



**Government Gazette**

**Vol. 401, No. 19453, 13 November**

**No. R. 1440**

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997**

**CODE OF GOOD PRACTICE ON THE ARRANGEMENT OF WORKING TIME**

Notice is hereby given in terms of section 87(2) of the Basic Conditions of Employment Act, 1997, that the Minister of Labour, after consulting NEDLAC, has issued under section 87(1)(a) of that Act, a Code of Good Practice on the Arrangement of Working Time as set out in the Schedule.

**SCHEDULE**

**CODE OF GOOD PRACTICE ON THE ARRANGEMENT OF WORKING TIME**

**1. OBJECTIVES**

The objective of this code is to provide information and guidelines to employers and employees concerning the arrangement of working time and the impact of working time on the health, safety and family responsibilities of employees.

**2. APPLICATION**

**2.1.** This code is issued in terms of section 87(1)(a) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), (BCEA) and must be read in conjunction with the BCEA, particularly Chapter Two which governs the regulation of working time.

**2.2.** Section 7 of the BCEA requires employers to regulate the working time of each employee –

**2.2.1.** in accordance with the provisions of any Act governing occupational health and safety;

**2.2.2.** with due regard to the health and safety of employees;

**2.2.3.** with due regard to this Code of Good Practice;

**2.2.4.** with due regard to the family responsibilities of employees.



**2.3.** This code applies to all employers and employees covered by the BCEA. This Code of Good Practice is of particular significance for employees who perform shift work or regular night work and to their employers.

**2.4.** The norms established by this Code are general and may not be appropriate for all workplaces. A departure from the Code may be justified in proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

### **3. RELATIONSHIP TO HEALTH AND SAFETY LAWS**

**3.1.** The regulation of working time is closely connected to the protection and promotion of the health and safety of employees and, in some cases, members of the public.

**3.2.** Employers may be required to take working-time schedules into account in complying with their general duties to provide and maintain a working environment that is safe and without risk to the health of employees in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), (OHSA) 85 of 1993 and the Mine Health and Safety Act, 1996 (Act No. 19 of 1996), (MHSA).

**3.3.** Key aspects of these Acts are the following:

**3.3.1.** Employers must conduct a risk assessment. This requires that they identify hazards and assess the risk that they pose to the health and safety of employees. The results of the risk assessment must be recorded.

**3.3.2.** Employers must implement appropriate measures to eliminate or control hazards identified in the risk assessment.

**3.3.3.** Employers must train and supply information to employees about the risks to their health and safety and the measures taken to control such risks.

**3.3.4.** Elected worker health and safety representatives and committees are entitled to participate in the risk assessment and control of hazards.

**3.3.5.** Employees have a duty to take reasonable steps to protect their own health and safety and that of other employees.

**3.4.** Employers who engage employees to perform regular night work\* must ensure that these employees are informed of the health and safety hazards associated with the work that they would perform. This provision of the BCEA reiterates the obligation on employers in terms of OHSA and MHSA.



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- 3.5. An employee is regularly working at night if he or she works not than one shift<sup>e</sup> par week (or 50 shifts per year) of which more than one hour falls after 23:00 or before 06:00.

#### 4. DESIGN AND EVALUATION OF SHIFT SYSTEMS

- 4.1. The design of shift rosters must be sensitive to the impact of these rosters on employees and their families. This information can be obtained during consultations, negotiations or by circulating individual questionnaires to employees.
- 4.2. The information that an employer may require on the effect of shift rosters includes-
- 4.2.1. the ranked preferences of employees for different shift systems (this should include factors such as rate of rotation, length of shift, extension of operating time, starting and finishing times of shifts, weekends off, off duty periods);
  - 4.2.2. the employee's views of the advantages and disadvantages of the existing or proposed shift system;
  - 4.2.3. aspects of the employee's work that could affect the determination of a suitable shift length;
  - 4.2.4. how an existing or proposed shift schedule affects or might affect the health and safety of employees;
  - 4.2.5. means, costs and availability of transport to and from the place of residence and the personal security of the employee while commuting;
  - 4.2.6. the childcare needs of the employees.
- 4.3. The information that will be required will depend on whether an employer is introducing a shift system for the first time or is re-evaluating or redesigning a shift system.

#### 5. ARRANGEMENT OF SHIFTS

The following recommendations apply to the arrangement of shift work:

- 5.1. Overtime should be avoided, especially in occupations involving special hazards or heavy physical or mental strain.



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- 5.2. The changeover from one shift to another during the working day should, where appropriate, include a brief period of overlap of the two crews in order to pass on any information that is needed by the subsequent crew.
  - 5.3. If appropriate and if it is possible within legal requirements, workers whose skills are interchangeable should be allowed to exchange a shift with another worker.
  - 5.4. The shift schedule should be displayed or distributed for easy access by all workers, and should be presented in a readily understandable form.
  - 5.5. Workers should receive reasonable notice in advance of scheduled hours of work and of any foreseeable changes to the schedule.
  - 5.6. Arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers, workers with family responsibilities, older workers, disabled workers or workers with health problems, and also workers' personal preferences for the scheduling of their own free time.

## **6. DESIGN OF SHIFT ROSTERS**

- 6.1. The following factors should be taken into account in the design of rosters for semi-continuous and continuous shift work:
  - 6.1.1. The frequency of night work, weekend work and work on public holidays should be limited as much as possible for each worker.
  - 6.1.2. The frequency of shift rotation should take account of the difficulties workers may have in adapting to night work.
  - 6.1.3. It is preferable that shifts be rotated in a forward direction (morning to afternoon to night), bearing in mind workers' preferences, local conditions and difficulties in scheduling a long period of rest after spells of night shifts.
  - 6.1.4. Night shifts should be no longer than morning and afternoon shifts. Where long night shifts are used they should be carefully reviewed to find ways to avoid excessive fatigue. Successive long night shifts should be avoided to the extent practicable.
  - 6.1.5. Rest periods for shift workers should be scheduled to fall on weekends-a certain minimum number of times during a given period.



## **7. PERFORMANCE OF SAFETY-CRITICAL TASKS**

- 7.1. Employers should take particular care in the timing of safety-critical tasks in shift cycles and during individual shifts.
- 7.2. These should, to the greatest extent possible, not be undertaken at a time when the employees involved may be fatigued or have low levels of alertness.
- 7.3. This is of particular importance to employers, such as operators of major hazard installations whose activities have a direct impact upon the public, and operators of services such as mass transportation or goods transportation.

## **8. HEALTH ASSESSMENT AND COUNSELLING**

- 8.1. In terms of section 17(3)(b) of BCEA an employer, if requested by an employee who is performing regular night work, must make arrangements for the employee to undergo a medical examination. An employee is entitled to have such an examination at the time of commencing regular night work and thereafter at regular intervals while he or she continues to work regularly at night.
- 8.2. The examination should be performed by a medical practitioner or by a health professional who could refer employees to a medical practitioner in appropriate cases. This could include qualified staff employed in a workplace clinic. The cost of the examination is for the account of the employer although arrangements could be made for the cost to be covered through medical aid.
- 8.3. The timing of these examinations should be determined by individual or collective agreement in the light of the employee's health status, the nature of the work the employee performs and the employee's working hours.
- 8.4. The examination should cover –
  - 8.4.1. any difficulties the employee may be having in adapting to night-work routines;
  - 8.4.2. any health problems that the employee is manifesting;\*
  - 8.4.3. any psychological, emotional and social stresses experienced by the employee, strategies that may help the employee cope with night work and educational input on the risks of shift work;
  - 8.4.4. insomnia and symptoms of sleep deprivation such as irritability and chronic fatigue;



8.4.5. use of medication, the effectiveness of which depends upon circadian (daily body) rhythms;

8.4.6. diet and use of caffeinated drinks, alcohol, sleeping pills, and cigarettes.

8.5. In certain circumstances, it may be appropriate to advise certain individuals against shift work. These circumstances include where the effectiveness of medication is fundamentally affected by circadian (daily body) rhythms, workers with gastrointestinal or cardiovascular disorders, and epileptics.

8.6. The examination should also include educational input on the health risks that may be associated with the employee's work schedule and as coping strategies that may assist the employee.

8.7. Among the health conditions that should be investigated are mild asthma; non-insulin-dependent diabetes melitis; cardiac risk factors like hypertension, elevated cholesterol; depression; seizures; frequent indigestion; mild irritable bowel syndrome; Crohn's disease; peptic ulcer; weight loss and general nutritional status.

## 9. **WORKING ENVIRONMENT**

9.1. Employers should regularly assess whether the work environment, in particular the lighting and heating, are adequate for the health, safety and physical comfort of employees, particularly night workers.

## 10. **MANAGEMENT SERVICES**

10.1. Employers should provide appropriate management services to employees working outside of ordinary hours. Depending on the nature of the business, some aspects of management services should be available at all times to nightshift employees.

10.2. Services that should be available at night include –

10.2.1. first aid services;

10.2.2. qualified safety supervision;

10.2.3. occupational health services, in particular counselling on nutrition and fatigue related-problems;

10.2.4. emergency services in case of accidents, including transportation to hospitals.



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10.3. Employers who engage employees on night work should ensure that -

10.3.1. there is adequate security for employees at the workplace;

10.3.2. employees are able to obtain safe, affordable transportation between their places of residence and their workplace;

10.3.3. there are adequate eating facilities;

10.3.4. there are adequate rest rooms and change-rooms.

10.4. Administrative services should be sufficient, so that employees working nights do not have to use their off-duty time to have contact with services such as the wages or personnel department. This could be achieved by making these services available at the start or end of shifts by introducing rosters that permit employees working at night to have contact during this time.

10.5. The need for and extent of administrative services will depend on the type of shift patterns. The need will be greatest if employees are working at night for long periods or permanently; there will be less of a need if employees change rapidly from day shift to night shift.

10.6. Employees working at night should not be disadvantaged in having access to education and training.

10.7. Collective bargaining, trade union activities and the activities of participative bodies such as workplace forums or health and safety committees should be arranged so as to allow employees who work at night to participate.

10.8. An agreement to reduce employees' meal intervals to 30 minutes in terms of section 14(5)(a) of the BCEA should not be concluded if it may have the effect of endangering the health and safety of employees.

10.9. Employers must ensure that employees receive adequate rest periods.

10.10. <sup>X</sup> The number and duration of rest pauses during the shift and rotation should be adapted to the workload. Particular attention must be given to the scheduling of rest periods for employees who are engaged in

10.10.1. physically and mentally strenuous work;

10.10.2. work involving manual lifting;

10.10.3. work involving repetitive movement;



10.10.4. monotonous work;

10.10.5. shifts of longer than eight hours.

## 11. COPING STRATEGIES

11.1. Employers should provide appropriate and up-to-date information to employees about coping strategies, both in the workplace and at home. Strategies that will assist employees to cope with shift work and night work include –

11.1.1. maintaining a regular sleeping routine;

11.1.2. taking steps to block out noise and light for employees who have to sleep in the day;

11.1.3. maintaining a healthy diet;

11.1.4. exercise and relaxation.

## GLOSSARY

*Continuous shift work* - the employer operates 24 hours a day, seven days a week, all year round.

*Semi-continuous shift work* - the employer operates 24 hours a day without a daily break, but with a break at the weekend.

*Discontinuous shift work* - the employer operates less than 24 hours a day with at least one daily break. A "two-shift" system is the most common discontinuous shift system.

*Short or part-time shifts* - daily scheduled working hours that are substantially shorter than eight hours.

*Long shifts* - daily scheduled working hours that are substantially longer than eight hours.

*Rotating (or alternating) shifts* - workers alternate between different shifts. There are three key elements to rotation:

- i. *The direction of rotation - rotation can either be forward (clockwise, for instance, morning to afternoon to night) or backward (or counter-clockwise). In forward or advancing shifts, the starting time of one shift in a shift worker's schedule is always later on the 24-hour clock than the previous shift. In a continuous shift system workers will work*



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*a morning shift. In backward or delaying rosters. one shift always begins at an earlier time than the previous shift;*

- ii. *The frequency* - employees may change shifts every week or at shorter or longer intervals;
- iii. *The length of the cycle* - the period required for a complete schedule of rotation, after which the cycle is repeated.
- iv. *Fixed (or permanent) shifts* - employees work permanently on a single shift.