

COLLECTIVE BARGAINING

Steve Voile Shweta Complex • Zone 6 • Zwelitsha • Eastern Cape
Private Bag X0032 • Bisho • 5605 • REPUBLIC OF SOUTH AFRICA
Tel: +27 (0)40 608 4245 • Fax: +27 (0)40 6084313 • Website: www.ecdoe.gov.za

Enquiries: Mr. S Manzi Email address: sikhumbuzo.manzi@ecdoe.gov.za

CIRCULAR No 4. of 2023

TO: DEPUTY- DIRECTORS GENERAL

CHIEF DIRECTORS

ALL DIRECTORS

ALL EMPLOYEES OF ECDOE

ALL NEHAWU MEMBERS

LABOUR UNIONS

FROM: ACTING HEAD OF DEPARTMENT

SUBJECT: IMPLEMENTATION OF THE ‘NO WORK, NO PAY’ PRINCIPLE

1. PURPOSE

This Circular seeks to provide guidelines on how to implement the “no work, no pay” principle with regard to NEHAWU industrial action that took place from 06/03/2023 to 14/03/2023.

2. BACKGROUND

2.1 NEHAWU members enjoyed their constitutional right to strike as given effect to by the Labour Relations Act.

2.2 Accordingly, the union participated in the protected strike action effective 06 March 2023 to 14 March 2023.

2.3 The union embarked on the strike action as per unresolved dispute emanating from 2022-2023 salary negotiations in the PSCBC.

2.4 The parties to the dispute reached consensus and concluded the *Settlement Agreement* dated 14 March 2023.

2.5 In the *Settlement Agreement* the parties agreed to a number of matters that include but not limited to the following:

2.5.1 The employer will implement “**no work, no pay**” principle in cases where clear evidence existed that a member willingly participated in the protected strike action.

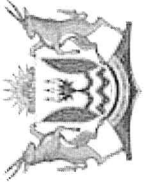
2.5.2 Deductions in respect of “no work, no pay” as a practice shall be made for employees in essential and non-essential services as follows:

- Deductions shall be staggered over a period of four months.
- The employer will not subject any employee to disciplinary action for participating in the protected strike action.
- Where the employer decides to discipline individuals for any alleged misconduct the principles of progressive discipline, transparency and fair representation shall apply.

3. DEDUCTIONS OF “NO WORK, NO PAY” IN THE EASTERN CAPE DEPARTMENT OF EDUCATION.

In terms of the of the *Settlement Agreement* outlined above, the “no work, no pay” principle will be implemented as follows:

- The deduction will be implemented to all NEHAWU members who were on strike during the period referred to.
- The period shall exclude the 13 March 2023 and 14 March 2023 as the department advised managers and all employees to work from home.
- The “no work, no pay principle” will be implemented over a period of 04 months effective from April 2023 up to including July 2023.



- All NEHAWU members who were not on strike but with approved leave prior the strike action will have to present such evidence to their local employee relations offices for the attention of the CES- Employee Relations i.e., Districts / CMC to submit at district office whilst Head Office and Clusters will submit to the office of the Director Collective Bargaining.
- The Chief Director / Director will have to present evidence should there be NEHAWU members who claim to have worked during the strike action. Accompanying such evidence should be an affidavit from the local police signed by the Director / Chief Director confirming the evidence
- All relevant managers in the Human Resource (HR) and Finance sections must, upon receipt of the verified data from Employee Relations offices, implement the “no work, no pay” practice within agreed upon principles by the employer and unions in *Settlement Agreement*.
- HR and Finance officials will get the technical guidance from the National Treasury document with subject “**Implementation of leave without pay on Persal**” dated 17 March 2023.

M. QWASE
(ACTING HEAD OF DEPARTMENT)

30March2023
DATE