



Dikgatlong Municipality

Night work and standby policy

December 2011

APPROVED BY COUNCIL
12/6/2011

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1 OBJECTIVE

- a) The purpose of this policy is to provide for and compensate employees who perform night work, standby work.

2 APPLICATION OF THE POLICY

- a) This policy is applicable and binding to Dikgatlong Local Municipality municipal area and shall become operative on date on which it is approved by Council; and
- b) This policy shall not be applicable to positions specifically created for the purpose of pursuing a special project undertaken by Dikgatlong Local Municipality.

3 DEFINITIONS

“Night work”

means work performed after 18H00 and before 06H00 the next day;

“Standby”

means a period determined by the municipality during which a employee shall be available for overtime or emergency work outside of normal working hours

4 NIGHT WORK

- a) An employer may only require or permit an employee to perform night work, if so agreed and transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.
- b) For the purpose of this clause only posts where the earning fall below the BCEA earnings threshold shall be eligible for the payment of a night-work allowance.
- c) An employee is entitled to a night work allowance when he or she is requested by the employee's superior in terms of section 17(2)(a) of the BCEA and approved by the Municipality Manager or his assignee.
- d) The employee shall be compensated in the form of a night work allowance for night-work according to the following formula:
 - a. $20/100 \times (\text{annual pensionable salary} / 250/8)] \times \text{actual number of hours working night-work}$
- e) Only employees whose hours fall between 18:00 and 06:00 the next day shall qualify for compensation in terms of this policy.
- f) In terms of section 6(2) of the Basic Conditions of Employment Act “Section 9.10(1), 14(1), 15(1), 17(2) and 18(1) shall not apply to work that must be done without delay due to circumstances which the employer could not reasonably be expected to provide for and which could not be performed by employees during their normal working hours.”

- g) Section 17(2) deals with the payment of a night-work allowance. Therefore, employees on standby who work overtime between 18:00 and 06:00 shall receive a night-work allowance.
- h) When it is required of an employee to perform work on a regular basis after 18:00 and 06:00 the next day, a manager must:
- a. Inform the employee in writing or orally if the employee is not able to understand a written communication in a language that the employee understands:
 - Of any health and safety hazards associated with the work that the employee is required to perform ; and
 - Of the employee's right to undergo a medical examination
 - b. At the request of the employee, enable the employee to undergo a medical examination, for the account of the employer, concerning those hazards.
 - Before the employee starts, or within a reasonable period of the employee starting such work and at appropriate intervals while the employee continues to perform such work.
 - At appropriate intervals while the employee continues to perform such work.
- i) Transfer the employees to suitable day work within a reasonable time if the employee suffers from a health condition associated with the performance of night-work; provided that it is practical for the employer to do so and after due consultation has taken place.
- j) For the purpose of clause 8.6, an employee performs night-work on a regular basis if the employer works for a period more than one hour after 18:00 and before 06:00 at least five times per month or 50 times per year, including employees on standby.

5 STANDBY ALLOWANCE

An employee is entitled to a standby allowance when he/she is requested in a written instruction by the Municipal Manager or his/her superior to be available for the performance of duty outside his/her normal working hours.

- a) The standby allowance shall be payable on the following conditions only:
- a. When an employee is required to be available for duty for a period of at least eight (8) hours during a 24 hour period (based on a 40 hour working week) after normal working hours.
 - b. Stand-by shall not exceed a calendar week provided that an employee shall not be on stand-by for more than two (2) weeks per month.
- b) Every municipality shall determine a delegation policy for the purposes where no such policy is in place, any written instruction by a supervisor to perform standby duty shall

qualify as an instruction for the purposes. Such a policy must be communicated to all employees.

- c) Stand-by duty is calculated:
 - a. From the normal closing time of the employee's place of work; or
 - b. On a day on which the employee is not normally required to work.
- d) The stand-by allowance shall not affect or be affected by any remuneration for overtime or emergency work worked by the employee during the period of standby duty.
- e) The stand-by allowance shall be equal to 10% of the normal hourly based on the pensionable salary formula:

$10/100 \times (\text{annual pensionable salary} / 250 / 8) \times \text{actual number of hours on standby.}$

6 SHIFT ALLOWANCE

- a) This item will be finalized at the next Bargaining Committee meeting and be included in this agreement as an addendum.

7 ADOPTION OF POLICY

- a) Policy shall become operative on date on which it is approved by Council.