

Abaphathi baliba njani ixesha lomsebenzi ngaphaya kwexesha Abaphathi bakhuthuza abasebenzi ngokuthi: ' Heke, i BCEA ithi ungasebenza iyure eziqhelekileyo ezi 45 kodwa usebenze iyure ezi 48 (amaxesha okusebenza ayi 4 iyure ezi12 ziyure ezi 48). Ngoko ke sikutyala iyure ezi 3 umsebenzi ongaphaya kwexesha'. Oku kukukhuthuzwa ngoba i BCEA icacisa mhlophe ukuthi abasebenzi mabasebenze iyure ezi 9 eziqhelekileyo eziphezulu ngosuku. Oku kuquka abasebenzi abasebenza kuphela usuku olunye okanye ezimbini ngeveki.

Naziphina iyure emva kweyure ezi 9 ngumsebenzi ongaphaya kwexesha. Ngalinye ixesha lomsebenzi leyure ezi12, abasebenzi mabahlawulwe iyure ezi 3 umsebenzi ongaphaya kwexesha. Kuthetha ukuthi mabafumane ntlawulo yeyure ezi 12 umsebenzi ongaphaya kwexesha, hayi iyure ezi 3 abazinikwa ngumphathi ongumkhuthuzi.

Umsebenzi ongaphaya kwexesha neyure ezimfutshane

Kwa abasebenzi abasebenza iyure ezimfutshane ngeveki bakhuselekile lelisolotya leyure eziqhelekileyo zemihla ngemihla kwi BCEA. Abaphathi abaninzi banika i labour boker, isininzi sabasebenzi nabasebenzi besivumelwano elinye okanye amabini amaxesha okusebenza iyure ezi 12 ngeveki. Baze kanjalo bahlawule abasebenzi ixabiso elinye lazo zonke iyure ezisetyenziweyo yaye bathi kubasebenzi ezi yinxalenye yeyure zabo zesiqhelo ngeveki. Oku akulunganga yaye kuchasene nomthetho. Ukuba umsebenzi usebenza ngaphezulu kwe yure ezi 9 kusuku oluthile zonke iyure emva koko funeka zihlawulwe ngexabiso lomsebenzi ongaphaya kwexesha.

Ixabiso lomsebenzi ongaphaya kwexesha

I BCEA ithi umsebenzi ongaphaya kwexesha mawuhlawulwe ixesha elinesiqingatha. Oku kuthetha ukuthi ukuba ixabiso lomsebenzi yi R30 ngeyure, lowa msebenzi makahlawulwe i R45 ngeyure yomsebenzi ongaphaya kwexesha ngamnye awenzileyo. Ukuba umsebenzi usebenza iyure ezi 3 zomsebenzi ongaphaya kwexesha, umsebenzi makahlawulwe i R135 (R45 x 3) ngeza yure ezi 3, hayi R90, leyo iyakube ilixabiso labo lesiqhelo leyure ezi 3.

Umsebenzi ongaphaya kwexesha uyazithandela

Abasebenzi kananjalo bayakhalaza ukuba abaphathi babanyanzelisa ukuba basebenze umsebenzi ongaphaya kwexesha. Abaphathi abakwazi ukunyanzelisa abasebenzi basebenze ngaphaya kwexesha.

Amalungelo okusebenza ngaphaya kwexesha lomsebenzi omsebenzi

Ngoko ngawaphi amalungelo abasebenzi abanawo abamele bawenze xa kufikelelwa kumsebenzi ongaphaya kwexesha? Amalungelo okusebenza ngaphaya kwexesha abasebenzi asuka kuMthetho weNgqesho Esisiko Esiyimfuneko, owaziwa ngabo bonke njenge BCEA.

Ixesha eliqhelekileyo

Phambi kokuba sithethe ngomsebenzi ongaphaya kwexesha, masithethe kuqala malunga neyure eziqhelekileyo. I BCEA ithi abasebenzi bangasebenza elona nani liphezulu leyure eziqhelekileyo ezi 45 ngeveki. Umthetho ke uvumela abasebenzi basebenze ezinye iyure ezi 10 zomsebenzi ongaphaya kwexesha ngeveki.

Ezi yure ziyi 45 ziqhelekileyo zilungiselelwe ngeyona ndlela ithile. Umsebenzi osebenza intsuku ezi 5 ngeveki okanye intsuku ezimbalwa ngeveki angasebenza inani eliphezulu leyure eziqhelekileyo ezi 9 ngosuku. Naliphina ixesha elisetyenziweyo ngaphaya kweyure ezi 9 malihlawulwe ixabiso lomsebenzi ongaphaya kwexesha. Njalo ukuba umsebenzi usebenza iyure ezi 12 ixesha lomsebenzi, iyure ezi 9 zokuqala mazihlawulwe ngokwexabiso leyure eziqhelekileyo zomsebenzi. Iyure ezi 3 zokugqibela mazihlawulwe ngexabiso lomsebenzi ongaphaya kwexesha. Ixabiso lomsebenzi ongaphaya kwexesha lixesha elinesiqingatha kodwa sizakubuyela kulo elonqaku kamva.

Ixesha lomsebenzi

Ngaphezulu nangaphezulu abaphathi baphakamisa ixesha lomsebenzi. Iinkampani ezisele zinalo ixesha lomsebenzi ziphakamisa ixesha lomsebenzi elide, futhi iyure ezi 12 ngexesha lomsebenzi. Kwezinye inkampani abaphathi baphakamisa ixesha lomsebenzi elide kodwa kwintsuku ezimbalwa. Endaweni umsebenzi asebenze iyure ezi 9 ixesha lomsebenzi kwintsuku ezi 5, abasebenzi ngokuye kusanda basebenza iyure ezi 12 ixesha lomsebenzi kwintsuku ezi 4. Kulo mzekelo abasebenzi basebenza iyure ezi 12 ixesha lomsebenzi ngentsuku ezi 4, yaye basebenza iyure ezi 12 umsebenzi ongaphaya kwexesha kwiveki yokusebenza. Oku kuchasene nomthetho ngoba i BCEA ithi abasebenzi abanakusebenza ngaphezulu kweyure ezi 10 umsebenzi ongaphaya kwexesha ngeveki. Kulo mzekelo abasebenzi basebenza iyure ezi 12 ixesha lomsebenzi ngentsuku ezi 4, yaye basebenza iyure ezi 12 umsebenzi ongaphaya kwexesha kwiveki yokusebenza. Oku kuchasene nomthetho ngoba i BCEA ithi abasebenzi abanakusebenza ngaphezulu kweyure ezi 10 umsebenzi ongaphaya kwexesha ngeveki.

I BCEA icacile kakhulu ekubeni umsebenzi ongaphaya kwexesha mawube ngowesivumelwano. Oku kuthi abasebenzi abanakunya-nzeliswa basebenze ngaphaya kwexesha. Siyazi ukuba abaphathi banegunya ngakubasebenzi. Abasebenzi baziva bengakwazi ukukhetha kodwa basebenze umsebenzi ngaphaya kwexesha.

Kananjalo siyazi ukuba abasebenzi abaninzi baxhomekeke kumvuzo ongaphezulu abawufumana kumsebenzi ongaphaya kwexesha. Oku kuphakamisa imfuneko yomvuzo olingene nokuphila, ukwenzela ukuba abasebenzi bangaxhomekeki kumsebenzi ongaphaya kwexesha.

Kananjalo iphakamisa ubugeza benkqubo yokuelisa yabaphathi: badala ukungaphangeli okukhulukazi kodwa benze abasebenzi abangaphezulu nangaphezulu basebenze umsebenzi ongaphaya kwexesha. Konke egameni lenzuzo. Mabadale imisebenzi emininzi endaweni yemisebenzi engaphaya kwexesha emininzi.

Abasebenzi mabalumke bangalahli amalungelo abo omsebenzi ongaphaya kwexesha

Kumzekelo esiwunikileyo ngaphambili wabasebenzi abasebenza iyure ezi 12 zomsebenzi ongaphaya kwexesha endaweni yelona nani liphezulu le 10 elivunyelwe yi BCEA, sithe oku kuchasene nomthetho. Oku kungabonakala kulungile kwimeko ezininzi. Kodwa i BCEA ivumela umsebenzi ngamnye nemanyano zabasebenzi ezibhalisiweyo zenze izivumelwano ezinokonyusa ixesha lomsebenzi ongaphaya kwexesha liyokufikelela kwiyure ezi 15 ngeveki. ukuba usebenza ngaphezulu kweyure ezi10 ngeveki umsebenzi ongaphaya kwexesha, funa ukuba imanyano yabasebenzi yakho yenze isivumelwano somsebenzi ongaphaya kwexesha omde nenkampani ngeveki.

Ukuba awunayo imanyano apho usebenza khona yaye khange wenze sivumelwano, xela inkampani yakho kwiSebe lezaBasebenzi okanye kwibhunga lengxoxo lakho ukuba uphantsi kwezivumelwano zebhunga lengxoxo. Kwa lento inye iyalunga ukuba inkampani ayikuhlawuli okanye ikuhlawula ngaphantsi kwintlawulo yomsebenzi ongaphaya kwexesha.

Casual Workers' Advice Office (CWAO)

082 812 1934 AND 076 551 7112

2 High Road, Georgetown, Germiston, GAUTENG

IsiXhosa
Overtime



CWAO
CASUAL WORKERS ADVICE OFFICE

AMALUNGelo OKUSEBENZA NGAPHAYA KWEXESHA

Kumtheho wengqesho esisiseko esiyimfuneko

(Overtime Rights in the Basic Conditions of Employment Act - BCEA)

Abaphathi beba intlawulo yokusebenza ngaphaya kwexesha

Ngaphezulu nangaphezulu abasebenzi beza kwi offisi zeCWAO nezikhalazo zokuba abaphathi babasebenzisa umsebenzi wangaphaya kwexesha mahala. Ngamanye amaxesha abasebenzi basebenza ilanga lonke mahala. Kwesinye isehlo, abasebenzi basebenze iyure ezi 12 kodwa bafumana kuphela amaxabiso abo esiqhelo ngeza yure ziyi 12 zonke. Abayifumani intlawulo yokusebenza ngaphaya kwexesha ngezi yure zingaphezulu bazisebenzileyo.

Abanye abaphathi bayakufihla okukuxhatshazwa kungaphezulu kwabasebenzi ngokuthi babuyekeza ilahleko yenveliso ngenxa yeCovid. Kodwa lengxaki ibikhona phambi kwe Covid yaye ngoku iya isiba ngakumbi. Kubonakala ngathi abaphathi bafuna ukwenza ukusebenza ngaphaya kwexesha kwamahala isigxina senkqubo yabo yokuxhaphaza abasebenzi.