



Greencastle

Maternity Policy

Company Policy No: 21SA
Company: Greencastle Solutions Ltd
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Paid Maternity Leave Policy

(Applicable only to employees who have been permanently employed by the company for 18 months or more)

1. Purpose

The purpose of this policy is to outline the Company's maternity leave provisions in compliance with the Basic Conditions of Employment Act, 75 of 1997 (BCEA), as interpreted and developed by the Constitutional Court of South Africa, while confirming the Company's enhanced maternity benefits.

2. Legal Framework

In terms of Section 25 of the BCEA, employees are entitled to a minimum of four (4) consecutive months of leave related to the birth of a child.

In 2025, the Constitutional Court confirmed that the BCEA provisions governing maternity and parental leave must be interpreted in a manner that:

- Promotes equality, dignity, and non-discrimination, and
- Allows parents to share parental responsibilities, subject to legislative amendments still to be finalised by Parliament.

Until such amendments are enacted, this policy:

- Continues to apply specifically to employees who give birth, and
- Provides benefits that are more favourable than the statutory minimum, without limiting any additional parental leave rights that may arise in law.

3. Scope and Eligibility

The enhanced maternity leave benefits set out in this policy apply only to employees who:

- Are the birth mother, and
- Have been continuously employed by the Company for a minimum of eighteen (18) months at the time maternity leave commences.

Employees who do not meet this eligibility requirement, or who qualify for other forms of parental leave in law, remain entitled to leave in accordance with the BCEA and applicable legal developments.

4. Commencement of Maternity Leave

In line with the BCEA:

- An employee may commence maternity leave up to four (4) weeks prior to the expected date of birth, or
- Earlier or later if a medical practitioner or midwife certifies that it is necessary for the health of the employee or her child

A valid medical certificate confirming the expected due date must be submitted.

5. Duration and Pay Structure

Eligible employees may take four (4) consecutive months of maternity leave, structured as follow:

- Month 1 (First 4 consecutive weeks): Paid maternity leave at 100% of normal salary.

- Month 2 (Second 4 consecutive weeks): Paid maternity leave at 50% of normal salary.
- Month 3 (Third 4 consecutive weeks): Paid maternity leave at 25% of normal salary.
- Month 4 (Fourth 4 consecutive weeks): Unpaid maternity leave, should the employee elect not to return to work after the third month.

All maternity leave must be taken consecutively.

6. Return to Work and Post-Birth Protection

In accordance with the Basic Conditions of Employment Act (BCEA):

No employee may return to work within six (6) weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.

At the conclusion of the third month of maternity leave, the employee may elect to:

- Return to work on a full-time basis, subject to compliance with the six-week post-birth protection period; or
- Take the fourth month as unpaid maternity leave, after which the employee is expected to return to work unless otherwise agreed in writing.

Where an employee elects to return to work after the six-week post-birth period but before the completion of the paid maternity leave period, any remaining paid maternity leave benefits will lapse from the employee's date of return to work.

7. UIF and Statutory Parental Leave

- Employees may apply for UIF maternity benefits in accordance with the Unemployment Insurance Act.
- Nothing in this policy is intended to limit or exclude any parental leave entitlements arising from legislation or Constitutional Court rulings, whether current or future.

Where statutory parental leave rights exceed or differ from this policy, the more favourable provision will apply.

8. Protection Against Discrimination

The company will not unfairly discriminate against any employee on the grounds of:

- Pregnancy,
- Childbirth,
- Family responsibility, or
- The exercise of maternity or parental leave rights.

9. Policy Interpretation

This policy will be interpreted:

- In a manner consistent with the BCEA,
- In light of Constitutional Court jurisprudence, and
- Subject to any future legislative amendments relating to parental leave

Payback (Work-Based) Clause – Paid Maternity Leave

Where an employee qualifies for and receives paid maternity leave benefits in terms of this policy (being benefits in excess of the statutory unpaid leave provided for under the BCEA), the following conditions shall apply:

If the employee voluntarily resigns or fails to return to work after maternity leave, or resigns within six (6) months of returning to work, the Company reserves the right to require repayment of the paid portion of maternity leave, calculated on a pro-rata basis according to the period not worked.

The payback obligation:

- Applies only to the paid maternity leave benefits provided by the Company, and
- Does not apply to statutory unpaid leave or UIF benefits.

No repayment will be required where termination of employment occurs due to:

- Medical incapacity supported by medical evidence,
- Retrenchment, or
- Any termination initiated by the Company other than for misconduct.

Any repayment required in terms of this clause will:

- Be reasonable and proportionate to the benefit received,
- Be limited to the actual paid maternity leave received, and
- Be effected only in accordance with Section 34 of the BCEA, either by written agreement or alternative lawful arrangement.

Policy Amendment and Employer Discretion

The company reserves the right to amend, vary, withdraw, or replace this policy, in whole or in part, at any time, to ensure ongoing operational effectiveness and legal compliance, subject always to applicable legislation.

Nothing in this policy creates a contractual right to benefits beyond those prescribed by law. The Company may, as its sole discretion, grant maternity, parental, or related leave benefits that are more favourable than those set out in this policy, whether generally or on a case-by-case basis. Any such additional benefits shall not create a precedent or an entitlement to similar treatment in the future.

No amendment to this policy will result in benefits less favourable than those prescribed by the Basic Conditions of Employment Act or other applicable labour legislation.

Legal Compliance and Interpretation

This policy is intended to comply with the Basic Conditions of Employment Act, 75 of 1997, as interpreted by the courts from time to time, including the 2025 Constitutional Court rulings on parental leave. In the event of any inconsistency between this policy and applicable legislation, the provisions of the law shall prevail. The Company reserves the right to amend, interpret, or withdraw this policy to ensure ongoing legal compliance, provided that no amendment will result in benefits less favourable than those prescribed by law.