

9.16.3.1 commence commissioning parental leave; and

9.16.3.2 return to work after commissioning parental leave.

9.16.4 Notification of the above must be given at least one month before –

9.16.4.1 a child is expected to be born as a result of a surrogate motherhood agreement; or

9.16.4.2 if it is not reasonably practicable to do so, as soon as is reasonably practicable.

9.16.5 If a surrogate motherhood agreement has two commissioning parents, one of the commissioning parents may apply for commissioning parental leave and the other commissioning parent may apply for the parental leave above: Provided that the selection of choice must be exercised at the option of the two commissioning parents.

9.17 **Study leave**

Study leave may be granted by employers only to permanent, full-time employees subject to the following conditions:

9.17.1 Approval for study leave shall be granted at the employer's discretion, which approval shall not be withheld unreasonably.

9.17.2 Study leave, if granted by the employer, shall be for a maximum of two subjects per annum.

9.17.3 Study leave, if granted by the employer, shall be limited to two days of paid study leave per subject, namely the last working day prior to the date of the exam and on the day of the exam.

9.17.4 The result of each exam shall be presented by the employee to the employer as soon as it becomes available.

9.17.5 If an employee fails a subject, the leave granted to the employee for that subject shall be refunded by the employee to the employer at a rate of one day's pay per failed subject.

9.18 **Fixed term contract of employment**

Any employer who intends to employ an employee for a fixed term shall enter into a written fixed term contract of employment with such an employee.

9.19 **Indefinite-period contract of employment**

Any employer who intends to employ an employee for an indefinite period of employment shall enter into a written indefinite-period contract of employment with such an employee.