



File no.: 3/3/1/1/4  
Reference: 20240320-2681

Circular: 0011/2024  
Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors, Deputy Directors, Chief Education Specialists, Circuit Managers, Heads: ISLES Coordination and Advice, Head Office and District Office Officials, Principals, Educators, Education Support Staff, and Recognised Employee Parties

Short summary: *Involvement of Western Cape Education Department (WCED) employees in the national and provincial elections as candidates, including independent candidates, or in service of the Independent Electoral Commission (IEC).*

**Subject: Involvement of WCED employees in the national and provincial elections scheduled for Wednesday, 29 May 2024**

1. The WCED recognises the right of its employees, appointed in terms of the Employment of Educators Act, 1998 (Act 76 of 1998) and the Public Service Act, 1994, to pursue political careers and to stand for election in terms of the Electoral Act, 1998 (Act 73 of 1998), as amended, or to assist the IEC in managing and administering the elections processes. This, however, must be balanced against the WCED's commitment towards ensuring learners' right to a secure and stable learning environment in terms of our country's constitution.
2. The IEC often makes use of assistance from public service employees as voting or counting officers. This constitutes performance of remunerated work outside the public service (RWOPS).
3. Line managers and principals are requested to consider the operational requirements of their offices or institutions before recommending or approving the leave of employees to participate in IEC training and perform duties at voting stations. All WCED employees who wish to assist the IEC during the upcoming national and provincial elections must apply for permission to perform RWOPS by no later than **16 April 2024** and submit their

applications to their district director or director at Head Office. The RWOPS form accompanying this circular must be used for the purpose. Applicants will be informed by

no later than **30 April 2024** whether their applications for RWOPS have been successful or not. Only employees whose applications for RWOPS are approved, will be eligible to assist the IEC during the national and provincial elections.

4. It is essential to ensure that employees who want to participate in the national and provincial elections do not contravene the Code of Conduct, Part 1 of Chapter 2 of the *Public Service Regulations (PSR)*, published in *Government Gazette* No. 40167 of 29 July 2016.

5. With South Africa's seventh democratic elections on 29 May 2024 in mind, it is necessary to remind employees of measures contained in Regulation 15 of the PSR, regulating employees who wish to stand as candidates during elections. The following applies, as stated in the PSR:

(1) *An employee who is issued with a certificate in terms of section 31 (3) of the Electoral Act, 1998 (Act 73 of 1998), stating that he or she is a candidate in an election, shall, not later than the next working day, inform his or her head of department in writing thereof and submit a copy of the certificate.*

(2) *The employee shall be deemed to be on annual leave from the date following the date the certificate is so issued until, if he or she is—*

(a) *elected and accepts election, the date immediately before the date he or she assumes office;*

(b) *elected, but declines election, the date that he or she declines election; or*

(c) *not elected, the date of the designation of representatives in terms of item 16 to Schedule 1A to the Electoral Act, 1998.*

(3) *If the employee has insufficient annual leave, he or she shall be deemed to be on unpaid leave for the period in question.*

6. Based on the outcome of the elections:

6.1 An employee who is selected and accepts election shall resign from the WCED immediately before the date he or she assumes office;

6.2 The leave of an employee who is elected but declines election shall lapse on the date that the employee declines election. Such an employee should go back to work on the workday after declining election;

- 6.3 Should an employee's bid to be elected not be successful, his or her leave shall lapse on the date after the election.
  
7. Line managers and principals are requested to ensure that the contents of this circular are brought to the attention of all staff.

**SIGNED:** L ELY

**ACTING HEAD: EDUCATION**

**DATE:** 2024-04-03