



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

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Enquiry : Koos Shabangu
Telephone : (012) 336 1274
File : 21/1/R/1-12

TO: ALL HEADS OF DEPARTMENTS

NOTICE OF INTENDED PROTEST ACTION BY COSATU

1. Following a request to Nedlac regarding the reported protest action called by Cosatu to protest against the proposed implementation of the Gauteng tolling system, it was confirmed that the intended protest action complies with section 77 of the Labour Relations Act, 1995, (LRA). The action therefore is protected in terms of LRA.
2. Cosatu indicated that the action will start on 07 March 2012.
3. The principle of "no work, no pay **must** be applied strictly by departments. The principle applies for absence of a full day as well as part of a working day. The following calculation rates should be applied:
 - (a) **Employees paid on an hourly basis:**
 - Pay to be deducted for hours not worked.
 - (b) **Permanent employees and employees paid on a 6/8 basis:**
 - Daily rate: Annual notch (e.g. annual basic salary) divided by 365 and rounded off to the nearest cent.
 - Hourly rate: Daily rate divided by 8 and rounded of to the nearest cent.
4. All deductions made in lieu of the protest action must be captured on PERSAL Function 4.5.4 category 3 code 083 only.

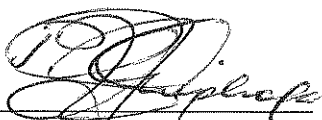
5. Departments who do not effect the deductions will expose themselves to the provisions of the *Public Finance Management Act, 1999* in respect of fruitless and irregular expenditure. The “no work no pay” principle must be strictly and timeously enforced. In other words deductions must be effected in the month of the strike action (if possible) but not later than the next month.
6. **Essential Service workers** are not allowed to participate in the strike action during their working hours. If they do participate, it will constitute an act of misconduct and they must be subjected to disciplinary measures.
7. No leave should be granted for purposes of protest action. Leave should only be granted under the leave regulations, i.e. for leave purposes in terms of the regulations and not for strike action.
8. It is important, not only for purposes of your department, but also to gain a national perspective, that information on the protest action become available at the earliest opportunity and that a comprehensive assessment is made when more accurate information is available. In this regard it would be appreciated if you could submit to the DPSA-
 - (a) a broad assessment of the number of employees who attended, and the impact thereof on the activities of the department, by 10:00 on the day of the protest action.
 - (b) a reassessment of the above information by 15:00 on the same day; and
 - (c) accurate information within three (3) days of the protest action.
9. The following e-mail address or fax number should be used to forward the information to the DPSA:

DorothyR@dpsa.gov.za

Fax No. (012) 3361816

- 10 For purposes of the information referred to in paragraph 8 (c) above, please use the format as per the attached Annexure B.
 - (a) Annexure A provides for capturing of the number employees involved in the protest action, the number of person day lost and the amount deducted in terms of the “no work no pay” principle.
 - (b) Annexure B provides for capturing of data on leave taken during this period.

11. It will be appreciated if you can ensure that your department puts the necessary processes, procedures and contingency strike management plans in place to effectively deal with this strike action and to generate the required information.



Mr M Diphofa

DIRECTOR - GENERAL

DATE: 06/03/2012