

## **FAMILY RESPONSIBILIY LEAVE**

Family responsibility leave often presents a contention regarding who may be entitled to the leave and under what circumstances this entitlement comes about.

Section 27 of The Basic Conditions of Employment Act stipulates that family responsibility leave is applicable to employees who have been employed for a minimum of 4 months and must work more than 24 hours a month.

The leave would come about in instances where the employee's child is born or is sick. Other instances include the death of a spouse or life partner or the death of the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling.

An employee is ONLY entitled to family responsibility leave in respect of the abovementioned relatives.

In the event that an employee has claimed family responsibility leave, the employer may require reasonable proof of the event which is claimed to have taken place. Such would be in the form of medical certificate for the illness of a child, and birth or death certificates.

The death or birth of any other member than that stipulated in Section 27, where an employee wishes to take leave, will be at the employer's discretion as the employee will not be entitled to family responsibility leave in that regard. Employees may therefore be granted annual or unpaid leave for death, birth or illness of family members falling outside the ambit of those described in Section 27.

Previously, new fathers were afforded 3 days of family responsibility pursuant to the birth of a new child, however the Labour Law Amendments Bill has proposed paternal leave for new fathers as well as adoption leave for new parents. This will allow new fathers an extended period of leave up to 10 days after the birth of their child.

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