

Payment for work done on a Sunday or a Public Holiday

Sundays and public holidays remain rest days for employees', and expensive ones for employers' who require workers to forego these days of rest.

The Basic Conditions of Employment Act, (75/1997) prescribes the rules in sections 16 and 18.

Remuneration for Sunday work – Section 16

Subsection (1)

An employee who does not ordinarily work on a Sunday must be paid double his or her normal rate for each hour worked.

An employee who ordinarily works on a Sunday must be paid at one and one-half times his or her normal rate for each hour worked.

Subsection (2)

Should an employee who ordinarily works on a Sunday, work less hours than his or her ordinary shift, and the remuneration that such employee would be entitled to in terms of subsection (1) above is less than the employee's ordinary daily wage, the employer must pay the employee his or her ordinary daily wage.

Subsection (3)

However, sub-section 3 provides that despite the provisions of subsection (1) and subsection (2) the employer and employee who works on a Sunday may agree to the employee being granted paid time off, equivalent to the difference in value between the pay received by the employee for working on the Sunday and the pay the employee is entitled to in terms of the quoted subsections.

Remuneration for work on Public Holidays – Section 18

The employer requires agreement from the employees to work on public holidays.

Where a public holiday falls on an ordinary work day and the employee is not required to work on such public holiday, the employee must be paid his or her normal wage for the day.

Where an employee works on a public holiday, falling on a ordinary working day, such employee must be paid double the employee's ordinary rate of pay.