

# LABOUR LAWS AMENDMENT BILL, 2017



Roché Houman

**Section 25 of the Basic Conditions of Employment Act, which deals with Maternity Leave, will have a welcomed addition in the form of section 25A: Parental Leave, 25B: Adoption Leave and 25C: Commissioning Parental Leave.**

For fathers, who would normally be entitled to 3 days family responsibility leave, will now enjoy at least 10 consecutive days parental leave, according to the new Labour Laws Amendment Bill, 2017.

## How will it work?

- The parental leave entitlement is 10 consecutive days in terms of section 25A.
- The employee may start with parental leave on the day that the child is born; or the day the adoption order is granted or the child is placed in the care of the soon to be adoptive parent, whichever occurs first.

An employee who is an adoptive parent will be entitled to 10 weeks adoption leave (section 25B) provided the child is below the age of 2 years. Considering section 25A and B on a practical level, an adoptive parent will be entitled to 10 days parental leave or 10 weeks adoption leave. Therefore, one parent will be entitled to 10 days parental leave and the other parent 10 weeks adoption leave when adopting a child. The same 10 weeks benefit will be applicable to an employee who is a commissioning parent in a surrogate motherhood agreement (section 25C). One parent will be entitled to the 10 days parental leave and the other to 10 weeks commissioning parental leave.

## What must the employee do?

The employee must notify the employer 1 month in advance of the intended parental leave, adoption or commissioning parental leave, as well as the expected date of return. This must be done preferably in writing, unless the employee is unable to do so. The employee will be able to claim parental leave benefits from the Unemployment Insurance Fund, which benefit will be determined by the Minister subject to the provisions of the UIF Act.

## What must the employer do?

Currently employers grant 3 days paid family responsibility leave to fathers and 4 months unpaid maternity leave to mothers. The 3 day family responsibility leave provision as per section 27 (2) paragraph (a) in the Basic Conditions of Employment Act will fall away when the Bill is gazetted. There will be no obligation on the employer to pay this benefit, unless they have a policy or a contractual agreement to do so.

The employer will also be compelled to grant adoption leave, as there is currently no obligation on them to do so and no provision in the Basic Conditions of Employment Act compelling them. This was normally a matter of negotiation but with the amendments, employers will have to grant such adoption leave.

## What other amendments will impact these provisions?

According to the Bill, the Unemployed Insurance Act will be amended to allow the Unemployment Insurance Fund to pay at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set by the Act.

Section 27 of the Basic Conditions of Employment Act still requires reasonable proof of an event granted by the Act, so employers may safely assume that reasonable proof will be required from the applicant parent similar to that which will be required from the UIF offices on the prescribed application requirements.

To claim these rights the applicant parent should be a contributor to UIF for at least 13 weeks before the date of application. The contributor who is the parent of a child can apply if the contributor has been registered as the father of the child in terms of the Births and Deaths Registration Act; is the parent of a child below the age of 2 in an adoption order; or is the prospective adoptive parent of a child below the age of 2, 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 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.

**By: Roché Houman**

# SOARING HIGHER



## SALES SUMMIT 2018

**On 27 January 2018 Express Employment Professionals hosted their annual Sales Summit themed Soaring Higher. It was a theme that was focused on reaching for new opportunities and seizing success.**

Express Employment Professionals has never settled, never rested. Our company has grown by leaps and bounds, reaching for new opportunities and seizing success. The time is right to soar higher and higher, accomplishing more not just for our company, but also for our families, our communities, and even our world. Our achievements will be limited only by the scope of our dreams. Building on yesterday, we will prepare for tomorrow, honouring our commitment to put a million people to work annually. It will take hard work. It will take perseverance. It will take the unity and solidarity of the entire Express family, working together hand in hand. But we know we can do it—we know hope is worth it.

Express South Africa had the wonderful pleasure of having Steve Scully and Karen Gilbert join us and facilitate the activities for the day. Steve has vast experience in the staffing industry. He has owned 5 Express offices in the USA and is one of the Top 30 Franchisees in the USA. Karen Gilbert is the Training Director at Express Employment Professionals Headquarters in Oklahoma City, USA. We had wonderful responses from the delegates on the activities that Steve and Karen facilitated. "Steve is an absolute star - he has helped us to weather the storm in such a fantastic way that we never ever want to lose him! His way of teaching, understanding and coaching us through the maze is definitely the winning way. Thank you, STEVE!"

"Karen is a great trainer who has great passion for people and their development." We are truly grateful to Steve and Karen for joining us in South Africa and training our franchisees and staff.



*Express Employment Professionals Franchise Owners*



*Values & Action Award  
Nastassia Lamont*



*Top Sales Rep  
Most New Clients  
Jo-Anne Jansen Van Vuuren*



*Top Sales Rep  
Most Appointments  
Jeran Heritage*



*Top Sales Rep  
Most Sales Call Volume  
Adele Van Der Merwe*



*Circle of Excellence Award - Express Pretoria*

The most successful offices were awarded prizes for their outstanding efforts in 2017 at the Evening of Excellence function.

### Awards

The awards ranged from Most Profitable, Highest Placements to Circle of Excellence.

We had new awards handed out at the awards evening, which included the **Top Sales Rep** in each of the 3 categories: Most New Clients, Most Sales Call Volume and Most Appointments.

The **Helping Hand Award** is awarded to an individual or office that has demonstrated the Express spirit by extending a "helping hand," encouragement and direction to another office.

The **Values and Action Award** is awarded to an individual who constantly takes positive action towards achieving growth by living the Express values - Integrity, professionalism, teamwork, continuous improvement, perseverance, easy to do business with and partnerships for profitability.

The theme for the evening function was Black Tie. The Express teams outdid themselves in dressing up to the theme and they looked elegant and classy. After the awards ceremony it was time to eat, relax and dance the night away!



*Helping Hand Award  
Express Durban North*



*Circle of Excellence Award - Express Durban North*



*Circle of Excellence Award - Express Richards Bay*



*Circle of Excellence Award - Express Midrand*



*Circle of Excellence Award - Express Durban South*

# HAVE YOU CLEARED THE PATH FOR A SUCCESSFUL 2018?

**There is often a lot vying for your attention at the beginning of a new year, so it's essential to take every step you can to clear the path for 2018.**

With fewer distractions in the way, you and your team will be able to buckle down and focus on the tasks and activities that actually move you toward achieving your goals instead of feeling like you're constantly playing catch up. Here are a few quick tips to put yourself in the best position for new year success.

## Clear the clutter

First and foremost ... literally clear the path. From deep cleaning your office or cube to purging old emails and files, ridding yourself of the old junk that's only getting in your way is an important first step to focusing on the new year.

## Post your goals

The best way to stay focused is to always have a reminder of where you're going and what you're working for. From company initiatives to personal new year resolutions, posting your goals where you and your team will see them every day will help keep you accountable and keep everyone's eyes on the prize.

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## Touch base with colleagues, clients, and vendors

It's a new year for everyone, so it's important to check in with your team, as well as other people you work with throughout the new year, including colleagues in other departments, professional organizations you are a part of, and vendors who are also likely in the process of ramping up for 2018. Communicating goals with others who will impact your success is an important step in reaching your goals.

## Go to the gym

Nothing clears your mind and prepares your body for a challenging new task like exercise. Whether it's going for a walk, cycling, or lifting weights, many studies have shown that there is a strong relationship between physical activity and increased levels of motivation and engagement at work.

## Start thinking about 2019

No, this doesn't mean you need to start setting performance goals and planning business strategies for 2019 already. However, it is important to think back through 2017 and all the actions you may have missed or could have taken along the way that would have helped start the new year on a stronger foundation and plan to implement them in 2018.

## Express Franchised Offices in South Africa

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Pietermaritzburg 0861 222 263  
Port Elizabeth 0861 177 757

Pretoria 0860 403 500  
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## PROMOTE YOURSELF TO OWNERSHIP

**JOIN THE LARGEST FRANCHISED STAFFING FIRM IN SOUTH AFRICA AND INVEST IN YOUR SUCCESS WITH AN EXPRESS EMPLOYMENT PROFESSIONALS FRANCHISE.**

For franchise opportunities contact Carolyn Diaz at (012) 641 0100 or [FranchiseSales@expresspros.co.za](mailto:FranchiseSales@expresspros.co.za)

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