

EMPLOYMENT

## Update: adoption leave and commissioning parental leave: update to UNEMPLOYMENT INSURANCE ACT 63 OF 2001

7 April 2020 2 min read

*by Jacques van Wyk, Director; Andre van Heerden, Senior Associate; and Michiel Heyns, Senior Associate*

The President of the Republic of South Africa has issued a proclamation ("Proclamation") bringing into operation provisions of two Acts relating to Adoption and Commissioning Parental leave.

The provisions that have come into operation amend the Unemployment Insurance 63 of 2001 ("UI Act") with effect of 1 April 2020, specifically to UIF benefits for employees who make use of 'adoption benefits' and 'commissioning parental benefits'. The provisions regarding 'parental benefits' have already come into effect on 1 November 2019.

With effect of 1 January 2020 the Basic Conditions of Employment Act 75 of 1997 ("BCEA") was amended to provide for parental leave, adoptions leave and commissioning parental leave. A summary of the leave provisions can be found at [here](#).

Importantly, there is no statutory entitlement (as per the amendments to the BCEA) to **paid** parental leave, adoption leave and / or commissioning parental leave. Rather, much like maternity leave, **benefits can be obtained from the Unemployment Insurance Fund** ("UIF") (as per the UI Act). The purpose of the Proclamation, and amendment to the UI Act, was to bring into operation the last remaining provisions to allow employees to claim such benefits from the UIF.



**Andre van Heerden**

Director

[View Profile](#)



**Jacques van Wyk**

Director

[View Profile](#)