

INTERNAL POLICY

| MOHOKARE LOCAL MUNICIPALITY | |
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| SUBJECT: WORKING HOURS POLICY | POLICY NO: |
| DIRECTORATE: CORPORATE SERVICES | COUNCIL ITEM: |
| DATE APPROVED: | |
| EFFECTIVE DATE: | |

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1. PURPOSE

The intent of this policy is to regulate and standardise uniform working time throughout the Mohokare Local Municipality in terms of Section 7 of the Basic Conditions of Employment Act, 75 of 1997, the main Agreement on Conditions of Service and other collective agreements as far as they are not less favourable than/complies to the stipulations of the Act.

2. SCOPE OF APPLICATION

This policy shall apply to all employees of the Mohokare Local Municipality, except the following category of employees:

- Senior Management Employees (Section 57);
- Employees who work less than 24 hours a month; and
- Independent Contractors.

The following policies must be read together with this policy on Working Hours:

- Leave Policy; and
- Remuneration policy.

The Policy should be inclusive of the following processes:

- Hours of work;
- Remuneration and overtime;
- Emergency/ urgent work to be done;
- Work on public holidays and Sundays;
- Compressed working week;
- Averaging of Working hours;
- Meal intervals; and
- Flexible working hours.

All Collective Agreements relevant to working hours and relevant processes are applicable.

Chapter 2 of the BCEA shall take precedence in the application of this policy unless collective agreements are in place, which are more favourable than those, which are determined as the minimum as contained in the BCEA.

3. PREAMBLE

The Mohokare Local Municipality is committed to fair and transparent labour practices. The Mohokare Local Municipality will align its working hours for its employees in line with the Basic Conditions of Employment Act, 75/ 1997 (BCEA), so as to ensure fair and equitable application of Chapter two of the Act in so far as minimum requirements, however where collective agreements are in place, such collective agreements take precedence over the minimum as regulated by the BCEA.

The Directorate: Corporate services will be responsible for the maintenance of this Policy.

4. OBJECTIVES AND FOUNDATIONAL PRINCIPLES

4.1 SPECIFIC OBJECTIVES

- 4.1.1 To ensure uninterrupted and orderly service delivery;
- 4.1.2 To apply consistent and uniform hours to employees who qualify in terms of the Act;
- 4.1.3 To ensure that no unfair discrimination practices exist in the application of working hours;
- 4.1.4 To ensure that this policy contributes to the strategic goals of the MLM;
- 4.1.5 To establish principles and procedures that complies with legislative requirements as well as health and safety requirements;
- 4.1.6 To ensure that managers do not individually abuse workers in so far as the management of working hours are concerned;
- 4.1.7 To safeguard and facilitate the MLM's broader objective of efficient and effective service delivery programmes.

4.2 FOUNDATIONAL PRINCIPLES

As an organisation we are committed to the administration and application of fair working hours and related processes that are in accordance with the following principles:

- All aspects of the working hours policy applications will be non-discriminatory.
- The Municipality will adhere to the relevant employment laws e.g. Basic Conditions of Employment Act, Employment Equity Act, Labour Relations Act, National

Qualifications Framework Act and the Skill development Act, Collective Agreements and the SALGBC Main Collective Agreement.

- Sufficient and adequate resources should be allocated to ensure efficient application of the procedure.

5. DEFINITION OF TERMS

In this policy, unless the context indicates otherwise:

[Any expression or word used in this document which is defined in the Basic Conditions of Employment Act (Act 75 of 1997) shall have the same meaning as in the Act unless defined otherwise herein.]

- a) **“Attendance Register”** means the prescribed standardized attendance register approved by Council or the electronic clocking mechanism, as applicable at the various workplaces and offices of Council;
- b) **“Bargaining council”** means a bargaining council registered in terms of the Labour Relations Act, 1995, and, in relation to the public service, includes the bargaining councils referred to in section 35 of that Act;
- c) **“Basic condition of employment”** means a provision of the Basic Conditions of Employment Act (Act 75 of 1997) or sectoral determination that stipulates a minimum term or condition of employment;
- d) **“Collective agreement”** means a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions, on the one hand and, on the other hand—
 - i)* one or more employers;
 - ii)* one or more registered employers’ organisations; or
 - iii)* one or more employers and one or more registered employers’ organisation;
- e) **“Employee”** means a person who works for, or renders a service to, the Municipality regardless of the form of her/his employment contract, and in respect of which any factor enumerated in section 200A(1) of the Labour Relations Act applies;
- f) **“Ordinary Hours of Work”** means the hours of work permitted in terms of Section 9 of the BCEA, or any agreement (i.e.) to a maximum of 40 ordinary hours of work per week and eight ordinary hours of work per day
- g) **“Overtime”** means the time that an employee works in a day, or a week in excess of ordinary hours of work.
- h) **“Public Holiday”** means any day that is a Public Holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994)

- i) **"Part-time Employee"** means an employee, excluding a student, occupying a post on the fixed or temporary establishment, with a workweek not exceeding 25 (twenty five) hours.
- j) **"Temporary Employee"** means an employee, excluding a contract employee, appointed in a post on the fixed or temporary establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding 12 (twelve) months.
- k) **"Urgent or Emergency Work"** means any work which cannot be delayed, which the employer could have not foreseen that the problem would arise.
- l) **"Workplace"** refers to the place of work as contemplated in the Labour Relations Act 1995 (Act No. 66 of 1995);
- m) **"Working hours"** means the hours during which an employee normally has to work during a working week or on a working day;
- n) **"Working day"** means any calendar day of the week on which an employee must normally report for work;
- o) **"Working week"** means a period not exceeding 6 (six) consecutive calendar days as determined by the Council in respect of an employee or class of employees;

6. LEGAL FRAMEWORK

This policy and its application must be in accordance with the following legislative prescripts:

- Basic Conditions of Employment Act (Act 75 of 1997)
- Labour Relations Act (66/ 1995).
- Employment Equity Act (55/ 1998)
- Basic Conditions of Employment Act (75/ 1997). Occupational Health and Safety Act (85/ 1993).
- All relevant Collective Agreements including the uniform SALGBC Main Collective Agreement on Conditions of Service.

7. MAXIMUM WORKING HOURS PER WEEK

7.1 Full-time employees

A full-time employee must work a 40-hour working week from Monday to Friday, except public holidays.

7.2 Part-time employees

When a part-time position is created, the Municipal Manager must determine the working hours of such a position.

8. MAXIMUM WORKING HOURS PER DAY

8.1 Full-time employees must work from 07:30 to 13:00 and 13:45 to 16:30 (Mondays to Thursdays) and on Fridays from 07:30 to 13:00 and 13:30 to 15:00 on every working day.

9. ATTENDANCE REGISTERS

9.1 Clause 31(1) (b) of the Basic Conditions of Employment Act 1997 (Act 75 of 1997) states that an employer must keep records containing, inter alia:

“Every employer must keep a record containing at least the following information:

- i) The employee’s name and occupation;
- ii) the time worked by each employee”;

9.2 An employee shall be required to signify her/his presence at work not later than 07:30 and 13:45 by signing the attendance register supplied for this purpose. An employee shall, until the contrary is established, be deemed to be absent from work if she/he has not signed the attendance register as required.

9.3 The purpose of this policy also aims to regulate and standardize the signing of attendance registers for employees. The MLM implemented a uniform attendance register.

9.4 All employees are compelled to complete the standardised approved attendance register.

9.5 The standardized attendance register will be completed in duplicate on a daily basis and the original copy to be submitted by the relevant supervisors to the pay office upon completion of every working month.

9.6 Overtime worked will also be recorded on the standardized attendance register approved by Council.

9.7 The relevant Heads of Departments shall ensure that throughout their relevant departments at all offices, site offices and workshops the policy is implemented.

10. OVERTIME AND OVERTIME REMUNERATION

10.1 Overtime payment to employees will be regulated by clause 16 of the SALGBC Collective agreement¹ and the BCEA².

11. EMERGENCY WORK

11.1 In the case of emergencies owing to circumstances for which the employer could not normally have made provision, the municipality may require employees to perform emergency work outside his/her normal working hours and remuneration for such emergency work shall be paid according to the provisions of clause 12 of the SALGBC Collective Agreement³.

11.2 This type of overtime occurs unexpectedly e.g. flood disasters, serious road, air, road accidents, maintenance and repairs to infrastructure services such as electricity, water, sewer, storm water etc., as well as hazardous chemical spillage, civilian unrest and social disorders, provisions of ambulance service, fire and rescue incidents, serious staff shortages.

¹ SALGBC: Collective Agreement on Conditions of Service for the Free State Division (Clause 16)

² Basic Conditions of Employment Act, Act 75 of 1997

³ SALGBC: Collective Agreement on Conditions of Service for the Free State Division (clause 12)