



To: Deputy Director Generals, Chief Directors and Directors at Head Office
Directors at District Offices
District and Head Office staff members
Principals and staff members of all Public Ordinary as well as Special
Schools
Members of School Governing Bodies
Organised Labour

From: Edward Mosuwe
Head of Department

Date: 11 May 2017

Subject: MANAGEMENT OF ATTENDANCE DURING COMMUNITY PROTEST
ACTION

1. INTRODUCTION

- 1.1. Employees are from time to time affected by activities which are arranged within the communities where they reside, resulting in their inability to report for duty.
- 1.2. This document serves to provide a framework within which attendance of employees who are affected by community protest action is managed.
- 1.3. In order to manage possible absence of employees during community protest action, managers and Head of Institution are hereby provided with tools to equip them to perform the required functions during said period.

2. PURPOSE

- 2.1. To set out the management and administration procedures to be followed by managers/Head of Institutions during any community protest action.
- 2.2. To indicate the specific responsibilities and authorities of managers/Heads of Institutions during any community protest action.

3. LEGAL FRAME WORK

- 3.1. The constitution of the Republic of South Africa (Act no. 108 of 1996), as amended.
- 3.2. Labour Relations Act (Act no. 66 of 1995), as amended.
- 3.3. Public Service Act (Act no. 103 of 1994), as amended.
- 3.4. Public Service Regulation, 2001, as amended.
- 3.5. Employment of Educators Act (Act no. 76 of 1998), as amended.

4. DEFINITIONS

4.1. MANAGERS/SUPERVISOR

Any person (supervisor, unit head, etc.) whose function and responsibility to monitor performance and/or discipline within a workstation, unit or section. This includes public school principals; office based educators as well as head of offices, districts directorates and units.

4.2. COMMUNITY PROTEST ACTION

A community protest action (also called remonstrance, remonstrance or demonstration) is an expression of bearing witness on behalf of express cause/actions with regards to particular events, policies or situations.

Protest could be in a form of mass demonstrations.

Protest action are usually organized as a way of publicly making opinions heard in attempt to influence public opinion or government policy.

5. RELEVANT PRINCIPLES

- 5.1. This memo must be read in conjunction with all the relevant legislative measures and policy documents referred to above.

5.2 Although various forms of community protest actions may be legal or otherwise, participation in such activities by the GDE employees would still require that the *principle of "no work, no pay" be applicable and enforced by the Department in accordance with Section 67(3) of the Labour Relations Act, as amended.*

5.3 Employees who allege that their inability to report for duty during a community protest action was unavoidable due to circumstances beyond their control and thus requiring that the principle of *"no work, no pay" principle should not apply in accordance of Section 67(3) of the Labour Relations Act as amended;* will have to submit to the employer an affidavit stating reasons for their absence and circumstances beyond their control that led to their absence.

5.4 No leave (*annual, vacation or special leave, including "time-off for union activities"*) may be granted to any employee for the purpose of participating in any form of community protest action. Only authorised leave granted prior to the commencement of the community protest action may be utilised to justify absences on those days that the action occurred.

5.5 All managers are requested to bring this Internal Memo to the attention of all employees.



MR EDWARD MOSUWE

HEAD OF DEPARTMENT

DATE: 25/5/2007