

# PAID LEAVE FOR FAMILY HEALTH NEEDS: FEASIBLE OPTIONS FOR SOUTH AFRICA

## PAID LEAVE FOR ADULT FAMILY MEMBERS' HEALTH NEEDS

### SOUTH AFRICA IN THE GLOBAL CONTEXT

- South Africa **does not have explicit legislation** guaranteeing workers paid leave to meet their adult family members' health needs.
- **Globally**, as of 2019, **51** countries had paid leave policies in place to enable workers to balance work and adult caregiving responsibilities for their adult family members.
- These guarantees are compatible with economic competitiveness. **20 middle-income countries and 29 high-income countries** guaranteed workers paid leave for adult family member health needs.
- Provisions that enable workers to balance care and health needs are also found in **all regions, including 5 Sub-Saharan African countries.**

### KEY ELEMENTS OF LAW

#### COVERING ALL FAMILY MEMBERS

- Among countries that have paid leave for adult members' health needs, the vast majority cover a range of family members who may need care, including **spouses (50 countries), adult children (47 countries), elderly parents (48 countries), grandparents (33 countries), and siblings (39 countries).**
- While paid leave provisions that cover **partners (18 countries) and parent-in-laws (18 countries)** are less common, coverage for these relationships is still feasible and critical to supporting workers in their dual roles as workers and caregivers regardless of family situation.
- Countries take a range of legislative approaches to family member coverage.
- For example, **Liberia takes an explicit approach and recognizes a variety of family types** by guaranteeing that "Every employee is entitled to five days' paid leave during each year of service with their employer, to provide care or support to a member of the employee's immediate family who requires care or support" and defines immediate family as "For the purposes of this Part, the 'immediate family' of an employee includes the employee's:
  - a) Children, including any adopted children;
  - b) Married spouse;
  - c) Partner to whom the employee is not married but with whom the employee lives in a relationship like marriage;
  - d) Parents, including adoptive parents;
  - e) Grandparents; and
  - f) Siblings, including adopted siblings.

- Other countries, such as **Sweden**, do not explicitly define the eligible relationship types, but instead broadly grant paid leave: “The Act (1988:1465) regarding compensation and time off for family care available provisions which set out when an employee is caring for a loved one has entitled to leave from their employment.”

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#### HEALTH NEEDS FOR TAKING LEAVE

- Workers’ caregiving responsibilities can arise from a range of different needs from urgent health events to long-term care for chronic conditions to end-of-life care.
- Among countries that guarantee paid leave for adult family members’ health needs, **27 countries made paid leave available generally for health needs and an additional 21 countries made it available for serious health needs**. Only 3 countries narrowly limited the circumstances to end of life care.
- For example, **Namibia** guarantees leave for serious health needs: “An employee is entitled to compassionate leave if there is a death or serious illness in the family.”
- **Angola** provides leave more generally for health needs: “A falta ao trabalho pela ecessidade de prestar assistência inadiável aos membros do agregado familiar, tratando-se de doença ou acidente do cônjuge, pais e filhos até aos dezoito (18) anos de idade, é remunerada com limite máximo de oito (8) dias úteis por ano. (The lack of work due to the need to provide urgent assistance to household members, in the case of illness or accident of the spouse, parents and children up to eighteen (18) years of age, is remunerated with the maximum limit of eight (8) working days per year.)

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#### DURATION OF LEAVE

- The **duration of paid leave needed by a worker for family member health needs will vary greatly** depending on the medical needs of the family member, as well as how many working family members are eligible to take leave for caregiving.
- Of countries that guarantee paid leave for adult family members’ health needs, **11 countries** guarantee at least 6 weeks of paid leave which would help support caregiving during more serious illnesses or at end of life. These include 1 middle-income country and 10 high-income countries.
- For example, **Costa Rica** guarantees one month of paid leave which can be extended monthly for up to 6 months for workers caring for a family member in their final stages of life.
- Some countries have two types of leave available with different durations. For example, **Norway** guarantees workers ten days of paid leave to care for adult family members’ and an additional 60 days of paid leave to care for “lose relatives and/or other close persons” in the final stages of life.

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#### PAYMENT LEVELS

- Payment levels need to be high enough to ensure all workers can afford to take paid leave. This is also critical for gender equality in leave taking.
- Among countries guaranteeing paid leave for adult family members’ health needs, **42 countries guaranteed at least 80% of wages** for at least some of the leave, including **5 Sub-Saharan African countries, 19 middle-income countries and 21 high-income countries**.

## PAID LEAVE FOR CHILDREN'S HEALTH NEEDS

### CURRENT GAPS IN SOUTH AFRICA'S PAID LEAVE FOR CHILDREN'S HEALTH NEEDS

- Currently, South Africa's legislation guarantees paid leave specifically for children's health needs which is an important step for supporting working parents' ability to balance work and caregiving needs. However, this paid leave is only **three days** long.
  - Three days of paid leave is often not enough for working parents to meet their children's **routine health needs** which include common childhood illnesses, seasonal and extraordinary infectious diseases, and routine doctor visits and immunizations.
  - Three days of paid leave is also not enough to meet **children's serious health needs** which may include serious accidents, chronic diseases that require on-going treatment, and urgent illnesses.

### DURATION OF LEAVE IN THE GLOBAL CONTEXT

- Among countries that guarantee paid leave specifically for children's health needs:
  - **34 countries** guaranteed at **least two weeks of paid leave** that could be used to meet **children's routine health needs**, including **two Sub-Saharan African countries, 12 middle-income countries, and 20 high-income countries**.
  - In cases of **serious health needs, 58 countries** guaranteed at least two weeks of paid leave. **41 countries** guaranteed workers paid leave that could be used as needed or at least 26 weeks of paid leave, including **three Sub-Saharan African countries, 13 middle-income countries, and 26 high-income countries**.
- For example, **Mozambique** guarantees workers two months of paid leave for a child's illness or hospitalization.
- **Seychelles** guarantees workers 30 days of paid leave when a child is sick and the worker need to attend the child.
- Some countries outline separate leave entitlements depending on the severity of illness. For example, **Norway** guarantees 10 days of paid leave (with additional days available for parents of multiple children and single parents) for general health needs for children 12 or younger, 20 days for disabled or chronically ill children under age 18 (with additional days available for single parents), and as much time as needed for treatment if an illness is potentially life threatening.

### WHO CAN TAKE LEAVE

- Enabling other family members to take leave to care for sick children is important both in the case of lengthy illnesses to support parents' attachment to the labor force and to enable other primary caregivers who may not hold legal guardianship to easily take leave.
- **Globally, 28 countries** that guarantee paid leave for children's health needs have explicit provisions that would enable a grandparent to take paid leave, including **10 middle-income countries and 18 high-income countries**.
- In some countries, this leave is only available if parents cannot care for the child. For example, **Moldova's** legislation specifies that "The right to indemnity shall be granted, optionally, to one of the parents: the mother or the father. If neither the mother nor the father, for well-founded reasons, documented, can take care of the sick child under the age

of 10, the child suffering from oncological illness up to 18 years of age or the child with disability aged up to 18 years, the allowance is granted to other insured persons, optionally: the guardian, another family member, grandfather, grandparents.” (unofficial translation)

- In other countries, grandparents have an explicit separate entitlement to paid leave for care. For example, **Poland**'s legislation states that “For family members referred to in paragraph 1 item 3, the spouse, parents, child's parent, stepfather, stepmother, parents-in-law, grandparents, grandchildren, siblings and children over the age of 14 are considered if they remain in the same household with the insured during the period of care.”