

 <p style="text-align: center;"><b>UNIVERSITY of the WESTERN CAPE</b></p>	<b>UNIVERSITY OF THE WESTERN CAPE</b>		
	<b>NIGHT SHIFT and STANDBY WORK POLICY</b>	Council Approval Reference	C2021.7
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## Contents

1. PURPOSE.....	2
2. DEFINITIONS .....	2
3. LEGAL FRAMEWORK.....	3
4. CONDITIONS OF NIGHT WORK .....	3
5. CONDITIONS OF SHIFT WORK .....	3
6. CONDITIONS OF STANDBY WORK .....	4
7. STANDBY COMPENSATION.....	4
8. TRANSPORT .....	5
9. ROLES IN IMPLEMENTATION AND MONITORING .....	5

## 1. PURPOSE

The purpose of this policy is to give effect to the provisions dealing with night work and standby work in 'Chapter Two: Regulation of working hours' of the Basic Conditions of Employment Act, Act 75 of 1997, and its attached schedule, the 'Code of Good Practice on the Arrangement of Working Time'. This policy also regulates the compensation of University of the Western Cape (UWC) staff members who perform night work and standby work.

## 2. DEFINITIONS

- 2.1. "**Overtime**" refers to work, which an employee is required to undertake outside of ordinary working hours, as determined by the University. Only employees who are between Peromnes post grades 9 to 16 qualify to work overtime.
- 2.2. "**Night work**" means work performed after 18:00 and before 06:00 the next day.
- 2.3. "**Shift allowance**" means a non-pensionable allowance which will be paid to staff members who do night work as part of a shift system.
- 2.4. Shift work refers to any regular work schedule that is from the hours of 18:00 to 6:00 at night and from 6:00 to 18:00 during the day.
- 2.5 "**Standby**" refers to a written instruction to a staff member to be on standby duty because of the possibility of unplanned, unpredictable or emergency work that may be undertaken outside normal working hours.
- 2.6. "**Standby allowance**" means the agreed upon, non-pensionable amount to be paid to staff members who were expected to be on standby outside of the normal working hours (i.e. any hours of work, except night work, as defined in the employee's contract of employment).
- 2.7. "**Standby duty**" means being on standby and thus available to perform standby work.
- 2.8. "**Standby work**" is work performed while on standby duty.
- 2.9. "**University**" means the University of the Western Cape (UWC).
- 2.10. "**Rate Card**" refers to the official UWC rates and allowances applicable to staff members.

### **3. LEGAL FRAMEWORK**

- 3.1. Basic Condition of Employment Act, Act 75 of 1997, as amended.
- 3.2. Code of Good Practice on the Arrangement of Working Time in terms of section 87(1) (a) of the Basic Conditions of Employment Act, Act 75 of 1997, as amended.
- 3.3. The Labour Relations Act, 1995, section 32(2), National Bargaining Council for the Private Security Sector: Extension to Non-Parties of the Main Collective Agreement
- 3.3. UWC Overtime Policy as approved in December 2011 (Council reference number: C2011/04).

### **4. CONDITIONS OF NIGHT WORK**

#### 4.1. General Principles

- 4.1.1. The University acknowledges that night work is an operational requirement in certain Departments across the University and as such may require staff members to work in accordance with allocated shift patterns within Departments where a need for night work exists.
- 4.1.2. Where the University requires a staff member to be available to perform night work on a regular basis in line with the operational requirements of the Department. An agreement to such requirements must be made in writing.
- 4.1.3. Saturdays, Sundays and public holidays will form part of the ordinary hours of work for those staff members performing night work.
- 4.1.4. Staff members on 12-hour shifts may not work for more than 45 hours per week in any week, more than 10 hours overtime in any week or more than five days in any week.

### **5. CONDITIONS OF SHIFT WORK**

#### 5.1. General Principle

- 5.1.1. All staff members, who are required to work from 18:00 to 6:00 and from 6:00 to 18:00 the next day are regarded as shift workers.
- 5.1.2. Overtime or time-off rules will apply where staff are required to start earlier or work later outside of their normal working hours. This is not defined as shift work.

#### 5.2. Shift Work Compensation

- 5.2.1. Only staff members who perform night work as part of a shift system will qualify for a shift allowance, in line with the official University 'Rate card', of the annual updated shift allowance payable.
- 5.2.2. The allowance may be increased on an annual basis in line with salary increases.
- 5.2.3. Where staff members are required to be at work outside of their allocated shift, they will be compensated at the appropriate overtime rate or may be granted paid time off in accordance with the UWC Overtime Policy.

## **6. CONDITIONS OF STANDBY WORK**

### **6.1. General Principles**

- 6.1.1. Where the University requires a staff member to be available for the performance of standby duty outside his/ her normal working hours, the staff member will be entitled to be paid a standby allowance.
- 6.1.2. A standby allowance is payment in compensation for being available for standby duty.
- 6.1.3. Standby duty must be recorded on a roster that is approved by the Head of the Department. All claims must be approved by both the Head of Department and the relevant Executive member or Dean or their designate, before submission to the Human Resources department for processing.
- 6.1.4. Standby duty only commences after completion of an employee's ordinary daily hours of work.
- 6.1.5. Standby duty must be managed strictly in accordance with the need for which it is allocated and may only be approved for certain categories of staff members and as agreed upon by the University.
- 6.1.6. The staff member cannot be required to be on standby duty for more than two weeks per month unless mutually agreed between the staff member and line manager.
- 6.1.7. Rest periods must be adhered to as per the BCEA, in terms of section 15: "*A staff member must have a daily rest period of 12 consecutive hours and a weekly rest period of 36 consecutive hours, which, unless otherwise agreed, must include Sunday.*"

## **7. STANDBY COMPENSATION**

- 7.1. A staff member who agrees to be available for standby duty outside normal working hours, subject to 6.1 above, will be entitled to a standby allowance, in line with the official University 'Rate Card', of the annual updated standby allowance payable. The start of the call-out period

will only apply half an hour after the official university closing time. The standby allowance will be paid to a staff member who has been on standby duty irrespective of whether the staff member was called upon to perform standby work during such time.

- 7.2. A staff member will be paid for the standby work at an overtime rate which will be calculated for the period from arrival at work to conclusion of the work on the job card.
- 7.3. Paid time off for the hours worked can be requested in lieu of payment of overtime, subject to an agreement between the line manager and the employee.
- 7.4. A staff member who is on standby and who is called out on a job will be paid a **minimum** of two hours at overtime rates, regardless of the number of jobs performed.
- 7.5. In the event of multiple call-outs in a single day and where the total hours worked is in excess of two hours, payment will be made at overtime rates for actual hours worked.

## **8. TRANSPORT**

- 8.1. The university may provide transport, at the discretion of management, if and when available, to staff members who are required to be on standby duty in terms of their contract of employment.

## **9. ROLES IN IMPLEMENTATION AND MONITORING**

- 9.1. Head of Department
  - 9.1.1. The Head of Department is responsible for the implementation and compliance with this policy.
  - 9.1.2. It is the responsibility of the staff member to submit a claim timeously for approval and processing.