

## **LABOUR AND EMPLOYMENT**

### **2. Unemployment Insurance Act No. 63 of 2001**

**16. Right to unemployment benefits.**—(1) Subject to section 14, an unemployed contributor is entitled to unemployment benefits contemplated in this Part for any period of unemployment lasting more than 14 days, if—

- (a) the reason for the unemployment is—
  - (i) the termination of the contributor's contract of employment by the employer of that contributor or the ending of a fixed term contract,
  - (ii) the dismissal of the contributor, as defined by section 186 of the Labour Relations Act, 1995 (Act No. 66 of 1995),
  - (iii) insolvency in terms of the provisions of the Insolvency Act, 1936 (Act No. 24 of 1936), or
  - (iv) in the case of a domestic worker, the termination of the contributor's contract of employment by the death of the employer of that contributor;  
[Sub-para. (iv) added by s. 6 of Act No. 32 of 2003.]
- (b) application is made in accordance with the prescribed requirements and the provisions of this Part;
- (c) the contributor is registered as a workseeker with a labour centre established under the Skills Development Act, 1998 (Act No. 97 of 1998); and
- (d) subject to subsection (3), the contributor is capable of and available for work.

(2) An unemployed contributor is not entitled to the benefits referred to in subsection (1) if—

- (a) the contributor fails to report at the times and dates stipulated by the claims officer in terms of section 17 (4) (d); or
- (b) the contributor refuses without just reason to undergo training and vocational counselling for employment under any scheme approved by the Director-General in terms of this Act or any other law.

(3) Despite subsection (1) (d) and subject to section 20 (1) (a), a contributor who becomes ill while in receipt of unemployment benefits, remains entitled to unemployment benefits if the claims officer is satisfied that the illness is not likely to prejudice the contributor's chance of securing employment.

---