

## OVERTIME WORK

### **(Definition of overtime - Payment for overtime work performed – Limit of overtime work per month – Non-application of overtime work)**

1. For any overtime work carried out in excess of the normal hours of work, the employee shall be paid at a rate not less than one and half (1½) times his hourly rate of pay irrespective of the basis on which his rate of pay is fixed<sup>1</sup>.

#### Explanatory Note

- (a) In this section "overtime" means the number of hours of work carried out in excess of the normal hours of work per day:

Provided that if any work is carried out after the spread over period of ten hours, the whole period beginning from the time that the said spread over period ends up to the time that the employee ceases work for the day shall be deemed to be overtime<sup>2</sup>.

- (b) For the purposes of this section, section 60, section 60D (3) (a) and section 60I, "normal hours of work" means the number of hours of work as agreed between an employer and an employee in the contract of service to be the usual hours of work per day and such hours of work shall not exceed the limits of hours prescribed in subsection (1)<sup>3</sup>.

2. The limit of overtime work shall be a total of one hundred and four (104) hours in any one month<sup>4</sup>.

No employer shall require or permit an employee to work overtime exceeding such limit as may be prescribed by the Minister from time to time by regulations made under this Act<sup>5</sup>, e.g. Employment (Limitation of Overtime Work) Regulations 1980.

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<sup>1</sup> Section 60A(3)(a) of the Employment Act 1955.

<sup>2</sup> Section 60A(3)(b) of the Employment Act 1955.

<sup>3</sup> Section 60A(3)(c) of the Employment Act 1955.

<sup>4</sup> Section 2 of the Employment (Limitation of Overtime Work) Regulations 1980.

<sup>5</sup> Section 60A(4)(a) of the Employment Act 1955.

3. Except in circumstances described in Section 60(2) (a), (b), (c), (d) and (e), no employer shall require any employee under any circumstances to work for more than twelve hours in any one day<sup>6</sup> (inclusive of overtime work).
4. The above shall not apply to employees engaged in work which by its nature involves long hours of inactive or standby employment<sup>7</sup>.

Watchmen, lift attendants or drivers could fall within this sub-section depending on what their functions are. If the watchman sleeps on his “charpoy” guarding the premises, he would fall within this sub-section. If his duties require him to patrol every hour, he may not come under this definition. In any case, if he does fall within this definition, he could be asked to “work” twelve (12) hours a day without overtime.

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<sup>6</sup> Section 60A(7) of the Employment Act 1955.

<sup>7</sup> Section 60A(8) of the Employment Act 1955.