

INDUSTRY CIRCULAR

To : All Metal and Engineering Industries Employers and Employees, Council Regional Managers, Agents and Mr. Jacques Calomiti (MIBFA)

From : The Office of the Council Secretary

Date : Monday, 03 April 2023

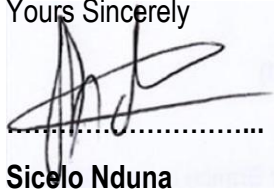
Subject : Interpretation of Adoption Leave Benefit in the Council's Collective Agreements

Circular No. : 2023/03

The matter around the interpretation of the adoption leave benefit in the Council's collective agreements in relation to which partner qualifies for the adoption leave benefit in same-sex relationships as the collective agreements refer to a "person", was duly tabled in line with the MEIBC Constitution to the structures of the Council who accordingly advised as follows:

2. The benefit referred to is contained in the Consolidated Main Agreement (CMA), Plastics Industry Main Collective Agreement (PIMCA), The Lift Engineering Industry Agreement (LEIA), and the Sick Pay Fund Agreement (SPFA).
3. Parties unpacked the question and resolved that the correct interpretation of the respective clauses grants one of the two persons adopting a child under the age of 2 years to qualify for the benefit provided for in the various collective agreements. The interpretation agreed upon by the parties was duly informed by Section 25B(7) read with the limitations contained in Section 49(1)(dB) of the BCEA.
4. Accordingly, the parties agreed that the prospective adoptive parents will decide amongst themselves which one will enjoy the benefit provided for in the respective collective agreements and the other may apply for parental leave provided for in Section 25A of the BCEA.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Sicelo Nduna', written over a horizontal dotted line. The signature is stylized and cursive.

Sicelo Nduna

Council Secretary