

## UNEMPLOYMENT INSURANCE ACT

Act 63 of 2001.

### REGULATIONS IN TERMS OF SECTION 54 OF THE UNEMPLOYMENT INSURANCE ACT

[Updated to 5 October 2009]

GoN R400, G. 23283 (c.i.o 1 April 2002),  
GoN R363, G. 25033 (c.i.o 1 April 2003),  
GoN 536, G. 26291 (c.i.o 1 April 2004),  
GoN R823, G. 27891 (c.i.o 1 August 2005),  
GoN R948, G. 32614 (c.i.o 5 October 2009 unless otherwise indicated).

Under section 54 of the Unemployment Insurance Act, 2001 (Act 63 of 2001), I MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby publish Regulations and forms in the *Government Gazette* which will come into operation with effect from 1 April 2002.

(Signed)

**MINISTER OF LABOUR**

### REGULATIONS

The Minister of Labour has, under section 54 of the Unemployment Insurance Act, 2001 (Act 63 of 2001), made the Regulations set out in the Schedule hereto.

## ARRANGEMENT OF REGULATIONS

1. Definitions
2. Proof of identity
3. Unemployment benefits in terms of section 17 of the Act
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### Forms

1. In these Regulations, unless the context otherwise indicates—

“**Act**” means the Unemployment Insurance Act, 2001 and any word or expression to which a meaning has been assigned in the Act, has that meaning;

“**Annexure**” means an Annexure to these Regulations;

“**certificate of service**” means a certificate of service in terms of section 42 of the Basic Conditions of Employment Act, 1997 (Act 75 of 1997);

“**identity document**” means a 13-digit bar-coded RSA and non-RSA identity card document or a RSA bar-coded passport and includes valid foreign identity documents and passports;

[“identity document” am by reg 2 of GoN R948 in G. 32614 with retrospective effect from 1 April 2002.]

“**life partner**” means any major person who is a party to the opposite sex or same sex relationship with another major person, which relationship must be intended to be permanent, exclude any other person and involve cohabitation, an obligation of mutual emotional support between the parties and a reciprocal obligation to support one another financially in circumstances where the one has the means to do so and the other requires such support in order to maintain, without recourse to the Public funds, his or her financial and social standing and standard of living.

[“life partner” ins by reg 3 of GoN R948 in G. 32614.]

“official” means a claims officer or an agent or official appointed in terms of section 58(9) of the Act to assist in administering the Act.

## **2. Proof of identity**

- (1) An official must require an applicant for benefits or for the payment of any amount in terms of the Act to produce an identity document, but may not retain the document.
- (2) No claim for benefits may be processed and no benefits may be paid, unless the applicant has produced an identity document in terms of subregulation (1).

## **3. Unemployment benefits in terms of section 17 of the Act**

- (1) A contributor who applies for unemployment benefits in terms of section 17 of the Act must apply personally at an employment office by submitting a completed UI 2.1.
- (2) A contributor must, when applying for benefits or as soon thereafter as possible, submit—
  - (a) an identity document;
  - (b) if the applicant's services have been terminated, a certificate of service; and
  - (c) details of a valid bank account.
- (3) An applicant for unemployment benefits, when reporting to an employment office in terms of section 17(4)(d) of the Act, must sign an unemployment register containing the particulars set out in UI 1.

[**Editor Note:** Repeal of reg 3 by reg 4 of GoN R948 seems to be referring to reg 3 of the amendment Regulations as published in GoN 536.]

## **4. Illness benefits in terms of section 22 of the Act**

- (1) An application for illness benefits in terms of section 22 of the Act must be made at an employment office by submitting a completed UI 2.2.
- (2) A contributor must, when applying for benefits or as soon thereafter as possible, submit—
  - (a) an identity document;
  - (b) if the applicant's employment has been terminated, a certificate of service; and
  - (c) details of a valid bank account.

- (3) An official may authorise any person to submit a claim on behalf of an applicant for illness benefits who is unable to apply personally. The official must require that person to submit satisfactory proof of their identity and that they have been authorised to apply on behalf of the applicant.
- (4) A contributor who has applied for illness benefits in terms of section 22 must complete a declaration in the form of UI 3 covering each period for which benefits are claimed.
- (5) An application for illness benefits in terms of section 22 of the Act must be accompanied by medical certificates on UI 2.2, completed and signed by a medical practitioner, chiropractor or homeopath who has treated the applicant.
- (6)
  - (a) An official may require an applicant to be examined by a medical practitioner, chiropractor or homeopath nominated by the official.
  - (b) The Unemployment Insurance Fund must pay the costs of a medical examination in terms of paragraph (a).
- (7) Illness benefits may be paid for any medically recognisable disease, symptom or condition which prevents the applicant from working.
- (8) In terms of section 20(1)(b) of the Act, illness benefits may only be paid in cases of alcoholism or drug dependence for the period during which a person is admitted to and undergoes treatment at a registered rehabilitation centre or psychiatric hospital.
- (9) A contributor whose application for illness benefits has been approved, may be paid benefits in respect of any period approved by an official in terms of the Act.

## **5. Maternity benefits in terms of section 25 of the Act**

- (1) An application for maternity benefits in terms of section 25 of the Act must be made at an employment office and must be in the form of a complete UI 2.3.
- (2) An applicant for maternity benefits, when making the application or as soon thereafter as possible, must submit—
  - (a) an identity document;
  - (b) if the employee's services have been terminated, a certificate of service; and
  - (c) details of a valid bank account.

- (3) A contributor who has applied for benefits in terms of section 25 must submit a declaration in the form of UI 4 covering each period for which maternity benefits are claimed.
- (4) An application for maternity benefits must be accompanied by a medical certificate on UI 2.3 completed and signed by a medical practitioner or registered midwife who has examined the applicant.
- (5)
  - (a) An official may require an applicant to be examined by a medical practitioner nominated by the official.
  - (b) The Unemployment Insurance Fund must pay the costs of a medical examination required in terms of subsection (a).
- (6) A contributor who applies for maternity benefits before the birth of her child, if required by the claims officer, must submit a notification and declaration of birth on form UI 4 completed by herself and a medical practitioner or registered midwife.
- (7) A contributor whose application for maternity benefits has been approved may be paid benefits in respect of any period approved by an official in terms of the Act.

**6. Adoption benefits in terms of section 28 of the Act**

- (1) An application for adoption benefits in terms of section 28 of the Act must be lodged at an employment office by submitting a completed UI 2.4.
- (2) A contributor who has applied for adoption benefits must when making the application, or as soon thereafter as possible, submit—
  - (a) an identity document;
  - (b) if the employee's services have been terminated, a certificate of service;
  - (c) details of a valid bank account;
  - (d) a certified copy of the birth certificate of the child; and
  - (e) a certified copy of the order of adoption.
- (3) A contributor who has applied for adoption benefits in terms of section 28 must submit to the official a declaration in the form of UI 5 covering each period for which adoption benefits are claimed.

- (4) A contributor whose application for adoption benefits has been approved may be paid benefits in respect of any period approved by the official in terms of the Act.

**7. Dependant's benefits in terms of section 31 of the Act**

- (1) An application for dependant's benefits must be made at an employment office by submitting—
- (a) in the case of a surviving spouse or life partner, a completed UI 2.5; or
  - (b) in the case of a child, a completed UI 2.6.
- (2) An application for dependant's benefits, when applying or as soon thereafter possible, must submit—
- (a) the identity documents of both the deceased and the applicant;
  - (b) details of a valid bank account;
  - (c) a certified copy of a death certificate, post-mortem certificate or burial order of the deceased contributor;
  - (d) in the case of a surviving spouse, a certified copy of a marriage certificate or customary union certificate;
  - (e) in the case of a surviving life partner, proof that the applicant is the surviving life partner of the deceased contributor;
  - (f) in the case of a child under the age of 21 years at the time of death of the deceased contributor, a certified copy of the birth certificate of the child and documentary proof of the child's relationship to the deceased;
  - (g) in the case of a child who was 21 years or older at the time of death of the deceased, documentary proof that the child is a learner or was wholly or mainly dependant upon the deceased.

**8. Appeals in terms of section 37(1) of the Act.**

- (1) An appeal against a decision of the Commissioner or a claims officer in terms of section 37(1) must be made by submitting a completed UI 12 by hand or registered post to the Regional Appeals Committee at the respective Labour Centres of the Department of Labour.

[Reg 8(1) subs by reg 4 of GoN 536 in G. 26291.]

- (2) An appeal must be lodged within 90 days of the decision appealed against.

- (3) The Regional Appeals Committee may require the appellant to submit any further information that it considers necessary to deal with the appeal.

[Reg 8(3) am by reg 5 of GoN 536 in G. 26291.]

- (4) The Appeals Committee must notify the appellant in writing within 30 days of its decision.

## **9. Referral to arbitration in terms of section 37(2) of the Act**

- (1) A person who is dissatisfied with the decision of the Regional Appeals Committee may refer the matter to the National Appeals Committee for the final decision in terms of section 37(2) by submitting a completed UI 13 to 94 Church Street, Pretoria, 0001, or registered post to Unemployment Insurance Fund, Pretoria, 0052 or by telefax to (012) 337-1893.

[Reg 9(1) subs by reg 6 of GoN 536 in G. 26291.]

- (2) ...

[Reg 9(2) rep by reg 7 of GoN 536 in G. 26291.]

- (3) The National Appeals Committee may at any time permit a person to refer a dispute after the time limit in subregulation (1), on good cause shown.

[Reg 9(3) am by reg 8 of GoN 536 in G. 26291.]

- (4) ...

[Reg 9(4) rep by reg 9 of GoN 536 in G. 26291.]

- (5) ...

[Reg 9(5) rep by reg 10 of GoN 536 in G. 26291.]

## **10. Securing an Undertaking**

- (1) A labour inspector who secures an undertaking from an employer to comply with any provision of the Act in terms of section 38(1) of the Act must record the undertaking in the form of UI 14 or in a document containing the information set out in that form.

- (2) A labour inspector who receives a payment in terms of section 38(2)(c) of the Act must issue a receipt in the form of UI 15 or in a document containing the information set out in that form.

## **11. Compliance orders**

A compliance order issued in terms of section 39 must be in the form of UI 16 or contain the information set out in that form.

## **12. Objection to compliance orders**

An employer may object in terms of section 40 to a compliance order by lodging a completed UI 17 with the Director-General within 30 days of receiving the compliance order, by registered post or by hand at 94 Church Street, Pretoria, 0001 or by fax to (012) 337 1893.

## **13. Providing information in terms of section 56**

- (1) An employer must within seven days of the end of the month in which it commences activities as an employer submit a completed UI 18 to the Commissioner.
- (2) Every employer who is required to provide information to the Commissioner in terms of section 56(2) or (3) of the Act must do so by submitting a completed UI 19 to the Commissioner.
- (3) Any information submitted to the Commissioner in terms of subregulation (1) and (2) must be submitted to the Unemployment Insurance Fund, 94 Church Street, Pretoria, 0001.

## **14. Transitional Provisions**

- (1) Any claim for benefits made against the Fund on or after 1 April 2002 must be dealt with in terms of the Act.
- (2) For the purposes of subregulation (1)—
  - (a) an application for unemployment benefits is made on the day that the contributor applies for benefits at an employment office in terms of section 17(1) of the Act;
  - (b) an application for illness, maternity, adoption or dependant's benefits is made on the date that application is made at an employment office or, if application is made by post, the date the application is received at an employment office.
- (3) An application for maternity benefits in respect of a childbirth that occurred on or before 31 March 2002 must be made within six months of the childbirth.
- (4) An application for dependant's benefits in respect of a contributor in terms of the Unemployment Insurance Act, 1966 who died prior to 1 April 2002 must be made within six months of the death of the contributor except that, on good cause shown, the Commissioner may accept an application after the six-month period.
- (5) Subregulation (4) does not apply to a claim for dependant's benefits made more than three years after the death of the contributor.



- (6) Subject to subregulation (7), any entitlement to benefits that accrued to a contributor in terms of the Unemployment Insurance Act, 1966 is deemed to have accrued in terms of the Act.
- (7) Any contributor who on 31 March 2002 had accrued an entitlement of more than 238 days benefits is deemed to have an entitlement of 238 days benefits with effect from 1 April 2002.
- (8) A contributor who was not a contributor in terms of the Unemployment Insurance Act, 1966 is deemed to have commenced employment as a contributor on 1 April 2001.
- (9) Subregulation (8) does not apply to a contributor who was not in employment as a contributor on 1 April 2002.

## **LIST OF FORMS**

### **UI-1**

REGISTER TO CONFIRM CONTINUED UNEMPLOYMENT AND CONTINUED CAPACITY AND  
AVAILABILITY FOR WORK IN TERMS OF SECTION 17(4)(d) - READ WITH REGULATION 3(3)

### **UI-2.1**

UNEMPLOYMENT INSURANCE BENEFITS IN TERMS OF SECTION 17(1) –  
READ WITH REGULATION 3(1)

### **UI-2.2**

APPLICATION FOR ILLNESS BENEFITS IN TERMS OF SECTION 22(1) – READ WITH REGULATIONS  
4(1), 4(5) AND 4(7)

### **UI-2.3**

APPLICATION FOR MATERNITY BENEFITS IN TERMS OF SECTION 25(1) – READ WITH REGULATION  
5(1) AND 5(4)

### **UI-2.4**

APPLICATION OF ADOPTION BENEFITS IN TERMS OF SECTION 28(1) – READ WITH REGULATION  
6(1)

### **UI-2.5**

APPLICATION FOR DEPENDANT'S BENEFITS BY SURVIVING SPOUSE OR LIFE PARTNER IN TERMS  
OF SECTION 31(1) – READ WITH REGULATION 7(1)

### **UI-2.6**

APPLICATION FOR DEPENDANT'S BENEFITS BY CHILD OF DECEASED IN TERMS OF SECTION 31(1)  
– READ WITH REGULATION 7(1) AND 7(2)

**UI-2.7**

STATEMENT IN RESPECT OF PAYMENT MADE TO THE UNDERMENTIONED CONTRIBUTOR WHO IS STILL IN MY EMPLOYMENT BUT IS UNABLE TO WORK DUE TO ILLNESS, MATERNITY OR ADOPTION OF A CHILD

**UI-2.8**

APPLICATION TO PAY BENEFITS INTO BANKING ACCOUNT

**UI-3**

APPLICATION FOR CONTINUATION OF PAYMENT FOR ILLNESS BENEFITS IN TERMS OF REGULATION 4(4)

**UI-4**

APPLICATION FOR CONTINUATION OF PAYMENT FOR MATERNITY BENEFITS IN TERMS OF REGULATION 5(3) AND 5(6)

**UI-5**

APPLICATION FOR CONTINUATION OF PAYMENT FOR ADOPTION BENEFITS IN TERMS OF REGULATION 6(3)

**UI-8D(E)**

APPLICATION FOR REGISTRATION AS AN EMPLOYER OF DOMESTIC EMPLOYEES

[Form UI-8D(E) ins by GoN R363 in G. 25033.]

**UI 12**

NOTICE OF APPEAL AGAINST A DECISION OF THE COMMISSIONER OR A CLAIMS OFFICER

**UI 13**

REFERRAL OF DISPUTE TO CCMA FOR ARBITRATION

**UI 14**

RECORD OF UNDERTAKING

**UI 15**

RECEIPT OF PAYMENT BY EMPLOYER

**UI 16**

ISSUE OF COMPLIANCE ORDER

**UI 17**

OBJECTION TO COMPLIANCE ORDER

**UI-18**

INFORMATION ABOUT EMPLOYEES SUPPLIED BY EMPLOYER

**UI-19**

EMPLOYERS DECLARATION OF EMPLOYEES FOR THE MONTH OF \_\_\_\_\_

[Form UI-19 subs by GoN R823 in G. 2789.]

**UI-19D**

INFORMATION ABOUT EMPLOYEE

[Form UI-19D ins by GoN R363 in G. 25033.]

*(Please note that copies of the forms will be provided upon request. Kindly refer to our website for our contact details.)*