

**MEDIA RELEASE**                      **Forced leave on public holidays: Labour Appeal Court rejects appeal application by Department of Correctional Services**

**DATE**                                      17 May 2024

**EMBARGO**                                None

**ENQUIRIES**                              communication@psa.co.za

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The Public Servants Association's (PSA) opposition of the Department of Correctional Services (DCS) practice of forcing employees performing administrative duties to apply for leave on public holidays, has resulted in a favourable outcome for these employees.

The DCS lost the case at arbitration but opted to pursue it with a review application at the Labour Court. The DCS also failed with the Labour Court review application in March 2023 when the Labour Court ruled that employees employed in the administrative sections do not have to apply for leave on public holidays. The DCS, despite having lost the case with cost against it, decided to pursue it further with a leave to appeal application.

The Labour Court rejected this leave to appeal application as the DCS had filed its application outside the prescribed period for the application, without any condonation application. This application was also rejected with cost against the DCS.

As a result, employees working in the administrative sections of the DCS will no longer have to apply for leave on public holidays. Leave records of employees who were forced to apply for such leave must also be corrected. The PSA will monitor the implementation of the arbitration award and Labour Court orders. Failure by the DCS to comply will result in the PSA requesting its legal team to approach the Court for a contempt of court order.

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