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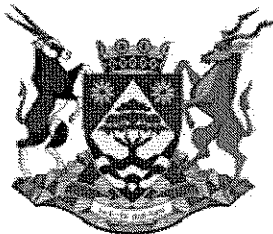
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# DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

## POLICY ON WORKING HOURS AND OVERTIME

HUMAN RESOURCE  
07 October 2011  
FINAL VERSION

*A PROSPEROUS AND EQUITABLE SOCIETY LIVING IN HARMONY WITH OUR NATURAL RESOURCES*



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HUMAN RESOURCE

07 October 2011

VERSION 2

*A PROSPEROUS AND EQUITABLE SOCIETY LIVING IN HARMONY WITH OUR NATURAL RESOURCES*

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## **1. CONCEPTUAL BACKGROUND**

### **DEPARTMENTAL POLICY GUIDELINE: WORKING HOURS AND OVERTIME**

In terms of the Public Service Co-ordinating Bargaining Council Resolution 3 of 1999 and the Public Service Regulations 2001, as amended, departments were given the mandate to develop policies and programmes which would enhance their managerial actions especially in respect of their human resource matters. The effect of the aforementioned is that departments are capacitated to develop their own policies and guidelines which will suit their needs, and with this added advantage those departments have greater autonomy in the day-to-day management of their human resource matters.

It can also be mentioned that in 1999, the then Director General for the province indicated that it was necessary to develop universal policies for the province, especially in those areas which are considered transversal. Although the then Director General had the intention to develop provincial policies for transversal issues, such intentions never materialized. For this reason, departments are still dependent on themselves to develop even those transversal policies until such time that provincial policies are developed.

#### **1.1 PREAMBLE**

The purpose of the policy is to provide guidelines for working hours and parameters for the payment of overtime. The Basic Conditions of Employment Act of 1997 sets out guidelines on working hours and overtime. If it is required from an employee to work more than the normal hours or on days of rest and other agreements do not prevent overtime payments to the employee, the employer may provide compensation through time off and/or additional pay. The determination of working hours and overtime is informed by the nature of service provided by the department.

#### **1.2 DEFINITIONS**

##### **Working hours:**

Normal working hours as stipulated in the Act.

##### **Overtime:**

Work performed in addition to normal working hours.

#### **1.3 LEGISLATIVE REQUIREMENTS**

- **Public Service Regulations, 2001.**
- **Public Service Commission Bargaining Council Resolution 3 of 1999.**
- **Public Service Commission Bargaining Council Resolution 1 of 2007.**
- **Basic Conditions of Employment Act [No.75 of 1997].**
- **Public Service Act, No. 103 of 1994 as amended.**
- **Code of Good Practice on the Regulation of Working Time.**



## **2. POLICY STATEMENT AND APPLICATION SCOPE**

### **2.1 PRINCIPLES**

- In accordance with Public Service Regulations part V E. 2(b) an employee may be compensated for overtime work if the department has an overtime policy. PSCBC Resolution 3 of 1999 part VIII 3 also stipulate that before compensation for overtime is being authorized, a written policy for the Department should be negotiated determining the condition under which the Department shall provide compensation for overtime work.
- Overtime work shall be utilized only when clearly necessary and cost effective.
- Strict and accurate records shall be kept.
- An application for overtime shall be approved prior to an employee working remunerated overtime.

### **2.2 POLICY PROVISIONS**

#### **A. WORKING HOURS**

##### **I. Opening and Closing Times**

- (a) General working hours are from 07h30 to 16h00 or as fixed by the Head of the Department
- (b) Normal working hours will not exceed 40 hours per week or 8 hours a day if the employee works 5 days or fewer per week and 7 hours per day if the employee works more than 5 days per week.

##### **II. Lunch and Tea Time**

Employees are entitled to a 30-minute lunch and two 15-minute tea times. The indicated tea times must still be regarded as official working hours.

##### **III. Emergency Work**

- (a) The head of department may require an employee to perform work outside normal working hours if the work must be performed urgently owing to circumstances, which are beyond the control of the head of department and for which she or he could not reasonably have been expected to make provision.
- (b) Where the employee is required to work outside normal working hours as a result of an emergency or due to circumstances that could not have been foreseen by the department, the time so worked shall be deemed to be normal working time and not overtime.



-  
**IV. Flexi Time**

Flexi-time will be afforded to Gate guards and Field Workers (e.g. Scientists).

**B. OVERTIME**

**I. Weekends and Public Holidays**

- 1.1 Employees may from time to time be required to work outside ordinary working hours, over weekends or on public holidays. The department will give as much notice as possible if such working time is required.

**II. Condition for the approval of overtime**

- (a) The number of hours overtime that must be performed is limited to 3 hours per day or 10 hours per week and 8 hours on weekends and Public Holidays.
- (b) Only those employees who perform work in excess of the normal working hours for a period of time may receive overtime compensation.
- (c) Overtime compensation may not exceed 30% of the employee's monthly salary.
- (d) Managers should minimize overtime work in general. Overtime should be for specific circumstances and for a specific period of time.
- (e) Managers should only authorize compensated overtime when their components have to take on additional tasks for a period of time. This could be because of vacancies, transformation projects and/or short term requirements due to changes in circumstances.
- (f) Overtime should not be allowed when employees have to attend courses (except where the course is of critical importance for the employee as well as the Department), when employees perform work voluntarily during a period of leave and/or when a manager thinks that an employee deserves a higher salary.
- (g) The Department shall provide compensation for overtime only where the Head of Department has required or authorized, in writing,
  - (i) the performance of overtime work, and
  - (ii) overtime compensation for the work performed.
- (h) Where an official have to travel from one place to another for normal official business the traveling time will not be regarded as overtime.
- (i) If, in order to perform authorized overtime, an employee must travel to a place other than his/her normal place of work, the time spent on the journey shall count as overtime.



- (j) In order to perform authorized overtime, an employee may travel from home to his/her normal place of work or from the normal workplace to home at a time when he/she usually not travel. In this case,
  - (i) if the employee was not on authorized standby duty, the journey will counts as an official journey, but the time spent on the journey will not count as overtime;
  - (ii) if the employee was on authorized standby duty, the time spent on the journey will counts as overtime.

### **III. Measures for approval of overtime**

- (a) Head of Directorates should, if they are convinced that remunerative overtime is justified, draft a submission to request approval in this regard. (Availability of funds and need for overtime must be indicated).
- (b) The Head of the Directorate should supply inputs on projects or planned overtime and availability of funds to the Human Resources Unit a month before the start of the financial year (01 April), in order for it to be registered on the system.
- (c) The authority to approve remunerated overtime is vested in the Head of Department.
- (d) Once the above-mentioned has provided approval for overtime, overtime duty may be commenced by the particular section.
- (e) The approval of remunerated overtime of employees in the senior management service is vested in the MEC (according to guide-line as stipulated in paragraph iv. *supra*).

### **IV. Compensation measures**

- (a) There must be prior approval obtained before an employee can work remunerative overtime.
- (b) Overtime work performed on a Sunday or public holiday shall be 2 x basic salary of the employee, without the option of granting time-off. Normal overtime shall be 1.5 x basic salary of the employee, without the option of granting time-off. This provision excludes employees on commuted overtime.
- (c) The basis for the calculation of overtime worked shall be the actual salary notch of the employee, provided that it shall not be higher than a basic salary of the first notch of salary level 8. Example: Should an employee on salary level 10 perform overtime work, the calculation of overtime worked shall be based on the first notch of salary level 8.



- (d) The rate of payment for an employee in the Department who, ordinarily works on a Sunday shall be 1.5 x basic salary and an employee who, ordinarily works on a public holiday shall be 2 x basic salary, without the option of granting time-off.
- (e) Overtime duty must be compensated for according to the overtime tariffs as indicated in Department of Public Service and Administration (DPSA) Financial Manual E1/2/1 or guidelines as provided by the DPSA.

**V. Categories of Employees that may not receive compensation for overtime due to the nature of their work and responsibilities**

**(a) Senior Management:**

Although PSR par V E3 makes provision, in exceptional cases, to compensate senior managers for overtime it is regarded that it is within these employees nature of work and responsibility to work more than the normal hours and that compensation for this is included in the salary packages.

In accordance with Section 6 of the Basic Condition of Employment Act, the chapter on overtime does not apply to:

Senior managerial employees and no provision is made for the compensation of such employees should they work hours in excess of the normal working hours.

- (b) Employees who work less than 24 hours in a month.

## **2.2 APPLICATION SCOPE**

This policy is applicable to all staff of the Department of Tourism, Environment and Conservation excluding Head of Department and Senior Management as stipulated in the Public Service regulations, 2001.





### **3. POLICY FRAMEWORK**

#### **3.1 IDENTIFICATION AND CONSULTATION OF STAKEHOLDERS**

This policy document was distributed to staff members within the department and their feedback and inputs are included where changes were suggested and motivated. Information sessions were also held as part of the consultation process. The recognized Labour Unions are not excluded in the process as they do have shop stewards within the department, and them being part of the departmental staff, thus had the opportunity to participate in the process. Furthermore, it needs to be mentioned that the department cannot negotiate with the Unions (Organized Labour) as a separate entity on this policy. Especially, because there are matters of mutual interests that must be dealt with in the formal structures created for this purpose, such as the Provincial Bargaining Council.

#### **3.2 TIMEFRAMES**

In August 2007 a draft of this policy was reviewed by the departmental legal services and policy unit who submitted their comments on the policy. After incorporating those comments a second draft was sent to the policy and planning unit on the 14-18 February 2008 to align and re-check the policy. 02-14 April 2008, the policy unit used the soft copies of this policy to align it with the provincial template. The policy development unit analysed and amended this policy on the 07 March 2011.

#### **3.3 IMPLEMENTATION STRATEGY**

It is the responsibility of each Head of department to ensure that this policy is carefully followed within the department. All managers should make members of their employees aware of the obligation to familiarize themselves with and follow this policy.

An implementation plan will be drafted which will outline how and when this policy will be implemented. The plan will be drafted two months after the implementation date of this policy. In order to ensure adequate implementation of this policy the human resource unit will compile an infrastructure investment (in terms of human capital) and policy management plan. The plan will be updated on an annual basis and will contain details on future guidelines for this policy. The financial implications if any will be indicated on the plan in order to ensure that funds are available or availed.

The implementation date for this policy is 1 NOVEMBER 2011

#### **3.4 FINANCIAL IMPLICATIONS**

This policy will be funded by the respective Directorates requiring overtime.



### 3.5 COMMUNICATION

This policy should be communicated through the respective directorates. However, the most important unit to contact would be Human Resources which will confirm any legislative amendments by consulting with the HR Forum, Bargaining Councils or/ DPSA.

### 3.6 COMPLIANCE, MONITORING AND EVALUATION (M&E)

#### I. Control Measures

##### Managers should ensure that:

- (a) Overtime work is minimized;
- (b) There is adequate control of remunerated overtime duty, either through supervision or by control of outputs;
- (c) Remunerated overtime is not authorized for trifling periods;
- (d) Overtime remuneration is cost-effective;
- (e) Record of all circumstances which necessitated overtime and records of overtime worked must be kept.
- (f) An attendance register is kept and duly signed by the supervisor;
- (g) Funds are available to finance the expenditure which will be incurred as a result of the approval of rendering paid overtime duty (directorates heads in all instances indicate whether funds are available or not)
- (h) Staff is not employed on overtime duty to such an extent that the quantity and quality of work (productivity) performed during normal hours of attendance as well as during periods of overtime duty are adversely affected;
- (i) All overtime, as far as possible, must be performed at the employees' normal place of work. Program Managers or the Head of Department, (in the case of Senior Manager) can, however, in exceptional circumstances approve that overtime work could also be performed at another place, provided that they satisfy themselves that the number of hours overtime worked were necessary to perform the tasks. The quality and quantity of tasks must also be in line with the number of overtime hours worked.
- (j) In order to improve control, the head of directorate must determine beforehand the number of hours overtime duty to be performed each day and, as far as possible, set production targets and/or aims as criteria.
- (k) Particulars regarding the number of hours paid overtime duty performed and the expenditure involved must be provided annually to the Manager: Human Resources Management.



- (l) No employee may perform more than 10 hours overtime per week (three hours per day) except when necessitated by extreme and abnormal circumstances.
- (m) No employee may work for a period (including official hours and hours performed for overtime duty), longer than 12 hours.
- (n) An employee who does not ordinarily work on a Sunday or Public Holidays must be remunerated on the Sunday overtime rates.

## **II. Strategies to limit the performance of remunerative overtime**

### **(a) Re-allocation of staff:**

Where possible, under utilized staff can temporarily be allocated to components where overtime has to be performed, with a view to alleviate work pressure. Labour relations' implications involved should, however, be taken into consideration. This approach will obviously only succeed in respect of work of a routine nature and at the same headquarters.

### **(b) Conducting work study investigations**

As part of the process of review and where possible in respect of the approval of remunerative overtime, work study investigations must be undertaken to assess work procedures and the utilization of staff. The results of such work study investigations must be utilized to determine whether anything can be done to avoid the performance of remunerated overtime.

This is applicable to both new requests for the approval of overtime and components where remunerated overtime has been performed for long continuous periods.

### **(c) Evaluation of the establishment**

Annual statistics on overtime performed per component should be kept. On the basis of the statistics and the level of work pressure per component, the establishments of directorates should be revisited ( $\pm$  every two years). Vacant posts can be re-allocated to components where the work pressure is exceedingly high.

### **(d) Limiting the performance of overtime to the correct levels**

Officials should not be utilized to perform work at level lower than their own during overtime. The correct staff should be utilized for the correct duties. Senior officials therefore should also not perform lower level duties.



(e) **Compressed working week**

An employee may work for up to 12 hours per day without receiving overtime pay provided that the maximum ordinary hours of work and overtime limits contemplated in terms of the Basic Conditions of Employment Act (BCEA) are not exceeded.

(f) **Calculation of overtime rates**

The rate of overtime payment is determined by the formula as contained in the financial manual.

**III. DELEGATION**

The responsibility of authorizing overtime compensation has been delegated to the Head of Department

**3.7 POLICY REVIEW**

This policy will be reviewed when the need arises or in case of the occurrence of extenuating circumstances (political mitigation, or pronouncement by legislation and/or regulations). The contact person for this policy will be required to submit all relevant information pertaining to this policy in conjunction with a signed memo with all amendments (addition or omission) during the third quarter annually.

***The exception***, the Policy development unit will be conducting all extenuating reviews throughout the year, therefore it is paramount that any new information received be submitted to this unit, in order to coordinate the review process of this policy.

**3.8 INTERIM MEASURES**

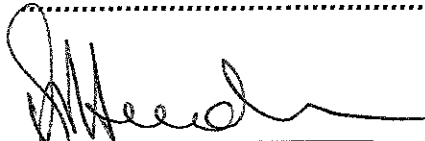
This is an interim document for this Department until such time that a provincial policy has been developed.



#### 4. ADOPTION OF POLICY

~~Approved / Not Approved~~  
Comments:

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.....  
.....

  
D VAN HEERDEN  
HEAD OF DEPARTMENT

20111007  
DATE



