

Supreme Court rules on calculation of overtime pay

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The Supreme Court recently issued a number of decisions setting out how to calculate overtime pay and how employees can prove any overtime owed when required. The Supreme Court's findings, which govern overtime pay, can be summarised as follows:

- Signed payslips can be used as material evidence. This means that where signed payslips document overtime paid, they will constitute proof that payment has been made to an employee, unless the employee can prove forgery. If an employee claims to have worked more time than stated on their payslip, the remaining overtime must be proven with documentary evidence.
- Where an employee has not signed a payslip and overtime payments have been made via bank transfer, the employee must prove that they worked the disputed overtime with documentary evidence.
- In order to prove that they have worked overtime, employees can rely on documentary evidence of their entrance and exit to the workplace. Internal correspondence can be used as evidence in this regard.
- Unless overtime cannot be proven with documentary evidence, the dispute will be finalised using witness evidence. General events which are publicly known can also be considered.
- Unpaid overtime can be investigated by examining the nature and difficulty of an employee's job.
- The Supreme Court has established a practice of discretionary deduction, where disputed overtime is calculated for longer periods of time.

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