

## <sup>1</sup>Night work

1. In this section, “night work” means work performed after 18:00 and before 06:00 the next day.
2. An employer may only require or permit an employee to perform night work, if so agreed, and if—
  - (i) the employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours; and
  - (ii) transportation is available between the employee’s place of residence and the workplace at the commencement and conclusion of the employee’s shift.
3. An employer who requires an employee to perform work on a regular basis after 23:00 and before 06:00 the next day must—
  - (i) inform the employee in writing, or orally if the employee is not able to understand a written communication, in a language that the employee understands—
4. of any health and safety hazards associated with the work that the employee is required to perform; and
5.
  - (i) of the employee’s right to undergo a medical examination in terms of paragraph (b);
  - (ii) at the request of the employee, enable the employee to undergo a medical examination, for the account of the employer, concerning those hazards—
  - (iii) before the employee starts, or within a reasonable period of the employee starting, such work; and
  - (iv) at appropriate intervals while the employee continues to perform such work; and
  - (v) transfer the employee to suitable day work within a reasonable time if—
6. the employee suffers from a health condition associated with the performance of night work; and
  - (i) it is practicable for the employer to do so.
7. For the purposes of subsection (3), an employee works on a regular basis if the employee works for a period of longer than one hour after 23:00 and before 06:00 at least five times per month or 50 times per year.
8. The Minister may, after consulting the Commission, make regulations relating to the conduct of medical examinations for employees who perform night work. [Section 90 protects the confidentiality of any medical examination conducted in terms of this Act]

<sup>1</sup> **Basic Conditions of Employment Act** ([https://www.gov.za/sites/default/files/gcis\\_document/201409/a75-97.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a75-97.pdf))