



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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Basic Guide to Maternity Leave

Pregnant women may take 4 months of maternity leave, starting 1 month before their due date.

Application

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

- members of the -
 - National Defence Force,
 - National Intelligence Agency, or
 - 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
 - workers engaged in emergency work are excluded from certain provisions.
- workers engaged in emergency work are excluded from certain provisions.

See

- Basic Conditions of Employment Act

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.

Based on Legislation in Section 25, of the Basic Conditions of Employment Act

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.

Based on Legislation in Section 25, of the Basic Conditions of Employment Act

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.

Based on Legislation in Section 26, of the Basic Conditions of Employment Act

Related Links

- [Basic Guide to Annual Leave](#)
Rules for annual leave as prescribed by the Basic Conditions of Employment Act
- [Basic Guide to Family Responsibility Leave](#)
Under the Basic Conditions of Employment Act, workers may take paid leave to attend to certain family situations
- [Basic Guide to Sick Leave](#)
Rules for sick leave as prescribed by the Basic Conditions of Employment Act.
- [Basic Guide to UIF Maternity Benefits](#)
Workers on maternity leave may claim for benefits from UIF.
- [Basic Guide to Unfair Discrimination](#)
No employer may have discriminative policies and practices.