

15 December 2020

To: All Civil Engineering Firms

Practice Note - Night Work Allowance

The BCCEI has received numerous queries regarding the interpretation of the night work clause and specifically the applicability of the night work allowance when employees are required to work after 18:00 or before 06:00 the following day. It has also become apparent that there are different applications of the clause in the industry, which has necessitated this practice note.

Clause 2.11 of Chapter 2 of the Conditions of Employment Collective Agreement which deals with Regulation of Working Time, provides *inter alia* for the following:

“ 2.11 Night Work

2.11.1 An employee performs night work if that employee works between 18:00 and 06:00 on the following day.

2.11.2 An employer may only require or permit an employee to perform night work if so agreed and if

(a) The employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours; and

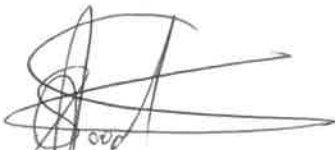
(b) Transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.

....”

It needs to be noted that the night work allowance is payable when an employee is required to work a shift, which has its normal hours after 18:00 or before 06:00 the following day.

The night work allowance is not payable when an employee works extended hours past 18:00 or commences work before 06:00 as part of his/her day shift, and where he/she qualifies for overtime payment.

If an employee works day shift and due to overtime it extends beyond 18:00, then he/she qualifies for overtime only, no night work allowance.



Kevin Moodley
Acting General Secretary