

¹Basic Guide to Maternity Leave

The Basic Conditions of Employment Act applies to all **employers** and **workers**, but not -

- members of the -
 - o National Defense Force,
 - o National Intelligence Agency, or
 - o South African Secret Service; or
- unpaid volunteers working for charity.

The section of the Act that regulate **working hours** does not apply to:

- workers in senior management
 - sales staff who travel and regulate their own working hours
 - workers who work less than 24 hours in a month
 - workers who earn in excess of an amount stated in terms of section 6 (3) of the Act
 - o workers engaged in emergency work are excluded from certain provisions.
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Applies to all employers and workers and regulates leave, working hours, employment contracts, deductions, pay slips, and termination

Number of Leave Days

Pregnant workers are entitled to at least 4 consecutive months of maternity leave.

Timing of Leave

Workers may take maternity leave 1 month before their due date, or earlier or later as agreed or required for health reasons.

Workers may not go back to work within 6 weeks after the birth unless their doctor or midwife say it is safe.

Safety of Pregnant or Nursing Workers

A worker who is pregnant or nursing may not do work that is unsafe for her or her child.

¹ **Basic Conditions of Employment Act** (https://www.gov.za/sites/default/files/gcis_document/201409/a75-97.pdf)