



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

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Inquiry : KM Shabangu
Telephone: (012) 336 1274
File : 21/2/4

TO: ALL HEADS OF DEPARTMENTS

COSATU SECTION 77 (1) (B) PROTEST ACTION ON STATE CAPTURE AND CORRUPTION

1. NEDLAC on 22 August 2017 issued a certificate in terms of Section 77 (1) (b) of the Labour Relations Act 66 of 1995, in respect of the notice by the Congress of South Africa Trade Unions (COSATU) on 17 July 2017. The protest action is protected in terms of Section 77 of the Labour Relations Act and NEDLAC Certificate issued in respect of COSATU on state capture and corruption.
2. The principle of "no work, no pay" must be strictly applied by departments. The principle should apply 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 rate not worked:
 - 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 to the nearest cent.
3. All deductions made in lieu of the protest action must be captured on PERSAL Function 4.5.4 category 3 code 083 only.
4. 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 protest action (if possible) but not later than the next month.

5. Essential Service workers are not allowed to participate in the protest action during their working hours. If they do participate, it will constitute an act of misconduct and they must be subjected to disciplinary measures.
6. 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 protest action.
7. It is important, not only for purpose of your department, but also for national purposes, 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 on protest action for the duration of the protest, 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 strike action.
8. Departments are requested to forward the information to Ms. Dorothy Ngqolombe on email DorothyR@dpsa.gov.za or fax no: (012)3361816 or 0866139082
9. For the purpose of the information referred to in paragraph 7(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 strike action the number of person day lost and 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.
10. Please ensure that your department puts in place the necessary processes, procedures and contingency strike management plans to effectively deal with the protest action and to generate the required information.


DIRECTOR GENERAL
DATE: 26/09/2017

INFORMATION ON INDUSTRIAL ACTION

NB: PLEASE COMPLETE THIS FORM FOR EACH DAY OF THE INDUSTRIAL ACTION

(a) Department: _____

(b) Date _____ of _____ industrial _____ action:

(c) Number of employees involved in industrial action (those with regard to whom "no work, no pay" is being applied): _____

(d) Total number of person days lost on day of industrial action (every eight hours to count as full day): _____ (e.g. 300 persons x 1 day = 300 days)

(e) Amount deducted in terms of the "no work, no pay" principle for day of the industrial action (i.e. in respect of all employees involved in the industrial action collectively): _____

I hereby certify that to my knowledge the information provided above is accurate.

HEAD OF DEPARTMENT

DATE

**PLEASE RETURN TO DIRECTORATE: LABOUR RELATIONS,
DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**

ANNEXURE B

INFORMATION ON THE APPLICATION OF LEAVE PROVISIONS IN THE PUBLIC SERVICE DURING THE INDUSTRIAL ACTION

Department:**Date of Industrial Action:**

NUMBER OF EMPLOYEES ON INDUSTRIAL ACTION	NUMBER OF EMPLOYEES ON ANNUAL LEAVE	NUMBER OF EMPLOYEES ON SICK LEAVE

If you are unable to furnish the above information, please provide a written explanation:

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I certify that the information supplied, is to the best of my knowledge, correct.

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DESIGNATED OFFICER