

	Who may take it?	Length of leave period	Commencement date of leave	Benefits	Notification of leave to employer	When must notification be given?
Maternity leave BCEA section 25	An employee who is pregnant.	4 consecutive months	4 weeks before the expected date of confinement or on a date necessitated by the employee's health or that of her unborn child as certified by a medical practitioner or a midwife.	There is no statutory requirement for an employer to remunerate an employee while he or she is on maternity, parental, commissioning parent or adoption leave. However, employees can claim benefits from the Unemployment Insurance Fund in terms of the provisions of the Unemployment Insurance Act during this period.	An employee must notify his or her employer in writing, unless he or she is unable to do so, of the date on which he or she intends to: <ul style="list-style-type: none"> • commence leave; and • return to work after leave. 	<ul style="list-style-type: none"> • At least four weeks before the employee intends to commence maternity leave; or • If it is not reasonably practicable to do so, as soon as is reasonably practicable.
Maternity leave for a miscarriage/ still-birth BCEA section 25(4)	An employee who has miscarried during the third trimester or who bears a stillborn child.	6 weeks	Date of miscarriage/stillbirth.			<ul style="list-style-type: none"> • At least four weeks before the employee intends to commence maternity leave; or • If it is not reasonably practicable to do so, as soon as is reasonably practicable
Parental leave BCEA section 25A	An employee who is a parent of a child.	10 consecutive days	<p>Whichever of the following dates occurs first:</p> <ul style="list-style-type: none"> • the date on which the employee's child is born; • the date on which the adoption order is granted; or • the date on which a child is placed in the care of a prospective adoptive parent by a competent court, pending finalisation of an adoption order in respect of that child. 			<ul style="list-style-type: none"> • At least one month before the employee's child is expected to be born; or the date of the adoption order/when the child is placed in the care of the employee; or • If it is not reasonably practicable to do so, as soon as is reasonably practicable.
Adoption leave BCEA section 25B	<p>An employee who is an adoptive parent of a child under the age of two. The employee is entitled to either adoption leave or parental leave</p> <p>Note: if an adoption order is made in respect of two adoptive parents or if a competent court orders that a child be placed in the care of the two prospective adoptive parents pending finalisation of an adoption order in respect of that child, one of</p>	10 consecutive weeks	<p>Whichever of the following dates occurs first:</p> <ul style="list-style-type: none"> • the date on which the adoption order is granted; or • the date on which a child is placed in the care of a prospective adoptive parent by a competent court, pending finalisation of an adoption order in respect of that child. 			<ul style="list-style-type: none"> • At least one month before the employee's child is expected to be born or the date of the adoption order/when the child is placed in the care of the employee; or • If it is not reasonably practicable to do so, as soon as is reasonably practicable.

	the parents may apply for parental leave and the other may apply for adoption leave. The selection of choice must be exercised at the option of the parents.					
Commissioning parent leave BCEA section 25C	<p>An employee who is a commissioning parent in a surrogate motherhood agreement.</p> <p>Note: if a surrogate motherhood agreement has two commissioning parents, one may apply for parental leave and the other commissioning parental leave</p>	10 consecutive weeks	The date on which a child is born as a result of a surrogate motherhood agreement.			<ul style="list-style-type: none"> • At least one month before the child is expected to be born as a result of a surrogate motherhood agreement; or • If it is not reasonably practicable to do so, as soon as is reasonably practicable.