

QUICKLAW

ANSWERS YOUR QUESTIONS

PREGNANCY

What are my rights?

- You are entitled to a minimum of 4 consecutive months unpaid maternity leave, and
- Your employer must keep your job for you.

When can I take maternity leave?

You may go on maternity leave:-

- 4 weeks before the expected date of birth or on a date that a doctor certifies is necessary for your health or the health of your baby.
- You may not work for at least 6 weeks after the birth of your baby.
- If you have a miscarriage during your third trimester or the child is still-born, you are entitled to 6 weeks maternity leave after the miscarriage or still-birth even if you have already started your maternity leave.

Can the father of my child take paternity leave?

- Yes, this type of leave is called "Family Responsibility Leave."
- He is entitled by law to take 3 days paid leave.
- The father will only be allowed this leave if he has been in employment for more than 4 months and he works at least 4 days a week for that employer.

What are my employer's duties?

- Your employer must keep your job for you.
- Your employer is not allowed to make you perform work that is harmful to your health or the health of your baby.
- If you work at night or your work could harm your baby, your employer has a duty during your pregnancy and for 6 months after the birth of your baby to offer you suitable alternative employment (on the same terms and conditions), for example, your employer may not change your salary or make you work longer hours.

What steps should I take to prepare for maternity leave?

- Find out from your company how to apply for maternity leave.
- Depending on company procedure there may be leave forms to complete.
- Write to your company at least 4 weeks before you would like to take maternity leave and tell them when you are going to start your maternity leave and when you are going to return to work.
- A pregnant employee who is a contributor to the Unemployment Insurance Fund is entitled to receive maternity benefits.
- You must apply for maternity benefits at least 8 weeks before the birth of your child.
- Maternity benefits are regulated by the Unemployment Insurance Fund (UIF).

How do I claim my maternity benefits?

- Ask your company to assist you to complete

the forms. If they cannot assist you, you should go to your nearest Department of Labour.

- Find out your UIF details and your employer's UIF details.
- You must complete the application form, it is called the "ANNEXURE UF 92."
- If your baby has already been born on the date of making the application for maternity benefits, you must complete an application form called an "ANNEXURE UF 94."

How much will the UIF pay me?

- The UIF works out your maternity benefits on a sliding scale depending on your income.
- To find out how much money you will receive, contact the Department of Labour.

How can LegalWise help you?

If you need assistance with filling out application forms or if you are uncertain about any of the information in this brochure, speak to a Legal Counsellor at this branch.

The LegalWise policy does not cover family related problems but as a LegalWise Member you are entitled to advice and assistance 24 hours a day.

KEY:

1. EMPLOYEE - a person who works for another in return for wages
2. EMPLOYER - a person or firm that employs people
3. EMPLOYMENT - having a job
4. MATERNITY LEAVE - leave given for childbirth
5. STILL-BORN - the birth of a dead child