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**Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA**

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File : 176/R

TO ALL HEADS OF DEPARTMENT AND PROVINCIAL ADMINISTRATIONS

APPLICATION OF THE 'NO WORK NO PAY' PRINCIPLE: 2010 PUBLIC SERVICE STRIKE

1. Following the DPSA's evenly numbered circular dated 10 September 2010 (a copy is attached for ease of reference), as well as the conclusion of PSCBC Resolution 4 of 2010 the Minister for Public Service and Administration issued a directive in terms of Section 5(6)(b) of the Public Service Act, 1994, as amended, that departments-
 - 1.1. deduct the strike days, if no deductions were made to date, over a period of three months, calculated according to the formula in paragraph 3 of the DPSA's circular dated 26 July 2010 (a copy is attached for ease of reference); and
 - 1.2. deduct the remainder of the strike days, if days were already deducted in September as per the circular of 10 September 2010 over a period of two months, calculated according to the formula in paragraph 3 of the DPSA's circular dated 26 July 2010; and
 - 1.3. in the absence of a mechanism to fairly and equitably deduct strike action amounting to minutes less than an hour, disregard minutes of less than an hour in the calculation of the no work no pay deductions as per the formula provided in the DPSA's circular of 26 July 2010.
2. Further, it was brought to the DPSA's attention that there is uncertainty as to whether deductions related to strike action on a Friday and Monday should also include the Saturday and Sunday as is normally the case in the calculation of unpaid leave. I wish to draw your attention to paragraph 3.2 of the circular dated 10 September 2010, read with clause 2.2 of the addendum to PSCBC Resolution 4 of 2010 which stipulates that deductions will be based on working hours lost. Therefore, if an employee was not scheduled for a shift or required to ordinarily work on a Saturday and/or Sunday, no deductions can be made in respect of these days as no working hours were lost over these days as meant in the collective agreement and circular.


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Staatsdiens en Administrasie . Ditirelo tsa Puso le Tsamaiso . Ditshebeliso tsa Mmuso le Tsamaiso . uMnyango wemiSebenzi kaHulumeni nokuPhata

Muhasho wa Tshumelo ya Muvuso na Vhulanguli . Kgoro ya Ditirelo tsa Mmuso . Ndzawulo ya Vutirela-Mfumo na Valawuri

LiTiko le Tebasebenti baHulumende nekuPhatsa . ISebe leNkonzo kaRhulumente noLawulo . UmNyango wemiSebenzi kaRhulumente nokuPhata

3. In respect to the orderly return to the workplace as contemplated in clause 1 of the addendum to PSCBC Res 4 of 2010 it should be noted that clause 1.1 is no longer relevant since employees already returned to the workplace following the suspension of the strike. However, as part of the implementation of the collective agreement I wish to remind departments of clauses 1.2 and 1.3 of the addendum to PSCBC Resolution 4 of 2010, which stipulates that-
 - 3.1. Employees who participated in the strike and committed any misconduct during the strike will be subjected to the applicable disciplinary procedure and any sanction may apply excluding the sanction of dismissal. For this purpose such misconduct will exclude participation in the strike by essential services employees; and
 - 3.2. The employees feeling aggrieved may pursue remedies available to them under the applicable prescripts.


ACTING DIRECTOR-GENERAL
DATE: 23/12/2010