

MEDIA RELEASE **Maternity leave: PSA welcomes groundbreaking judgement for parents**

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EMBARGO None

ENQUIRIES communication@psa.co.za

The Public Servants Association (PSA), representing more than 240 000 public-sector employees, welcomes the recent judgement by the Constitutional Court, which grants both parents the right to maternity leave.

This ruling includes parents whose child is born through surrogacy or adoption. The Court found that the provisions of the *Basic Conditions of Employment Act (BCEA)* regarding parental leave violated sections 9 and 10 of the *South African Constitution*. The Court ruled that these provisions unfairly discriminate against mothers and fathers, as well as parents based on the child's manner of birth. Therefore, in cases of natural birth, parents can now choose which one of them will take the full four months of maternity leave or allocate the period between them as they see fit.

The Public Service's regulations regarding leave of absence must thus also be amended to comply with the Constitutional Court's decision. Failure to do so will amount to discrimination. The PSA is aware of the potential implications of this judgement and will engage constructively in the Public Service Coordinating Bargaining Council to ensure that public servants are treated fairly in this regard.

The PSA is, however, concerned about the suspended declaration of constitutionality for two years, which allows for parliamentary processes and amendments to the *BCEA*. This period is too long and will be detrimental to workers. The PSA therefore urges Government to act with urgency to prevent any form of discrimination against working parents.

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