



Enquiries: Modise Letsatsi

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File: 21/2/4

TO ALL HEADS OF DEPARTMENTS

CIRCULAR NO. 51 OF 2022: PSA SECTION 64 (1) (d) OF THE LABOUR RELATIONS ACT NOTICE TO STRIKE: PSCBC 2022/23 WAGE NEGOTIATIONS.

1. The DPSA received a notice to strike, dated 24 October 2022, in terms of Section 64 (1) (d) of the Labour Relations Act 66 of 1995, as amended, from the Public Servants Association of South Africa (PSA). The PSA declared a dispute with the employer which was conciliated on 03 August 2022, it remained unresolved and a certificate to that effect was issued on 19 August 2022.
2. The strike action will commence at 00:01 on 03 November 2022, and will proceed indefinitely.
3. Members of the PSA have a right to take part in the strike action, to the exclusion of those members rendering an essential or a maintenance service, whose disputes may be dealt with through compulsory arbitration in terms of section 74(2) (5) of the Act. Participation of those members rendering an essential or a maintenance service in the strike will constitute misconduct. These employees rendering essential or maintenance services may also not participate in any picketing during working hours.
4. The principle of "no work, no pay" must be strictly applied by departments. The principle should apply to the absence of a full day as well as part of a working day. The following calculation rates should also be applied:
 - 4.1. Employees paid hourly.
 - a) Pay to be deducted for hours not worked.
 - 4.2. Permanent employees and employees paid on a 6/8 basis;
 - a) Daily rate: Annual notch (e.g. annual basic salary) divided by 365 and rounded off to the nearest cent.
 - b) Hourly rate: Daily rate divided by 8 and rounded off to the nearest cent.

5. All deductions made in lieu of the strike action must be captured on PERSAL Function 4.5.4 category 3 code 083 only.
6. Departments that do not effect the deductions will be in violation of the provisions of the Public Finance Management Act 1 of 1999, as amended, 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.
7. Leave should strictly be managed during the strike action and no leave should be granted unless under extreme and compelling situations. Leave should only be granted under the leave regulations and not for the purpose of taking part in strike action.
8. It is important that information on the strike action becomes available at the earliest opportunity and a comprehensive assessment is made when more accurate information is available. In this regard, it would be appreciated if you could submit such information to the DPSA as follows:
 - 8.1. A broad assessment of the number of employees on strike on daily basis, and the impact thereof on the activities of the department, by 10:00 am;
 - 8.2. A re-assessment of the above information by 15:00 pm on the same day; and
 - 8.3. Accurate information within three (3) days after the end of the strike.
9. Departments are hereby requested to submit the above-mentioned information to Ms Lungile Ngqoyi-Khumalo at email: Lungi@dpsa.gov.za using the attached Templates marked as **ANNEXURE A AND B**.
10. Departments are hereby advised to put the necessary processes, procedures, and contingency strike management plans to effectively deal with the strike action and to generate the required information.

Kind regards,



MS YOLISWA MAKHASI

DIRECTOR GENERAL

DATE: 01/11/2022