

# Parental leave benefits

## Effective date



According to **Government Gazette 42805**, section 8(a)(cA), 11, 15 and 16 of the Labour Laws Amendment Act, 2018 is effective 1 November 2019. These sections amend the Unemployment Insurance Act (UIA), which administers the unemployment insurance benefits to be claimed by employees. Therefore, effective 1 November 2019, employees can claim 'parental leave' benefits as provided for by the amended Unemployment Insurance Act when they go on unpaid or partially paid parental leave.

Please note, the sections in the Labour Laws Amendment Act that amend the Basic Conditions of Employment Act (BCEA) whereby the employer must grant the employee parental leave in certain circumstances are not yet effective.

Therefore, employers are not required by law to grant parental leave as these sections are not yet effective. The same applies for the sections in the Labour Laws Amendment Act introducing "commissioning parental leave" in the Unemployment Insurance Act and Basic Conditions of Employment Act, these sections are not yet effective.

To allow employees to claim parental leave benefits, the Minister of Employment and Labour published the Amendment of Unemployment Insurance Act Regulations (**Government Gazette 42821**) which contain the new and updated UIF forms to be completed. Regulation 5A (application for parental benefits) is effective from the date of publication (4 November 2019) and Regulation 5B and 6(f) (application of commissioning parental leave) will come into operation from 1 April 2020.

One of the updated forms is the UI-19 which now makes provision for 'parental leave'. The 'reasons for non-contribution' on the UI-19 have also been amended, however, these codes are now different than the 'reasons for non-contributions codes' contained in the UIF Electronic Declaration Specifications (monthly UIF submit file) and clarity must be provided in this regard. To access the forms and more information on the Department of Employment and Labour website, please click [here](#).

**Note:** Any queries relating to the above must be addressed with the Department of Employment and Labour.