

PSA member alert: Resignation notice periods

The PSA wishes to draw members' urgent attention to recent developments regarding resignations in the Public Service. The PSA has observed that some employers are processing resignations **tendered with less than the mandatory one-month notice period** as "termination by operation of law", and incorrectly recording these as abscondment under section 17(2) of the *Public Service Act, 1994*.

Why this matters

- **Resignation is a unilateral act:** Once an employee communicates the resignation clearly, the employment relationship ends. It does not require employer approval BUT,
- **Notice periods are mandatory:** In terms of the *Public Service Regulations, 2016* and the *Basic Conditions of Employment Act (BCEA)*, employees must give at least one month's written notice if employed for more than a year.
- **Short notice is a breach of contract:** Giving less than the required notice is a contractual breach. The employer's remedy lies in contractual enforcement (for example - damages), not in misclassifying the resignation.
- **Abscondments are different:** Section 17(2) applies only when an employee is absent without permission for more than one month. A resignation letter is not abscondment.

Consequences of short notice

Employers have begun **mischaracterising resignations with short notice as abscondment**, which:

- Misstates the true cause of termination.
- May negatively affect the **employment record and reputation**.
- Could complicate future job applications in the Public Service.

PSA's position

The PSA strongly opposes this practice. The PSA maintains that:

- Resignation ends the employment relationship immediately once communicated.
- Employers cannot "refuse" a resignation or replace it with "termination by operation of law".
- Administrative records must reflect resignation, not abscondment.

Advice to members

- Always give at **least one month's written notice when resigning** unless a shorter period is formally agreed to in writing with the executing authority.
- Keep copies of your resignation letter and any correspondence with your employer.

Your resignation is your right. Protect yourself by complying with notice requirements and ensuring your exit is recorded correctly. The PSA will continue to challenge unfair practices and safeguard members' rights. The PSA is the Union of Choice – members' labour insurance - defending rights, benefits, and safety. The PSA will do everything in the Union's power to protect members' rights and promote their interests as practicing service excellence is an important value of the PSA.

Members needing assistance with their cases can contact the Provincial Manager at Andry.Mnisi@psa.co.za. Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / lawrence.muvhango@psa.co.za or Paulina Moloto on 082 880 8957 / paulina.moloto@psa.co.za.

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