

Parental leave benefits amended for employees

Under the Basic Condition of Employment Act (BCEA), employees who wish to access the revised parental leave benefits of 10 days per annum are now able to do so with full rights. These revised benefits, published on 23 December 2019 in Gazette 42925, came into effect on 1 January 2020. It clarifies the confusion that arose when employees were allowed to claim parental leave of up to 10 days under the Unemployment Insurance Act (UIA) from 1 November 2019, but since there was no corresponding amendment to the BCEA, employers were not under a legal obligation to provide the 10 days of parental leave under the BCEA - only the statutory three days.



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Under the BCEA, employees will be able to access parental leave of up to 10 days each year. In cases of legally recognised adoption of children under two years of age and commissioning parental leave agreements, one of the partners will be able to access up to 10 weeks' adoption or commissioning parental leave.

Adoption benefits already form part of the UI Act but it appears that the right to access commissioning parental leave of up to 10 consecutive weeks per annum will only be system-ready in the UI context from 1 April 2020 when the systems have passed user acceptance testing in this regard.

Amendment inclusions

The amendments include paying for maternity benefits at 66% of the employee's rate of payment. Unemployment, illness adoption and dependent benefits can also be claimed for up to a full year at the proportions stipulated rather than for the previous 238 days. In most instances, the period within which to claim benefits has been extended from six months to 12 months. Another example of the more beneficial provisions is that illness benefits can be claimed for an illness of more than seven days, previously 14 days.

There is little doubt that these amendments will provide more considerable assistance to employees and the growing number of unemployed. However, employers will have to pay greater attention to their workforce planning requirements as they may well experience higher levels of absenteeism across the parental, adoption and commissioning parental scenarios.

Employers need to amend their human resources policies and procedures in respect of parental, adoption and commissioning parental leave as soon as possible.

Global Business Solutions will be covering these amendments as well as amendments to other statutes such as the AARTO Act, the NQF Act, the EE Act, the BBBEE Act as well as the COID Act in the national workshop series entitled "human capital and labour law roadmap for 2020" starting on 21 January 2020.

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