



## employment & labour

Department:  
Employment and Labour  
REPUBLIC OF SOUTH AFRICA

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## **DIRECTIVE: MINISTERIAL DETERMINATION 4: EXPANDED PUBLIC WORKS PROGRAMMES**

### **1. PURPOSE:**

The purpose of this Directive is to give clarity in terms of the overtime, hours of work, annual leave and public holiday in the Expanded Public Works Programmes.

### **2. WHO NEEDS TO READ THIS SECTION?**

Employers and employees in the Expanded Public Works Programmes.

### **3. DIRECTIVE:**

#### **3.1 BACKGROUND**

The amendment to the Ministerial Determination 4: Expanded Public Works Programmes published on the 4th May 2012 under Government Gazette No. 35310 bears reference to this directive.

The Ministerial Determination should be read in conjunction with the Code of Good Practice for employment and conditions of work for Expanded Public Works Programmes published on 18 February 2011 under Government Gazette No. 34032.

The Expanded Public Works Programme is one of government's key programmes aimed at addressing unemployment and poverty by providing income relief through temporary work for the unemployed. EPWP is funded, either fully or partially from public resources to create a public benefit.

EPWP projects employ workers on a temporary or ongoing basis with government, contractors, or other non-governmental organisations under the Ministerial Determination for the EPWP employment conditions.

Section 3 of the Ministerial Determination 4: Expanded Public Works Programmes regulates that some of the provisions regulated by the Basic Conditions of Employment Act such as section 10(2) (overtime rate) do not apply to the Expanded Public Works Programme.

Furthermore, section 4(3) of the Ministerial Determination regulates normal hours of work for the Expanded Public Works Programme and provides that an employer may not set tasks or hours of work that require a worker to work –

- (a) More than forty hours in any week;
- (b) On more than five days in any week; and
- (c) For more than eight hours on any day

By agreement the workers can work four days per week, which would extend the hours of work up to ten hours a day.

Task-rated workers can work up to 55 hours in a week to complete the tasks allocated (based on a 40-hour week) to that worker. A security guard may also work up to 55 hours and up to eleven hours per day.

## **3.2 DISCUSSION**

### **Normal hours of work**

Based on the aforementioned background relating to the provisions of section 3 and section 4(3) of the Ministerial Determination, the Department wishes to clarify that persons under the Expanded Public Works Programme are therefore not allowed to work overtime.

The EPWP is a labour-intensive national initiative that does not make a provision for permanent work, but rather aims at providing temporary work contracts to unemployed people who want to build skills, enter the formal job market and improve their future prospects. Any adjustment to the normal working hours shall therefore only be allowed as far as it complies with the Ministerial Determination.

The Ministerial Determination takes precedence over all the other policies which regulate conditions of employment in the Expanded Public Works Programme.

In instances where the Ministerial Determination is silent on regulation of conditions of employment, the BCEA will apply e.g. annual leave and public holiday, except on the provisions excluded by section 3 of the Ministerial Determination.

### **Annual leave**

The BCEA in terms of section 20(2) provides that an employer must grant an employee at least—

- a) 21 consecutive days' annual leave on full remuneration in respect of each annual leave cycle; or
- b) by agreement, one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid;
- c) by agreement, one hour of annual leave on full remuneration for every 17 hours on which the employee worked or was entitled to be paid.

### **Public holidays**

Section 18(1) provides that an employer may not require an employee to work on a public holiday except in accordance with an agreement. Section 18(2) If a public holiday falls on a day on which an employee would ordinarily work, an employer must pay—

- a) an employee who does not work on the public holiday, at least the wage that the employee would ordinarily have received for work on that day;
- b) an employee who does work on the public holiday—
  - i. at least double the amount referred to in paragraph (a); or
  - ii. if it is greater, the amount referred to in paragraph (a) plus the amount earned by the employee for the time worked on that day.

Regards



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**U. RAMABULANA**

**DIRECTOR: NATIONAL MINIMUM WAGE AND BCEA ADMINISTRATION.**

**DATE: 23/05/2022**