



**3 January 2024**

**NEWSLETTER: OVERTIME**

Many employers are still unsure of overtime payment and how it works, below we set out overtime as per the BCEA and how it works.

## Overtime

1. Subject to this Chapter, an employer may not require or permit an employee to work-
  - a. overtime except in accordance with an agreement;
  - b. 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.
  
2. An employer must pay an employee at least one and one-half times the employee's wage for overtime worked.
3. Despite subsection (2), an agreement may provide for an employer to-
  - a. 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
  - b. grant an employee at least 90 minutes' paid time off for each hour of overtime worked.
  
4.
  - 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.

Please see that above is mentioned the agreement with an employee and therefore a contract of employment is essential in the management of persons working overtime and or refusing to work overtime.

This must also be reviewed annually in order to, ensure, this remains valid.

Please advise us if you have any questions in this regard via email or phone the office at 087 630 2070.

Regards

Marlene Linstrom



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