights Rest periods: Only employees earning below the Earnings Threshold are entitled to a daily rest period of at least 12 consecutive hours and a weekly rest period of at least 36 consecutive hours. Meal breaks: Only employees earning below the Earnings Threshold are entitled to a meal break of at least one continuous hour after five hours of work. Sunday work and public holidays Only employees earning below the Earnings Threshold are entitled to double pay for work on Sundays and public holidays (if it is not an ordinary day) or 1.5 times the normal rate if the employee normally works on Sundays and public holidays. Night workers Night work is defined as work performed after 18:00 and before 06:00. Only employees earning below the Earnings Threshold are entitled to night work. Such employees must be compensated with an additional allowance or a reduction in working hours and must be provided with transportation between their residence and workplace at the start and end of the shift. Time tracking obligations in South Africa There is no legal requirement for employers to track working hours for employees earning above the Earnings Threshold. However, for compliance and management purposes, employers may maintain records of hours worked. In South Africa, the Basic Conditions of Employment Act (BCEA) sets clear guidelines to ensure fair working hours for employees. Here's an overview:Employees aged 15 to 18: Limited to 8 hours per day and 40 hours per week. Employees aged 18 and older: Permitted to work up to 9 hours per day (excluding lunch breaks) and 45 hours per week. Meal Breaks: Employees working more than 5 continuous hours are entitled to a meal break of at least 1 hour. This can be reduced to 30 minutes by mutual agreement. Typical Working Hours: Generally, the workday runs from 8:00 AM to 5:00 PM, Monday through Friday.Maximum Working Hours in South AfricaThe BCEA caps standard working hours to 45 hours per week. Employees cannot be compelled to work beyond this limit unless they voluntarily agree to overtime. Overtime is capped at 3 hours per day and 10 hours per week. Exceeding these limits can lead to legal consequences for employers.Industry-Specific ExceptionsCertain industries have tailored working hour regulations: Healthcare: Shift work is common, with varying hours to ensure 24/7 patient care. Transportation: Regulations accommodate long-distance travel and irregular hours.These sectors may have agreements that differ from standard working hours, but they must still comply with overarching labor laws.Managerial and Exempt EmployeesEmployees earning above the BCEA earnings threshold of R261,748.45 per annum (effective from 1 April 2025) are not automatically entitled to the BCEA's provisions on working hours, overtime, meal intervals, and rest periods. However, this does not mean they can be forced to work unreasonable hours without compensation. Such terms should be clearly outlined in their employment contracts. Statutory Full-Time Working Hours in South AfricaFull-time employment is typically defined as working 40 to 45 hours per week. This standard applies across most industries, ensuring consistency and fairness in employment practices.Overtime Regulations in South AfricaWhat Counts as Overtime in South Africa?Overtime refers to any work beyond the standard 45-hour workweek. Employees must agree to work overtime, and it should be compensated accordingly. Maximum Overtime in South AfricaThe legal maximum is 3 hours per day and 10 hours per week. Employers exceeding these limits without proper compensation may face legal actions. Overtime Payout Rates in South AfricaOvertime pay is calculated as follows: Standard Overtime: 1.5 times the normal hourly rate. Sunday/Public Holiday Work: Double the normal hourly rate.Employers and employees can agree to compensatory time off instead of monetary payment, but this must be mutually agreed upon. Rest Periods and Breaks in South AfricaEmployees are entitled to: Meal Breaks: At least 1 hour if working more than 5 continuous hours. This can be reduced to 30 minutes by agreement. Daily Rest Periods: A minimum of 12 consecutive hours between shifts. Weekly Rest Periods: At least 36 consecutive hours, typically including Sunday.Employers must ensure these rest periods are adhered to, promoting employee well-being and compliance with labor laws.Night Shifts and Weekend RegulationsNight work is defined as work performed between 6:00 PM and 6:00 AM. Employees working night shifts regularly (more than once a week or at least five times a month) are entitled to: Compensation: A night shift allowance or a reduction in working hours. Health and Safety: Information about potential hazards and the right to medical examinations. Transportation: Provision of transport between the workplace and the employee's residence.For weekend work, particularly on Sundays, employees are entitled to double their normal wage rate or compensatory time off, as agreed upon.How Playroll Simplifies Employer Responsibilities and ComplianceExpanding your workforce across international borders is an exciting step, but it can be challenging to keep up with ever-changing local labor laws and regulations in different countries. That's the advantage of using an Employer of Record like Playroll: Scale your global team: Legally hire and swiftly onboard new hires in 180+ regions without the red tape by offloading the HR admin to Playroll, so you can freely explore new markets and focus on growth. Stay compliant: Our built-in compliance checks and vetted contracts mean your agreements will always meet all legal requirements for working hours, overtime regulations, and more. Pay your team accurately: Ensure your international employees and global contractors are paid on time, every time, and set up centralized global payroll processes. As an employee in South Africa, you have protective rights to ensure that the company you work for is treating your fairly, and upholding your human rights, in relation to your job. You are eligible for a safe work environment and fair wages in relation to your job and much more. The labour law is extensive, but here are a few of the basics to familiarise yourself with. South Africa has three primary labour laws to know about: the Basic Conditions of Employment Act, the Labour Relations Act, and the Employment Equity Act. Basic Conditions Of Employment Act The basic conditions of employment act dictates certain benefits that employees are legally entitled to. The act governs aspects of your working life such as your working hours, the leave you're entitled to, overtime, meal breaks, and pay. We have expanded on a few of these points below, you can read more on the act here. Working Hours Ordinary working hours can't be more than 45 hours per week. If you work 5 days or less in a week, your working hours must be capped at 9 hours per day. If you work more than 5 days a week, your working hours must be capped at 8 hours per day. Meal Breaks After 5 hours' work, you are entitled to a 60-minute meal break, this may be lowered to 30 minutes if both parties sign a written agreement. Employers can do away with the meal break if one works less than 6 hours a day, upon agreement with the employee. Overtime If you work overtime, Monday – Saturday, you must be paid at a rate of 1.5 times your hourly rate, this increases to 2 times your hourly rate on Sundays. An employer cannot force you to work overtime; it must be a mutual agreement. An employee can only work 10 hours overtime per week, to ensure healthy rest periods. Labour Relations Act The Labour Relations Act regulates the rights of trade unions, facilitates collective bargaining and upholds the elimination of forced labour, meaning nobody in South Africa can be forced to do labour against their will. It also upholds the abolishment of child labour, meaning no child in South Africa may be forced to work. This act stipulates that no child under the age of 15 may legally be employed in South Africa unless they are working within the performing arts sector. Should they be employed in this sector, they need a special permit supplied by the Department of Labour. Employment Equity Act The Employment Equity Act protects employees from any form of discrimination from your employer. You cannot be treated unfairly on the grounds of your race, gender, HIV status, age, disabilities, political opinion, or sexual orientation. This act aims to protect the diverse people of South Africa and correct injustices of the past. It ensures that equal opportunities are offered, and that there is equatable representation of designated groups of people within all levels of the workforce. Termination Of The Employment Contract Before accepting a job offer, read through the Basic Conditions of Employment Act, one of the essential labour laws of the country, to get an idea of when dismissal is fair and according to appropriate proceedings. Your employer must follow the proper legal procedures even if you are fired for misconduct. They have to: Follow the proper procedure. Submit the correct payment of wages. Pay out the leave days due to you. Explain the reason for termination. Either Party Can Terminate A Contract Whether you resign or the company wants to terminate, the party making the motion must serve the other notice or pay in lieu thereof. According to the Labour Relations Act, an employment agreement may be cancelled for any reason. Fair reason includes a worker's (mis)conduct, poor work performance and incapacity, an employer's operational requirements and a health injury leading to an inability to work. The period of notice must follow the below regulations: One week notice for workers who have been employed for less than six months Two weeks' notice for workers who have been employed for between six months to one year Four weeks' notice for workers employed for more than one year. According to the law (LRA s187), you cannot be dismissed for: Joining a protected strike; Failing to perform the work of consensual strikers during a strike (unless essential to prevent actual danger to life, personal safety or health); Exercising your right conferred by the Act; Participating in proceedings against an employer; Pregnancy; Transferring jobs; or Discrimination of any kind. What Leave Am I Entitled To? Maternity Leave Maternity leave, which is time away from work after pregnancy, is regulated under the Basic Conditions of Employment Act of South Africa. Pregnant workers are entitled to at least four months of maternity leave. The worker may commence maternity leave four weeks before the expected date of confinement, explains World Labour Laws. It is important to note that it is not mandated by law that your employer pay you your full salary during these four months. You will need to claim from the UIF Fund. Additionally, the worker may take leave earlier if a medical practitioner certifies that it is necessary for the health of the worker or her child. Also, a worker cannot work within six weeks of a child's birth unless a medical practitioner certifies her. In the unfortunate event of a miscarriage in the third trimester or in the event of a stillbirth, the worker is entitled to six weeks of leave from the date of the miscarriage or stillbirth. Family Responsibility Leave You are entitled to leave if your child / adopted child is sick, and in the event of a child, grandchild, partner, sibling, parent, adoptive parent, or grandparent passing away. You are entitled to 3 days per year, and your employer is entitled to ask for proof of your reasoning. For example, they may ask for a copy of the death certificate if one of the above-mentioned family members passes away. Annual Leave As a full-time employee, you are entitled to 21 consecutive days of leave per year. This, however, includes non-working days. For example, if you work a 5-day work week, you will be given 15 days of "leave.", whichmeets the minimum requirement when weekends are factored in. Sick Leave If you work the standard 5-day work week, you're entitled to 30 consecutive sick days every 36-month period. If you work the standard 5-day work week as well as every second Saturday, you are entitled to 33 consecutive sick days every 36-month period. Why Is It Important To Know This? These laws are in place to protect you from overworking. They keep you healthy and functioning because work stress can take its toll on your body. Knowing your rights as an employee can help you to avoid stress and burnout. When you're less stressed, you'll be able to perform better at work and you'll be healthier. For any burnout or stress-related emergencies, you can use the iER app to send alerts to our call centre. They will send help to your exact location. How many hours do you work every week? And do you get paid extra if you work overtime? Find out more about your hours and overtime. What are the normal working hours in a week? According to the Basic Conditions of Employment Act (BCEA), the maximum normal working time allowed is 45 hours weekly. This is nine hours per day (excluding a lunch break) if the employee works a five-day week, and eight hours per day (excluding a lunch break) if the employee works more than 5 days per week. This does not mean that the employee must work 45 hours per week normal time. The amount of normal time worked is a matter of contractual agreement between employer and employee. Some employers work a 40-hour week, and so on. The statutory limitation of 45 hours per week means that the employee may not work more than 45 hours per week normal time. What about lunch hours? Lunch break is unpaid time and is the employee's own time - he/she can read a book, go shopping, do exercise etc because they are not paid for lunch breaks. Therefore an employee who works a five-day week and who receives a lunch break of one hour daily will actually be at the workplace for 50 hours weekly (45 hours normal working time plus five hours daily lunch breaks.) The lunch break is to be provided after five hours continuous working time. Tea breaks do not qualify as a break in working time. The statutory lunch break is one hour, but by agreement between the employee and employer this may be reduced to 30 minutes. Employees who earn above the determined threshold amount must negotiate the normal amount of working hours per day or per week with the employer. The employee is under no obligation to work more than 45 hours per week. What about overtime? Will I be paid? All overtime is voluntary and may only be worked by agreement between employer and employee. Maximum permissible overtime is three hours on any one day or 10 hours in any one week. Remuneration must be at 1, 5 times the normal wage rate except for Sunday work and work on public holidays, which must be remunerated at twice the normal wage rate. Time off, calculated on the same formula, may be granted instead of payment, but only by agreement with the employee. Employees who earn in excess of the present threshold amount are not subject to the overtime provisions. This means that such employees cannot demand to be paid for overtime worked, nor can they demand to be granted paid time off in view of payment. However, contrary to popular belief, the employer also cannot force such employees to work overtime and cannot demand that they work overtime without compensation. All forced labour is prohibited, and should the employer require such employees to work overtime then the hours to be worked and the basis of compensation must be negotiated with the employee. Should the employer refuse to compensate for overtime worked in the case of an "over the threshold" employee, then the employee is entitled to refuse to work the overtime. What is "overtime worked"? All hours worked in excess of the employee's normal hours of work will be regarded as overtime hours. Therefore, if an employee is contracted to work 45 hours per week normal time, then any hours in excess of that is overtime worked. Similarly, if an employee is contracted to work 40 hours per week normal time, then any hours in excess of the 40 hours is overtime worked. What about overtime on short notice? Overtime is not compulsory, and employees can refuse to work overtime on short notice. However, an employee cannot refuse to work overtime if the work which is required to be done must be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision, such as the sudden breakdown of equipment, and which cannot be performed by employees during the ordinary hours of work. Read more Do you know if you can earn overtime? Check our section on Contracts to see what you have signed up for. Find out all about state Minimum Wages for all official sectors. Article by Guest Contributor The Basic Conditions of Employment Act, Act 75 of 1997 (the BCEA), regulates employment agreements between employers and employees. Read our other article on general concepts of the Basic Conditions of Employment Act . This article will discuss the regulation of working hours. Read our other articles on the BCEA and Leave WORKING HOURS It is said that the ideal hours to work for an employee is a maximum of 40 hours a week. However, not all types of businesses can be successful with only 40 hours a week per employee. Some industries require longer working hours. Employers must regulate the working time of every employee, but such an employer must take into account the health and safety of employees; take cognisance of the employees' family responsibilities and take into account any collective agreements that may apply to an employers' sector. The BCEA determines that employers cannot ask employees to work more than 45 hours in any week. Also employees cannot work more than 9 hours a day if they employee works for 5 days or fewer in a week; or 8 hours in any day if the employee works more than 5 days in a week. The hours of work can be extended by agreement between the employer and the employee, but not for longer than an hour in a week. Certain sectors allow for 46 hours work a week. The main goal of the Act remains an 8 hour day with a 40 hour working week. Employees who get paid by the hour, will be paid for the hours that they work and if they can't work more than 8 hours per day, that will be the maximum hours that they can earn s wage. OVERTIME When employees work overtime, the employer must pay overtime. The parties can agree how the overtime is paid: the employee can either take time off or can be paid in monies. This is particularly suitable where the business that the employees work in are seasonal – the employees can then work longer hours in the busy periods and shorter hours with time off in the slower periods. The employer and employee must specifically agree that the employee will work overtime and the employer will pay the employee overtime. If they did not agree on the overtime issue, the employer cannot force the employee to work overtime. However, if the employer can show that it is imperative that overtime be worked because of the nature of the employer's business, he can end the services of the employee who refuses. Dismissal procedure must still be followed. The BCEA sets daily and weekly work hours and any hours worked over and above that, is overtime. In practise one therefore enter into a service agreement with the employer and the hours of work are set. In the agreement the parties agree to when and how overtime will be worked and how and how much the employee will be paid for such overtime. Any employee may not work longer than 12 hours per day. So 8 hours are ordinary work and 4 hours are overtime, if the parties so agree. HOW MUCH OVERTIME AND HOW PAID The overtime that must be paid is one and half times the employee's wage for the overtime that was worked. The parties can agree about how the overtime will be paid, for example give the employee 30 minutes off for every hour of overtime worked (at full pay) or the employee can get at least 90 minutes off for each hour of overtime worked. If the employer wishes to rather give time off than one and a half time the employee's wage for the overtime, the time off must be taken within one month after the overtime was worked. If the parties agree to it and it is taken up in the service agreement, the time off can be taken off in a 12 month period, but then it must specifically be so contracted in the service agreement. AGREEMENT The employers and employees can "average" their agreement. This means that employers and employers' organisations and unions can collectively agree that the working hours of employees are evened out, by allowing for the distribution of working time and overtime over a week or period. Employees however cannot be asked to work more than 45 hours in a week over the period agreed upon and cannot work more than 5 hours overtime in a week more than what was agreed upon. BREAKS, WORK ON SUNDAYS, INTERVALS An employee must be allowed enough rest time. An employee is not allowed to work for longer than five hours without having a meal break. This meal break must be at least one hour. If the employer (or the employee) wants to change the lunch hour, then the employee must be renumerated for the lunch hour if the employee works during the lunch hour. A rest period of thirty six hours must be granted to the employee. That is 24 hours (one day) plus 12 hours. The rest period must include a Sunday, The parties can agree that a rest period can be reduced to 10 hours if the employee lives on the premises where the workplace is situated and whose meal interval is at least 3 hours. This must be in a written service agreement. The parties can also agree, in the service agreement, that the employee will rather have a rest period of 60 consecutive hours every 2 weeks. It must however be agreed upon and in writing. Employees who work on Sundays, must be paid double his or her wage for each hour worked. However, if the employee normally works on a Sunday, then the employee must be paid one and half times the employee's wage for each hour worked. If the employee works less hours than the ordinary shift that the employee normally works on a Sunday, then the employee must be paid the ordinary daily wage. Employees are not, in terms of the BCEA, supposed to work on Public Holidays, but the parties can agree about this and it can be contained in the service agreement. If a Public Holiday falls on a day on which an employee would otherwise have worked, then the employer must pay the employee at least double the amount received or if it is greater, the ordinary amount plus the amount earned by the employee for time worked that day. If the employee does not work on a Public Holiday, the employee must get at least the wage that he or she would have received normally if it was a normal day and the employee worked. If an employee works after 18h00 and before 06h00 the next day, then the employee is performing night work. The parties must specifically agree that the employee will perform night work and then the employee must be paid an allowance or his working hours must be reduced. The employer must also for night work provide transport for the employees from their houses to their place of work. The above is a general summary of the hours of work as determined by the BCEA and specific advice needs to be obtained for each particular case. Thursday, 28 October, 2021 - 15:10 Employees in South Africa are protected by Labour Laws that ensure fair working conditions. Employees in South Africa are protected by Labour Laws that ensure fair working conditions. The Basic Conditions of Employment Act 75 of 1997 sets out to ensure that workers are subjected to fair labour practices. The act establishes and regulates the basic conditions of employment in South Africa. The Act states that employers must regulate the working time of each employee in accordance with the provisions of any Act governing occupational health and safety and with due regard to the health and safety of employees. Employers must also consider the family responsibilities of their employees with regard to working hours. The Act states an employer may not require or permit an employee to work more than 45 hours in any week and nine hours in any day if the employee works for five days or fewer in a week. This could be extended to up to 50 hours a week if you are given a one-hour lunch break every day. A normal lunch break is 1 hour, however, subject to an agreement between the employer and employee, this can be shortened to 30 minutes. An employee cannot be required to work more than eight hours in a day if they work more than five days a week. The Basic Conditions of Employment Act does not apply to members of the National Defence Force, the National Intelligence Agency and the South African Secret Service. Unpaid volunteers working for an organisation serving a charitable purpose are also not included. Comprehensive Guide on Labour Law on Working Hours in South Africa South Africa's labour law regarding working hours is designed to regulate the amount of time employees spend at work, ensuring that there is a balance between work and personal life. This guide will provide a detailed overview of the key components of the labour law concerning working hours, including ordinary hours, overtime, and other special provisions. Read: Can an employee be disciplined for refusing to work overtime in South Africa? The basic framework for working hours in South Africa is primarily governed by the Basic Conditions of Employment Act (BCEA). The act sets the maximum limits on working hours to ensure that employees are not overworked and are given adequate rest and recreation periods. Below is an easy-to-follow table that summarizes the key aspects of the Labour Law on Working Hours in South Africa: CategoryDetailsOrdinary Hours– Maximum 45 hours per week– Maximum 9 hours per day for a 5-day workweek– Maximum 8 hours per day for a workweek of more than 5 days– Meal break of 1 hour, can be reduced to 30 minutesOvertime– Vo