

## **JOHANNESBURG SOCIETY OF ADVOCATES**

### **PARENTAL POLICY**

1. The Johannesburg Society of Advocates (“the JSA”):
  - 1.1 is committed to the attainment of gender equality;
  - 1.2 is supportive of female members of the bar receiving assistance during any maternity period in order to assist and encourage female members to return to chambers after such maternity period;
  - 1.3 is committed to treating all parents equally, thereby not discriminating against different categories of parents such as birth mother and father (or other parent), adoptive parents or commissioning parents in surrogate motherhood agreements;
  - 1.4 encourages groups within the society to adopt maternity or parental leave policies which regulate the occupation of chambers as well as the payment of rent and group fees and related expenses, according to the principles of equality as set out in *Van Wyk and Others v Minister of Employment and Labour* 2024 (1) SA 545 (GJ).
2. This policy shall be available to all classes of parents including birth mothers, birth fathers, adoptive parents as well as commissioning parents in surrogate and motherhood agreements.
3. The aim of this policy is to prevent discrimination between different classes of parents arising out of the birth of a child, whether by way of surrogacy agreement, the adoption of a child or otherwise.
4. Subject to the provisions of any other JSA policy, any parent of a child, whether such parent is a biological parent, an adoptive parent or a parent as a result of a surrogacy agreement:

- 4.1 Will be entitled, upon application to the Housing Committee, to take a leave of absence from chambers in order to fulfil parental responsibilities, for a period of 4 months ("the parental period");
- 4.2 will not be liable to pay any bar fees to the JSA during the parental period, subject to the following conditions:
  - 4.2.1 The member shall make written application to the chairperson of the Bar Council for such leave of absence, at least two months before the commencement of the parental period, or if such period is not reasonably practicable, as soon as is reasonably practicable.
  - 4.2.2 If the member recommences practice from chambers before the expiry of the parental period, the chairperson of the Bar Council shall immediately be informed and the dispensation shall be terminated. Failure to inform the JSA of recommencement of practice from chambers before the expiry of the parental period, shall constitute misconduct.
  - 4.2.3 At the expiry date of the parental period, the member shall revert to making payment of his/her full bar fees and shall recommence practising from chambers;
  - 4.2.4 The chairperson of the Bar Council may at his/her sole election request any documentation that could reasonably relate to the application for parental leave, such as the application for adoption or surrogacy agreement.
5. Any member who intends being absent or is absent from chambers for a period of time in excess of the parental period, shall ensure that he/she complies with the JSA's housing policy and membership policy.