



**the dpsa**

**Department:  
Public Service and Administration  
REPUBLIC OF SOUTH AFRICA**

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File : /2020

## TO ALL HEADS OF DEPARTMENTS

### NEHAWU LUNCH TIME DEMONSTRATIONS

1. The DPSA has received a letter from the National office of NEHAWU indicating their intention to embark on lunch time demonstrations in the public service from 24/08/2020 to 27/08/2020.
2. Section 17 of the Constitution of the Republic of South Africa, 1996 recognises the right, peacefully and unarmed, to assemble to demonstrate, to picket and to present petitions.
3. Section 69 of the Labour Relations Act 66 of 1995 (LRA) seeks to give effect to the right to picket in support of a protected strike or in opposition of any lockout. Section 69 of the LRA requires that a picket must comply with the following:
  - (a) The picket must be authorised by a registered trade union;
  - (b) Only members and supporters of the trade union may participate in the picket,
  - (c) The purpose of the picket must be to peacefully demonstrate in support of any protected strike or opposition to a lockout;
  - (d) The picket may only be held in a public place outside the premises of the employer or, with the permission of the employer, inside its premises.
4. The intended lunch time demonstrations by NEHAWU do not comply with the elements outlined above and are therefore not protected under the LRA. A gathering for any other purposes must comply with all other relevant laws, including the municipal bylaws and the Regulations issued in terms of the Disaster Management Act, 2002.

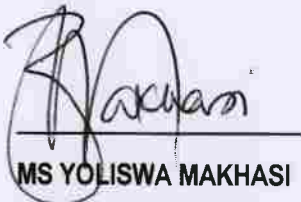
Staatsdiens en Administrasie . Ditirelo tsa Puso le Tsamaiso . Ditshebeltso tsa Mmuso le Tsamaiso . uMnyango wemiSebenzi kaHulumeni nokuPhata

Muhasho wa Tshumelo ya Muvuso na Vhulanguli . Kgoro ya Ditirelo tša Mmušo . Ndzawulo ya Vutirela-Mfumo na Valawuri

LiTiko le Tebasebenti baHulumende nekuPhatsa . ISebe leNkonzo kaRhulumente noLawulo . UmNyango wemiSebenzi kaRhumende nokuPhata

5. In the circumstances, it is recommended that departments be advised as follows:
  - (a) No demonstrations should be allowed on the premises of departments;
  - (b) Measures must be put in place to protect state property and members of the public seeking access to facilities;
  - (c) These demonstrations must not interfere with the operations of the departments; and
  - (d) Employees may not participate in these demonstrations during working hours and any contravention must be dealt with in terms of the disciplinary processes.
  
6. It will be appreciated if you will ensure that your department puts the necessary processes, procedures and contingency management plans in place. Should a department require further clarity please contact :  
Ms. Pumla Nonxuba: [Pumla@dpsa.gov.za](mailto:Pumla@dpsa.gov.za)
  
7. Departments are requested to report any instances impacting negatively on service delivery as a result of employees participating in this unprotected demonstration through the email provided above.

Kind regards



MS YOLISWA MAKHASI

DIRECTOR-GENERAL

DATE

21/08/2020