



Farm Staff Management

Handout A

Regulating of Work Time Section

10 to 18

Sections 10 to 18 in the Basic Conditions of Employment Act.

The relevant sections of the Summary of the BCEA are reproduced below for easy reference:

Overtime: Section 10

An employer may not require or permit an employee:

- To work overtime except by an agreement.
- To work more than:
 - Three hours' overtime a day; or
 - Ten hours' overtime a week.
- Overtime must be paid at 1.5 times the employee's normal wage, or an employee may agree to receive paid time off.

Compressed Working Week: Section 11

- An employee may agree in writing to work up to 12 hours in a day without receiving overtime pay.
- This agreement may not require or permit an employee to work:
 - More than 45 ordinary hours in any week.
 - More than 10 hours overtime in any week; or
 - More than five days in any week.

Averaging of Hours of Work: Section 12

- A collective agreement may permit the hours of work to be averaged over a period of up to four months.
- An employee who is bound by a collective agreement may not work more than:
 - An average of 45 ordinary hours in a week over the agreed period.
 - An average of five hours' overtime in a week over the agreed period.

Meal Intervals: Section 14

An employee must have a meal interval of 60 minutes after five hours of work.

A written agreement may:

- Reduce the meal interval to 30 minutes.
- Dispense with the meal interval if worked fewer than six hours on a day.

Daily and Weekly Rest Period: Section 15

An employee must have a daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which, unless otherwise agrees, must include Sunday.

Pay for Work on Sundays: Section 16

- An employee who occasionally works on a Sunday must receive double pay.
- An employee who ordinarily works on a Sunday must be paid 1.5 times the normal wage.
- Paid time off in return for working on a Sunday may be agreed upon.

Night work: Section 17

- Employees who work at night between 18h00 and 06h00 must be compensated by payment of an allowance or by a reduction of working hours and transport must be available.
- Employees who work regularly after 23:00 and before 06:00 the next day must be informed:
- Of any health and safety hazards; and
- The right to undergo a medical examination.

Public holidays: Section 18

- Employees must be paid for any public holiday that falls on a working day.
- Work on a public holiday is by agreement and paid at double the rate.
- A public holiday is exchangeable by agreement.