

Are we a step closer to becoming a modern family?

ON NOVEMBER 28, 2017, the Labour Laws Amendment Bill was passed by the National Assembly in Parliament. What makes this bill so special?

Apart from it being the first private members' bill to be adopted by the National Assembly, the bill is also considered to be a landmark achievement on three levels, since it seeks to regulate the rights to paternity leave, adoption leave, and surrogacy leave.

First, the bill promotes a broader and more gender-neutral approach to leave for parents in South Africa, and aims to give fathers the opportunity to take 10 days' "paternity leave".

Currently, section 25 of the Basic Conditions of Employment Act 75 of 1997 (BCEA) provides that an employee (female) is entitled to at least four consecutive months of maternity leave.

In terms of the BCEA, at present

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there are no express provisions for male employees taking "paternity leave".

The only option available to fathers in terms of current legislation is family responsibility leave, which is limited to three days per annual cycle, or

alternatively, annual leave.

A further stumbling block exists since section 27(1) of the BCEA provides that an employee is only entitled to family responsibility leave if he/she has been an employee for longer than four months, and if he/she works at least four days a week for his/her employer.

The bill addresses this issue by entitling an employee, who is a parent of a child, to at least 10 consecutive days' "parental leave" paid for by the Unemployment Insurance Fund (UIF).

This is a step in the right direction to achieving gender equality on a broader scale in South Africa.

The bill breaks down the archaic myth that men do not need special leave to bond with their babies, purely because of their gender.

Second, the bill is progressive in nature since it makes provision for

parental adoption leave.

An employee who is a single adoptive parent of a child less than 2 years old is entitled to adoption leave of two months and two weeks, consecutively.

And if there are two adoptive parents, one parent may take 10 weeks' leave, and the other parent is entitled to 10 days' consecutive leave.

The bill is also considered to be a landmark achievement for the gay and transgender (LGBTQI) community, since it makes provision for parental adoption leave, as well as surrogacy leave, and increased UIF and maternity benefits.

The bill will have to be voted on by the National Council of Provinces and be signed by the president before it becomes law.

This is an inspiring development which embraces the changing

concept of what constitutes a family unit in South Africa.

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