



**the dpsa**

Department:  
Public Service and Administration  
REPUBLIC OF SOUTH AFRICA

Private Bag X916, Pretoria ,0001.Tel: (012) 336 1000 Fax: (012) 336  
1810Private Bag X9148, Cape Town .Tel (021)467 5120 Fax: (021)465 5484

Enquiries: M Letsatsi

Telephone (012) 336 1274

Circular Number: 41/2020

**TO: ALL HEADS OF DEPARTMENTS**

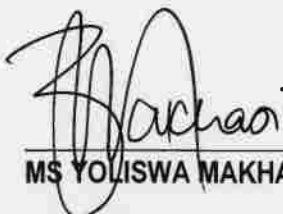
**SECTION 77 PROTEST ACTION: A NATIONAL STAY-AWAY OR SOCIO-ECONOMIC STRIKE ON WEDNESDAY 07 OCTOBER 2020.**

1. The Congress of South African Trade Unions has served NEDLAC with a notice to embark on a socio economic protest action on 7 October 2020. According to the notice, the protest action will amongst others involve a ***national stay-away or socio-economic strike on Wednesday 07 October 2020.***
2. The protest action is protected in terms of Section 77 of the Labour Relations Act.
3. Since this is a section 77 protest action, workers in all sectors of the economy, including the public service are allowed to participate in the strike. Essential Service workers are, however not allowed to participate in the protest action during their working hours. If they do participate, their participation will constitute an act of misconduct.
4. The principle of "no work, no pay" must be applied by departments. The principle should apply for absence of a full day as well as part of a working day. The following calculation rates should be applied:
  - (a) Employees paid hourly: Pay to be deducted for hours not worked.
  - (b) Permanent employees and employees paid on a 6/8 basis:
    1. Daily rate: Annual notch (e.g. annual basic salary) divided by 365 and rounded off to the nearest cent.
    2. Hourly rate: Daily rate divided by 8 and rounded off to the nearest cent.
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 if possible, but not later than the next month after the protest action.

6. No leave should be granted for purposes of protest action. 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:

[Pumla@dpsa.gov.za](mailto:Pumla@dpsa.gov.za)
9. For information requested in paragraphs 7(a-b) above, please use Annexure A and Annexure B for information requested in paragraph 7 (c)
10. It will be appreciated if departments can put in place the necessary processes, procedures and contingency strike management plans to effectively deal with the protest action and report as requested.

Kind regards



**MS YOLISWA MAKHASI**

**DIRECTOR-GENERAL**

DATE: 06/10/2020

**INFORMATION ON STRIKE ACTION**

**NB: PLEASE COMPLETE THIS FORM FOR EACH DAY OF THE STRIKE ACTION**

- (a) Department: \_\_\_\_\_
- (b) Date of strike action: \_\_\_\_\_
- (c) Number of employees involved in strike action (those with regard to whom "no work, no pay" is being applied): \_\_\_\_\_
- (d) Total number of person days lost on day of strike action (every eight hours to count as full day):  
\_\_\_\_\_ (e.g. 300 persons x 1 day = 300 days)
- (e) Amount deducted in terms of the "no work, no pay" principle for day of the strike action (i.e. in respect of all employees involved in the strike action collectively):  
\_\_\_\_\_

I hereby certify that to my knowledge the information provided above is accurate.

\_\_\_\_\_  
**HEAD OF DEPARTMENT**

\_\_\_\_\_  
**DATE**

**PLEASE RETURN TO DIRECTORATE: LABOUR RELATIONS,  
DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**

ANNEXURE B

INFORMATION ON THE APPLICATION OF LEAVE PROVISIONS IN THE PUBLIC SERVICE DURING THE STRIKE ACTION

Department: ..... Date of Strike Action: .....

NUMBER OF EMPLOYEES ON STRIKE	NUMBER OF EMPLOYEES ON ANNUAL LEAVE	NUMBER OF EMPLOYEES ON SICK LEAVE

If you are unable to furnish the above information, please provide a written explanation:

.....

I certify that the information supplied, is to the best of my knowledge, correct.

.....

DESIGNATED OFFICER