

Cobalt Solutions  
For Business Owners



## CHANGING HOURS OF WORK

**Question:** May an employer increase or decrease agreed working hours of its employees?

**Answer:** Agreed working hours may only be increased or decreased by agreement between the parties.

**Brief explanation:** An employer may not unilaterally change agreed terms or conditions of employment. Increasing or decreasing the agreed total number of hours that an employee is required to work, is a change to conditions of employment and has to be negotiated and agreed. To illustrate by means of an example: You have a person who works for you and it has been agreed that s/he only needs to work half-day (e.g. 4 hours), four days a week. One cannot later insist that s/he works a full 45 hours per week for the same pay, simply because the law allows 45 ordinary hours of work per week. One would have to negotiate the change with the employee. During such negotiations the employee's availability, increase in pay, etc. would be discussed. It could be a different matter, however, if the contract of employment makes provision for the unilateral variation of working hours by the employer.

The fact that the parties have to agree to change conditions of employment does not mean that an employer's hands are tied if employees refuse to agree to a change. Where it is operationally justified (e.g. shortage of work), the employer can follow the retrenchment process if employees refuse to agree to a reduction of their working hours. There are also Bargaining Council Agreements that determine that, in certain circumstances and provided that the prescribed procedures are followed, employees may be required to work short time.

Changing certain work practices (rather than conditions of employment), such as starting times and when meal intervals will occur, etc., is another matter – these may be changed after reasonable consultation. Agreement is not required.

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