

How SA's new parental leave law compares internationally

Since 2014, a Cape Town father, Henri Terblanche has been campaigning for more parental leave for fathers. Fathers were only entitled to three days family responsibility leave as stated in the Basic Conditions of Employment Act.



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Terblanche's campaign was based on research done in Norway and Sweden and emphasised the benefits it would have for our society. The African Christian Democratic Party (ACDP) then tabled a private member's bill, relying principally on Terblanche's campaign, to help push the process.

What the Bill entails

The Bill provides for 10 days paid parental leave for fathers, as well as 10 weeks consecutive leave for mothers.

The Bill was seen as a major breakthrough for same-sex couples, especially men, who were never entitled to the time needed to introduce a child into their family and bond with it.

The Bill also provides for parents of adopted children under the age of two years. An employee is entitled to at least 10 consecutive weeks of adoption leave, which starts on the day the adoption order is granted.

For a surrogate motherhood agreement, a commissioning parent is also allowed at least 10 consecutive weeks of leave, which begins on the date of childbirth. Only one parent may take adoption or commissioning parental leave (both 10 weeks). The other must take parental leave (10 days).

In November 2017 the Labour Law Amendment Bill was passed by Parliament.

A big victory for parents

On 23 November 2018 President Cyril Ramaphosa signed the Labour Relations and Labour Amendment Acts into law.

This is a major step forward for parents in South Africa. “For fathers to be able to claim their parental leave from UIF is a much bigger victory than it may seem,” says Christelle Helling from the South African Payroll Association (SAPA).

What this means for companies

“Companies will have to revise their policies and procedures to accommodate the changes to the Basic Conditions of Employment Act,” notes Helling.

These changes will have to be implemented fast because the Act comes into effect from January 2019.

How South Africa compares to the rest of the world

Around the world fathers’ rights to paid paternity leave varies greatly. When compared to the rest of Africa, our new law of 10 days paid parental leave is very progressive, as the norm is between three and five days.

We also compare favourably to countries such as Italy (one day, paid), New Zealand (two weeks, unpaid) and the United States of America (12 weeks, unpaid).

We do however still fall behind countries like India (three weeks, paid), Iran (three weeks for the first and second child, paid), Spain (15 days, paid), Finland (54 days, paid) and Iceland (3 months, paid).

However slow the progress might have been, at least we are catching up.

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