



dr.jsmlm

Dr JS Moroka Local Municipality

REVIEWED SHIFT, STAND-BY, NIGHT WORK AND EMERGENCY WORK POLICY

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1. PURPOSE

The purpose of this policy is to provide for and compensate employees who perform Shift, Standby and Emergency work in the Dr J.S Moroka Local Municipality and put into effect the Collective Agreement on Conditions of Service, SALGBC Mpumalanga Division, of 15th June 2018 as agreed.

2. DEFINITIONS

“**shift work**” refers to work in excess of forty (40) working hours per week;

“**shift allowance**” means a non-pensionable allowance, which shall be paid to employees who do shift work on a regular basis.

“**standby**” is a written instruction to an employee (who can be relied on when needed) to be on standby, because of the possibility of unplanned and unpredictable or emergency work that may be undertaken outside normal working hours.

“**Emergency work**” means any work which, owing to a disruption in essential services, or owing to fire, accident, storm, epidemic, act/s of violence, theft, breakdown of plant or machinery, or any other unforeseen circumstances is required to be done without delay.

“**Night Work**” Means work done between 6pm and 06am.

3. LEGAL FRAMEWORK

- 3.1. Basic Conditions of Employment Act (Act 75 of 1997)
- 3.2. Labour Relations Act (Act 66 of 1995)
- 3.3. Municipal Systems Act (Act 32 of 2000)
- 3.4. Municipal Finance Management Act
- 3.5. Code of Good Practice on the Regulation of Working Time
- 3.6. Government Gazette No 36620 and 37795
- 3.7. SALGBC Main Collective Agreement
- 3.8. Mpumalanga Collective Agreement on Conditions of Services, 2018.

NB: In case of conflict between this policy and the provisions of the Collective Agreement on the Conditions of Service, the provisions of the Collective Agreement will prevail.

4. ALLOWANCES

4.1 SHIFT ALLOWANCE (Clause 9 of the Collective Agreement on Conditions of Services for Mpumalanga Division, 2018)

- 4.1.1 The allowance is equal to 20%, from lowest post level to post level 10 (or the equivalent TASK grade) on the current Salary levels of the employees' annual basic salary and is payable monthly.
- 4.1.2 The allowance is equal to 10%, for post level 9 to highest level. (Or equivalent TASK grade) of the employees' annual basic salary and is payable monthly.
- 4.1.3 Employees who receive shift allowance are not entitled to receive night work allowance.

4.2 STAND-BY ALLOWANCE (Clause 6 of the Collective Agreement on Conditions of Services for Mpumalanga Division, 2018)

4.2.1 When an employee, by resolution of the Municipality, makes himself available on a stand-by basis for active overtime service outside normal working hours, he shall also be entitled to a stand-by allowance calculated on the following basis:

4.2.1.1 The stand-by allowance tariff = 20% of annual basic salary of incumbent $\div 250 \div 8$.

4.2.1.2 Standby allowance is payable per hour and shall be calculated as follows:

Monday to Friday: 1x hourly tariff x number of hours

Saturday: 1, 5 x hourly tariff x number of hours

Sunday and Public Holidays: 2 x hourly tariff x number of hours

4.3 An employee on stand-by duty called out to perform actual work shall be paid at the appropriate rate of overtime as determined in this Agreement.

4.4 In terms of the employer's MUNICIPAL TRAVELLING POLICY, normal tariffs shall be paid to employees for actual kilometres travelled in a private vehicle from home to work and back whilst on standby duty.

4.3 EMERGENCY WORK (Clause 7 of the Collective Agreement on Conditions of Services for Mpumalanga Division, 2018)

4.3.1 In a case of emergencies, the employer may require an employee to perform emergency work outside his normal working hours. **This will only apply to the disaster management employees as per Resolution No. 389.12.2018 ND.**

4.3.2 Irrespective of any limitation with regard to overtime work or the threshold determined by the Minister in terms of section 6(3) of the BCEA, applicable at the time, an employee performing such emergency work shall be remunerated as follows:

4.3.2.1 Monday – Saturday: 1.5 times normal rate of pay

4.3.2.2 Sunday and Public Holiday: Double the normal rate of pay.

4.3.3 Emergency work performed must be confirmed as emergency by the Sectional Head or authorized delegate within five working days after the work has been done and then approved by the Municipal Manager or authorized delegate.

4.4 NIGHT WORK ALLOWANCE (Clause 8 of the Collective Agreement on Conditions of Services for Mpumalanga Division, 2018)

4.4.1 A night work allowance of 10 Rand (**R10 .00**) per hour shall be paid for night work performed. This amount will be increased annually in accordance with the same percentage salary increases as agreed upon at the Central Council of the SALGBC.

4.4.2 The provisions governing night work, as set out in the Basic Conditions of Employment Act (No 75 of 1997) are applicable. Night work is regarded as employee working from 18:00 till 06:00 the next day will apply.

5 IMPLEMENTATION, MONITORING AND EVALUATION

5.1. Municipal Manager

The Municipal Manager is responsible for implementing, monitoring and evaluating the policy.

5.2. **Managers of the various Departments**

Each Manager of Department is responsible for ensuring that the stipulations of this policy are being adhered to within his/her department. Deviations from the policy stipulations should be reported to the Municipal Manager with immediate effect.

5.3. **Employees of the Municipality**

The employees should at all times ensure that the stipulations of this policy are being adhered to. Deviations from the policy stipulations by any other employee or third party should be reported to the relevant Manager of Department with immediate effect.

5.4. **NB: in relation to shift and stand-by allowance**

For any employee to qualify Stand-by allowance, she/he must first be declared as a Shift worker.

6 **AUTHORITY**

6.1. The authority is vested with the Council.

Council Resolution: **R216.03.2023 ND**

Date of Approval: **30th March 2023**

Accounting Officer Signature: _____

