



21 February 2024

NEWSLETTER: FAMILY RESPONSIBILITY LEAVE

Employers are regularly faced with employees that has to attend to personal and family matters and are mostly uncertain about what is included under family leave and what not. Below a set out:

Family Responsibility Leave

Only an employee who has worked for **longer than four months** for the same employer, and who is employed on **more than four days** per week with the same employer, qualifies for family responsibility leave.

Family Responsibility Leave covers specific requirements.

Anything else not mentioned in section 27 (below) of the Basic Conditions of Employment Act does not qualify for Family Responsibility Leave.

Family Responsibility Leave is only applicable:

- if an employee's child or adopted child is sick (younger than 18 year)
- upon the death of the employee's spouse or life partner; the death of the employee's parent, adoptive parent, child, adopted child, grandchild, grandparent, or sibling.

Note that an employee only qualifies for such leave in cases of illness of the employee's child or adopted child. No other incident of illness is covered under this section, such as the illness of the employees spouse or life partner, etc. The employee must use annual leave for that purpose.

Similarly, an employee only qualifies for family responsibility leave if the death is one of the family members named above. The death of any other relatively is not covered by family responsibility leave. Such must be treated as annual leave.

Again, you can see that a contract of employment has to be in place in order to have the agreement between the parties in place.

If you have any questions and or queries, please contact our offices at 0876302070 or by email.

Regards

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