

When do the parental, adoption and commissioning parental leave kick in?

By [John Botha](#)

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The Labour Laws Amendment Act (LLAA) and the Unemployment Insurance Amendment Act make provision for parental, adoption and commissioning parental leave, but when do these come into effect?



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As a result of Unemployment Insurance Fund (UIF) system stability and testing requirements stemming from previous amendments, the three new benefits could not be immediately implemented. However, it has been communicated that the system project plan is aiming to be ready to deploy the benefits in three stages, subject to system acceptance testing and regulations being gazetted:

- Parental benefits, 31 July 2019
- Adoption benefits, 11 October 2019
- Commissioning parental benefits, 20 December 2019

The amendments provide that an employee who is a parent of a child is entitled to at least 10 consecutive days of parental leave which may commence on the day that the employee's child is born, the date that the adoption order is granted or that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order whichever date occurs first.

An employee, who is an adoptive parent of a child who is below the age of two, is entitled to adoption leave of at least 10 consecutive weeks or parental leave which may commence on the date that the adoption order is granted or that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child whichever date occurs first.

An employee who is a commissioning parent in a surrogate motherhood agreement is entitled to commissioning parental leave of at least 10 consecutive weeks. An employee may commence commissioning parental leave on the date a child is born as a result of a surrogate motherhood agreement.

Importantly, s27(2)(a) of the Basic Conditions of Employment Act - which caters for three days family responsibility leave when a child is born - will be repealed and replaced under the parental leave provisions.

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