



**DEPARTMENT: PUBLIC SERVICE AND ADMINISTRATION
REPUBLIC OF SOUTH AFRICA**

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11/09/200

**TO ALL HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND
ORGANISATIONAL COMPONENTS**

COMPENSATION FOR CASUAL EMPLOYEES FOR PUBLIC HOLIDAYS

As you are aware, the Basic Conditions of Employment Act, 1997 (BCEA) applies with effect from 1 June 2000 in the Public Service.

2. Chapter two of the BCEA regulates the provisions with regard to working time. In terms of section 6 of that Act, chapter two of the Act, with the exception of sec 7, does not apply to-
 - 2.1 senior managerial employees, as contemplated in the definition of the BCEA;
 - 2.2. employees engaged as sales staff who travel to the premises of customers and who determine their own hours of work;
 - 2.3. employees who work less than 24 hours in a month for an employer;

work which is required to be done without delay owing to circumstances for which the employer could not reasonably have been expected to make provision and which cannot be performed by employees during their ordinary hours of work; and

Categories of employees earning in excess of the threshold determined by the Minister of labour, i.e. R 89 455.

3. Sec 18 (2) of the said Act stipulates *inter alia* that if a Public Holiday falls on a day on which an employee would ordinarily work, an employer must pay an employee who does not work on the Public Holiday, at least the wage that the employee would ordinarily have received for work on that day. Generally in the Public Service, employees enjoy a paid public holiday. However, it came to our attention that casual employees, employed, usually on an hourly or daily basis, do not enjoy a paid public holiday. We have been advised by the Department of Labour that employees appointed on an hourly/daily basis, such as our casual employees, are in terms of section 18 of the BCEA, entitled to paid time off in respect of public holidays and if required to work on such a public holiday, they should receive double pay.
4. The Minister for the Public Service and Administration consequently made a determination in terms of sec. 3 (3) (c) of the Public Service Act, 1994, as amended, that casual employees be paid for time off in respect of public holidays that falls on a day on which such a casual employee would ordinarily work, and that such payment be based on their average pay for the week in which the relevant public holiday falls.
5. Casual employees will be entitled to pay in respect of all future public holidays with effect from 1 September 2001.
6. Treasury approval under reference number SM 30/5 dated 11 September 2001 was obtained for the expenditure. The relevant expenditure must be accommodated within Department's existing budgetary allocations.


DIRECTOR-GENERAL