



**the dpsa**

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Public Service and Administration  
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**TO: ALL HEADS OF DEPARTMENTS**

**CORRECT APPLICATION OF SECTION 13 OF THE LABOUR RELATIONS ACT,  
NO. 66 OF 1995 AS AMENDED**

On 10 December 2015, the Health and Other Service Personnel Trade Union of South Africa (HOSPERSA) wrote to the General Secretary of the PSCBC. In its letter, HOSPERSA lays a complaint regarding the incorrect cancellation of membership by a number of public service departments – which conduct is contrary to the provisions of section 13 of the Labour Relations Act, no. 66 1995 as amended (LRA).

Section 13 of the LRA states that:

- (1) Any *employee* who is a member of a representative *trade union* may authorise the employer in writing to deduct subscriptions or levies payable to that *trade union* from the *employee's* wages.
- (2) An employer who receives an authorisation in terms of subsection (1) must begin making the authorised deduction as soon as possible and must remit the amount deducted to the representative *trade union* by not later than the 15<sup>th</sup> day of the month first following the date each deduction was made.
- (3) An *employee* may revoke an authorisation given in terms of subsection (1) by giving the employer and the representative *trade union* one month's written notice or, of the *employee* works in the *public service*, three months' written notice.
- (4) An employer who receives a notice in terms of subsection (3) must continue to make the authorised deduction until the notice period has expired and then must stop making the deduction.
- (5) With each monthly remittance, the employer must give the representative *trade union*-
  - (a) A list of the name of every member from whose wages the employer has made the deductions that are included in the remittance;
  - (b) Details of the amounts deducted and remitted and the period to which the deductions relate; and
  - (c) A copy of every notice of revocation in terms of subsection (3).

All Heads of Departments are therefore urged to ensure the correct implementation of the abovementioned provision.

I rely on your cooperation to ensure that the State as Employer abides by all legislative requirements with which it is required to comply.

Should you require further clarity, your departments may liaise with Mr. Koos Shabangu via email at [Koos@dpsa.gov.za](mailto:Koos@dpsa.gov.za) or telephonically on 012 336 1274.

Yours sincerely



**Mr. Mashwahle Diphofa**  
**Director-General**

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