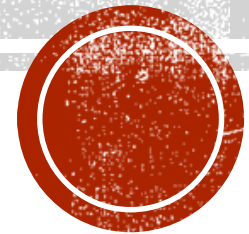


DEVELOPING AND IMPLEMENTING INTERNAL GENDER-INCLUSIVE HR AND INSTITUTIONAL POLICIES THAT CREATE EQUITABLE WORKPLACES

Celebrating South African Women's Month Gender-Inclusive
Policies: A Guide for Ombudsman Offices – 26 May 2025

Ms SP Jali



HISTORY



INTRODUCTION

- 1) Case analysis
- 2) Burning questions
 - What are the current changes pending remedial legislation
 - What are the requirements to be fulfilled
 - The best interests of the child
 - What of the business objectives
 - International standards



WHAT ARE THE CURRENT CHANGES PENDING REMEDIAL LEGISLATION

- An employee is entitled to at least four consecutive months' maternity leave.
- 'An employee who is a single parent is entitled, and employees, who are a pair of parents, are collectively entitled, to at least four months' consecutive months' parental leave, which, in the case of a pair of parents, be taken in accordance with their election, as follows:
 - (a) One or other parent shall take the whole of the period, or (b) Each parent shall take turns at taking the leave.
 - (c) Both employers must be notified prior to the date of birth in writing of the election and if a shared arrangement is chosen, the period or periods to be taken by each of the parents must be stipulated'.



CONT...

- An employee may commence may commence maternity leave-
- In section 25(2) the word 'employee' shall be substituted with the word 'pregnant mother'
- In section 25, wherever the word 'maternity' appears it shall, where the context requires, be read as 'parental'.
- Section 25A (1) is deleted and substituted with: 'An employee who is a parent of a child is entitled to the leave stipulated in section 25(1)'



CONT...

- See previous slide.
- Section 25A (2)(a) is amplified by the addition after the word 'born' subject to the provisions of section 25(2)'
- Section 25B(1)(b) is deleted and substituted with: 'the leave stipulated in section 25(1)'.
 - Section 25B is deleted and substituted with: 'if an adoption order is made in respect of two adoptive parents, they each shall be entitled to leave as stipulated in section 25(1).



CONT...

- See previous slide
- In Section 25C (1) the provisions are deleted and substituted with: 'An employee who is a commissioning parent in a surrogate motherhood agreement is entitled to leave as stipulated in section 25(1).'
- Section 25C (6) is deleted and substituted with: Where there are two commissioning parents, they shall each be entitled to leave as stipulated in section 25(1).



UNEMPLOYMENT INSURANCE ACT 63 OF 2001

- The provisions of sections 25 (7), 25A (5) and 25B (5) and 25C (5) and the corresponding provisions in the I-JIF Act, sections 24, 26A, 27, 29A, shall be read to be consistent with changes effected by this order and, accordingly, each parent who is a contributor, as defined in the I-JIF Act, shall be entitled to the benefits as prescribed therein.



UNANSWERED QUESTIONS

- How will these shared parental leave agreements be structured and monitored by the employer?
- What will the impact of such leave be on businesses?
- How many fathers will make use of this opportunity?
- What impact will shared leave have on the early infancy of the child?



CONCLUSION

The 2025 Father

