

# **Submission by COSATU on the Labour Laws Amendment Bill, PMB 5 - 2015**

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**Submitted to:**

**Portfolio Committee on Labour,  
National Assembly  
Parliament  
Republic of South Africa**

## **1. Introduction**

The Congress of South African Trade Unions (COSATU) strongly welcomes and supports the correct and progressive objectives and intentions of the Labour Laws Amendment Bill.

Whilst we have additional proposals with regards to the Bill, we believe that it is progressive, seeks to achieve important improvements in the lives of workers and their families, is in line with COSATU's policies and should thus be strongly supported.

## **2. Parental Leave**

COSATU strongly supports the Bill's proposal for parents who to be entitled to 10 days parental leave in the event of the birth of their children. Currently fathers are only entitled to 3 days family responsibility per annum. This is quickly exhausted as it also covers illnesses and deaths of family members.

It is important for society and children's well being for both parents to play an active role in their lives. This is especially critical during the infant stage. Mothers who recently gave birth often require the help of their spouse to take care of the baby as they are often still recovering from their birth, e.g. caesarean sections, premature births etc.

Society's well being depends upon both parents' playing an active role from birth. This is thus critical towards ensuring the long term well being of the child.

COSATU thus is determined that all parents must be entitled to ten days paid leave for their birth of their children. This was also part of the recent public service negotiations. This must be separate from the three days family responsibility leave and from maternity leave. We therefore strongly support the ten day proposal.

Having said that, we believe this must only be the first step of the way towards advancing the rights of parents. Cameroon offers 10 days paid paternity leave of which 3 are compulsory. Australia and Kenya offer 14 paid days. Sweden offers a combined 480 days leave for the parents to share. We strongly believe that the Swedish model of 480 days is an objective that we should begin working towards as labour, business, society and government.

In the meantime 10 days paid parental leave must be implemented as a matter of the utmost urgency.

### **3. Adoption Leave**

In line with our strong support for the minimum first step of 10 days paid parental leave in case of the birth of children, COSATU also strongly supports the Bill's objective of the provision for 10 weeks paid leave for parents when adopting children.

However we believe that it needs to be in line with existing maternity leave. Maternity leave covers both the need for physical recovery as well as the need to bond with the child. We thus propose that the proposed 10 weeks adoption leave be amended to reflect the same 4 to 6 months provisions of maternity leave. As adopted parents do not need to recover from having given birth, provision should be made for the adopted parents to sub-divide this 4 to 6 months adoption leave.

We believe this will lay the foundation for a healthier adopted child and stronger family. Many adopted children come from traumatic backgrounds and thus need additional time to bond with their new families.

We further propose that this provision applies equally to all adopted children and not only those under the age of 2 as proposed by the Bill. Children aged, 3, 4, 5 years etc. need equally to bond with their adoptive families. Likewise do teenage children.

### **4. Conclusion**

The Labour Laws Amendment Bill is progressive, critical and will play an important role with regards to helping society raise healthy children and strengthening the families needed to support them.

The Bill is long overdue and should be welcomed by all. COSATU strongly supports the Bill and urges all Members of Parliament and government to do so as well and to speedily pass the proposed amendments into law.

COSATU is currently engaging with the Department of Labour on the contents of this proposed Labour Laws Amendment Bill at Nedlac. Business and the UIF Board are part of these engagements. We hope to conclude these engagements by the end of 2016 and to then be able to report to Parliament on their outcome.

We hope that these engagements can then be included in the other pending labour amendment bills arising from the other engagements currently taking place at Nedlac

(labour market stability and a national minimum wage). Hopefully then a comprehensive package could then be submitted to Parliament for engagement and processing. However COSATU has at the same time cautioned government that these processes at Nedlac should not be allowed to take too long.

It is in line with COSATU's long held support for the achievement of paternity and its expansion. We believe that the Honourable, Ms. Dudley, MP, should be congratulated for this progressive initiative and urge all MPs to support and expand such worker friendly bills. Whilst supporting the Bill we believe that the adoption leave provisions should be amended to provide for all adopted children and to equalise the paid days leave for adopted parents as to those provided for under maternity leave.

Arguments against providing for parental and adoption leave, such as that men do not give birth etc. are out of date, not in line with our democratic Constitution and should be dismissed as relics from the era when child rearing was left to women who in turn were expected to be stay at home mothers. Such opposition is out of touch with the progressive modern caring society that COSATU strongly supports and which all our children deserve.

Lastly, whilst strongly supporting this progressive bill, we believe this is merely the first step towards achieving similar parental, maternity and adoption paid leave provisions as enjoyed by Sweden.

Thank you.



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