

The BCEA and rest periods for employees



The Basic Conditions of Employment Act (BCEA) makes provision for adequate rest periods to be taken between shifts for workers in South Africa.

This is to ensure that the occupational health and safety of employees are not affected and that they work reasonable periods. *Labour inspectors may enforce compliance orders* to ensure that workers are afforded rest periods as dictated by the BCEA.

What are ordinary hours of work?

According to the BCEA, ordinary hours constitute the period that any employee is normally required or permitted to work. Apart from those conditions determined by Bargaining Councils, this may not exceed 45 hours in a single week. Employees who work five or fewer days per week may only work for nine hours on any given day. If the employee normally works more than five days per week, he/she may not work for more than eight hours on any given day. This excludes meal intervals.

The time worked in a day can be extended by 15 minutes if the employee agrees to continue serving customers or completing work not finished in work hours. This time may not exceed 60 minutes per week.

What is a compressed working week?

A compressed work week means that the employee works a regular 35-45-hour work week, but not necessarily in the traditional five-day week. By agreement employees can work up to twelve hours on a single work day. However, these employees may not work more than 45 hours in a week for more than five days in any week or more than ten hours of overtime in a week.

What are daily and weekly rest periods?

A meal interval of at least a full hour must be allowed after every five hours of continuous work. Employers must allow employees daily rest periods of at least twelve consecutive hours before returning to work.

A weekly rest period must consist of at least 36 consecutive hours, which includes Sundays, unless otherwise specified in an agreement between the employer and employee. This may be reduced to a minimum of 10 hours if-

- a meal interval of at least three hours is allowed
- the employee lives on the workplace premises.

With motivation, a written agreement can result in:

- a rest period of at least 60 consecutive hours every two weeks

OR

- the employee's rest period may be reduced to a minimum of eight hours in any week if the rest period for the next week is extended accordingly. The employee must still be allowed the equivalent hours whenever they are reduced from one week to the next.

The BCEA is intended to protect employees against overextension and to prevent them from having to work unreasonable hours. To ensure BCEA compliance regarding rest periods, you can *contact SERR Synergy* for assistance.

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