



24 January 2024

NEWSLETTER: PAY FOR WORK ON SUNDAYS

In certain industries (hospitality, retail and others) working on a Sunday can not be avoided.

Below we highlight what the BCEA says about pay and work on a Sunday.

Pay for work on Sundays

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 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.
2. 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.
3. 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).
4. 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).
5. 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.
6.
 - a. An employer must grant paid time off in terms of subsection (3) within one month of the employee becoming entitled to it.
 - b. An agreement in writing may increase the period contemplated by paragraph (a) to 12 months.

Again, you can see that a contract of employment has to be in place in order to have the agreement between the parties in place.

If you have any questions and or queries, please contact our offices at 0876302070 or by email.

Regards

Marlene Linstrom

