



**Western Cape
Government**

THE WESTERN CAPE GOVERNMENT (WCG) POLICY ON OVERTIME REMUNERATION

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WCG VALUES

The WCG identified six (6) core values that embody a common understanding of the expected behaviour of all WCG employees. These values also serve as the underlying policy principles to guide all decisions and actions pertaining to the management of overtime. These are:



Caring – We care for those we serve and work with.

- We value all employees and citizens and treat them with dignity and respect
- We listen actively and display compassion towards employees and citizens
- We provide support to and show interest in each other as employees and provide support to the citizens of the Province, caring for everyone's wellbeing.
- We show appreciation and give recognition to employees and citizens.



Competence - We have the ability and capacity to do the job we are appointed to do.

- We are able to do the job we are appointed to do, and always strive for excellence.
- We develop our people, enabling and empowering them to do their job in support of service delivery
- We focus on rendering an excellent service to the people of the Western Cape.
- We demonstrate knowledge and understanding and work together to execute our tasks in terms of constitutional, legislative and electoral mandates.



Accountability - We take responsibility.

- We have a clear understanding of our vision, mission, strategic objectives, roles, delegations and responsibilities.
- We all deliver on our outcomes and targets with quality, on budget and in time.
- We hold each other accountable as public servants and know we can trust each other to deliver.
- We take individual responsibility for and ownership for our work, actions and decisions.



Integrity - We are honest and do the right thing.

- We create an ethical environment by being honest, showing respect and having positive values.
- We seek the truth and do the right things in the right way in each situation.
- We are reliable and trustworthy and behave consistently in word and in action.
- We act with integrity at all levels in all instances, with zero tolerance for corruption.



Innovation - We are open to new ideas and develop creative solutions to challenges in a resourceful way.

- We seek to implement new ideas, creative dynamic service options and improve services.
- We are citizen-centric and strive to be creative thinkers who view challenges and opportunities from all possible perspectives.
- We have the ability to consider all options and find a resourceful solution.
- We value employees who question existing practices with the aim of renewing, rejuvenating and improving them.
- We foster an environment where innovative ideas are encouraged and rewarded.
- We understand mistakes made in good faith, and allow employees to learn from them.
- We solve problems collaboratively to realise our strategic organisational goals.



Responsiveness - We serve the needs of our citizens and employees.

- Our focus is the citizen, building relationships that allow us to anticipate their needs and deal with them proactively.
- We take each other and citizens seriously, being accessible, listening and hearing what they convey.
- We respond with timeous action and within agreed timeframes.
- WE collaborate with each other and stakeholders, providing appropriate and reliable information and sharing it responsibly.

Terminology

Unless the context indicates otherwise, these terms shall have the following meaning:

CONCEPT/TERM	MEANING
Day	means the time the employee normally commences and ends work measured during a period of 24 hours. Daily has corresponding meaning.
Overtime	means work in excess of an employee's normal working hours (i.e. 40 hours work week for a full time employee; 25 hours per week; 5 hours per day for a 5/8 th appointee and 30 hours per week; 6 hours per day for a 6/8 th appointee) excluding meal breaks.
Public holiday	means a public holiday listed in the Schedule 1 of the Public Holidays Act, 36 of 1994, including the Monday following a public holiday that falls on a Sunday as contemplated in Section 2(1) of the said Act
Month	means the period from a day of one month to the corresponding day of the next month
Shift worker	is an employee engaged in a scheduled continuous process which activity is deemed to be one in which continuous working by means of daily shifts is necessary.

1 Introduction

- 1.1 The Western Cape Government ("WCG") is committed to comply with and give effect to the applicable Regulatory Framework and to provide the conditions and outline measures applicable to employees who are required to work overtime.

2 Purpose

- 2.1 The purpose of this policy is to, with due regard to the broader Regulatory Framework, provide transversal policy principles applicable to all WCG departments in line with which an executive authority ("EA") will approve and remunerate overtime.

3 Scope of Application

- 3.1 This policy applies to all WCG employees who are employed in terms of Public Service Act 103 of 1994, but exclude the following categories:
 - 3.1.1 Members of the Senior Management Service ("SMS").
 - 3.1.2 Interns.
 - 3.1.3 Employees who work at home in terms of an alternative work place arrangement.
 - 3.1.4 Employees in the Department of Health who are being compensated in terms of the commuted overtime dispensation. The commuted overtime dispensation is regulated on a National Level.

4 Objectives

- 4.1 With due regard to the Regulatory Framework, the objectives of the WCG policy on overtime are to –
 - 4.1.1 provide a Provincial Top Management (PTM) approved transversal overtime policy applicable to all WCG departments;
 - 4.1.2 identify the categories of employees that may not receive compensation for overtime;
 - 4.1.3 prescribe the circumstances under which overtime work for an individual employee may be authorised;
 - 4.1.4 prescribe how much overtime an employee may work in a given period;
 - 4.1.5 prescribe how authorisation for overtime is recorded; and
 - 4.1.6 prescribe the control measures.

5 Legal Context

5.1 This policy draws its mandate from the following prescripts:

- Section 10 of the Basic Conditions of Employment Act, 1997 provides the grounding provisions of the performance of overtime work.
- The Public Service Regulations, 2016, Regulation 49 requires an overtime policy and provides for, amongst others, the cap on overtime remuneration.
- Part VII (Paragraph 3.1) of Public Service Co-ordinating Bargaining Council ("PSCBC") Resolution 3 of 1999;
- Paragraph 9 of PSCBC Resolution 1 of 2007; and the
- Determination and Directive on Working Time in the Public Service determined by the Minister for the Public Service and Administration (as determined on an annual basis).

6 Authorisation

6.1 The Public Service Regulations ("PSR") requires an EA to establish an Overtime Policy in accordance with applicable collective agreements, in his or her department.

6.2 Following the Provincial Top Management decision, the Director-General has approved the WCG Overtime Policy for the departments in the Western Cape, in terms of Section 7 (3) (c) (iii) of the Public Service Act, to be implemented with effect date of signing.

6.3 The policy provisions contained in this policy has been duly adopted by the Provincial Top Management (PTM) and binds all departments. A PTM approved WCG people policy represents a duly consulted WCG position and a collaborated attempt by the relevant HOD's to strengthen governance by ensuring consistent interpretation and application of a specific PM policy matter.

7 Overtime Policy Provisions

7.1 General Principles

7.1.1 No employee will be permitted to work more than three hours' overtime on any one day; or 10 hours in any one week in accordance with the BCEA.

7.1.2 Overtime remuneration is a short-term work arrangement and is not to be seen as supplementing income. Should overtime become a regular requirement due to operational challenges, alternative work arrangements, service models and/or post establishment solutions should be explored.

- 7.1.3 Overtime work should be limited to a minimum and only when absolute necessary.
- 7.1.4 An authorisation will only be valid for the approved period (i.e. the estimated number of overtime hours). The initial approved period may not be extended without first obtaining authorisation from the EA, or delegated authority in terms of the provision of this policy (refer to paragraph 7.2 below).
- 7.1.5 When performance of overtime is aimed at the completion of work that has fallen in arrears, the EA (or delegated authority) shall investigate the circumstances with the aim to avoid recurrence.

7.2 Application for overtime

- 7.2.1 Approval for the compensation of overtime must be obtained from the relevant approving authority prior to working the overtime¹.
- 7.2.2 The submission to request authorisation for compensated overtime must be (with due regard to the provisions of this policy) duly motivated and include -
- a) an estimation of the number of hours' overtime;
 - b) an estimation of the expenditure;
 - c) a clearly defined performance standard (i.e. the expected output/product relevant to the time);
 - d) a description of the circumstances that gave rise to the request; and
 - e) which alternative measures were considered to prevent the working of overtime.

7.3 Overtime Calculation

- 7.3.1 Overtime worked shall only be remunerated if prior written authorisation was obtained from the EA (or relevant delegated authority; no lower than a member of the SMS, level 13).
- 7.3.2 No ex post fact approval for overtime shall be considered for the remuneration of overtime, except for emergency work (see the policy provisions set out in paragraph 7.5 of this policy).
- 7.3.3 All overtime hours shall be remunerated in terms of the provisions and limitations as set out in this policy.
- 7.3.4 No employee shall under any circumstances be granted time off in lieu of overtime worked.

¹ Note the provisions for remunerating emergency over time are as contained in paragraph 7.5 of this policy.

- 7.3.5 The basic salary for the calculation of overtime worked shall be the actual salary notch of the employee but limited to the monetary value attached to the commencing salary notch attached to salary level 8 and is adjusted annually with effect from 1 July each year in accordance with the DPSA determination on working time in the Public Service.
- 7.3.6 The monthly compensation for overtime is limited to 30 percent of the employee's monthly salary, or the limitation as it might be determined by the Minister for Public Service and Administration, whichever is lesser.
- 7.3.7 Authorised normal, Sunday or public holiday overtime will be calculated and compensated in terms of the measures as contained in the Determination and Directive on Working Time in the Public Service.

7.4 Travelling

- 7.4.1 In order to perform authorised overtime duties an employee might be required to travel from home to his/her normal place of work at a time when she/he usually would not travel to his/her place of work. On condition that the employee was not on authorised standby duty, the journey from the employee's house to the employee's normal place of work and back to his/her house, may be regarded as an official journey; however, the time spent on the journey shall not be regarded as overtime work.

7.5 Emergency work

- 7.5.1 A head of department (or delegated authority) may require an employee to perform work outside normal working hours if the work must be performed without delay owing to circumstances which are beyond the control of the head of department for which no reasonable provision could have been made.
- 7.5.2 The normal provisions and restrictions for the calculation of the overtime remuneration as per paragraphs 7.3 applies, however ex post facto approval for the remuneration of emergency work (as referred to in paragraph 7.5.1 above) may be granted.
- 7.5.3 In approving such ex post facto overtime payment, the EA (or delegated authority) shall record the decision together with the underlying reasons for audit purposes.

8 Control Measures

- 8.1 It is the responsibility of the EA (or delegated authority) to ensure that –
- 8.1.1 overtime work is minimised;
 - 8.1.2 no employee is under any circumstances granted time off in lieu of overtime worked;
 - 8.1.3 the conducting of overtime work shall not negatively impact on the quality of work performed during normal working time or after hours;
 - 8.1.4 there is adequate control of remunerated overtime duty, either through supervision or by control of outputs;
 - 8.1.5 overtime remuneration is cost-effective;
 - 8.1.6 sufficient funds are available to cover the costs to be incurred as a result of compensated overtime;
 - 8.1.7 record of all overtime duty is kept, including a record of attendance duly signed on each occasion when overtime is performed, by the employee and supervisor taking the responsibility for the tasks being performed;
 - 8.1.8 overtime, as far as possible, is performed at the employee's normal place of work;
 - 8.1.9 for Occupational Health and Safety purposes, security officers are informed of which floors will be occupied so that they know which ones to attend to in the case of an emergency;
 - 8.1.10 if an employee, with his or her consent, is called to report for duty before the end of his/her leave period, such leave must be cancelled and leave credits reinstated;
 - 8.1.11 overtime claims must be submitted on a monthly basis; and
 - 8.1.12 no employee who is on certified sick leave, shall be allowed to render overtime services or receive overtime remuneration.

9 Authorisation and Deviations

- 9.1 In providing strategic guidance the Director-General has approved the transversal WCG Policy on Overtime Remuneration for the departments in the Western Cape, in terms of Section 7 (3) (c) (iii) of the Public Service Act, implemented with effect from date of signature.
- 9.2 This policy represents a collaborated attempt by the relevant HOD's (as members of the PTM) to strengthen governance by ensuring consistent business practices (i.e. interpretation and application) across departments on the management of overtime.
- 9.3 No mandate has been delegated to deviate from National Policy Prescripts (e.g. The PSA, PSR, Minister for Public Administration (MPSA) determination or Collective Agreement); only the MPSA may approve such deviation.
- 9.4 Under justifiable circumstances the MPSA may, subject to Sections 10(1) and 12(1) of the BCEA, (i.e. up to a maximum of forty (40) hour's overtime per month and limited to no more than 10 hours' overtime per week) be approached to request a deviation from Regulation 49(1)(c). In such instances any additional conditions, as required by the MPSA, will apply. In this regard a fully motivated submission must be forwarded to the Department of the Premier, indicating -
- 9.4.1 the period in respect of which the request is made;
 - 9.4.2 the working time arrangements applicable to the service area concerned, (An indication of the working time arrangements of each affected service area is important since inadequate working time arrangement result in increased and unnecessary demands for overtime work);
 - 9.4.3 the department's attempts to comply with Regulation 49(1)(c) of the Public Service Regulations, 2016;
 - 9.4.4 the specific services areas where it will be difficult/impossible to comply, and the specific reasons for each of the affected service area(s). (It might be that service areas in urban areas are lesser affected than rural areas in light of the non-filling of vacancies as a result of budget constraints);
 - 9.4.5 the occupational categories in the identified service areas that will be affected, the number of employees within these occupational categories who will be required to perform overtime work, as well as an indication of the number of employees who will be expected to exceed the 30% threshold;
 - 9.4.6 breakdown of the costs per service area, per salary level and the amount that will be attached to exceeding the 30% threshold;

- 9.4.7 the frequency at which the affected service area/employees will be expected to work overtime and the estimated duration of such overtime (i.e. the number of hours; as well as the hours that will exceed the threshold);
- 9.4.8 confirmation by the CFO and Provincial Treasury of the availability of funds on the Department's current budget allocation for this purpose; and
- 9.4.9 what strict control measures the department envisage will entail.

10 Date of Implementation

- 10.1 This policy is implemented with effect from date of signature.

11 Monitoring and Evaluation

- 11.1 The component responsible for the administration of overtime will ensure the efficacy of this policy by assuming responsibility for the continuous monitoring of the implementation of the policy.

12 Policy Review

- 12.1 Policy review will be undertaken in terms of the Policy Development and Renewal Program.

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