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**MEDIA STATEMENT BY SOUTH AFRICAN LAW REFORM COMMISSION CONCERNING
RELEASE OF RESEARCH PROPOSAL PAPER ON PROJECT 143: MATERNITY AND
PATERNITY BENEFITS FOR SELF-EMPLOYED WORKERS**

The South African Law Reform Commission (SALRC) hereby releases the Research Proposal Paper on Project 143: Maternity and Paternity Benefits for Self-employed Workers for general information and public comments. The aim of the research paper is to gather evidence from a variety of sources including empirical research, personal knowledge, ideas or information, to inform the two principal questions to be addressed in the first phase of this investigation, namely:

- (a) Who should be included in the definition of “self-employed worker” (target group) in the informal and formal sectors of the economy? and
- (b) What is the nature and extent of the benefit (State maternity and paternity benefits) that could be offered to self-employed workers, in both the informal and formal sectors of the economy, and what are the most appropriate vehicles for such provisioning?

A gap currently exists in the State’s social security system, in that self-employed workers are excluded from receiving maternity and paternity benefits when the mother enters confinement. This situation exacerbates the socioeconomic problems of poverty and inequality between women and men in South Africa, prevents women’s full economic participation, and impacts on their reproductive choices. The purpose of this SALRC study is to investigate shortcomings in the current maternity and paternity protection mechanism, how this gap should be addressed, and by whom, in order to give effect to South Africa’s obligations in terms of the Constitution, and applicable regional and international gender equality conventions.

There are two distinct types of complementary studies outlined in the Research Proposal Paper, namely:

- (a) Comparative legal research

The objective of this study is to consider South Africa’s legal obligations to expand its current maternity and paternity benefits regime to ensure compliance with relevant provisions within the

South African Constitution, and in regional and international conventions ratified by South Africa, and to consider from a comparative perspective, international best practice in the forms of provision of maternity and paternity benefits to self-employed workers, particularly those within the informal economy.

(b) Non-legal (social) research

The objectives of this study are, among others, to:

- (i) establish definitions for terms such as “self-employed”, “entrepreneur”, “micro-business”, “survivalist enterprise”, “informal sector” and “formal sector”;
- (ii) understand how self-employed workers are currently bridging the social security gap, if at all;
- (iii) assess the ability of self-employed workers to make financial contributions towards their maternity and paternity benefits, that is, whether they are able to participate in a social insurance scheme;
- (iv) estimate how many self-employed workers, especially in the informal sector, would require maternity and paternity cover; and
- (v) examine cultural and social factors, stereotypes and assumptions about men being unsuited to take care of children and their effect on men’s childbearing and rearing responsibilities.

The SALRC invites comment, input or submissions on the questions posed and issues raised in this paper, as well as written proposals for the proposed research. The SALRC anticipates that the execution of the above mentioned two studies will be commissioned to independent research organisations subject to availability of funds and approval by the Director-General: Department of Justice and Constitutional Development.

The closing date for comments, input, submissions and written proposals is 29 September 2017. All comments, input, submissions and written proposals must be sent for the attention of Mr Linda Mngoma to the following address:

The Secretary
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The Research Proposal Paper: Project 143: Maternity and Paternity Benefits for Self-employed workers is available on the Internet at the following site: <http://www.salawreform.justice.gov.za>

The Research Proposal Paper can also be obtained free of charge from the SALRC on request. Kindly contact Mr Jacob Kabini at Jakabini@justice.gov.za or (012) 622 6327 in this regard.

Contact for enquiries in respect of media statement: Mr Linda Mngoma.

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