

## PATERNITY LEAVE IN SOUTH AFRICA

Generally speaking, the position in South Africa is that new fathers are not entitled to paternity leave and would unfortunately have to rely on the meagre few days granted to them for Family Responsibility Leave, which is by new means sufficient when considering what a life changing moment they have gone through, however, recently Parliament has passed the Labour Laws Amendment Bill which seeks to grant the right of parental leave to South African fathers.

This bill aims to provide for, amongst other things, adoption leave and parental leave. It also provides for the claiming of parental benefits from the Unemployment Insurance Fund.

The current position in terms of the Basic Conditions of Employment Act provides that an employee (either a female or one in a same-sex partnership) may take four months maternity leave in respect of that employee's child. This maternity leave is paid for by the Unemployment Insurance Fund or the Employer, should the employer make provision for same. As stated previously, it further provides that an employee who is the father of the child may take **three days family responsibility leave** when that employee's child is born. The family responsibility leave is paid for by the employer.

Under the new amendments, however, it has been proposed that **fathers will receive 10 days paternity leave, and adopting parents would be entitled to 10 weeks leave.**

The Bill has already been assented to by the National Assembly and is now with the National Council of Provinces for final passing, which is by all accounts imminent. Once this Bill has been finally made an Act of Parliament, employers should be mindful that they will need to review and amend their contracts of employment accordingly.

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