



# Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 641

Cape Town  
Kaapstad

27 November 2018

No. 42062

## THE PRESIDENCY

No. 1305                      27 November 2018

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 10 of 2018: Labour Laws Amendment Act, 2018**

## DIE PRESIDENSIE

No. 1305                      27 November 2018

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**Wet No. 10 van 2018: Wysigingswet op Arbeidswette, 2018**

ISSN 1682-5843



9 771682 584003

42062



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**



**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]                      Woorde in vet druk in vierkantige hakies, dui skrappings uit  
bestaande verordeninge aan.
- \_\_\_\_\_                Woorde met 'n volstreep daaronder, dui invoegings in  
bestaande verordeninge aan.

\_\_\_\_\_  
(Engelse teks deur die President geteken)  
(Goedgekeur op 23 November 2018)  
\_\_\_\_\_

**WET**

Tot wysiging van die Wet op Basiese Diensvoorwaardes, 1997, ten einde nuwe woordomsrywings in te voeg; 'n uitgediende verwysing na 'n Wet reg te stel; voorsiening te maak vir ouerlike, aannemings- en opdraggewende ouerlike verlof aan werknemers; voorsiening te maak dat 'n kollektiewe ooreenkoms nie 'n werknemer se geregtigheid op ouerlike, aannemings- of opdraggewende ouerlike verlof kan verminder nie; die Unemployment Insurance Act, 2001, te wysig om voorsiening te maak vir die reg om ouerlike en opdraggewende ouerlike voordele van die Werkloosheidsversekeringsfonds te eis; voorsiening te maak vir die aansoek vir, en die betaling van, ouerlike en opdraggewende ouerlike voordele uit die Werkloosheidsversekeringsfonds; 'n uitgediende verwysing na 'n Wet reg te stel; voorsiening te maak dat die getal bydraers aan wie ouerlike en opdraggewende ouerlike voordele betaal is en die bedrag van sodanige betalings by die skriftelike verslag van die Direkteur-generaal aan die Minister ingesluit word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 75 van 1997, soos gewysig deur artikel 1 van Wet 11 van 2002, artikel 40 van Wet 65 van 2002, artikel 26 van Wet 68 van 2002, artikel 25 van Wet 52 van 2003, artikel 53 van Wet 11 van 2013 en artikel 1 van Wet 20 van 2013** 5

1. Artikel 1 van die Wet op Basiese Diensvoorwaardes, 1997, word hierby gewysig—
- (a) deur voor die omskrywing van “Arbeidsappèlhof” die volgende omskrywings in te voeg:
- “**‘aannemende ouer’** dit wat in artikel 1 van die Children’s Act, 2005 (Wet No. 38 van 2005), daaraan geheg word; **‘aannemingsbevel’** ’n aannemingsbevel in die Children’s Act, 2005 (Wet No. 38 van 2005), beoog;”;
- (b) deur die omskrywing van “dienswet” deur die volgende omskrywing te vervang: 15
- “**‘dienswet’** ook hierdie Wet, enige ander Wet waarvan die administrasie aan die Minister opgedra is, en enige van die volgende Wette:

- (a) The Unemployment Insurance Act, [1966 (Act No. 30 of 1966)] 2001 (Act No. 63 of 2001);
- (b) the Skills Development Act, 1998 (Act No. 97 of 1998);
- (c) the Employment Equity Act, 1998 (Act No. 55 of 1998);
- (d) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); 5  
and
- (e) the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);”; and
- (c) by the insertion after the definition of “prescribe” of the following definition: 10  
“**prospective adoptive parent**” means a person who complies with the requirements set out in section 231(2) of the Children’s Act, 2005 (Act No. 38 of 2005);”.

#### Amendment of section 25 of Act 75 of 1997

2. Section 25 of the Basic Conditions of Employment Act, 1997, is hereby amended by the substitution for subsection (7) of the following subsection: 15

“(7) The payment of maternity benefits will be determined by the Minister subject to the provisions of the Unemployment Insurance Act, [1966 (Act No. 30 of 1966)] 2001 (Act No 63. of 2001).”.

#### Insertion of sections 25A, 25B and 25C in Act 75 of 1997

3. The following sections are hereby inserted after section 25 of the Basic Conditions of Employment Act, 1997: 20

##### “Parental leave

**25A.** (1) An employee, who is a parent of a child, is entitled to at least ten consecutive days parental leave.

(2) An employee may commence parental leave on— 25

(a) the day that the employee’s child is born; or

(b) the date—

(i) that the adoption order is granted; or

(ii) that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child, 30

whichever date occurs first.

(3) An employee must notify an employer in writing, unless the employee is unable to do so, of the date on which the employee intends to— 35

(a) commence parental leave; and

(b) return to work after parental leave.

(4) Notification in terms of subsection (3) must be given—

(a) at least one month before the—

(i) employee’s child is expected to be born; or

(ii) date referred to in subsection 2(b); or 40

(b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(5) The payment of parental benefits will be determined by the Minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001). 45

##### Adoption leave

**25B.** (1) An employee, who is an adoptive parent of a child who is below the age of two, is subject to subsection (6), entitled to—

(a) adoption leave of at least ten weeks consecutively; or

(b) the parental leave referred to in section 25A. 50

(2) An employee may commence adoption leave on the date—

(a) that the adoption order is granted; or

- (a) Die Unemployment Insurance Act, [1966 (Wet No. 30 van 1966)] 2001 Wet No. 63 van 2001;
- (b) die Skills Development Act, 1998 (Wet No. 97 van 1998);
- (c) die Employment Equity Act, 1998 (Wet No. 55 van 1998);
- (d) die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet No. 85 van 1993); en 5
- (e) die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993);” en
- (c) deur na die omskrywing van “vakbondvertegenwoordiger” die volgende omskrywing in te voeg: 10
  - “‘voorgenome aannemende ouer’ ’n persoon wat die behoeftes in uiteengesit in artikel 231(2) van die Children’s Act, 2005 (Wet No. 38 van 2005), nakom.”.

### Wysiging van artikel 25 van Wet 75 van 1997

2. Artikel 25 van die Wet op Basiese Diensvoorwaardes, 1997, word hierby gewysig 15 deur die subartikel (7) deur die volgende subartikel te vervang:

“(7) Die betaling van kraamvoordele sal deur die Minister behoudens die 20 bepaling van die Werkloosheidsversekeringswet, [1966 (Wet No. 30 van 1966)] 2001 (Wet No. 63 van 2001), bepaal word.”.

### Invoeging van artikels 25A, 25B en 25C in Wet 75 van 1997 20

3. Die volgende artikels word hierby na artikel 25 van die Wet op Basiese Diensvoorwaardes, 1997, ingevoeg:

#### “Ouerlike verlof

**25A.** (1) ’n Werknemer, wat die ouer van ’n kind is, is geregtig op 25 minstens tien opeenvolgende dae se ouerlike verlof.

(2) ’n Werknemer kan ouerlike verlof begin neem op—

- (a) die dag dat die werknemer se kind gebore word; of
- (b) die datum—

- (i) waarop die aannemingsbevel toegestaan word; of
- (ii) waarop ’n kind deur ’n bevoegde hof in die sorg van ’n 30 voorgenome aannemende ouer geplaas word, hangende die finalisering van ’n aannemingsbevel ten opsigte van daardie kind,

welke datum ook al eerste is.

(3) ’n Werknemer moet ’n werkgewer skriftelik in kennis stel, tensy die 35 werknemer nie in staat is om dit te doen nie, van die datum waarop die werknemer voornemens is om—

- (a) met ouerlike verlof te begin; en
- (b) terug te keer werk toe na ouerlike verlof.

(4) Kennisgewing kragtens subartikel (3) moet geskied— 40

- (a) minstens een maand voor die—
  - (i) werknemer se kind na verwagting gebore sal word; of
  - (ii) datum na verwys in subartikel (2)(b); of
- (b) indien dit nie redelikerwys haalbaar is om dit te doen nie, sodra dit redelikerwys haalbaar is. 45

(5) Die betaling van ouerlike voordele word deur die Minister bepaal, onderhewig aan die bepaling van die Unemployment Insurance Act, 2001 (Wet No. 63 van 2001).

#### Aannemingsverlof

**25B.** (1) ’n Werknemer, wat ’n aannemende ouer is van ’n kind wat 50 minder as twee jaar oud is, is, onderhewig aan subartikel (6) geregtig op—

- (a) aannemingsverlof van minstens tien opeenvolgende weke; of
- (b) die ouerlike verlof waarna in artikel 25A verwys word.

(2) ’n Werknemer kan met aannemingsverlof begin op die datum—

- (a) waarop die aannemingsbevel toegestaan word; of 55

(b) that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child,

whichever date occurs first.

(3) An employee must notify an employer in writing, unless the employee is unable to do so, of the date on which the employee intends to—

(a) commence adoption leave; and

(b) return to work after adoption leave.

(4) Notification in terms of subsection (3) must be given—

(a) at least one month before the date referred to in subsection (2); or

(b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(5) The payment of adoption benefits will be determined by the Minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).

(6) If an adoption order is made in respect of two adoptive parents, one of the adoptive parents may apply for adoption leave and the other adoptive parent may apply for the parental leave referred to in section 25A: Provided that the selection of choice must be exercised at the option of the two adoptive parents.

(7) If a competent court orders that a child is placed in the care of two prospective adoptive parents, pending the finalisation of an adoption order in respect of that child, one of the prospective adoptive parents may apply for adoption leave and the other prospective adoptive parent may apply for the parental leave referred to in section 25A: Provided that the selection of choice must be exercised at the option of the two prospective adoptive parents.

### Commissioning parental leave

**25C.** (1) An employee, who is a commissioning parent in a surrogate motherhood agreement is, subject to subsection (6), entitled to—

(a) commissioning parental leave of at least ten weeks consecutively; or

(b) the parental leave referred to in section 25A.

(2) An employee may commence commissioning parental leave on the date a child is born as a result of a surrogate motherhood agreement.

(3) An employee must notify an employer in writing, unless the employee is unable to do so, of the date on which the employee intends to—

(a) commence commissioning parental leave; and

(b) return to work after commissioning parental leave.

(4) Notification in terms of subsection (3) must be given—

(a) at least one month before a child is expected to be born as a result of a surrogate motherhood agreement; or

(b) if it is not reasonably practicable to do so, as soon as is reasonably practicable.

(5) The payment of commissioning parental benefits will be determined by the Minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).

(6) If a surrogate motherhood agreement has two commissioning parents, one of the commissioning parents may apply for commissioning parental leave and the other commissioning parent may apply for the parental leave referred to in section 25A: Provided that the selection of choice must be exercised at the option of the two commissioning parents.

(7) In this section, unless the context otherwise indicates—

‘**commissioning parent**’ has the meaning assigned to it in section 1 of the Children’s Act, 2005 (Act No. 38 of 2005); and

‘**surrogate motherhood agreement**’ has the meaning assigned to it in section 1 of the Children’s Act, 2005 (Act No. 38 of 2005).”

(b) waarop 'n kind deur 'n bevoegde hof in die sorg van 'n voorgenome aannemende ouer geplaas word, hangende die finalisering van 'n aannemingsbevel ten opsigte van daardie kind, welke datum ook al eerste is.

(3) 'n Werknemer moet 'n werkgewer skriftelik in kennis stel, tensy die werknemer nie in staat is om dit te doen nie, van die datum waarop die werknemer voornemens is om—

(a) met aannemingsverlof te begin; en

(b) terug te keer werk toe ná aannemingsverlof.

(4) Kennisgewing kragtens subartikel (3) moet geskied—

(a) minstens een maand voor die datum in subartikel (2) beoog; of

(b) indien dit nie redelikerwys haalbaar is om dit te doen nie, sodra dit redelikerwys haalbaar is.

(5) Die betaling van aannemingsvoordele word deur die Minister bepaal, onderhewig aan die bepalings van die Unemployment Insurance Act, 2001 (Wet No. 63 van 2001).

(6) Indien 'n aannemingsbevel betreffende twee aannemende ouers toegestaan word, kan een van die aannemende ouers om aannemingsverlof aansoek doen en kan die ander aannemende ouer om die ouerlike verlof aansoek doen waarna in artikel 25A verwys word: Met dien verstande dat hierdie keuse by die twee aannemende ouers berus.

(7) Indien 'n bevoegde hof gelas dat 'n kind in die sorg van twee voorgenome aannemende ouers geplaas word, hangende die finalisering van 'n aannemingsbevel ten opsigte van daardie kind, kan een van die voorgenome aannemende ouers om aannemingsverlof aansoek doen en die ander voorgenome aannemende ouer om die ouerlike verlof aansoek doen waarna in artikel 25A verwys word: Met dien verstande dat hierdie keuse by die twee voorgenome aannemende ouers berus.

### Opdraggewende ouerlike verlof

**25C.** (1) 'n Werknemer, wat 'n opdraggewende ouer is in 'n surrogaatmoederskapsooreenkoms, is, onderhewig aan subartikel (6), geregtig op—

(a) opdraggewende ouerlike verlof van minstens tien opeenvolgende weke; of

(b) die ouerlike verlof waarna in artikel 25A verwys word.

(2) 'n Werknemer kan met opdraggewende ouerlike verlof begin op die datum waarop 'n kind gebore word as gevolg van 'n surrogaatmoederskapsooreenkoms.

(3) 'n Werknemer moet 'n werkgewer skriftelik in kennis stel, tensy die werknemer nie in staat is om dit te doen nie, van die datum waarop die werknemer voornemens is om—

(a) met opdraggewende ouerlike verlof te begin; en

(b) na die werk terug te keer na die opdraggewende ouerlike verlof.

(4) Kennisgewing kragtens subartikel (3) moet geskied—

(a) minstens een maand voordat 'n kind na verwagting gebore sal word as gevolg van 'n surrogaatmoederskapsooreenkoms; of

(b) dit nie redelikerwys haalbaar is om dit te doen nie, sodra dit redelikerwys haalbaar is.

(5) Die betaling van opdraggewende ouerlike voordele word deur die Minister bepaal, onderhewig aan die bepalings van die Unemployment Insurance Act, 2001 (Wet No. 63 van 2001).

(6) Indien 'n surrogaatmoederskapsooreenkoms twee opdraggewende ouers het, kan een van die opdraggewende ouers om opdraggewende ouerlike verlof aansoek doen en kan die ander opdraggewende ouer om die ouerlike verlof aansoek doen waarna in artikel 25A verwys word: Met dien verstande dat hierdie keuse by die twee opdraggewende ouers berus.

(7) In hierdie artikel, tensy die samehang anders aandui, het—  
**'opdraggewende ouer'** die betekenis wat artikel 1 van die Children's Act, 2005 (Wet No. 38 van 2005), daaraan verleen; en  
**'surrogaatmoederskapsooreenkoms'** die betekenis in artikel 1 van die Children's Act, 2005 (Wet No. 38 van 2005), daaraan verleen."

**Amendment of section 27 of Act 75 of 1997, as amended by section 4 of Act 11 of 2002**

4. Section 27 of the Basic Conditions of Employment Act, 1997, is hereby amended by the repeal in subsection (2) of paragraph (a).

**Amendment of section 49 of Act 75 of 1997**

5

5. Section 49 of the Basic Conditions of Employment Act, 1997, is hereby amended by the insertion in subsection (1) after paragraph (d) of the following paragraphs:

- “(dA) reduce an employee’s entitlement to parental leave in terms of section 25A;
- “(dB) reduce an employee’s entitlement to adoption leave in terms of section 25B;
- “(dC) reduce an employee’s entitlement to commissioning parental leave in terms of section 25C;”.

10

**Amendment of section 83 of Act 75 of 1997, as amended by section 20 of Act 11 of 2002**

6. Section 83 of the Basic Conditions of Employment Act, 1997, is hereby amended by the substitution for subsection (1) of the following subsection:

15

- “(1) The Minister may, on the advice of the Commission and by notice in the *Gazette*, deem any category of persons specified in the notice to be—
- (a) employees for purposes of the whole or any part of this Act, any other employment law other than the Unemployment Insurance Act, [1966 (Act No. 30 of 1966)] 2001 (Act No. 63 of 2001), or any sectoral determination; or
  - (b) contributors for purposes of the whole or any part of the Unemployment Insurance Act, [1966 (Act No. 30 of 1966)] 2001 (Act No. 63 of 2001).”.

20

**Amendment of section 1 of Act 63 of 2001, as amended section 1 of Act 32 of 2003**

7. Section 1 of the Unemployment Insurance Act, 2001, is hereby amended—

- (a) by the insertion before the definition of “actuary” of the following definition: 25  
“**‘adoption order’** means an adoption order as envisaged in the Children’s Act, 2005 (Act No. 38 of 2005);”; and
- (b) by the insertion after the definition of “prescribe” of the following definition: 30  
“**‘prospective adoptive parent’** means a person who complies with the requirements set out in section 231(2) of the Children’s Act, 2005 (Act No. 38 of 2005);”.

30

**Amendment of section 12 of Act 63 of 2001, as amended section 4 of Act 32 of 2003**

8. Section 12 of the Unemployment Insurance Act, 2001, is hereby amended—

- (a) by the insertion in subsection (1) after paragraph (c) of the following paragraph: 35  
“(cA) parental benefits as contemplated in Part DA of this Chapter;”; and
- (b) by the deletion in subsection (1) at the end of paragraph (d) of the word “and” and by the insertion after paragraph (d) of the following paragraph: 40  
“(dA) commissioning parental benefits as contemplated in Part EA of this Chapter; and”; and

40



**Wysiging van artikel 27 van Wet 75 van 1997, soos gewysig deur artikel 4 van Wet 11 van 2002**

4. Artikel 27 van die Wet op Basiese Diensvoorwaardes, 1997, word hierby gewysig deur die herroeping in subartikel (2) van paragraaf (a).

**Wysiging van artikel 49 van Wet 75 van 1997**

5

5. Artikel 49 van die Wet op Basiese Diensvoorwaardes, 1997, word hierby gewysig deur na artikel (1)(d) die volgende paragrawe in te voeg:

- “(dA) ’n werknemer se geregtigheid op ouerlike verlof kragtens artikel 25 verminder;
- (dB) ’n werknemer se geregtigheid op aannemingsverlof kragtens artikel 25B verminder;
- (dC) ’n werknemer se geregtigheid op opdraggewende ouerlike verlof kragtens artikel 25C verminder;”.

10

**Wysiging van artikel 83 van Wet 75 van 1997, soos gewysig deur artikel 20 van Wet 11 van 2002**

15

6. Artikel 83 van die Wet op Basiese Diensvoorwaardes, 1997, word hierby gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

- “(1) Die Minister kan, op advies van die Kommissie en by kennisgewing in die *Staatskoerant*, enige kategorie persone in die kennisgewing vermeld—
- (a) as werknemers beskou vir die doeleindes van die geheel of ’n deel van hierdie Wet, enige ander dienswet as die Unemployment Insurance Act, [1966 (Wet No. 30 van 1966)] 2001 (Wet No. 63 van 2001), of enige sektorale verstelling; of
- (b) as bydraers beskou vir doeleindes van die geheel of ’n deel van die Unemployment Insurance Act, [1966 (Wet No. 30 van 1966)] 2001 (Wet No. 63 van 2001).”.

20

25

**Khwiņiso ya khethekanyo ya 1 ya Mulayo wa 63 wa 2001, sa zwe ya khwiņiswa nga khethekanyo ya 1 ya Mulayo wa 32 wa 2003**

7. Khethekanyo ya 1 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, i khou khwiņiswa—

30

- (a) nga u dzhenisa phanda ha thalutshedzo ya “muakutshuwari” ya thalutshedzo i tevhelaho:
- “**‘Ndaela ya vhuunđi’** zwi amba ndaela ya vhuunđi sa zwe ya sumbedzwa kha Mulayo wa Vhana, wa 2005 (Mulayo wa 38 wa 2005);”;
- na
- (b) nga u dzhenisa nga murahu ha thalutshedzo ya “u randela” ya thalutshedzo i tevhelaho:
- “**‘mubebi wa u unđa o lavhelelwaho’** zwi amba muthu a tevhedzaho thodea dzi re kha khethekanyo ya 231(2) ya Mulayo wa Vhana, wa 2005 (Mulayo wa 38 wa 2005);”.

35

40

**Khwiņiso ya khethekanyo 12 ya Mulayo wa 63 wa 2001, sa zwe ya khwiņiswa nga khethekanyo ya 4 ya Mulayo wa 32 wa 2003**

8. Khethekanyo ya 12 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, i khou khwiņiswa—

- (a) nga u dzhenisa khethekanyothukhu ya (1) nga murahu ha phara ya (c) ya phara i tevhelaho:
- “(cA) mbuelo dza vhubebi sa zwe zwa sumbedziswa kha Tshipiđa tsha DA tsha Ndima iyi;”;
- (b) nga u bviswa ha khethekanyo thukhu ya (1) mafheloni a phara ya (d) ya ipfi “na” na u dzheniswa nga murahu ha phara ya (d) ha phara i tevhelaho:
- “(dA) mbuelo vhubebi nga u hwalela nwanana vhañwe vhabebi” sa zwe zwa sumbedzwa kha Tshipiđa tsha EA tsha Ndima iyi; na”;

45

50

(c) by the addition in subsection (3) of the following paragraphs:

“(cA) For the purpose of Part DA, parental benefits must be paid at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set in terms of paragraph (a);

(cB) For the purpose of Part E, adoption benefits must be paid at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set in terms of paragraph (a); and

(cC) For the purpose of Part EA, commissioning parental benefits must be paid at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set in terms of paragraph (a).”

5

10

**Amendment of section 13 of Act 63 of 2001, as amended by section 5 of Act 32 of 2003 and section 5 of Act 10 of 2016**

15

9. Section 13 of the Unemployment Insurance Act, 2001, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) (a) Subject to [subsection (5)] subsections (5) and (5A), a contributor’s entitlement to benefits in terms of this Chapter accrues at a rate of one day’s benefit for every completed [five] four days of employment as a contributor subject to a maximum accrual of 365 days benefit in the four year period immediately preceding the day after the date of ending of the period of employment in terms of this Chapter.

(b) Unemployment benefits must be paid to the unemployed contributor regardless of whether or not the contributor has received benefits within that four year cycle, if the contributor has credits.”; and

(b) by the insertion after subsection (5) for the following subsection:

“(5A) (a) The days of benefits that a contributor is entitled to in terms of subsection (3) may not be reduced by the payment of—

- (i) parental benefits in terms of Part DA;
- (ii) adoption benefits in terms of Part E; or
- (iii) commissioning parental benefits in terms of Part EA, of this Chapter.

(b) The payment of parental benefits, adoption benefits or commissioning parental benefits may not affect the payment of unemployment benefits.”

30

35

**Amendment of section 24 of Act 63 of 2001, as amended by section 8 of Act 32 of 2003 and section 9 of Act 10 of 2016**

10. Section 24 of the Unemployment Insurance Act, 2001, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A contributor who has a miscarriage during the third trimester or bears a still-born child is entitled to a full maternity benefit of [17 to 32] 17.32 weeks;”

40

- (c) nga u dzhenisa khethekanyo thukhu ya (3) ya phara i tevhelaho:
- “(cA) U itela ndivho ya Tshipiḽa tsha DA, mbuelo dza vhubebi dzi tea u badelwa nga phimo ya 66% ya muholo wa muthu a vhuwelwaho nga ḽuvha ḽa khumbelo, zwi tshi bva kha tshikalo tsha muholo wa nḽha we wa tiwa u ya nga phara ya (a); 5
- (cB) U itela ndivho ya Tshipiḽa tsha E, mbuelo dza u unḽa dzi tea u badelwa nga phimo ya 66% ya muholo wa muthu a vhuwelwaho nga ḽuvha ḽa khumbelo, zwi tshi bva kha tshikalo tsha muholo wa nḽha we wa tiwa u ya nga phara ya (a); na
- (cC) U itela ndivho ya Tshipiḽa tsha EA, mbuelo vhubebi nga u hwalela nḽwana vhanwe vhabebi dzi teaho u badelwa nga phimo ya 66% ya muholo wa muthu a vhuwelwaho nga ḽuvha ḽa khumbelo, zwi tshi bva kha tshikalo tsha muholo wa nḽha we wa tiwa u ya nga phara ya (a).” 10

**Khwiḽiso ya khethekanyo ya 13 ya Mulayo wa 63 wa 2001, sa zwe ya khwiḽiswa nga khethekanyo ya 5 ya Mulayo wa 32 wa 2003 na khethekanyo ya 5 ya Mulayo wa 10 wa 2016 15**

9. Khethekanyo ya 13 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, i khou khwiḽiswa—

- (a) nga u bviswa ha khethekanyo thukhu ya (3) ya khethekanyo thukhu i tevhelaho: 20
- “(3) (a) Zwi tshi bva kha [**khethekanyo thukhu ya (5)**] khethekanyo thukhu ya (5) na ya (5A), muraḽo u na pfanelo dza u vhuwelwa u ya nga Ndima iyi yo engedzwaho nga phimo ya mbuelo ya ḽuvha ḽithihi kha maḽuvha [**maḽanu**] maḽa maḽwe na maḽwe o fhedzwaho a mushumo sa muraḽo zwi tshi bva kha u engedzwa ha nḽha ha mbuelo ya maḽuvha a 365 kha tshifhinga tsha minwaha miḽa tsho rangelaho ḽuvha ḽa nga murahu ha ḽuvha ḽa u guma ha tshifhinga tsha mushumo u ya nga Ndima iyi. 25
- (b) Mbuelo dza vhushayamushumo dzi tea u badelwa kha muraḽo a sa shumi hu sa sedzwi uri muraḽo o wana mbuelo kana ha ngo dzi wana kha tshifhinga tsha minwaha miḽa, arali muraḽo a na zwikolodo.”; na 30
- (b) nga u dzhenisa nga murahu ha khethekanyo thukhu (5) ya khethekanyo thukhu i tevhelaho: 35
- “(5A) (a) Maḽuvha a mbuelo o teaho muraḽo u ya nga khethekanyo thukhu (3) a nga kha ḽi sa fhungudzwa nga mbadelo ya— 40
- (i) mbuelo dza mubebi u ya nga Tshipiḽa tsha DA;
- (ii) mbuelo dza vhuunḽi u ya nga Tshipiḽa tsha E; kana
- (iii) mbuelo dza mubebi o humbelaho u hwalelwa nḽwana u ya nga Tshipiḽa tsha EA, 40
- tsha Ndima iyi.
- (b) Mbadelo dza mbuelo dza mubebi, mbuelo dza vhuunḽi kana mbuelo dza mubebi o humbelaho u hwalelwa nḽwana a dzi tei u kwama mbadelo dza mbuelo dza vhushayamushumo.” 40

**Khwiḽiso ya khethekanyo ya 24 ya Mulayo wa 63 wa 2001, sa zwe ya khwiḽiswa nga khethekanyo ya 8 ya Mulayo wa 32 wa 2003 na khethekanyo ya 9 ya Mulayo wa 10 wa 2016 45**

10. Khethekanyo ya 24 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, i khou khwiḽiswa nga u bviswa ha khethekanyo thukhu ya (5) ya khethekanyo thukhu i tevhelaho: 50

- “(5) Muthu a re muraḽo o tshinyalelwaho nga nḽwana a sa athu bebiwa kha minwedzi miraru ya vhuimana kana nḽwana o bebwaho o lovha u na pfanelo ya mbuelo ya vhuimana yo fhelelaho ya vhege dza [**17 u swika kha dza 32**] 17.32.”

**Insertion of Part DA in Act 63 of 2001**

11. The following Part is hereby inserted in the Unemployment Insurance Act, 2001, after section 26:

**“Part DA: Parental benefits****Right to parental benefits**

5

**26A.** (1) Subject to section 14, a contributor who is the parent of a child is entitled to the parental benefits contemplated in this Part if the application is made in accordance with the prescribed requirements and the provisions of this Part and if the contributor—

- (a) has been registered as the father of the child in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); 10
- (b) is the—
- (i) parent of a child below the age of two in an adoption order; or
  - (ii) prospective adoptive parent of a child below the age of two, in terms of a court order that placed the child in the care of the prospective adoptive parent, pending the finalisation of the adoption order in respect of that child; or 15
- (c) is the parent of a child who has been born as a result of a surrogate motherhood agreement referred to in the Children’s Act, 2005 (Act No. 38 of 2005): 20

Provided that the contributor did not claim the adoption benefits referred to in section 27 or the commissioning parental benefits referred to in section 29A in respect of the child.

(2) The entitlement—

- (a) contemplated in subsection (1)(a) and (c) commences on the date of childbirth; and 25
- (b) contemplated in subsection (1)(b) commences on—
- (i) the date that the competent court grants the adoption order; or
  - (ii) the date that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child, 30
- whichever date occurs first.

(3) When taking into account any parental leave paid to the contributor in terms of any other law or any collective agreement or contract of employment, the parental benefit may not be more than the remuneration the contributor would have received if the contributor had not been on parental leave. 35

(4) For purposes of this section the maximum period of parental leave is ten consecutive days.

(5) A contributor is not entitled to benefits unless he or she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for parental benefits. 40

**Application for parental benefits**

**26B.** (1) An application for parental benefits must be made in the prescribed form at an employment office. 45

(2) The application must be made within 12 months after—

- (a) the date of childbirth; or
- (b) the date that—
- (i) a competent court grants the adoption order; or
  - (ii) a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child, 50
- whichever date occurs first.

**Udzeniswa ha Tshipiḡa tsha DA kha Mulayo wa 63 wa 2001**

11. Tshipiḡa tshi tevhelaho tshi khou dzheniswa kha Mulayo wa Ndindakhombo ya Vhushayamushumo, 2001 nga murahu ha khethekanyo ya 26:

**“Tshipiḡa tsha DA: Mbuelo dza vhubebi****Pfanelo ya mbuelo dza mubebi**

5

**26A.** Zwi tshi bva kha khethekanyo ya 14, mubadeli ane a vha mubebi wa ḡwana o tewa nga mbulelo dza vhubebi dzo sumbedziswaho kha Tshipiḡa itshi arali khumbelo yo itwa u ya nga ḡhoḡea dzo randelwaho na mbetshelwa ya Tshipiḡa itshi na musu mubadeli—

(a) o ḡwaliswa sa khotsi a ḡwana u ya nga Mulayo wa U ḡwalisa Mabebo na Mpfu, 1992 (Mulayo wa 51 wa 1992);

10

(b) ndi—

(i) Mubebi wa ḡwana a re fhasi ha vhukale ha miḡwaha mivhili kha ndaela ya vhuuḡḡi; kana

(ii) Mubebi wa u unḡa o lavhelelwaho wa ḡwana a re fhasi ha vhukale ha miḡwaha mivhili, u ya nga ndaela ya khothe ye ya vhea ḡwana kha ndondolo ya mubebi wa u unḡa o lavhelelwaho, ho lindelwa u fhedza u dzudzanywa ha ndaela ya vhuuḡḡi ya ḡwana uyo; kana

15

(c) a mubebi wa ḡwana we a bebwa nga maitete a thendelano ya sarogesi (u bebelwa ḡwana nga muḡwe muthu) o sumbedzwaho kha Mulayo wa Vhana, wa 2005 (Mulayo wa 38 wa 2005):

20

Arali mubadeli a songo ita mbilo ya mbuelo dza vhuuḡḡi dzo sumbedzwaho kha khethekanyo ya 27 kana mbuelo dza mubebi a bebelwaho ḡwana nga muḡwe dzo sumbedzwaho kha khethekanyo ya 29A malugana na ḡwana.

25

(2) Pfanelo—

(a) yo sumbedziswa kha khethekanyo ḡhukhu ya (1)(a) na (c) i thoma nga ḡuvha ḡe ḡwana a bebiwa ngaḡo; na

(b) ho lavhelelwa kha khethekanyo ḡhukhu ya (1)(b) u thoma nga—

30

(i) ḡuvha ḡine khothe ya ḡo ḡea ndaela ya vhuuḡḡi; kana

(ii) ḡuvha ḡine ḡwana a vhewa kha ndondolo ya mubebi wa u unḡa o lavhelelwaho nga khothe, ho lindelwa u fhedza u dzudzanywa ha ndaela ya vhuuḡḡi ha ḡwana uyo,

ḡeneḡo ḡuvha ḡi thomaho u swika.

35

(3) Musu hu tshi khou dzhielwa ḡḡha maḡuvha a ḡivi ya mubebi maḡwe na maḡwe o badelwaho mubadeli u ya nga muḡwe mulayo kana thendelano yo ḡangelaho iḡwe na iḡwe kana khonḡhiraka ya mushumo, mbuelo ya mubebi a i faneli u fhira muholo wa mubadeli we a vha a ḡshi ḡo u wana arali o vha a songo dzhia ḡivi ya vhubebi.

40

(4) U itela khethekanyo iyi tshifhinga tshilapfusa tsha ḡivi ya mubebi ndi maḡuvha a fumi a tshi khou tou tevhokana.

(5) Mubadeli ha ngo tendelwa u wana mbuelo nga nḡḡani ha musu o vha o tholiwa, sa mubadeli kana hai, lwa tshifhinga tsha heneḡha kha vhege dza 13 hu sa athu swika ḡuvha ḡa u rumela khumbelo ya mbuelo dza vhubebi.

45

**Khumbelo ya mbuelo dza vhubebi**

**26B.** (1) Khumbelo ya mbuelo dza vhubebi dzi fanela u itwa kha fomo yo randelwaho ofisini ya vhushayamushumo.

(2) Khumbelo i fanela u itwa hu sa athu fhela miḡwedzi ya 12 nga murahu ha—

50

(a) ḡuvha ḡe ḡwana a bebiwa ngaḡo; kana

(b) ḡuvha ḡe—

(i) khothe ya ḡea ndaela ya vhuuḡḡi; kana

(ii) ḡwana a vhewa kha ndondolo ya mubebi wa u unḡa o lavhelelwaho nga khothe, ho lindelwa u fhedza u dzudzanywa ha ndaela ya vhuuḡḡi ha ḡwana uyo,

55

ḡeneḡo ḡuvha ḡi thomaho u swika.

(3) The claims officer must investigate the application and, if necessary, request further information regarding the period the applicant was not working in order to care for the child.

(4) If the application complies with the provisions of this Chapter, the claims officer must—

(a) approve the application;

(b) determine—

(i) the amount of the benefits for purposes of section 13(3); and

(ii) the benefits the applicant is entitled to in terms of section 13(4);

(c) authorise the payment of the benefits; and

(d) stipulate how the benefits are to be paid.

(5) If the application does not comply with the provisions of this Chapter, the claims officer must advise the applicant in writing that the application is defective and of the reasons why it is defective.

#### Payment of parental benefits

**26C.** The Director-General must pay the parental benefits to the contributor at the employment office at which the application was made or any other employment office determined by the applicant at the time of application.”.

#### Amendment of section 27 of Act 63 of 2001, as amended by section 9 of Act 32 of 2003

**12.** Section 27 of the Unemployment Insurance Act, 2001, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) the child has been—

(i) adopted in terms of the [**Child Care Act, 1983 (Act No. 74 of 1983)**] Children’s Act, 2005 (Act No. 38 of 2005); or

(ii) placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child;”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The entitlement contemplated in subsection (1) commences on the date—

(a) that a competent court grants an adoption order [**for adoption in terms of the Child Care Act, 1983 (Act No. 74 of 1983)**] Children’s Act, 2005 (Act No. 38 of 2005); or

(b) that the child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child, whichever date occurs first.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) When taking into account any adoption leave paid to the contributor in terms of any other law or any collective agreement or contract of employment, the adoption benefit may not be more than the remuneration the employer would have paid the contributor if the contributor had been at work.”; and

(d) by the addition of the following subsections:

“(5) For purposes of this section the maximum period of adoption leave is ten consecutive weeks.

(6) A contributor is not entitled to benefits unless he or she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for parental benefits.”.

(3) Muofisiri wa mbilo u fanela u todisisa khumbelo arali zwo tea, u humbela mañwe mafhungo malugana na tshifhinga tshe muthu ane a khou ita khumbelo a vha a sa khou shuma u itela u thogomela ñwana.

(4) Arali muthu ane a khou ita khumbelo a tevhedza mbetshelwa dza Ndima iyi, muofisiri wa mbilo u tea u—

(a) tangedza khumbelo;

(b) wana—

(i) tshelede ya mbuelo u itela khethekanyo ya 13(3); na

(ii) mbuelo dzo teaho muthu o itaho khumbelo u ya nga khethekanyo ya 13(4);

(c) u ñea thendelo ya mbadelo ya mbulelo; na

(d) u sumbedzisa uri mbuelo dzi do badelwa hani.

(5) Arali khumbelo ya sa tevhedze mbetshelwa dza Ndima iyi, muofisiri wa mbilo u fanela u ñivhadza muthu o itaho khumbelo nga u tou ñwala uri khumbelo yo khakhea na uri ndi ngani yo khakhea.

### Mbadelo dza mbuelo dza vhubebi

**26C.** Mulanguli Muhulwane u fanela u badela mbuelo dza vhubebi kha mubadeli ofisini ya vhusayamushumo he khumbelo ya itwa hone kana kha ofisi ya vhusayamushumo inwe na inwe ye a i ta musi a tshi khou ita khumbelo.”

### Khwiñiso ya khethekanyo ya 27 ya Mulayo wa 63 wa 2001, sa zwe wa khwiñiswa nga khethekanyo ya 9 ya Mulayo wa 32 wa 2003

**12.** Khethekanyo ya 27 ya Mulayo wa Ndindakhombo ya Vhusayamushumo, wa 2001, i khou khwiñiswa nga—

(a) u bviswa hu re kha khethekanyo thukhu ya (1) ha phara ya (a) ya phara i tevhelaho:

“(a) ñwana we—

(i) a do unñiwa u ya nga [Mulayo wa Ndongolo ya Ñwana, wa 1983 (Mulayo wa 74 wa 1983)] Mulayo wa Vhana, wa 2005 (Mulayo wa vhu 38 wa 2005); kana

(ii) o vhewa kha ndondolo ya mubebi wa u unñiwa o lavhelelwo nga khothe, ho lindelwa u fhedza u dzudzanywa ha ndaela ya vhuunñi ha ñwana uyo, leneño ñuvha li thomaho u swika;”

(b) u bviswa ha khethekanyo thukhu ya (2) ha khethekanyo thukhu i tevhelaho:

“(2) pñanelo dzo sumbedziswa kha khethekanyo thukhu ya (1) dzi thoma nga ñuvha—

(a) line khothe ya vhana maanñi a u ñea ndaela ya u unñiwa u ya nga [Mulayo wa Ndongolo ya Ñwana wa, 1983 (Mulayo wa 74 wa 1983)] Mulayo wa Vhana, wa 2005 (Mulayo wa 38 wa 2005); kana

(b) uri ñwana o vhewa kha ndondolo ya mubebi wa u unñiwa o lavhelelwo nga khothe, ho lindelwa u fhedza u dzudzanywa ha ndaela ya vhuunñi ha ñwana uyo,

leneño ñuvha li thomaho u swika.”

(c) u bviswa ha khethekanyo thukhu ya (4) ha khethekanyo thukhu i tevhelaho:

“(4) Musi hu tshi dzhielwa ñña livi i badelwaho ya vhuunñi ha mubadeli u ya nga muñwe mulayo kana thendelano yo tangelaho inwe na inwe kana khonñhiraka ya mushumo, mbuelo ya vhuunñi a i nga do fhira mbadelo ine mushumi a do vha o badela mubadeli arali mubadeli o vha e mushumoni.”; na

(d) u dzeniswa ha khethekanyo thukhu i tevhelaho:

“(5) U itela khethekanyo iyi tshifhinga tsha gumofulu tsha livi ya vhuunñi ndi vhege dza fumi dzi tshi tevhkana.

(6) Mubadeli ha ngo tendelwa u wana mbuelo nga nñani ha musi o vha o tholiwa, sa mubadeli kana hai, lwa tshifhinga tshe heneffa kha vhege dza 13 hu sa athu swika ñuvha la u rumela khumbelo ya mbuelo dza vhubebi.”

**Amendment of section 28 of Act 63 of 2001**

13. Section 28 of the Unemployment Insurance Act, 2001, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) The application must be made within [six] 12 months after the date—
- (a) of the adoption order [of the adoption, but the Commissioner may accept an application after the six month period on good cause shown]; or 5
- (b) that a child is placed in the care of a prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child, 10
- whichever date occurs first.”.

**Insertion of Part EA in Act 63 of 2001**

14. The following Part is hereby inserted in the Unemployment Insurance Act, 2001, after section 29:

**“Part EA: Commissioning parental benefits****Right to commissioning parental benefits 15**

**29A.** (1) Subject to section 14, only one contributor of the commissioning parents is entitled to the commissioning parental benefits contemplated in this Part in respect of each child and only if—

- (a) the child has been born as a result of a surrogate motherhood agreement referred to in the Children’s Act, 2005 (Act No. 38 of 2005); 20
- (b) the period that the contributor was not working was spent caring for the child; and
- (c) the application is made in accordance with the prescribed requirements and the provisions of this Part. 25

(2) The entitlement contemplated in subsection (1) commences on the date of childbirth.

(3) When taking into account any commissioning parental leave paid to the contributor in terms of any other law or any collective agreement or contract of employment, the commissioning parental benefit may not be more than the remuneration the contributor would have received if the contributor had not been on commissioning parental leave. 30

(4) For purposes of this section the maximum period of commissioning parental leave is ten consecutive weeks.

(5) A contributor is not entitled to benefits unless he or she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for commissioning parental benefits. 35

**Application for commissioning parental benefits**

**29B.** (1) An application for commissioning parental benefits must be made in the prescribed form at an employment office. 40

(2) The application must be made within 12 months after the date of childbirth.

(3) The claims officer must investigate the application and, if necessary, request further information regarding the period the applicant was not working in order to care for the child. 45

(4) If the application complies with the provisions of this Chapter, the claims officer must—

- (a) approve the application;



**Khinqiso ya khethekanyo 28 ya Mulayo 63 wa 2001**

13. Khethekanyo ya 28 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, u khou khwiqiswa nga u bvisa khethekanyo tshukhu ya (2) ya khethekanyo i tevhelaho:

- “(2) Khumbelo i fanela u itwa hu sa athu fhela [rathi] miñwedzi ya 12 nga 5  
 murahu ha datumu—
- (a) ndaela ya vhuunqi [ya vhuunqi, nga Khomishinari i nga tangedza khumbelo nga murahu ha miñwedzi ya rathi kha nyimele yavhuqi yo sumbedzwaho]; kana
- (b) uri ñwana onoyo a vhe nga fhasi ha ndondolo ya mubebi ane a khou toqa u mu 10  
 unqa zwi tshi bva kha ndaela ya kotho yo teaho, musi ho lindelwa khunyeledzo ya ndaela ya vhuunqi malugana na ñwana onoyo, zwi tshi bva kha uri ndi datumu ifhio yo swikaho u thoma.”.

**Udzheniswa ha Tshipiqa tsha EA kha Mulayo wa 63 wa 2001**

14. Tshipiqa tshi tevhelaho tshi khou dzheniswa kha Mulayo wa Ndindakhombo ya 15  
 Vhushayamushumo, wa 2001, nga murahu ha khethekanyo ya 29:

**“Tshipiqa tsha EA: Mbuelo dza u vha mubebi a bebelwaho ñwana nga muñwe****Pfanelo ya u vha mubebi a bebelwaho ñwana nga muñwe**

- 29A.** (1) Zwi tshi bva kha khethekanyo ya 14, ndi mubadeli kha mubebi 20  
 a bebelwaho ñwana nga muñwe ane a vha na pfanelo ya mbuelo dza mubebi a bebelwaho ñwana nga muñwe dzo sumbedzwaho kha Tshipiqa itshi ho sedzwa ñwana muñwe na muñwe nahone arali—
- (a) ñwana o bebiwa nga mme we a vha na thendelano ya u bebelwa ñwana 25  
 vhañwe vhabebi yo bulwaho kha Mulayo wa Vhana, wa 2005 (Mulayo wa 38 wa 2005);
- (b) tshifhinga tshe mubadeli a vha a sa khou shuma o tshi shumisa u thogomela ñwana; na
- (c) khumbelo i itwa hu tshi tevhezwa thodea dzo randelwaho na mbetshelwa dza Tshipiqa itshi. 30
- (2) Pfanelo dzo sumbedzwaho kha khethekanyo tshukhu ya (1) dzi thoma nga ñvha ja u bebiwa ha ñwana.
- (3) Musi hu tshi dzhielwa nthā jivi yo badelwaho ya mubebi a bebelwaho ñwana nga muñwe kha mubadeli u ya nga muñwe mulayo kana thendelano yo tangedelaho kana khonthiraka ya mushumo, mbuelo ya mubebi a bebelwaho ñwana nga muñwe a i nga do fhira mbedelo ine mubadeli a do vha o i wana arali mubadeli o vha a songo dzhia jivi ya mubebi a bebelwaho ñwana. 35
- (4) U itela khethekanyo iyi tshifhinga tsha gumofulu tsha jivi ya mubebi a bebelwaho ñwana nga muñwe ndi vhege dza fumi dzi tshi tevhokana. 40
- (5) Mubadeli ha ngo tendelwa u wana mbuelo nga nqani ha musi o vha o tholiwa, sa mubadeli kana hai, lwa tshifhinga tsha heneffa kha vhege dza 13 hu sa athu swika ñvha ja u rumela khumbelo ya mbuelo dza vhubebi.

**Khumbelo ya mbuelo dza u vha mubebi a bebelwaho ñwana nga muñwe**

- 29B.** (1) Khumbelo ya mbuelo dza u vha mubebi a bebelwaho ñwana nga muñwe i tea u itwa kha fomo yo randelwaho mushumoni.
- (2) Khumbelo i tea u itwa kha miñwedzi ya 12 nga murahu ha ñvha ja u bebiwa ha ñwana.
- (3) Muofisiri wa mbilo u tea u sedzulusa khumbelo a dovha hafhu a, arali zwo tea, humbela mañwe mafhungo a elanaho na tshifhinga tshe muhumbeli a vha a sa khou shuma nge a vha a tshi khou thogomela ñwana. 50
- (4) Arali khumbelo i tshi swikela mbetshelwa dza Ndima iyi, muofisiri wa khumbelo u tea u—
- (a) tangedza khumbelo; 55

- (b) determine—
- (i) the amount of the benefits for purposes of section 13(3); and
  - (ii) the benefits the applicant is entitled to in terms of section 13(4);
- (c) authorise the payment of the benefits; and
- (d) stipulate how the benefits are to be paid.
- (5) If the application does not comply with the provisions of this Chapter, the claims officer must advise the applicant in writing that the application is defective and of the reasons why it is defective.

**Payment of commissioning parental benefits** 10

**29C.** The Director-General must pay the commissioning parental benefits to the contributor at the employment office at which the application was made or any other employment office determined by the applicant at the time of application.”.

**Amendment of section 58 of Act 63 of 2001** 15

**15.** Section 58 of the Unemployment Insurance Act, 2001, is hereby amended by the substitution in subsection (12) for paragraph (c) of the following paragraph:

“(c) the number of contributors to whom illness, maternity, parental, adoption and commissioning parental benefits, respectively, have been paid and the total amount of such payments; and”.

**Substitution of long title of Act 63 of 2001**

**16.** The Unemployment Insurance Act, 2001, is hereby amended by the substitution for the long title of the following long title:

**“To establish the Unemployment Insurance Fund; to provide for the payment from the Fund of unemployment benefits to certain employees, and for the payment of illness, maternity, parental, adoption, commissioning parental and dependant’s benefits related to the unemployment of such employees; to provide for the establishment of the Unemployment Insurance Board, the functions of the Board and the designation of the Unemployment Insurance Commissioner; and to provide for matters connected therewith.”.**

**Short title**

**17.** This Act is called the Labour Laws Amendment Act, 2018, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- (b) wana—
- (i) tshedele ya mbuelo u itela khethekanyo ya 13(3); na
  - (ii) mbuelo ine muhumbeli a tea u i wana u ya nga khethekanyo ya 13(4);
- (c) ŋea thendelo ya mbadelo dza mbuelo; na 5
- (d) dodombedza ŋdila ine mbadelo dza ɔo badelwa ngayo.
- (5) Arali khumbelo ya vha i sa swikeli mbetshelwa dza Ndima iyi, muofisiri wa mbilo u tea u eletshedza muhumbeli nga u tou ŋwala a ɔalusa uri khumbelo yo khakhea, a ŋea na zwiitisi zwo itaho uri i vhe yo khakheaho. 10

#### Mbadelo ya mbuelo dza u vha mubebi a bebelwaho ŋwana nga muŋwe

**29C.** Mulangi Muhulwane u tea u badela mbuelo dza u vha mubebi a bebelwaho ŋwana nga muŋwe kha mubadeli ofisini ya mushumo he khumbelo ya itwa hone kana ofisini ya mushumo inwe na inwe yo tiwaho nga muhumbeli musi a tshi ita khumbelo.”. 15

#### Khwiŋiso ya khethekanyo ya 58 ya Mulayo wa 63 wa 2001

- 15.** Khethekanyo ya 58 ya Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, i khou khwiŋiswa nga u bviswa ha khethekanyo ɔhukhu ya (12) ya phara (c) ya phara i tevhelaho:
- “(c) tshivhalo tsha vhabadeli vhane vhulwadze, vhuimana, vhubebi, vhuunɔi na mbuelo dza u vha mubebi a bebelwaho ŋwana, nga u tevhkana hazwo, zwo badelwa na ɔhanganyelo ya mbadelo idzo; na”.
- 20

#### U bviswa ha dzina li lapfu la Mulayo wa 63 wa 2001

- 16.** Mulayo wa Ndindakhombo ya Vhushayamushumo, wa 2001, u khou khwiŋiswa nga u bvisa ɔhoho ya mafhungo ndapfu ya ɔhoho ya mafhungo ndapfu i tevhelaho: 25
- “**U thoma Tshikwama tsha Ndindakhombo ya Vhushayamushumo; u ŋetshedza mbadelo u bva kha Tshikwama tsha mbuelo dza vhushayamushumo kha vhaŋwe vhashumi, na mbadelo dza vhulwadze, vhuimana, u vha mubebi, vhuunɔi, mubebi a hwalelwaho ŋwana nga muŋwe na mbuelo dza muvhuelwa malugana na vhushayamushumo ha mushumi onoyo; u ŋetshedza mathomo a Bodo ya Ndindakhombo ya Vhushayamushumo, mishumo ya Bodo na u tholwa ha Khomishinari wa Ndindakhombo ya Vhushayamushumo, na maŋwe mafhungo a elana ho na zwenezwi.**”.
- 30

#### Kort titel

- 17.** Hierdie Wet heet die Wysigingswet op Arbeidswette, 2018, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal. 35

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065