



Overtime

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Under Section 27 of the Employment Act, an employer is required to regulate the working hours of each employee in accordance with the law. However, an employee is entitled to at least one rest day in every period of seven days. Often, the working hours will be agreed upon in the Contract of employment and although the law allows a minimum of 1 rest day, a contract of employment can provide for more rest days within the same period of seven days.

Extra time arises when an employee works for more time than is provided in the employment contract or in the Employment Act. As an employer or employee, it is important to keep in mind the following to ascertain payment for extra hours or in the case of a claim for extra hours.

Have it in writing

The employer should set out the working hours in the contract of employment. This will enable both parties ascertain when the normal working hours end and when extra time begins. You may also agree

of the payment rates for extra time, which may or may not be the same as those for normal working hours

Keep a record

It is advisable for both the employer and employee to keep a record of extra hours worked. Under section 74 (1) e, one of the records to be kept by an employer is the employee's weekly rest days. However, being that he who alleges must prove, it is always the employee who must endeavor to show that he worked extra hours.

Take note of public holidays

Ideally, an employee is not required to work on public holiday. However, the nature of the job may require that an employee works on public holidays, for which that employee will be entitled to extra payment. Payment for working on public holidays is usually double the rate of normal working hours.