

What benefits can employees claim in terms of the Unemployment Insurance Act 63 of 2001, as amended (UIA)?

A contributor may claim the following benefits in terms of the Unemployment Insurance Act 63 of 2001, as amended (UIA):

- Unemployment benefits;
- Maternity benefits;
- Illness benefits;
- Parental benefits
- Adoptive parent benefits; and
- Dependant's benefits

Section 29A of the Unemployment Insurance Act allows for contributors to the Unemployment Insurance Fund (UIF) to apply for parental benefits if -

- the contributor has been registered as the father of the child in terms of the Births and Deaths Registration Act 51 of 1992; or
- is a parent of a child below the age of two in terms of an adoption order; or
- the prospective adoptive parent of a child below the age of two, in terms of a court order that placed the child in the care of prospective adoptive parents, pending finalisation of an adoption order in respect of that child; or
- is the parent of a child born as a result of surrogate motherhood agreement referred to in the Children's Act 38 of 2005.

1. Unemployment benefits

Section 16 of the UI Act states that unemployment benefits are payable to an unemployed contributor who has been unemployed for more than fourteen days if the reason for unemployment is –

- the termination of the contributor's contract of employment by the employer or the end of his/her fixed-term contract;
- the dismissal of the contributor;
- insolvency;
- in the case of a domestic worker, the termination of the contributor's contract of employment by the death of the employer.

Contributing workers undergoing learning/training in terms of the Skills Development Act will be eligible for Unemployment Insurance benefits once their Learnership contracts end.

- Benefits are paid from the date of unemployment rather than the date of application.
- Workers will have 12 months instead of 6 months to claim for unemployment benefits.
- Contributors will be able to claim unemployment benefits for up to 365 days instead of 238 days if they have worked for a continuous period of 4 years.
- Employees can claim if their hours of work are reduced.

NB: Where the contributor resigns from his/her employment, s/he is not entitled to claim unemployment benefits, unless the contributor has succeeded in a claim of constructive dismissal at either the CCMA or a bargaining council.

Furthermore, the contributor is required to comply with the following-

- apply within six months of the termination of the contract of his/her services;
- must register as a work-seeker with a labour centre; and
- be capable of and available to work.

See How to Guide: Employer's legal obligations when employment ends [4.4A]

2. Maternity benefits

In terms of section 25 of the UI Act, the application for maternity benefits must be made in the prescribed form at least eight weeks before childbirth.

The maternity benefit may not be more than the remuneration the contributor would have received had the contributor not been on maternity leave.

The maternity benefit is paid for a maximum period of 17.32 weeks. Where the contributor has a miscarriage during the third trimester or bears a still-born child, the maximum maternity benefit payable is six weeks after the miscarriage or stillbirth.

3. Illness benefits

These benefits are payable when a contributor has not been able to work due to ill health for a period exceeding fourteen days. The period of illness is calculated from the date that the contributor stops working due to ill health and an application for these benefits must be made within six months of this date. The illness benefit may not be more than the remuneration the contributor would have received from the employer had the contributor been at work.

In terms of the Unemployment Insurance Regulations, an employer is required to complete form UI 2.7 which serves as a statement in respect of payment made to the contributor who is still employed, but is unable to work due to illness, maternity or adoption of a child.

4. Adoption benefits

Adoption benefits are available in circumstances where a child, below the age of two, is placed in the care of prospective adoptive parent by a competent court, pending the finalisation of an adoption order in respect of that child or where an adoption order has been granted in terms of the Children's Act 38 of 2005. Where this applies to two adoption parents, the one may apply for adoption leave/benefits while the other may apply for parental leave/benefits.

The adoption benefit / parental benefit may not be more than 66% of the earnings of the beneficiary as at the date of application, subject to a maximum threshold set by the UIA.

5. Dependant's benefits

In terms of section 30 of the UI Act, the surviving spouse or a life partner of a deceased contributor may apply, within six months of the death of the contributor, for the contributor's benefits.

Any dependent child of a deceased contributor may apply for the dependent's benefits if there is no surviving spouse or life partner, or the surviving spouse or life partner has not made application for the benefits within six months of the contributor's death.

The dependant's benefit may not be more than the remuneration the contributor would have received from the employer had the contributor been alive.

Documents required:

- Contributor's record card
- A certificate from the last employer in the form of and including the information called for in Annexure UF 128
- Dependant's ID document
- Deceased's ID document
- Form UI-19 completed by the employer **[create hyperlink to: https://www.labour.gov.za/DocumentCenter/Forms/Unemployment%20Insurance%20Fund/UI19_employers%20declarations.pdf]**
- Marriage certificate or evidence of a customary marriage
- Affidavit – for life partners
- Birth certificates – for children
- Proof of schooling – for children between 21 and 25
- Death certificate of the deceased contributor

6. Parental benefits

An application for parental benefits in terms of section 26B of the UIA must be made at an employment office and must be in the form of a complete UI 2.9.

Documents required:

- an identity document;
- a full birth certificate of the child with full details of parents;
- a surrogate motherhood agreement in terms of the Children's Act, 2005 (Act No. 38 of 2005); or
- an interim court order placing the child in the care of the prospective adoptive parent
- pending the finalisation of an adoption order in respect of that child;
- details of a valid bank account, in the form of UI 2.8; and
- remuneration received by the employee whilst still in employment, in the form of UI 2.7.

7. Commissioning parental benefits

An application for commissioning parental benefits in terms of section 29B of the UIA must be made at an employment office and must be in the form of a complete UI 2.9.

Documents required:

- an identity document;
- a surrogate motherhood agreement in terms of the Children's Act, 2005 Act No. 38 of 2005);
- details of a valid bank account in the form of UI 2.8;
- remuneration received by the employee whilst still in employment, in the form of UI 2.7; and
- the birth certificate of the child with full details of parents.