



**the dpsa**

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Public Service and Administration  
**REPUBLIC OF SOUTH AFRICA**

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## **TO HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND PROVINCIAL ADMINISTRATIONS**

### **CIRCULAR NO 9 OF 2019**

***For Attention: The Head of Human Resources***

### **LABOUR LAWS AMENDMENT ACT, 2018**

1. The President assented to the Labour Laws Amendment Act, Act 10 of 2018 (henceforth referred to as the Amendment Act) on 27 November 2018 and the Amendment Act will only come into operation on a date fixed by the President by proclamation in the Government Gazette. Please refer to section 17 of the Amendment Act.
2. The DPSA has analysed the Amendment Act and has commenced a process to obtain further legal advice to inform the way forward. From the preliminary analysis it transpired that a PSCBC process need to be embarked upon since collective agreements and hence the Determination and Directive on Leave of Absence in the Public Service (the Determination) may need to be renegotiated/reviewed. The DPSA will continue with its work in preparation of the implementation of the Amendment Act.
3. The DPSA has been inundated with enquiries specifically with regard to the parental leave referred to in section 3 of the Amendment Act. From the enquiries, it transpired that employees and departments are seemingly unaware of the content of section 17 of the Amendment Act. Hence, it is necessary to confirm that the status quo as contained in the prevailing leave provisions remains. In this regard, an employee may apply for three (3) days paternity leave (paragraph 25 of the Determination) and five (5) days (or whatever credits are left of the five working days) family responsibility leave for when his/her child is born or the employee's child/spouse/life partner is ill as contemplated in paragraph 24.4.1 of the Determination.

  
**DIRECTOR-GENERAL**

**DATE:** 4 April 2019