

JOBLAW

Job Law (Pty) Ltd (Registration Number 2004/014656/07) (Vat No 457 0213 258)

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6 January 2020

Circular 1 van 2020

Dear Client

RE: PATERNAL, ADOPTION AND COMMISSIONING PARENTAL LEAVE :

PARENTAL LEAVE:

Kindly take note that there have been amendments with regards to parental leave as it has been published in the Government Gazette. This amendment now makes provision that a parent is entitled to 10 (ten) consecutive days leave from date of the birth of the child, or with regards to adoptions, it will be from the date which the adoption order has been authorised and issued. This is also applicable when a minor child younger than 2 years has been placed in the care of their guardian, pending the adoption being approved and order being issued by a court of law. Furthermore, kindly take note that the abovementioned is only applicable and will only replace the existing family responsibility leave which regulates the leave allowed regarding birth of a child. The rest of the section(s) regulating the other aspects of family responsibility will remain as is.

ADOPTION LEAVE:

An adoptive parent of a child that is younger than 2 (two) years, can take adoption leave for a period of 10 consecutive weeks or leave in terms of the abovementioned parental leave. This means that only one parent will be allowed to take the 10 consecutive weeks adoption leave and the other parent of the child will have to take the abovementioned parental leave. Both parents will not be allowed to take adoption leave. Such leave may be take on the date of the adoption being approved and issued and or on the date when the minor child younger than 2 years has been placed in the care of their guardian, pending the adoption being approved and order being issued by a court of law.

Directors

Mr. AE Steyn; Mr. C Swanepoel (LLB)

APPROVED MEMBER OF AHI EMPLOYERS ORGANISATION Reg. Nr. Ref No. LR2/6/3/475

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COMMISSIONING PARENTAL LEAVE:

A parent who will be entitled to go on commissioning parent leave will be applicable where a surrogate motherhood agreement is in place. This means that one of the parents of the child born by means of a surrogate, will be entitled to take 10 weeks consecutive commissioning parental leave. The other parent will have to take parental leave as was refer to above. The parent taking commissioning parental leave will be entitled to take such leave upon the birth of the child, born as a result of a surrogate motherhood agreement.

GENERAL NOTES:

It should be noted that the abovementioned leave referred to in this circular will be unpaid leave as these new amendments are funded via the Unemployment Insurance Fund (UIF) Act, No. 63 of 2001.

It should also be noted that an employer must be informed at least 1 (one) month in advance should any parent / employee intends to take any of the abovementioned leave.

Lastly, it should be noted that the abovementioned leave discussed in no way replaces any other form of responsibility leave and or maternity leave. It is merely an amendment relating to the birth of a child, whether it is by means of natural birth, adoption and or surrogacy.

Kindly see attached the Government Gazette which deals with the abovementioned leave amendments.

Feel free to contact us should you have any further questions.

Kind regards

CARLO SWANEPOEL
CHIEF EXECUTIVE OFFICER

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