



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

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TO: ALL NATIONAL AND PROVINCIAL HEADS OF DEPARTMENTS

CIRCULAR NUMBER: 58 OF 2022: SECTION 77 PROTEST ACTION: A NATIONAL STAY-AWAY OR SOCIO-ECONOMIC STRIKE FROM 18:00 ON 01 DECEMBER 2022 TO 23H59 ON 02 DECEMBER 2022

1. COSATU and SAFTU have served NEDLAC with notices to embark on socio economic protest actions. According to their respective notices, the protest actions, amongst others, involve a **National Stay-Away or Socio-Economic Strikes** from 18:00 on 01 December 2022 to 23h59 on 02 December 2022.
2. The protest actions are protected in terms of Section 77 of the Labour Relations Act, 66 of 1995, as amended.
3. Since these are Section 77 protest actions from the mentioned federations, workers in all sectors of the economy, including the public service are allowed to participate in the strikes/protest actions. Essential Service workers are, however not allowed to participate in the strikes/ protest actions during their working hours. If they do participate, their participation will constitute misconduct.
4. Departments must apply the principle of “No Work, No Pay”. The principle should apply for absence of a full day as well as part of a working day.
5. Departments who do not effect the deductions will be in violation of the Public Finance Management Act, 1999. The “No Work, No Pay” must be effected in the Month of the protest action/strike if possible, but not later than the next month after the protest action.
6. No leave should be granted for purposes of participation in strikes/protest actions. 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. In relation to reporting on the strike action, Departments are requested to provide the DPSA with the following information:

- (a) The number of employees participating in the 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) An update of the above information by 15:00 on the same day; and
 - (c) A comprehensive report within three (3) days of the strike action.
8. Please use the following e-mail address to forward the requested information to the DPSA:
lungi@dpsa.gov.za and Ntsako.Mathe@dpsa.gov.za.
 9. For information requested in paragraphs 7(a-b) above, please use **Annexure A** and **Annexure B** for the information requested in paragraph 7 (c)
 10. Departments are hereby requested to put in place the necessary contingency measures to effectively deal with the planned strikes/protest actions and report, as requested.

Kind regards



MS YOLISWA MAKHASI

DIRECTOR-GENERAL

DATE: 23/11/2022