

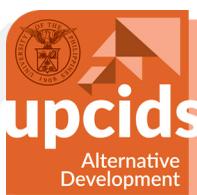
**Monograph
Series**

2023-05

University of the Philippines
Center for Integrative and Development Studies
PROGRAM ON ALTERNATIVE DEVELOPMENT

The 2019 Expanded Maternity Leave Law: A Law Whose Progressive Potential Has Yet To Be Fully Realized

Ma. Victoria R. Raquiza
Duke Thomas G. Dolorical
Roja Salvador



UNIVERSITY OF THE PHILIPPINES
**CENTER FOR
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Acronyms

- (1.) ADSC – Average Daily Salary Credit
- (2.) ARMM – Autonomous Region in Muslim Mindanao
- (3.) BARMM – Bangsamoro Autonomous Region in Muslim Mindanao
- (4.) CALABARZON – Cavite, Laguna, Rizal, Quezon
- (5.) CAR – Cordillera Administrative Region
- (6.) CARAGA – Caraga Administrative Region
- (7.) COA – Commission on Audit
- (8.) CPG – Central Processing Group
- (9.) CSC – Civil Service Commission
- (10.) CSO – Civil Society Organization
- (11.) DICT – Department of Information and Communication Technology
- (12.) DSWD – Department of Social Work and Development
- (13.) ECOP – Employers Confederation of the Philippines
- (14.) EMLL – Expanded Maternity Leave Law
- (15.) ETP – Emergency Termination of Pregnancies
- (16.) GAA – General Appropriations Act
- (17.) GGGR – Global Gender Gap Report
- (18.) GOCCs – Government Owned and Controlled Corporations
- (19.) GSLE – Gender Statistics on Labor and Employment
- (20.) ICT – Information and Communications Technology
- (21.) IEC – Information, Education, and Communication (IEC)
- (22.) ILO – International Labor Organization
- (23.) IRR – Implementing Rules and Regulations
- (24.) ISS – Informal Sector Survey
- (25.) LFPR – Labor Force Participation Rate
- (26.) LGBTQI+ – Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual, and many other terms
- (27.) LGU – Local Government Unit
- (28.) MBA – Maternity Benefit Application

- (29.) MDR – Member’s Data Record
- (30.) MEC – Medical Evaluation Centers
- (31.) MIMAROPA – Mindoro (Oriental and Occidental), Marinduque, Romblon, Palawan
- (32.) MOD – Medical Operations Department
- (33.) MSC – Monthly Salary Credit
- (34.) NGA – National Government Agencies
- (35.) NTUC – National Trade Union Center
- (36.) OFW – Overseas Filipino Workers
- (37.) PAGIBIG – Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno
- (38.) PC – Processing Center
- (39.) PCW – Philippine Commission on Women
- (40.) PSA – Philippine Statistics Authority
- (41.) PhilHealth – Philippine Health Insurance Corporation
- (42.) RA – Republic Act
- (43.) SMEC – Sickness, Maternity, and Employees’ Compensation
- (44.) SSS – Social Security System
- (45.) SUCs – State Universities and Colleges
- (46.) DOLE – Department of Labor and Employment
- (47.) DTI – Department of Trade and Industry
- (48.) PM – Partido Manggagawa
- (49.) UMID Card – Unified Multi-Purpose Identification Card
- (50.) WHO – World Health Organization
- (51.) WP – Workers’ Party

The 2019 Expanded Maternity Leave Law: A Law Whose Progressive Potential Has Yet To Be Fully Realized

*Ma. Victoria R. Raquiza, Duke Thomas G. Dolorical,
and Roja Salvador¹*

Introduction

After almost 11 years of fighting for extended maternity leave benefits for women by various stakeholders, the Expanded Maternity Leave Law (EMLL), or Republic Act No. 11210, was enacted on 11 March 2019. It was widely celebrated as a significant measure to improve the conditions of working mothers. Three months later, the Civil Service Commission (CSC), the Department of Labor and Employment (DOLE), and the Social Security System (SSS) officially rolled out its corresponding implementing rules and regulations (IRR).

Because of the EMLL, maternity leave for all Filipino female workers, including informal workers, was extended from 60 days to 105 days, with the option of further extension of an additional 30 days without pay. An additional 15 days of paid maternity leave was also granted to solo mothers. Republic Act No. 11210, also known as the “105-Day Expanded Maternity Leave Law,” was enacted further boost the

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government's constitutional mandate of promoting the rights and welfare of working women. The expansion of paid maternity leave granted women significantly more time to care for themselves and their children during a critical period of infancy. This ensures their health and well-being, including that of any spouses or partners, without any loss in income.

The EMLL is much more progressive compared to the earlier maternity leave law. While the Philippines has a long history of providing social protection in the country, including the antecedent provision of a 60-day paid maternity leave, the limitations of the 60-day maternity leave are apparent when it is cited as a reason for the high incidence of maternal deaths in the country. Due to poverty and lack of income, women are driven to return to work too early, even when they are still too weak to rejoin the working world. Furthermore, 60 days of paid leave was seen as too short for mothers who breastfeed their children, especially that breastfeeding has been shown to significantly improve the health of mothers and children. This is no small matter considering low nutrition rates among a significant number of mothers and children. The inability to breastfeed has contributed to lower health outcomes, whereby mothers and infants are exposed to a variety of illnesses, including deaths, compounded by poverty and multidimensional deprivation. Indeed, a paid leave of 60 days was viewed by many as too short for mothers—including solo mothers—fathers or partners, and their children. A longer paid maternity leave would allow them to experience the fuller benefits of breastfeeding—physical and emotional bonding, as well as other foundational life-giving benefits.

According to an article published by the National Trade Union Center of the Philippines (NTUCP) in 2013, the Philippines was falling behind countries in Asia and globally in giving maternity leave benefits. In fact, by 2013, many countries had already adopted longer paid maternity leave. This included 46 weeks (10.5 months) of paid maternity leave in Norway; 6 months in Vietnam; 4 months in Bangladesh, Singapore, and Mongolia; and 3 months in Afghanistan, Indonesia, Cambodia, China, Laos, and Thailand. The same article revealed that many European economies already had at least six months of paid maternity leave at that time.

Against this backdrop, a number of women's and civil society organizations, labor unions, and policymakers and legislators decided to remedy the situation by calling for paid maternity leave to be extended

beyond sixty days. From the first decade of the new millennium to 2017, there were various attempts by Representatives and Senators in the Philippine Congress to amend the old policy to extend maternity leave benefits to around 100–120 days.²

There was significant pushback to the enactment of the 2019 EMLL, particularly from employers in the private sector. The Employers Confederation of the Philippines (ECOP), for example, tried to block the passage of similar bills, saying that longer maternity leave would “lead to further deterioration of labor productivity and competitiveness and would translate to increased costs of doing business” (Delfin 2013). They also tagged the bills as discriminatory to women, arguing that the extension of maternity leave benefits would result in fewer employment opportunities for women, as this would encourage employers to hire male workers over female workers. The ECOP also warned against the idea of the Philippines following Vietnam’s six-month paid maternity leave (NTUCP 2013). According to the results of the “ECOP Survey 02–19: Expanded Maternity Leave,” the EMLL would affect 31 percent of Philippine companies if they decide to hire women. The survey results showed that 56 percent of the responses came from large-scale companies or those that employ 200 or more employees. This was followed by responses from small-scale companies (i.e., those that employ 10–99 employees) at 22 percent, while medium-scale companies (i.e., those that employ 100–199 employees) comprised 20 percent.³

The survey illustrated that 42 percent of the respondents had more than 50 employees earning at least PHP 16,000.00 per month, while 35 percent of respondents had more than 50 employees earning more than PHP 20,000.00 per month. As such, respondents noted that the possible financial impact of the RA 11210 provision, which mandates employers to provide their employees with a salary differential, is substantial. The respondents also expressed mixed emotions with regard to the passage of

2 This included Senate Bill No. 322 (120 days), Senate Bill No. 2982 (100 days), and Senate Bill No. 1305 (105 days) as well as House Bill Nos. 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 3445, 3513, 3645, 3650, and 4113. Among the legislators who passed bills to lengthen the duration of paid maternity leave were Congressman Diosdado Arroyo and Congresswoman Gloria Arroyo, alongside more than 70 Congress members who co-authored the House Bills: Senator Francis Pangilinan and Senator Risa Hontiveros, alongside co-authors Senators Manny Pacquiao, Antonio Trillanes IV, Loren Legarda, Sonny Angara, and Nancy Binay. The Philippine Commission on Women (PCW) also included this policy as among women’s priority legislative agenda for the 17th Congress.

the law, with 32 percent expressing happiness for the employees while 18 percent felt bad for the employer.

ECOP, one of the largest national associations of private employers in the Philippines, publicly opposed the enactment of the EMLL. They expressed their sentiments in legislative public hearings as well as media write-ups. Their 2019 survey, which attempted to strengthen their reasons for opposing the bill, is revealing. According to the survey, employers in opposition to the EMLL cited the following reasons for their position (ECOP 2019):

- (1.) “The long maternity leave is disruptive to the operations and planning of the company;
- (2.) The financial implications of expanded maternity benefits, which include hiring and training temporary replacements, are high; and
- (3.) The company’s productivity will decline and be compromised due to the long absence of the concerned employee.”

These reasons have been corroborated by a key informant from the Philippine Commission on Women (PCW), who lobbied for the passage of the EMLL in Congress and assisted in drafting its IRR. The key informant noted that over the course of lobbying for the law’s passage, private employers were strongly opposed to the bill. In particular, the prospect of private employers paying additional counterpart payments for their employees’ social contributions and salary differential explains their reluctance and strong resistance to the EMLL. Private employers argued that these provisions entailed overlapping benefits—and therefore unnecessary—in addition to already existing maternity-related benefits. The key informant from the PCW explained:

...actually may ano sila na parang, ‘ We support any bill that will improve the health of female employers... ay, employees, pero they’re hiding behind na there are so much leave na for women at hindi na sila magiging productive. This might result in the discrimination of women especially kapag magha-hire na. Parang mas prefer [nila] na lalaki na lang. And at the same time, may counterpart na babayaran [ang] employer as to dun sa contribution at benefit.

[Private employers] disclaim that we support any bill that will improve the health of female employees, but they hide behind [the claim] that there is already so much leave [from work] available to women that they might no

longer be productive [presumably because of perceived excessive leave availment for women]. This might result in discrimination towards women, especially in terms of hiring. They might prefer [to hire and employ] men. And at the same time, there are counterpart contributions that employers need to pay for their employees' contributions and benefits.

According to the key informant, private employers also argued that if the EMLL is passed, the number pregnant employees might increase, as this means they will also receive benefits frequently, in line with the removal of a cap on the number of pregnancies covered by the law.

In terms of payment of the salary differential, the PCW key informant noted that the number of female employees for whom a company must pay maternity-related salary differentials is likely low. Usually, female employees with high salaries are already high on the corporate ladder, which takes time to achieve. Thus, by the time the employee has climbed the corporate ladder, she may no longer be reproductively active or capable. This lessens the probability of pregnancy and the likelihood that the employer or company would have to pay for her salary differential. In essence, the key informant argued that companies are less likely to pay for the salary differential of female employees because their salaries—and the cash benefits concomitant to it under the EMLL—are still fully covered under the maximum PHP 70,000.00 maternity-related cash benefits.

During deliberation po, ang inaano nila diyan ay 'yung statistics po. Ang sabi nila, 'Baka mag-anak na lang sila kasi walang limit 'yan na magre-receive ng benefit, mag-aanak sila.' Pero given the trend sa mga working women po, 'yung mga nagbubuntis, usually sila pa 'yung under cover pa ng SSS [Social Security System] na hindi pa mataas ang sahod. Kasi kapag mataas na ang sahod ng babae, ibig sabihin, nag-level up na siya. By the time na nag-level up siya sa corporate ladder or sa company, medyo may edad na siya. The probability of getting pregnant sa ganung age ay mahina na... kasi ang worry po nila, baka 'yung babae nagbuntis tapos lalaki ang sahod, malaki rin po ang kanilang ibibigay.

During deliberation, what private employers did was present statistics. They said that [women employees] might just keep becoming pregnant to keep receiving cash benefits. But given the trend for working women, those who become pregnant are usually still under the cover of the SSS [Social Security System] because their salaries are still relatively low. If the female worker's salary is already high, it is likely that she has already

3 Only the first four pregnancies were covered by law before the EMLL.

leveled up. By the time she has already climbed the corporate ladder or in the company, she is older and the probability of becoming pregnant at this age is very low. [Private employers] are worried that if the female employee becomes pregnant and her salary is high, they will also provide high amounts [of salary differential].

Another major actor opposed to the bill, according to a key informant from a government agency, was the Social Security System (SSS). According to the informant, SSS representatives expressed concerns during Congressional hearings with regard to possible fund depletion with the enactment of the Expanded Maternity Leave (EML) bill. In 2019, no less than then-SSS President and Chief Executive Officer Emmanuel Ducot observed that the EML would “cost the SSS an additional PHP 7.5 billion in benefits...on top of the PHP 6 billion maternity benefits [already] disbursed in 2017,” during which an estimated “289,000 members received maternity benefits” (Villanueva 2019).

Possible fund depletion, however, becomes a relatively remote option given that the Social Security Act (Republic Act No. 11199) was enacted the year before (i.e., 2018), strengthening “the pension fund’s actuarial life”, as it mandated an “additional one percentage point increase in contribution,” which “will bring about PHP 31 billion in contributions alone” and which “in turn, will extend the actual life of SSS from 2038 to 2045” (Villanueva 2019).

In an interview on 7 September 2022, Judy Miranda, Secretary General of the *Partido ng Manggagawa* (Workers’ Party), maintains that she and other members of women and workers’ groups were disturbed to hear certain views, aired during Congressional debates, which claimed that “it was not the State’s responsibility to take care of women who got pregnant” and that a woman becoming pregnant was mostly seen as a cost to employers and the government. According to Miranda, rather than viewing the EML as an additional cost, employers should regard it as an investment in the productivity and health of female workers and their families. Besides, she added, that money also comes from the SSS premiums invested by female workers—why deny it to them?

Despite opposition—mostly from employer associations and the SSS—the vibrant mobilization of women’s groups, trade unions, and medical associations created a favorable policy climate for the passage of the bill. Widespread support in Congress was further solidified when

experts testified that the Philippines was among the countries with the shortest duration of paid maternity leave. Citing data and analysis from the International Labor Organization (ILO), doctors and medical workers also testified to the benefits generated in terms of the health and well-being of mothers, children, and families, as well as the law's potentially positive impact on workers' productivity. An interview on 23 August 2022 with a key informant—a Senior Gender and Development (GAD) Program Specialist of the Policy Development Planning and Evaluation Division of the PCW—revealed their observation that it was “the power of convergence” as well as “the commitment of the sectors” that facilitated the enactment of the bill into law.

A number of legislators who championed the EMLL likewise supported the passage of the Reproductive Health Law in 2012. They actively promoted women's rights by co-authoring the EMLL at the House of Representatives and at the Senate.

In the House of Representatives, there was wide-ranging support from legislators. Representatives of congressional districts, representatives of party-lists groups, coalescing legislators counted as part of the so-called “supermajority” (i.e., the coalition of political parties that supported then-President Rodrigo R. Duterte), as well as legislators from the political opposition. Suffice to say, progressive legislators— from organizations and parties ranging from left to center-left— played a very active role in pushing for the bill.

In the House of Representatives, several house bills had been passed to extend maternity leave for women. But the House Bill that became the basis for the EMLL was House Bill No. 4113, “An Act Increasing The Maternity Leave Period To One Hundred (100) Days For Female Workers In The Government Service And In The Private Sector, And Granting An Option To Extend For An Additional Thirty (30) Days Without Pay,” which was filed on 17 October 2016, and passed during the 17th Congress of the Republic on 4 September 2018.

Representative Emmeline Y. Aglipay-Villar, part of the House Committee on Women and Gender Equality and member of the party-list DIWA, endorsed the bill for plenary approval. The proposed 100-Day Maternity Leave Law in Congress consolidated House Bill Nos. 152, 472, 483, 509, 580, 1046, 1382, 1644, 1912, 2838, 3224, 3445, 3513, 3645, and 3650. It was considered a landmark legislative measure in Congress. A

total of 79 other District Representatives co-authored the Bill with Aglipay-Villar.³

Congressman Edcel Lagman, a legislator who pushed for women’s rights during the legislative battle for the enactment of the Reproductive Health Law, was a member of the Bicameral Committee (Bicam) of the EMLL bill. The Bicam is the last step in the legislative process, during which the final wording and provisions of the bill are substantively revised and agreed upon at the legislative level, after which it is submitted to the President for approval. Lagman was among those who successfully managed to keep progressive provisions in the text, particularly during a very critical phase of the legislative process.

In a press release upon the passage of the EMLL, Representative Emmi de Jesus of the Gabriela party-list said, “Today, women won over the combined forces of corporate lobby and misogynists’ mongering against the measure” (quoted in *The Inquirer Staff* 2019). According to De Jesus, “the law advanced women’s right to maternal health and upheld the security of tenure of pregnant workers” (*The Inquirer Staff* 2019).

In the Senate, as early as 2015, senators approved Senate Bill No. 2982, “Expanded Maternity Leave Law of 2015,” on its third and final reading. The bill encompasses women in the public and private sectors, and aimed to lengthen the 60-day maternity leave to comply with the 98-

3 The website of the House of Representatives (House of Representatives 2016) lists the other authors of HB No. 4113 aside from Aglipay-Villar. These are Reps. Antonio L. Tinio, Francisca L. Castro, Mark A. Villar, Rolando G. Andaya, Jr., Pia S. Cayetano, Emmi A. de Jesus, Arlene D. Brosas, Alfredo D. Vargas III, Linabelle Ruth R. Villarica, Micaela S. Violago, Teddy Brawner Baguilat, Jr., Gus S. Tambunting, Marlyn L. Primicias-Agabas, Mercedes K. Alvarez, Maximo B. Rodriguez, Jr., Winston Castelo, Harlin Neil J. Abayon III, Nancy A. Catamco, Julieta R. Cortuna, Cristina “Chiqui” Roa-Puno, Anna Marie Villaraza-Suarez, Bernadette “BH” Herrera-Dy, Yedda Marie K. Romualdez, Luisa Lloren Cuaresma, Sharon S. Garin, Evelina G. Escudero, Divina Grace C. Yu, Lianda B. Bolilia, Eleanor C. Bulut-Begtang, Len B. Alonte-Naguiat, Maria Theresa V. Collantes, Gwendolyn F. Garcia, Corazon N. Nuñez-Malanyaon, Anna Katrina “Trina” M. Enverga, Rosanna “Ria” V. Vergara, Lorna Bautista-Bandigan, Tricia Nicole Q. Velasco-Catera, Cristal L. Bagatsing, Virzi Nola A. Ortega, Jennifer Austria Barzaga, Michelle M. Antonio, Angelina Tan, Victoria Isabel G. Noel, Deogracias Victor “DV” B. Savellano, Vilma Santos-Recto, Aileen C. Radaza, Jum J. Akbar, Ann K. Hofer, Cheryl P. Deloso-Montalla, Ariel “Ka Ayik” B. Casilao, Sarah Jane I. Elago, Estrellita B. Suansing, Francisco Jose F. Matugas II, Carmelo Jon B. Lazatin II, Fredenil “Fred” H. Castro, Jericho Jonas B. Nograles, Eric M. Martinez, Vicente “Ching” S.E. Veloso, Jose Antonio “Kuya Jonathan” R. Sy-Alvarado, Emmanuel F. Madrona, Johnny Ty Pimentel, Mohamad Khalid Q. Dimaporo, Ma. Lourdes R. Aggabao, Luis Raymund F. Villafuerte, Jr., Gil “Kabarangay” P. Acosta, Arlene B. Arcillas, Allen Jesse C. Mangaoang, Edward Vera Perez Maceda, Suharto T. Mangudadatu, Greg G. Gasataya, Marisol C. Panotes, Raul “Boboy” C. Tupaz, Manuel F. Zubiri, Sabiniano S. Canama, Aurora Enerio Cerilles, Ma. Lucille L. Nava, M.D., Cecilia Leonila V. Chavez, and Abigail Faye C. Ferriol-Pascual.

day minimum requirement of the ILO. In 2016, two separate bills were filed by Senators Risa Hontiveros and Juan Edgardo Angara to increase the duration of paid maternity leave. Hontiveros filed Senate Bill No. 215 on 30 June 2016, which provided for a 120-day maternity leave, as well as an additional 30 days for solo mothers. Angara, meanwhile, filed Senate Bill No. 1276 on 12 December 2016, which sought to increase the paid maternity leave period to 98 days for female workers in the public and private sectors, with an “option to extend for additional 30 days without pay” (Section 3).

In the first quarter of 2017, some of the relevant Senate Committees studied these two bills and recommended they be substituted for Senate Bill No. 1305. This bill eventually became the basis for Republic Act No. 11210, or the Expanded Maternity Leave Law, enacted on 20 February 2019.

Hontiveros, then Chair of the Senate Committee on Women, Children, Family Relations, and Gender Equality, championed the passage of the bill in the Senate. She underscored that a law expanding maternity leave benefits will increase the country’s competitiveness in Southeast Asia. “This measure will make our labor practices at par with our ASEAN [Association of Southeast Asian Nations] counterparts. An expanded maternity leave law will signal to the world our commitment to working women’s rights and welfare,” she said in a press release (quoted in Philippine News Agency 2018).

This legislative initiative generated popular support from social movement organizations, trade unions, women’s organizations, and experts representing medical professions (e.g., Philippine Doctors Society, Gynecology Society, and the Midwives Society, all of whom mobilized and attended the legislative public hearings on the bill). These non-state actors galvanized and were present in all the public hearings, proactively expressing their support for the EMLL. They produced position papers on contentious issues that arose over the course of the legislative process, making publicly known their stance on the policy.

Workers 4EML, a labor group coalition, was among those who celebrated the eventual passage of the EMLL. The coalition counts among its members “Akbayan Women, Building and Woodworkers International, Nagkaisa (United) Labor Coalition, IndustriAll, Public Services International, Trade Union Congress Party, Partido Manggagawa

(Workers' Party), Sentro ng mga Nagkakaisa at Progresibong Manggagawa (Center for United and Progressive Workers), Public Services Labor Independent Confederation, Kayumanggi (literally, the color brown), Philip Morris Fortune Tobacco Labor Union, Sanofi Aventis Employees Association, United Cavite Workers Organization, and Federation of Free Workers." The coalition members, in a press release, said that "the hardships and sacrifices in advocating for the Expanded Maternity Law is like that of a mother in labor. There is nothing like the joy of seeing the law enacted, much like a mother seeing her baby for the first time. The birth pains are all worth it" (quoted in *The Inquirer Staff* 2019).

Workers' Party leader Miranda, also one of the key organizers of the Workers 4EML, observed that there was broad legislative support for the bill from the beginning, stating that "even [Senator Manny] Pacquiao, who is a conservative on women's issues because of his religious background" supported the bill.

Meanwhile, the Trade Union Congress of the Philippines (TUCP), led by their President, Raymond Mendoza, said that "the expanded maternity leaves would particularly benefit mothers working in the electronics and garments sectors where they are often exposed to dangerous chemicals and tedious work" (quoted in *The Inquirer Staff* 2019). Mendoza stated in a TUCP statement, "Working mothers in these challenging industries will now enjoy better working conditions, benefits, and services than before. The next generation of workers . . . being healthier, will translate this into higher profits for employers and businesses" (quoted in *The Inquirer Staff* 2019).

The passage of the EMLL was also welcomed by various national government agencies. In a press release, Department of Labor and Employment (DOLE) Secretary Silvestre Bello III said that "the law should encourage employers to hire more women because they will be happy employees" (quoted in *The Inquirer Staff* 2019).

Meanwhile, in a press release, Department of Health (DOH) Secretary Francisco T. Duque acknowledged the passage of the EMLL, stating that "the government is taking strides to make it clear that rearing healthy families involves teamwork among families, communities, and institutions, and that raising Filipino families should be inclusive among men and women" (DOH 2019).

Significance of the Study

This study comes at a time when, even before the pandemic, many Filipino women were employed in precarious and low-wage work environment, often with inadequate or no access to social protection. While the Philippines provides a set of maternity benefit packages, including a 60-day paid maternity leave, the latter was viewed as problematic—too short and inadequate in addressing the health and well-being of mothers and children. The situation was exacerbated when the COVID-19 pandemic struck in February 2020. By March 2020, lockdowns and other strict mobility measures were instituted in many parts of the country. This meant that the EMLL and its IRR were barely a year old when the COVID-19 pandemic broke out in the country. Almost overnight, many of the country’s workers—a significant section of whom were in the informal economy—lost their jobs. Availing of social security benefits by physically visiting the SSS was not an option during this period due to the mobility restrictions of the lockdown. It took SSS around a year to establish an online platform in 2021, through which workers could avail of their social security benefits, including EMLL benefits. According to the ILO (2020, 2), in 2020, over a billion workers in the informal economy were “heavily affected by restrictive lockdowns and border closures globally.” This included Filipino workers. The same report noted that “social protection and safety nets were already weak” (ILO 2020) in many countries, including the Philippines, even prior to the pandemic. Indeed, with the intensifying instability and informality of work, especially for women, a robust social protection system was critical, particularly in the face of lifecycle contingencies such as pregnancies.

It is in this context that this study derives its added significance. Given the disruptions and volatilities that characterize the present world of work—a world that was already unstable and precarious for workers in the informal economy prior to COVID-19—social protection measures such as the Expanded Maternity Leave Law of 2019 assume greater developmental resonance.

However, strengthening the law and its implementation, especially given its relatively recent enactment, requires an inquiry into its current status—its accomplishments thus far, as well as pressing issues and challenges it confronts.

Research Objectives

The objectives of the research are the following:

- (1.) Describe and analyze the features of the Expanded Maternity Leave Law, including relevant aspects of the IRR, and the process of its implementation.
- (2.) Describe and analyze financial costs to the government and private sector.
- (3.) Describe and analyze the administrative capacity of the government and private sector to implement the law.
- (4.) Describe the strengths, weaknesses, and challenges pertaining to the law and its implementation, especially in relation to its impact on poor workers, the majority of whom are found in the informal economy.
- (5.) Generate lessons and recommendations for the EMLL.

Research Design/Methodology

This research proceeded with a review of literature on the EMLL, using government data as well as academic and media articles. Additionally, two major sources of primary data were respondents' answers in a survey formulated for this research (see Annex A.1) and key informant interviews (see Annex A.2).

For generating data through a survey questionnaire, purposive sampling was used in identifying women in preselected sectors: (a) agricultural work, (b) domestic work, and (c) self-employed street and market vendors. The study also targeted at least 30 respondents as part of the research design. However, given the nature of the research topic, when actually searching for respondents across the aforementioned groups, the researchers had to focus on identifying respondents from a narrower subgroup within these sectors: workers who were pregnant and gave birth after the release of the Implementing Rules and Regulation (IRR) of the EMLL in May 2019. This meant identifying women who got pregnant from June 2019 to May 2022. This short timeline limited the targeting horizon of the researchers, further complicated by the fact that mobility restrictions were still in place due to the COVID-19 pandemic, as well as the relatively short research period and budget.

Generally speaking, in the search for and identification of respondents, snowball sampling was employed. The research team members contacted colleagues and friends (referred to as “focal points”), most of whom came from non-government organization (NGO) networks, to help identify women who were pregnant and/or gave birth during the period of June 2019 to May 2022. Furthermore, the focal points were asked to identify women who were located in both rural and urban areas, across different provinces and islands (Figure 1 and Table 1), to offer some degree of national spread in the profile of the respondents. None of these respondents know each other.

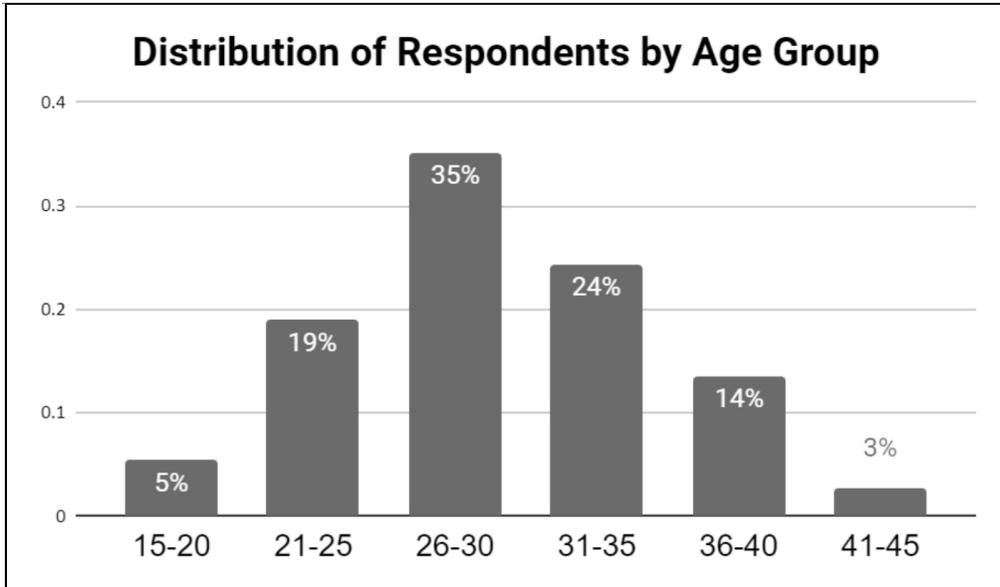
The respondents were predominantly from the National Capital Region (NCR) (38 percent) and the island of Luzon (43 percent). The NCR respondents were separate and were not part of the Luzon respondents. Of the respondents residing in NCR, 14 respondents (38 percent) were from the cities of Pateros, Manila, Caloocan, Pasig, and Mandaluyong. Meanwhile, The respondents from Luzon were from Region III (Bataan, Tarlac, Nueva Ecija, and Bulacan); Region IV-A (Rizal); and Region V (Iriga City, Nabua, Buhi, Camarines Sur, Naga City, and Legazpi City). Respondents residing in the Visayas and Mindanao islands comprised 11 percent and 8 percent of the total respondents respectively. Respondents residing in the Visayas islands were from Region VI (Iloilo); Region VII (Bohol, Cebu City); and Region VIII (Tacloban City). Meanwhile, the respondents from Mindanao were from Region XII, particularly General Santos City and South Cotabato.

Of the total respondents, 51 percent were from urban areas,⁴ while the remaining respondents (49 percent) resided in rural areas.⁵ Figure 1 presents the location mapping of the respondents.

4 According to Resolution No. 9, series of 2003, of the National Statistical Coordination Body (NSCB), entitled “Adoption of the Operational Definition of Urban Areas in the Philippines,” the definition of urban areas is as follows: “(a) if a barangay has a population size of 5,000 or more, then that barangay is considered urban; (b) if a barangay has at least one establishment with a minimum of 100 employees, a barangay is considered urban; or (c) if a barangay has 5 or more establishments with a minimum of 10 employees, and 5 or more facilities within the 2 kilometer radius of the barangay hall, then a barangay is considered urban” (PSA 2022).

5 All areas that do not fall under the urban category are considered rural.

GRAPH 1 ► Distribution of Respondents by Age Group



There were a total of 37 respondents, with the youngest at 19 years old and the oldest at 42 years old. The median age was 28 years, whereas the mode was 27 years. There were two respondents (5 percent of total respondents) whose ages ranged from 15–20 years old, and two respondents (5 percent) belonging to the 41–45 age bracket. Four (11 percent) of the total respondents belonged to the 36–40 age bracket and seven (19 percent) belonged to the 21–25 age bracket. Nine respondents (24 percent) ranged from 31–35 years old, whereas thirteen respondents (35 percent) belonged to the 26–30 age range. In terms of data detailing the respondents’ level of English fluency, this research was unable to cover such information.

TABLE 1 ► Distribution of Respondents by Age Group

Area	NCR		Luzon					
	National Capital Region		Region 3		Region IV-A		Region 5	
	Total	%	Total	%	Total	%	Total	%
Urban	14	38%	0	0%	1	3%	2	5%
Rural	0	0%	6	16%	0	0%	7	19%
Total	14	38%	6	16%	1	3%	9	24%

Area	Visayas				Mindanao			
	Region 6		Region 7		Region 8		Region 12	
	Total	%	Total	%	Total	%	Total	%
Urban	0	0%	1	3%	1	3%	0	0%
Rural	1	3%	1	3%	0	0%	3	8%
Total	1	3%	2	6%	1	3%	3	8%

The researchers and their networks had difficulty in identifying female workers in grassroots communities and poor communities who were pregnant within a narrow temporal window (i.e., March 2019 to the first half of June 2022). The researchers decided to include all women who were pregnant within that timeframe, as long as they come from an economically challenged community (e.g., housewives of farmer households) or women who were contractual workers in white-collar professions working in the provinces. Of the 37 respondents, 30 were either agricultural workers, domestic workers, or self-employed street or market vendors; in other words, their profiles were consistent with what was specified by the World Policy Center. Furthermore, none of these respondents knew each other.

To proceed with the discussion on the methodology, there were a variety of approaches employed in conducting the interviews. In one approach, focal points embedded in the specific areas where the respondents lived and worked—usually an NGO contact of a research team member—conducted the interviews. A second approach was conducting the interview via mobile phone. In a third approach, a member of the research team conducted face-to-face interviews in their workplace and provincial hometown. In all these approaches, a survey questionnaire was used as the basis for the interviews (Annex B). It must be emphasized that

these modalities in the conduct of interviews were drawn up in the face of the formidable challenges presented by the mobility restrictions of strict health protocols that were in place at the time of the research, as well as limited research funds.

Table 2 indicates a breakdown of the professions of the 37 respondents.

TABLE 2 ► Distribution of Respondents by Type of Work

Type of Workers	Total	%
Clothing Vendors	4	11%
Contractual White-Collar Workers	4	11%
Domestic Workers	6	16%
Farmers	4	11%
Food Vendors	12	32%
Odd/Seasonal Workers (Agriworker and hand washer; agriworker and sari-sari store owner; agriworker and food vendor; and agriworker and food vendor)	4	11%
Office Employee/NGO Worker	1	3%
Unemployed	2	5%
Total	37	100%

In terms of the specific occupations of the respondents, four (11 percent) indicated that they were clothing vendors, while twelve (32 percent) indicated that they were food vendors. Six (16 percent) indicated that they were domestic helpers, all of whom were employed as live-in and full-time workers for the respective individual private households of their employers. Four (11 percent) indicated that they were farmers working for informal sector enterprises (i.e., seasonally working for their family-owned farms or informally employed as agricultural workers). These respondents work seasonally as farmers of their own land or as agricultural workers, and perform unpaid work as housekeepers or as vendors of food items, among others. Two (5 percent) indicated that they were unemployed; another two respondents (5 percent) indicated that they were teachers informally employed as contractual employees (i.e., without “Employee-Employer Relationship Clauses” in formal institutions, e.g., state universities and colleges [SUCs]). One indicated that she was part of the billing staff, informally employed as a contractual

worker for a private company; another was formally employed as staff of an NGO staff; one was a sales lady informally employed in an informal sector enterprise.

Of those who indicated that they were food vendors, one stated that she sold meat in a public wet market. Another indicated that she sold boiled peanuts or boiled ripe bananas on the street in front of her residence; another sold vegetables. One respondent helped in cooking and selling home-cooked dishes and snacks in her mother's roadside food stall. The researchers noted in their survey interviews that those who considered themselves to be employed, particularly categorized as informally employed, perform multiple jobs or relied on seasonal odd jobs in order to meet their economic needs.

Here, it would be apt to consider official definitions of formal and informal employment, which are relevant to the employment status of the respondents. According to Cabegin (2018, 33), by the official Philippine definition, a person is employed if he/she has worked for at least an hour for pay or profit, or who worked without pay in a family enterprise, or who has a job but was temporarily absent during the reference period (the past week before the interview date).

This research adopts Cabegin's definition of formal employment, which uses

the merged data file of the 2008 Philippine Labor Force Survey and the Informal Sector Survey [and] . . . adopts the conceptual framework proposed by the Seventeenth International Conference of Labor Statisticians (ILO 2013) in defining formal employment as comprising of (a) wage employment covered by a written contract and where both the worker and the worker's employer pays for the worker's social security contribution; and (b) economic activities by non-wage workers (e.g., the self-employed with no employee and the employer in own-family business or enterprise) who are registered with the Bureau of Internal Revenue and have some bookkeeping record system required for tax payment. (2018, 33)

Furthermore, Cabegin (2018, 33) observes that "the formal sector comprises the government agencies, private corporations, cooperatives, general proprietorships and single proprietorships with more than 10 workers." On the other hand, Cabegin observes that

the informal sector is defined officially in the National Statistical Coordination Board Resolution No. 15-2002 as household unincorporated

enterprises owned and operated by own-account workers (National Statistical Coordination Board 2002). This definition follows from the conceptual framework endorsed by the Fifteenth International Conference of Labour Statisticians in 1993, and subsequently supported by the United Nations Statistical Commission, leading to the inclusion of the informal sector in the System of National Accounts by the United Nations Economic and Social Council (ILO 2003). (2018, 32)

According to Cabegin (2018, 33), “informal jobs comprise wage work with no employment contract or contracted only by verbal agreement; jobs that are outside the coverage of national labor legislation and social security regulation; or those that are in law or in practice not subject to income taxation.”

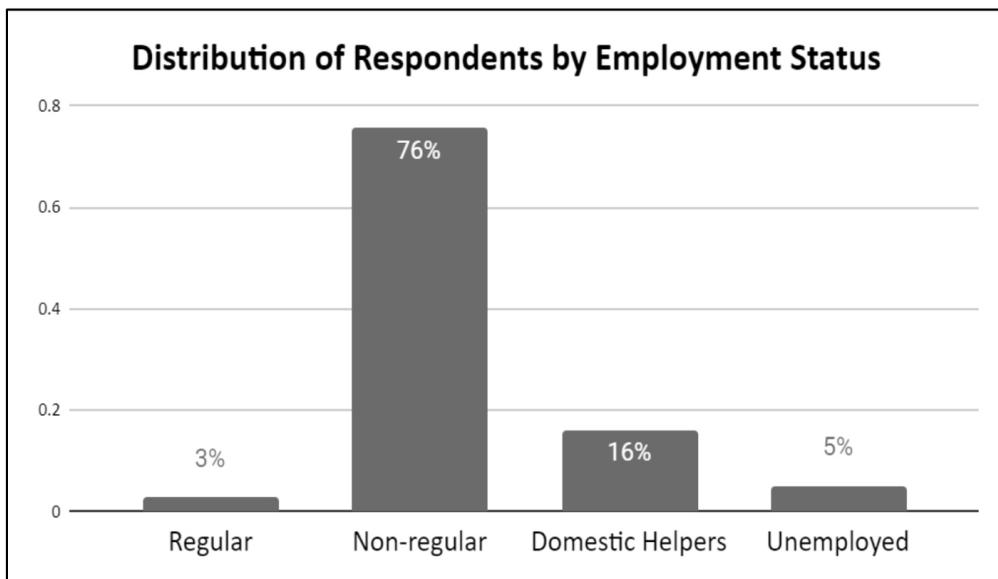
Going by this, the Philippine Statistics Agency (PSA) estimated that of the 40.998 million employed Filipinos, about 15.758 million workers (43 percent) are informally employed; in 2016, this was largely composed of “unpaid family workers and informal sector operators” (Cabegin 2018, 32). This research echoes the classification of Cabegin, who observed that

the three types of production units are the following: ‘(a) the formal sector enterprises; (b) the informal sector enterprises, and; (c) the private households. The determination of the informality of an enterprise is based on the legal organization of the production unit rather than based on job characteristics of its workers...’ As such, the informal sector includes all the other enterprises not covered under the formal sector and refers to unincorporated or unregistered enterprises or small enterprises not covered by the regulatory framework for minimum wages and labor standards. Adopting the recommendation of the 17th International Conference of Labor Statisticians, the private household is treated as a separate category. (2018, 32–33)

The significance of this “expanded typology,” according to Cabegin, is that it “allows for the investigation of the extent of informal employment not just in the informal sector but also in the formal sector and in private households” (2018, 32–33). As Cabegin points out, “*informal employment is not equated with employment in the informal sector since the informality of employment can and has already permeated the formal sector comprising the organized private establishments and the government agencies*” (32–33; italics ours). When one goes by this classification, the incidence of informal workers dramatically rises: here, “more than 4 out of 5 Filipino workers, across the working ages of 15–64 years old” (a staggering 83 percent), “were informally employed (i.e., workers whose terms of employment were not covered by a written contract or by social protection)” (Cabegin 2018, 32–33).

Going by Cabegin’s (2018) expanded definition of informal workers, of the 37 respondents, only one qualified as working in the formal sector—the NGO employee—as she had wage employment and was covered by a written contract. Likewise, she and her employer paid for her social security contributions. All the other respondents are classified as informal sector workers because not all conditions for formal sector status are accorded to them. Even in cases where some of the workers may have wage employment and are covered by contracts of a limited timeframe (i.e., no security of tenure), these contracts do not include any provision for social security benefits. (For more on the background of the respondents, see Annex C, which provides further information on each of the respondents).

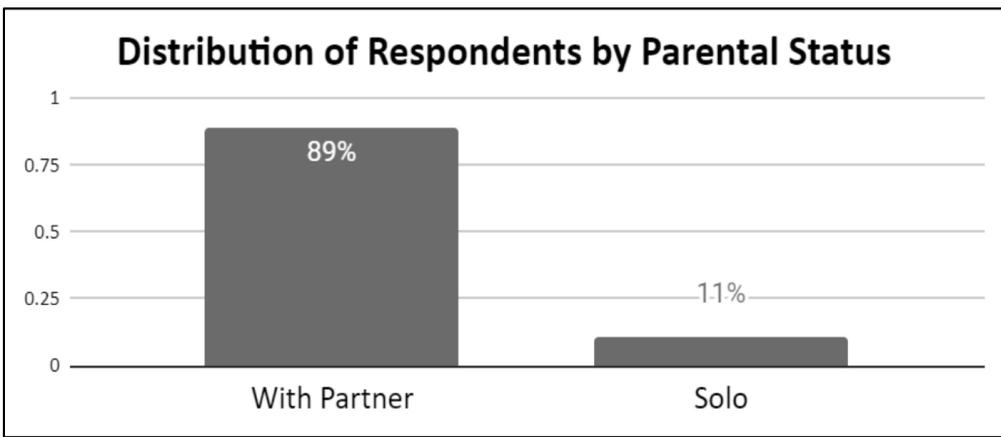
GRAPH 2 ► Distribution of Respondents by Employment Status



In terms of employment status, all of the respondents were employed in both formal and informal sector enterprises, which includes in private households as unpaid family workers, e.g., unemployed housewives. Two respondents (5 percent) were unemployed housewives, while six (16 percent) were informally employed as domestic helpers. Twenty-eight respondents (76 percent) indicated that they were informally employed in formal and informal sector enterprises. One respondent (3 percent) indicated that she was a regular worker formally employed in a formal sector enterprise.

Notwithstanding the distinctions and typologies of employment status—whether formal or informal, regular or irregular—the universal character of the EMLL meant that all Filipino women can avail of it as long as they have paid at least three rounds of SSS contributions prior to giving birth. This means that in theory, all 37 respondents who were pregnant after March 2019 could have availed of the EMLL.

GRAPH 3 ► Distribution of Respondents by Parental Status



In terms of parental status, 89 percent of the respondents indicated that they had partners, while the rest indicated that they were solo parents.⁶ Additionally, 59 percent of the respondents revealed that they have multiple children, while 41 percent indicated that they only have one child. Furthermore, the majority (89 percent) of the respondents

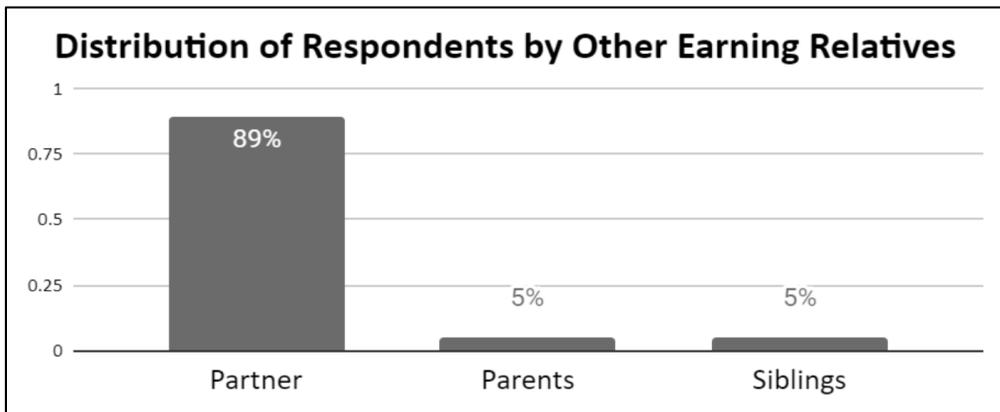
6 Solo parent refers to a “covered female worker who falls under the category of a parent,” defined under Republic Act No. 8972, otherwise known as the “Solo Parents’ Welfare of 2020.” The law further provides that the following may be considered as a solo parent:

1. “A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender, provided that mother keeps and raises the child;
2. Parent left solo or alone with the responsibility of parenthood due to the various circumstances (death of spouse; detention or serving of sentence of spouse for at least one year; physical or mental incapacity of spouse; legal or de facto separation from spouse for at least 1 year for as long as he or she has custody of child/children; declaration of nullity or annulment of marriage by a court or the church for as long as he or she has custody of the children);
3. Unmarried father or mother who preferred to keep and rear his or her children instead of having others care for them or give them up to a welfare institution;
4. Any other person who solely provides parental care and support to a child or children; and,
5. Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parent/s...” (RA No. 8972, Section 3). Section 3 has other definitions for solo parents.

indicated that other earning family members in their household are their partners. The rest of the respondents noted that their parents (5 percent) and their siblings (5 percent) are their households’ other income earners. This is important to note because Filipinos consider their respective family units as among their most important support systems. It, therefore, highlights the centrality of the family in the ability of female Filipino workers to meet their maternity-related health needs. Family members often provide cash, services, and other forms of support to the female worker before, during, and after giving birth.

With regard to the respondents’ socio-economic demographics, the data provided herein and its corresponding discussions underscore the precarity of employment and sources of income. This is also demonstrated by the multiple types of occupations held or performed by the respondents, as indicated in the previous discussions above. This is significant as this study provides tangible examples of the practical realities experienced by Filipina workers, which include important factors that may impact women’s abilities to apply for and successfully avail of the benefits provided under the EMLL.

GRAPH 4 ► Distribution of Respondents by Other Earning Relatives



For generating data from key informant interviewees (KIIs), representatives from various government agencies and private sector organizations were identified. These included the following:

- (1.) *Social Security System (SSS)*. This government agency provides for the EMLL in the private sector. Generally, EMLL benefits are automatically provided by private companies for their regular workers. It is important to note that there are many workers in the private sector who are informally employed and are not provided social security benefits by their employer.
- (2.) *Department of Labor and Employment (DOLE)*. The government agency which enforces compliance of the EMLL, and other laws for workers, in the private sector.
- (3.) *Civil Service Commission (CSC)*. The government agency which enforces compliance of the EMLL, and other laws for workers, in the public sector. It should be noted that EMLL benefits are automatically provided by the national government agency (NGA) for public sector workers who enjoy the security of tenure and positions. Similar to the private sector, there are many workers in the public sector who are informally employed and are not provided social security benefits by the government.
- (4.) *Employers Confederation of the Philippines (ECOP)*. A national federation of employers across various businesses in the country and an active stakeholder during the legislative deliberations on the Expanded Maternity Leave bill leading to its enactment, and beyond.
- (5.) *Partido Manggagawa (PM) (Workers' Party)*. A national workers' organization that also played an active role in advocating for the EMLL.

Over the course of the research, the SSS, DOLE, and PM granted the researchers interviews. ECOP and legislators who co-authored the bills either did not respond to the request for an interview or kept forwarding the request to the different units in their agency. As such, no interviews were conducted with them. Table 13 (see Annexes) provides a list of key informant interviewees. The interviews were conducted from June to October 2022 through phone calls, online, and face-to-face, respectively.

Scope and Limitations of Study

The focus of the research is an assessment of the 2019 Expanded Maternity Leave Law and the extent to which it has positively impacted the lives of poor Filipino women workers who were pregnant. That the law

is quite new—only enacted two years and eleven months—shows that it is too early to make an impact evaluation. Furthermore, one year after the law was implemented, the COVID-19 pandemic struck the Philippines and elsewhere, and data from key informant interviews reveal the difficulties of implementing the law, raising awareness thereof, and providing unhampered services. As such, whatever limitations will emerge in terms of program implementation will have to account for these two factors.

While the targeted women workers under study should have been solely focused on agricultural workers, domestic workers, and self-employed street and market vendors, the researchers could not find enough women who fell pregnant after the EMLL was enacted in 2019, within the researchers' study time frame of about two months (July to August 2022). In this sense, finding women who were pregnant in the last two years and eleven months within the networks of the researchers served as a limiting factor in identifying respondents. Furthermore, except for one researcher, other researchers were generally constrained by COVID-19 health protocols. Budgets to travel to the different islands of the country to identify and interview respondents were also a limiting constraint. Nevertheless, the use of mobile phones, as well as finding local focal points to undertake the research, facilitated the identification and interview of the respondents located in different parts of the country. It is noted, however, that there are limitations to the use of a mobile phone for the conduct of interviews—some information such as facial expressions, which can be revealing of a respondent's response, was lost. Furthermore, even if focal points were trained to use the standardized questionnaire, there could still be unevenness in the conduct of the interviews, which may affect the content of the responses of the respondents.

Many of the key informant interviews identified were highly placed policymakers in government and business circles. As such, it was not easy to obtain interviews with the legislators, a situation further complicated by the fact that the period of the research coincided with legislative budget hearings of national government agencies, which commenced in June 2022 and continued to the end of the year. Moreover, the duration of the entire research spanned five months, from coming up with guidelines on implementing the research design (including designing and finalizing the questionnaire), to actually searching for respondents who “fit the bill,” conducting the interviews of the respondents, and key informants, classifying and analyzing the data, and writing up the report.

The number of respondents (37) and the manner by which they were identified (i.e., a purposive method using the snowball sampling technique) underscores the lack of representativeness of the sample. As such, whatever findings generated may provide insights—especially if contextualized within national development trends regarding labor and employment—but cannot be generalized.

Finally, in describing the provision and administration of employees' salary differential in the private sector, this research undertaking was unable to generate data or information pertaining to the distribution of employees who make more than the cash benefits provided by the SSS.

The Landscape: Women Workers in the Philippines

Labor force participation rate of women stands at 46.2 percent, or a total of 16,107,000 women, based on the 2018 Gender Statistics on Labor and Employment (GSLE) in the Philippines (PSA 2018). The men-women labor participation gap is 30 percent, which has increased in a span of three years, with a 27.2 percent gap in 2015 and 8.3 percent gap in 2016.

The labor force participation rate is “the number of persons who are employed and unemployed but searching for a job divided by the total working-age population” (Principles of Economics 2016). It is the proportion of total labor force to the total household population 15 years old and older. Meanwhile, the term “unemployed” refers to those who are without work and are either looking for work or not looking for work. The term “underemployed” refers to the “employed persons who expressed their desire to have additional hours of work in their present job or have a new job with longer working hours” (Philippine Statistics Authority n.d.).

Majority of women workers are located in, and reside in Region IV-A (2.5 million), National Capital Region (2.3 million), and Central Luzon (1.6 million). Meanwhile, the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) has the lowest labor force participation rate of women in the country, at only 22.4 percent. The Zamboanga Peninsula and the Ilocos Region are among the regions with the lowest figures, at 39.8 percent and 41.5 percent respectively.

TABLE 3 ► Labor Force of Women in the Philippines (as of 2017) based on the 2018 Gender Statistics of Labor and Employment (in Thousands)

	Number	Rate
Labor Force Participation	16,107	46.2%
Employed	15,267	94.8%
Underemployment	2,040	13.4%
Unemployment	840	5.2%

Source: Philippine Statistics Authority (PSA) 2018, 2–97

Meanwhile, data on the women labor force participation rate during the pandemic were also released by the government. “In 2021, the female labor force participation rate in the Philippines was at 39.33 percent. The labor participation rate of women in the country had been consistently at 39 percent in the past decade, except for the slight decrease in 2017 and 2018” (Statista Research Department 2022; see Appendix E for details on the labor force.)

In terms of the educational attainment of women in the labor force, most are graduates of junior high school (4.4 million), and this is validated when data is disaggregated by region, as seen in the Ilocos Region, Cagayan Valley, Central Luzon, CALABARZON, MIMAROPA, Bicol, Western Visayas, Central Visayas, Zamboanga Peninsula, Northern Mindanao, Davao, Socksargen, and CARAGA.

It should be noted that most of the women labor force in BARMM are elementary graduates (66,000), followed by junior high school graduates (42,000). It is only in the Cordillera Administrative Region (CAR) and the Eastern Visayas where the majority of employed women are college graduates. For the remaining regions, most working women are junior high school graduates.

Meanwhile, women’s employment rate by highest education completed revealed that it is highest among the elementary graduates (97.8 percent), followed by those without any educational attainment (97.6 percent), with senior high school graduates coming last.

This may be interpreted to mean that the bulk of employment open to women are of low value and of low productivity, which explains why women with no or little formal schooling have the highest employment rates. It seems that women who are high school graduates, comprising the

largest group of women in the labor force, are less employable than those with no schooling and those who have graduated at the elementary level.

TABLE 4 ► Employed Persons by Highest Grade Completed and Sex (2014-2017) in Thousands

Highest Grade Completed and Sex	2013	2014	2015	2016	2017
Women	14,968	15,286	15,335	15,963	15,267
No Grade Completed	225	217	204	197	205
Elementary	3,585	3,521	3,389	3,529	3,178
Undergraduate	1,576	1,497	1,478	1,608	1,512
Graduate	2,009	2,025	1,911	1,921	1,666
Special Education (SPED)	N/A	N/A	N/A		
SPED Undergraduate	N/A	N/A	N/A	*	
SPED Graduate	N/A	N/A	N/A	*	
High School	5,670	5,862	5,887	6,188	
Undergraduate	1,652	1,664	1,640	1,723	
Graduate	4,019	4,198	4,247	4,465	-
Junior High School	N/A	N/A	N/A	N/A	5,781
Undergraduate	N/A	N/A	N/A	N/A	1,604
Graduate	N/A	N/A	N/A	N/A	4,176
Senior High School	N/A	N/A	N/A	N/A	47
Undergraduate	N/A	N/A	N/A	N/A	44
Graduate	N/A	N/A	N/A	N/A	2
Post-Secondary	716	781	803	919	869
Undergraduate	152	112	98	98	86
Undergraduate	564	668	705	820	782
College	4,771	4,905	5,053	5,129	5,188
Undergraduate	1,442	1,435	1,493	1,573	1,700
Graduate and Higher	3,328	3,470	3,560	3,556	3,488

Source: PSA 2018, 3–9. PSA Terms were used in the table.

The working persons are categorized based on Class of Workers, which is divided into “wage and salary workers; self-employed without

any paid employee; employer in their own family-operated farm or business; and worked without pay in their own family-operated farm or business (unpaid family workers)” (PSA 2020). The wage and salary workers are subdivided into those who worked for private households; worked for private establishments; “worked with pay in their own family-operated farm or business; and worked for government or a government corporation” (PSA 2017a).

Of the 15.2 million working women in the country, a total of nine million are wage and salary workers, followed by the self-employed without any other paid employees (4.3 million) and those working without pay in family-operated businesses or farms (1.4 million). For all regions, except BARMM, most employed women are salary or wage workers. Meanwhile, most working women in the BARMM said that they work in their own family-operated farm or business.

TABLE 5 ► Employed Persons by Class of Worker and Sex (2013 -2017) in Thousands

Class of Worker and Sex	2013	2014	2015	2016	2017
Both Sexes	38,118	38,651	38,741	40,998	40,334
Wage and Salary Workers	22,247	22,407	22,960	25,240	25,209
Worked for Private Household	1,969	1,925	1,981	2,096	1,925
Worked for Private Establishment	17,114	17,319	17,669	19,694	19,776
Worked with Pay in Own Family Operated Farm or Business	127	120	112	132	119
Worked for Government or Government Corporation	3,037	3,043	3,197	3,317	3,388
Self-Employed Without Any Paid Employee	10,668	10,869	10,705	11,097	11,198
Employer in Own Family-Operated Farm or Business	1,272	1,210	1,212	1,376	1,491
Worked Without Pay in Own Family Operated Farm or Business (Unpaid Family Workers)	3,930	4,166	3,863	3,285	2,437
Men	23,150	23,365	23,406	25,035	25,067
Wage and Salary Workers	13,892	13,955	14,238	15,986	16,117
Worked for Private Household	319	306	320	345	301
Worked for Private Establishment	12,055	12,134	12,364	14,010	14,180
Worked with Pay in Own Family Operated Farm or Business	92	81	76	90	80

Worked for Government or Government Corporation	1,426	1,435	1,478	1,541	1,556
Self-Employed Without Any Paid Employee	6,589	6,696	6,560	6,648	6,834
Employer in Own Family-Operated Farm or Business	966	924	922	1,037	1,113
Worked Without Pay in Own Family Operated Farm or Business (Unpaid Family Workers)	1,703	1,790	1,637	1,364	1,004
Women	14,968	15,286	15,335	15,963	15,267
Wage and Salary Workers	8,355	8,452	8,722	9,254	9,092
Worked for Private Household	1,650	1,619	1,662	1,752	1,623
Worked for Private Establishment	5,059	5,185	5,304	5,683	5,597
Worked with Pay in Own Family Operated Farm or Business	35	40	37	43	39
Worked for Government or Government Corporation	1,610	1,609	1,719	1,776	1,833
Self-Employed Without Any Paid Employee	4,080	4,173	4,145	4,449	4,364
Employer in Own Family-Operated Farm or Business	306	286	291	339	378
Worked Without Pay in Own Family Operated Farm or Business (Unpaid Family Workers)	2,227	2,375	2,177	1,922	1,433

Source: PSA 2018, 3–17. Terms used in the table are from PSA.

The data showed that most of women who are employed in wholesale and retail trade, as well as those in agriculture, hunting and forestry, are self-employed without having employees under them. Meanwhile, most women working in the manufacturing industry and accommodation and food services are wage and salary workers in private establishments.

In terms of the number of hours that women work, those who said that they work 49 hours and over per week are mostly self-employed women. Most of the salary and wage workers in private establishments and government meanwhile said that they work 40-48 hours per week. Unpaid family workers mostly work 20-29 hours per week. Meanwhile, there are 2 million underemployed women in 2017. They comprise 13.4

percent of the women worker population. The highest underemployment rate was in the Bicol Region, at 23.6 percent (PSA 2018, 3–17).

This leads to the issue of needing to address the needs of the country’s informal economy. The informal sector makes up most of the country’s labor force. The persons who comprise the Philippines’ informal economy are “independent, self-employed small-scale producers and distributors of goods and services” (ILO n.d.). Before the EMLL, they were “not covered by the country’s labor rules and regulations.”

The country’s latest data on its informal economy dates back to 2009. The 2008 Informal Sector Survey (2008 ISS) of the Philippines revealed 10.5 million informal sector operators. About two-thirds of them are male and 75 percent were in the age bracket of 35-44 years old (PSA 2009).

The ILO also highlighted that the Philippine data “indicates that 38.3 percent of workers are in vulnerable forms of employment. This means two out of five workers [who] are less likely to have formal work arrangements and access to social protection and are more at risk during a crisis or shock” (ILO n.d.).

Below is a picture of the Philippine informal sector, based on a 2002 workshop among government and the private sector, which was organized by the ILO to define characteristics of the informal sector (Batangan and Batangan 2007).

Units engaged in the production of goods and services with the primary objective of generating employment and incomes to the persons concerned. It consists of household unincorporated enterprises that are market and non-market producers of goods as well as market producers of services.

These enterprises are operated by own account workers, which may employ unpaid family workers as well as occasional/seasonally-hired workers. These businesses may also be owned and operated by employers, which may employ less than 10 employees on a continuous basis. These are people we see every day and many of us buy goods from them and avail of their services. They are the vendors from whom we buy candies or cigarettes, the carpenter nearby whom we call to make minor repairs in our house, the woman from whom we buy cooked food for our lunch and snacks, the boys who watch over our cars or help us get a taxi, the rural workers who remove weeds in our farm, or help us harvest our produce, and the very young girls and boys who appeal to us to buy their sampaguita garlands.

They are also the families that set up stalls to sell second hand cell phones and repair them; stall sellers of newspapers, brokers of illegal housing built on legal land; municipal fishermen; money changers; scavengers; families that produce clothing goods at home for sale in the town market, the department store, or for export; fixers, fortune tellers, tricycle drivers; producers of car mufflers; producers of silver rings and bracelets; producers and peddlers of candles, religious images, miracles and “agimat”; “kubrador ng jueteng, karera”; the list is endless, there are 1001 jobs they have created for themselves providing goods and services to members of other households as well as to government institutions, corporations and non-profit institutions.

The characteristics above reflect the type of major industry groups, major occupation groups and class of workers that are associated with most women based on the 2018 Gender Statistics on Labor and Employment (GSLE) data.

In 2007, the ILO, while conducting the social security needs assessment of the informal sector in the Philippines, consolidated “special surveys to generate data and analyze the characteristics of the informal sector” (Batangan and Batangan 2007, 3). The survey touched on the Social Security Protection coverage for the informal sector. This survey covered 2,519 respondents belonging to the informal sector, and who live in Quezon City, Tacloban City, and Cagayan de Oro City (Batangan and Batangan 2007).

Based on the survey, 62.1 percent of the respondents—mostly women in informal sector—“did not have any form of insurance coverage. Most of those who are not insured came from remote communities (65.5 percent)” (Batangan and Batangan 2007, 47), followed by those in the *poblacion*⁷ (town) (60.9 percent) and in adjacent communities (80 percent). The majority also “do not have family members with [social] insurance coverage.”

Respondents in the *población* who have insurance have health insurance, life/death insurance, retirement insurance, savings insurance, educational insurance. Only three of the respondents had childbirth insurance (Batangan and Batangan 2007).

The survey also found that majority of the study respondents who were not insured were not interested in acquiring insurance coverage (58 percent). Most said that “they are not interested because of their inability to pay premiums or contributions” (Batangan and Batangan 2007, 51),

and that they perceive that they do not need insurance coverage. Most of the respondents also believed that the government “will care of their needs in case of unemployment, illness, or unforeseen problems” (p. 53).

One important category of workers used by the PSA are “irregular workers,” referring to probationary, casual, contractual/project based, and seasonal workers. The table below (Table 6) covers the number and type of irregular workers found in small and medium enterprises as of June 2016. It shows that about 27 percent, or over a quarter of those employed across industry groups, fall under the non-regular category.

7 “Poblacion” is defined in the Merriam Webster Dictionary as “a center of a municipality in the Philippines that is usually the barrio that gives the municipality its name and is the seat of government” (n.d.)

TABLE 6 ► Total Employment and number of Non-Regular workers in establishments with 20 or more workers by category and major industry group in Philippines as of June 2016.

Major Industry Group	Total Employment		Non – regular Workers				
	Total	Non-Regular	Total	Probationary Workers	Casual Workers	Contractual/ Project - based Workers	Seasonal Workers
All Industries	4,384,678	1,190,697	356,456	159,277	572,034	80,660	22,270
Agriculture, Forestry and Fishing	155,231	56,170	4,807	11,994	10,630	28,628	112
Mining and Quarrying	30,727	6,950	874	407	3,613	1,822	233
Manufacturing	994,455	269,824	56,645	60,899	118,505	18,906	14,869
Electricity, Gas, Steam and Air Conditioning Supply	4,1354	4,131	827	902	2,169	80	153
Water Supply, Sewerage, Waste Management and Remediation Activities	30,585	10,786	852	3,251	6,128	546	10
Construction	243,490	155,629	7,739	4,734	14,1768	1,258	130
Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	559,419	127,663	50,534	22,360	40,941	12,081	1,748
Transportation and Storage	164,726	35,929	11,095	3,949	17,022	2,039	1,823

Accommodation and Food Service Activities	215,750	71,049	23,445	13,360	29,487	3,029	1,727
Information and Communication	116,685	19,485	7,302	1,388	10,389	381	25
Financial and Insurance Activities	243,532	25,064	17,222	1,270	3,899	2,639	35
Real Estate Activities	45,190	10,197	4,728	650	4,549	256	15
Professional, Scientific and Technical Activities	108,609	18,085	9,804	1,026	7,014	81	159
Administrative and Support Services Activities	967,699	270,408	108,682	18,499	138,281	4,652	295
Education except Public Education	271,023	78,106	38,443	9,345	26,577	3,338	404
Human Health and Social Work Activities except Public Health Activities	135,173	19,501	11,188	3,962	3,707	307	337
Arts, Entertainment and Recreation	46,655	9,726	1,790	992	6,495	365	84
Repair of Computers and Personal and Household Goods; Other Personal Service Activities	14,373	1,993	480	289	859	251	114

Note: Details may not add up due to rounding

To gain a better picture of workers not covered by the table above, it is relevant to note that in the Philippines, enterprises are classified based on number of employees and asset size. Below are classifications of enterprises based on number of employees, number of irregular workers and their percentage per industry group (DTI n.d.):

- (1.) Microenterprises have less than 10 employees. In the Philippines, these constitute 90.54 percent (978, 612) of total enterprises.
- (2.) Small enterprises are those with 10-99 employees and constitute 8.63 percent (93,230).
- (3.) Medium enterprises are those with 100-199 employees and constitute 0.41 percent (4,437).
- (4.) Large enterprises are those with 200 or more employees and constitute 0.42 percent (4,531) of total establishments.

Against the given backdrop, one can note that irregular workers covered in Table 6 only includes a section of enterprises under the small and medium categories. Not covered are micro enterprises, which comprise 99.5 percent of all businesses in the country (DTI n.d.), many of which fall under the informal sector. Note that PSA defines the informal sector as

household unincorporated enterprises which consists of both informal own-account enterprises and enterprises of informal employers. Informal own-account enterprises are household unincorporated enterprises owned and operated by own-account workers, either alone or in partnership with members of the same or other households which may employ unpaid family workers as well as occasionally/seasonally hired workers but do not employ employees on a continuous basis. Enterprises of informal employers are household unincorporated enterprises owned and operated by own-account workers, either alone or in partnership with members of the same or other households, which employ one or more employees on a continuous basis. (PSA 2017)

The 2019 Expanded Maternity Leave Law (Republic Act No. 11210)

Significance

Mother, Child, and Family Health

Before the enactment of the EMLL, the ILO raised concerns on the Philippines' previous policy of 60 days of maternity leave (as provided by the Social Security Law of 1997 or Republic Act No. 8282), emphasizing that the duration provided by the law fell short of the 14 weeks espoused in the 2000 ILO Maternity Protection Convention No. 183 (Delfin 2013).

The country's progress towards the global development goals on maternal and infant health and nutrition underscored the need for policies that would enable mothers to fully assume their maternal work before resuming paid work (PCW 2019). Hence, replacing the old national policy—which allowed “60 days paid leave for normal delivery and 78 days paid leave for cesarean birth” (Inquirer Staff 2019)—with the EMLL can be considered a highly strategic course of action. The EMLL enabled the country to provide women workers with enough time to regain their health and overall wellness, as well as ensure that their babies are well cared for (PCW 2019).

The Philippines' old policy of 60-day paid maternity leave forced mothers to stop “exclusive breastfeeding from zero to six months, and continued breastfeeding six months to two years and beyond” (Delfin 2013). In fact, the 2011 National Nutrition Results showed that only “47 percent of babies 0 to 6 months were exclusively breastfed,” and only 45 percent of babies “six to 23 months were breastfed and timely fed with adequate and safe nutritious complementary food” (Delfin 2013). This situation also pushed mothers to resort to buying expensive infant formula to feed their babies. As cited by the World Health Organization (WHO), “the government reported that Filipino families spend 21.5 billion pesos on infant formula” (WHO 2013, 4).

Thus, there was a pressing need to extend paid maternity leave for mothers to rest and regain strength after pregnancy, for fathers and partners to take care of their families, and for children to be better fed and cared for.

Insufficient maternity leave was “partly blamed for the high incidence of maternal deaths.” Poverty and loss of income forced “many women to return to work too early” (Delfin 2013) after giving birth, even if they had not physically recovered from childbirth (Zialcita 2015). The ILO (2010) stated that “while most attention to maternal health and mortality has justifiably focused on health services and family planning, mothers are also workers, with particular need of support to protect their health while working and to ensure their economic security during pregnancy and after childbirth.”

Moreover, a study by the University of California-Berkeley (Guendelman et al. 2009) found out that “women who took [maternity] leave in the ninth month of pregnancy were 73 percent less likely to have a cesarean section [birth] than those who work continuously up to delivery” (Guendelman et. al. 2009, 32). Hence, increasing the risk of surgical complications and longer recovery times (Gloor 2016; WHO 2013, 4).

The study also revealed that mothers who immediately resumed work after delivery are less likely to establish breastfeeding within the first month (Guendelman et al. 2009). The chance to breastfeed their babies is very important to a woman’s health. Lactating women absorb calcium and burn calories more efficiently. Hence, they have lowered risks for postmenopausal osteoporosis and bone fracture, and can easily lose weight gained over pregnancy. Moreover, the release of oxytocin when breastfeeding helps the uterus quickly return to its normal size and reduces post-delivery blood loss. Likewise, “the release of prolactin from breastfeeding keeps estrogen and progesterone at bay” (Gloor 2016). This results in “pauses in ovulation” (NTUCP 2013) and menstruation, which is a welcome break for women who have recently given birth. Breastfeeding also “lowers insulin needs in diabetic mothers and decreases risks of breast, ovarian, and endometrial cancers” (NTUCP 2013).

To meet the 2030 child survival target, the UNICEF State of the World’s Children Report 2016 argued that there is a need to urgently address disparities in maternal health and adequate nutrition, and other factors necessary in preventing childhood disease (WEF 2021). Breastmilk provides children with the complete nutrition of at least 400 nutrients in right proportions. Hence, a child who is breastfed has increased “resistance to infections” and has “enhanced neurological development, [which] results in higher IQs” (Delfin 2013).

Apart from improving the health and well-being of the mother and child, the EMLL also addresses the economic dimension. One of the main aims of the law is to prevent losses in income and ensure the provision of economic opportunities caused by women workers' absence from productive work while performing their reproductive roles as mothers.

Today, the Philippines ranks first in Asia and 17th globally in the Global Gender Gap Report 2021. This rating includes indicators for family care, such as the "length of maternity and paternity leave," particularly the "number of weeks of job-protected leave available for mothers [and] fathers before and after childbirth." It also includes the wages paid during maternity and paternity leave, computed as a percentage of the annual gross wage (WEF 2021, 10).

The previous law merely provided 60 days and 78 days of paid maternity leave for normal and cesarean deliveries, respectively. Republic Act No. 11210, or the EMLL, expanded this to 105 days of paid maternity leave. In essence, the EMLL placed great value on the maternal health of workers. By lengthening the number of paid leave days of women, the state ensures that women are given the right to fully recover from the physical and mental toll of childbirth and other maternity related medical conditions, before they return to productive work. Several respondents have argued that extending paid maternity leave to 105 days (3.5 months) allows women to fully heal from the wounds caused by childbirth, particularly for mothers who underwent cesarean section. It also enables mothers to spend more time to care for her child in their first months of existence.

Placing Importance on the Value and Contribution of the Informal Sector

The EMLL, which provides the same benefits to workers in the informal sector, is very important in strengthening the country's human capital. Informal sector employment in the Philippines is more prominent for women than men. As of 2017, 40 percent of women and 36 percent of men in the Philippines are employed in the informal sector (Cabegin and Gaddi 2019, 8). Moreover, using binary logistic regression in Filipino informal workers, Cabegin (2018, 31) found "high probabilities of informal employment persisted throughout workers' working life cycle." This indicates that informal employment is more of a permanent phenomenon, with the highest rate among the least educated and in the least developed regions (Cabegin 2018).

Therefore, being able to access the same benefits and income for maternity leave through the SSS is very important for many women in the informal sector. They fall “outside the scope of statutory regulatory framework for wages and labor standards” (Cabegin 2018, 54), while also facing lower wages and marginalization due to lack of collective representation and protection from income risks (Cabegin 2018). The EMLL is one policy reform that corrects the government’s selective character in the “enforcement of regulations when it comes to Job Order or Contract of Service workers” (Cabegin 2018, 56).

The EMLL is a way to correct how the country has undervalued the economic contributions of women in temporary, part-time, sporadic, and unpaid economic work in the informal sector. This includes mothers and housewives who are the primary bearers of the responsibility of housework and childcare (Cabegin 2018).

EMLL is Consistent with the Country’s Legal and Policy Framework

The EMLL is anchored on the 1987 Philippine Constitution, which recognizes “the role of women in nation building” and mandates the State to “ensure fundamental equality before the law between men and women” (Article II, Section 14). The Constitution also promotes the “full employment and equality of employment opportunities for all” (Article XIII, Section 3; PSA 2018). Article XIII, Section 14 declares that “the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.” Likewise, Article II, Section 12 provides that the “State recognizes the sanctity of family life and shall protect and strengthen the family as the basic autonomous social institutions and that it shall equally protect the life of the mother and the life of the unborn from conception.”

The EMLL is viewed as a complementary legislation to the Magna Carta of Women (RA No. 9710), which “highlights women’s rights to sexual and reproductive health and rights” (Section 17), as well as “their right to decent work” (Section 22).

The law is also anchored on the principles and mandates provided in various national policies including the Labor Code (Presidential Decree No. 442), which provides for “equal work opportunities regardless of sex,

race or creed” (PSA 2018); the First 1000 Days Law (RA No. 11148), which “strengthened integrated strategy for maternal, neonatal, child health and nutrition in the first 1,000 days of life;” and the Responsible Parenthood and Reproductive Health (RPRH) Law of 2012 (RA No. 10354), which recognizes human resources as a principal asset of the country, therefore underscoring the importance of giving “primacy to maternal and child health, including the health of the unborn, as well as the State’s duty to promote the right to health, responsible parenthood, social justice, and full human development.” The EMLL is also rooted in the fundamental propositions enshrined in the Solo Parents’ Welfare Act (RA No. 8972) and the Paternity Leave Act of 1996 (RA No. 8187).

The EMLL applies to all women regardless of civil status, whether working in government or the private sector, including those in the informal economy. It also includes an option for the mother to share seven days of the paid leave with the father—an added benefit to the seven days paternity leave granted under Republic Act No. 8187—or a relative of the mother within the fourth degree of consanguinity.

Moreover, the allocation of maternity credits recognizes the role played by a female beneficiary’s partner, regardless of their marriage status or her partner’s gender identity, correcting some of the prevailing gender biases embedded in the previous law. The new law also removed the previous four-pregnancy cap (i.e., that only the first four pregnancies qualified for benefits) (PCW 2019). “Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner” (Republic Act No. 11210, Article II, Section 3). All in all, the EMLL, whether applied in the public or private sectors, reflects an enhanced gender equity perspective.

This research undertaking finds that, despite the identified gaps and issues surrounding its implementation, the EMLL is an undoubtedly welcome progressive policy. The EMLL is a substantially significant policy improvement in the state’s provision of maternity benefits for Filipino women. The law’s significance lies in the fact that it acts as a social protection measure for women from various socio-economic backgrounds, who were previously overlooked and neglected in the 2018 Social Security Act. It also incorporated key reforms addressing maternity-related socio-economic gaps and issues affecting Filipino women. As explained by the Philippine Commission on Women (PCW),

this law recognizes and acknowledges women's vital role and contribution to the labor force, while giving them the opportunity to exercise their unique reproductive role. It gives women enough time and resources to recuperate, regain her full strength, and nurture her child after giving birth. (PCW 2019)

The provision for additional paid leave in order to heal and care for the baby has indeed allowed women workers to exercise greater economic autonomy, which further resonates in cases where there are no clearly defined marital arrangements, or if the father is absent for an extended period of time for various reasons. As mentioned earlier, the law enables women to allocate their maternity leave days to their husbands, unmarried male or LGBTQI+ partners, or relatives, which underscores at least two important messages: (a) reproductive work, including caring for the baby, is the shared responsibility of both parents, and (b) the EMLL does not reflect a heteronormative bias, as it officially acknowledges that the notion of a "family" takes many forms.

Features and How it Works

Benefits

The law provides that benefits for mothers delivering live births include the following:

- (a.) "105 days fully paid maternity leaves regardless of the mode of delivery", i.e., cesarean or normal, and regardless of the number of deliveries.
- (b.) For solo parents, an "additional 15 days", for a total of 120 days, are made available "as provided under RA 8972" or the "Solo Parents Welfare Act."
- (c.) "Option to extend for an additional 30 days without pay." Paid extended maternity leave is also allowed (CSC 2019; pp. 1). However, this is chargeable against the female employee's sick leave credits (Ibid). In case the employee's sick leave credits have already been exhausted, extension of said leave shall be charged against the latter's vacation leave (Ibid).
- (d.) Option to allocate up to seven (7) days of the maternity leave to the child's father or to the caregiver. (RA No. 11210, Article II)

Mothers who suffered a miscarriage or underwent emergency termination are entitled to 60 days of fully paid maternity leave. The same number of paid leave days are applicable for women who underwent

stillbirth. In addition, the Civil Service Commission (CSC) clarified that these leave benefits are taxable, as they are paid leave. Furthermore, the law provides that the “maternity leave period is counted in calendar days, inclusive of Saturdays, Sundays, and holidays” (PCW 2019).

The “enjoyment of maternity leave cannot be deferred and should be availed of before or after the actual period of delivery in a continuous and uninterrupted manner” (R.A. No 11210, Article II, Section 3). The maternity leave can be credited as “combinations of prenatal and postnatal leave, as long as it does not exceed one hundred (105) days” (Section 9), adding that “in no case shall postnatal care be less than sixty (60) days.”

The same law mandates that employed female workers shall receive full pay, which consists of: (a) SSS maternity benefit computed based on their average salary credit, and (b) salary differential to be paid by the employer. Salary differential “refers to the difference between an employee’s base wage” and the SSS maternity benefit (Lumina 2022;). Furthermore, “female government employees can claim maternity leave benefits from SSS” (PCW 2019) and the Philippine Health Insurance Corporation (PhilHealth) if they are members who meet the contribution requirements of the said institutions.

Public Sector

The government agency tasked with the administration of maternity leave and its corresponding benefits for government workers is the Civil Service Commission (CSC). Pursuant to RA No. 11210, the CSC (2021) passed CSC Resolution No. 2100020. Aside from the allowable number of days for maternity leave, the resolution provides female workers with the option to extend their maternity leave for an additional 30 days without pay, or through the usage of their earned sick leave credits for extended leave with pay. In this case, the employee must submit a written notice to the authorized official 45 days before the end of the worker’s maternity leave. Pregnant workers in the public sector are covered under RA No. 11210 regardless of their employment status and their length of service (Section 1, Rule 4, RA No. 11210 IRR; CSC 2019, 6).

To avail, the following are the “eligibility and documentary requirements” that pregnant workers must submit to their respective agencies to avail their maternity leave (PCW n.d.):

- “Accomplished Application for Leave (Civil Service Form No. 6)
- Medical certificate issued by a physician as proof of pregnancy and estimated date of delivery
- Accomplished Clearance Form (Civil Service Form No. 7)
- Solo Parent I.D. for solo parents,” if availing additional 15 days maternity leave

It also provides for a 60-day adoption leave for qualified adoptive parents in the government service. It is pursuant to RA No. 8552, or the Domestic Adoption Act of 1998. Under Section 20 of CSC Resolution No. 2100020, regardless of the civil and employment status, length of service, and who qualifies as an adoptive parent—provided that the adoptee is aged below seven years old—they are qualified for adoption leave with full pay. If a female employee is married, her legitimate spouse, who must also be a government employee, can avail of a 7-day adoption leave with full pay.

Private Sector

The Social Security System (SSS) and the Department of Labor and Employment (DOLE) are the agencies administering the leave benefits of female workers in the private sector, which includes the informal sector. The SSS administers the provision of cash benefits for qualified beneficiaries from the private sector, while DOLE ensures that employers pay their female employees’ salary differential. To qualify for the SSS maternity benefits, the following requirements must be met by the female member:

- (1.) The member must have at least paid 3 monthly contributions out of the 12 months immediately preceding the semester of contingency.
- (2.) Submission of duly accomplished SSS Maternity Notification Form, attached with the ultrasound report, SSS or UMID I.D., and two other valid identification cards.
- (3.) Duly registered My SSS account on the website of the Social Security System, as well as an enrolled disbursement account.

Amount of Maternity Benefit

Female SSS members are entitled to a daily cash allowance equivalent to 100 percent of their average daily salary credit (ADSC) for

the compensable periods of 105 days for live births, both natural and cesarean section; 120 days for solo parents; or 60 days for miscarriages, abortions, and stillbirths, depending on which is applicable. Employers are mandated to pay a salary differential for the duration of the maternity leave for employees whose salaries are higher than the benefits provided by the SSS (Lumina 2022). The salary differential is the difference between the employee’s base wage and SSS benefits (Lumina 2022). Informal workers, however, do not enjoy or benefit from this provision of the law, because they are either wage workers who do not have employment contracts, or fall outside the legal ambit of national labor legislations and social security regulations. For full details on the computation of beneficiary’s SSS maternity benefits, see Appendix F.

Provision and Administration of Employee Salary Differential

The salary differential forms part of the compensation income of female employees during their paid maternity leave; it is likewise taxable. The determination and administration of salary differentials falls under the jurisdiction of, or is governed by regulations provided by, DOLE. The implementation of employees’ salary differentials is the task of DOLE’s Bureau of Working Conditions.

DOLE released Department Advisory No. 1 series of 2019, which provided guidelines for the computation of the salary differential of qualified female employees, pursuant to RA No. 11210. Under the same advisory, “the employer shall pay the salary differential between the full salary of an employee during her maternity leave and the actual cash benefits received from the SSS” (DOLE 2019). It further stated that “the salary differential should be included as part of the employees’ basic salary for purposes of computing 13th month pay of the rank-and-file employee” (DOLE 2019). Since almost all of the respondents—except one—are informal sector workers, the process above does not apply to them. For full details on the computation of employee salary differential, see Appendix G.

Process: Online Filing of Maternity Benefits

Under SSS Circular No. 2021-004 (SSS 2021b), female workers in formal and informal sectors are required to submit their Maternity

Benefit Application (MBA) online. Female employees shall upload their application, including required documentary attachments, through the My.SSS portal found on the SSS website. Likewise, employers of applicants covered under the abovementioned circular are also obliged to file their Maternity Benefit Reimbursement Application (MBRA) via the same platform.

Applicants must have: “(a) a registered My.SSS account at the SSS website, and (b) a disbursement account enrolled with the SSS through its Disbursement Account Enrollment Module (DAEM) in the My.SSS portal found on the SSS website” (SSS 2021b, 1). The memorandum strictly prohibits manual or face-to-face filing of applications and only accepts online e-filing of applications. Furthermore, the applicant must upload their supporting documents, which correspond to the nature, or type of claim, to proceed with the submission of the MBA/MBRA. These uploaded documents will then be reviewed by SSS. Rejected claims should be resubmitted and refiled using the same process.

In terms of the step-by-step procedure in the online application for maternity benefits, the SSS provides the following steps:

- Register through the My.SSS online portal.
- Update contact information such as e-mail address, mobile number, and local address.
- Enroll for a disbursement account through the Disbursement Account Enrollment Module (DAEM).
- Scan documentary requirements, which will be uploaded through the Maternity Benefit Application (MBA) for members, or the Maternity Benefit Reimbursement Application (MBRA) for employers.
- Submit the MBA or MBRA through the member’s or employer’s My.SSS account.
- In cases of claim rejection, comply with the reason for rejection stated in the e-mail notice from SSS.

Eligibility and Application Requirements

Eligibility and documentary requirements when availing for maternity leave benefits for women workers vary across private and public

sectors. The law provides that “any pregnant female worker in government service, regardless of employment status and length of service” (RA No. 11210, Article II, Section 4) is eligible for these benefits. The following are the documentary requirements necessary for public sector workers (PCW n.d.):

- Accomplished Application for Leave (Civil Service Form No. 6)
- Medical certificate issued by a government or private physician, as proof of pregnancy and estimated date of delivery
- Accomplished Clearance Form (Civil Service Form No. 7)
- Solo Parent I.D., for solo parents who want to avail of the additional maternity leave of 15 days

Pregnant employees in the private sector must meet the following requirements to qualify for maternity leave benefits provided by the SSS (PCW n.d.):

- Paid at least three (3) monthly SSS contributions in the twelve (12) month period immediately preceding the semester of the birth, miscarriage, or termination
- Notice to employer of her pregnancy and expected date of birth. The qualified beneficiary must submit supporting documents, including: (a) an ultrasound report, (b) a medical certificate, and/or (c) a pregnancy test result

The notification of pregnancy and supporting documents must be submitted to the employer, and directly to SSS through the My.SSS portal or SSS Mobile Application. The latter procedure applies for employed, overseas Filipino workers (OFW), self-employed, and unemployed members. “Failure to notify the employer shall not bar the pregnant worker from receiving maternity benefits, subject to guidelines prescribed by the SSS” (PCW n.d.).

Allocation of Maternity Leave Credits

Under Section 6 of RA No. 11210, qualified female workers may allocate up to seven days of her maternity leave to the child’s father, irrespective of the couple’s civil status (i.e., married or single). This means that the father can avail of an additional seven paid days of maternity leave, in addition to his separate seven paid days of paternity leave, assuming they qualify for the latter. However, this option is only applicable in cases of live birth.

If the father of the child is unable to care for the infant, the allocable seven-day maternity leave may be transferred to another partner or family member residing with the pregnant worker. To avail of this leave credit allotment, the female worker must inform her employer or company. In the same manner, the employer of the father or substitute caregiver must also be informed.

PhilHealth Maternity Benefits

Under the relevant rules and regulations of PhilHealth, specifically its Maternity Health Package, health care services for “prenatal, normal delivery, postpartum, and pregnancy-related conditions are granted to female workers, particularly those who are unregistered (i.e., neither voluntary nor regular members of the SSS)” (RA No. 11210, Article II, Section 11). Packages can be availed in accredited hospitals (PHP 6,500), and in infirmaries/dispensaries and birthing homes/maternity clinics (PHP 8,000) anywhere in the country (PhilHealth 2022). PhilHealth also requires maternity care beneficiaries to have “four prenatal visits during pregnancy to detect and manage complications and prevent perinatal deaths.” If, for example, a member is unable to fulfill the recommended prenatal services, she will still be entitled to packages for normal spontaneous delivery, ranging from PHP 5,000 to PHP 6,500, inclusive of postpartum care. Women who give birth via cesarean section deliveries conducted in levels 1 to 3 hospitals are entitled to PHP 19,000.00. However, to be eligible for PhilHealth benefits, expectant mothers who are not members are required to enroll in the National Health Insurance Program.

PhilHealth also covers other methods of deliveries, namely: (a) cesarean section (PHP 19,000); (b) “complicated vaginal delivery with or without episiotomy or forceps” (PHP 9,700); (c) breech extraction (PHP 12,120), and; (d) vaginal delivery after cesarean section (PHP 12,120). Additionally, PhilHealth also provides the Expanded Newborn Care Package, which amounts to PHP 2,950 and covers the following:

- Provisions of essential newborn care such as:
 - ◇ Immediate drying of the baby
 - ◇ Early skin-to-skin contact
 - ◇ Cord clumping
 - ◇ Non-separation of mother and baby for early breastfeeding initiation

- ◇ Prophylaxis and Vitamin K administration
- ◇ Weighing of the baby
- ◇ First doses of hepatitis and BCG vaccines
- ◇ Newborn Screening Test, which screens newborn children for 28 genetic disorders that may cause mental retardation
- ◇ Newborn Hearing Test, a mandatory test for all infants (Philhealth Circular No. 2018-0021) (PhilHealth 2018)

To avail of these PhilHealth benefits, beneficiaries must secure the following documentary requirements (Burlaos 2022):

- Latest copy of Member’s Data Record (MDR) (PhilHealth n.d.-1)
- PhilHealth Claim Form (CF1) from employer or healthcare provider, for employed beneficiaries ((PhilHealth n.d.-2))
- PhilHealth CSF Form, for employed beneficiaries
- Proof of Premium Payments
- PhilHealth ID and valid IDs
- PhilHealth Claim Form 2 (CF2) from beneficiaries’ health care provider

Furthermore, PhilHealth members may apply for maternity benefits through PhilHealth portals available in PhilHealth-accredited facilities. Non-members can avail of PhilHealth maternity benefits either online, upon admission, or through the dropbox system.

Cash Benefit Costs of EMLL Implementation

In 2016, SSS reported that three years before the implementation of the EMLL, the average annual disbursement was at PHP 6.16 billion. In 2019, SSS noted that disbursements for maternity benefit payouts for the same year rose due to the implementation of the EMLL. There was a steep increase of around PHP 3.35 billion in maternity disbursements following the passage and implementation of RA No. 11210 (Baguio Midland Courier 2021; SSS 2021a). In 2018, “disbursements for maternity benefits” alone “amounted” to PHP 7.1 billion, a 16 percent increase from PHP 6.1 billion in 2017 (De Vera 2019). There were “over 326,000 female SSS members” (De Vera 2019) who availed of their maternity benefits in 2018. SSS also noted a 12 percent increase—an additional 36,550 women—in members who availed of maternity benefits in the same year. Likewise, the agency has also observed that the EMLL has increased the maximum allowable

funds disbursed to female workers, from PHP 32,000 (“based on the monthly salary credit of PHP 20,000”) to PHP 70,000. Consequently, the EMLL “costs the SSS an additional PHP 7.5 billion yearly,” (De Vera 2019), despite a 12 percent rise in the monthly contributions of members in April 2019. In 2020, however, the SSS released PHP 10.49 billion for the maternity benefit claims of “290,000 female members as beneficiaries” (Baguio Midland Courier 2021; cf. SSS 2021a).

Recently, SSS President and Chief Executive Officer Michael Regino claimed that from 2016 to 2021, the agency released “PHP 53.27 billion in total maternity benefits to 1.91 million members” nationwide (SSS 2022). The agency noted that such a marked increase was recorded in 2019 due to the implementation of RA 11210. Furthermore, the highest amount released for maternity benefit claims is PHP 13.90 billion in 2021 (SSS 2022).

With regards the number of female members covered by the SSS and the number of members with approved maternity claims, the SSS key informant has provided the following information:

TABLE 7 ► Number of Members with Approved Maternity Claims vis-a-vis Total Number of Covered Female Members.

Number of Members with Approved Maternity Claims	Number of Covered Female Members	% (a) to (b)
175,730	18,484,872	0.95

Of the 18,484,872 female members covered by the SSS, only 175,730 members (0.95 percent) were approved for their maternity claims. In terms of the number of approved maternity claims by type of filer, the SSS informant provided the following data:

TABLE 8 ► Approved Maternity Claim by Type of Filer

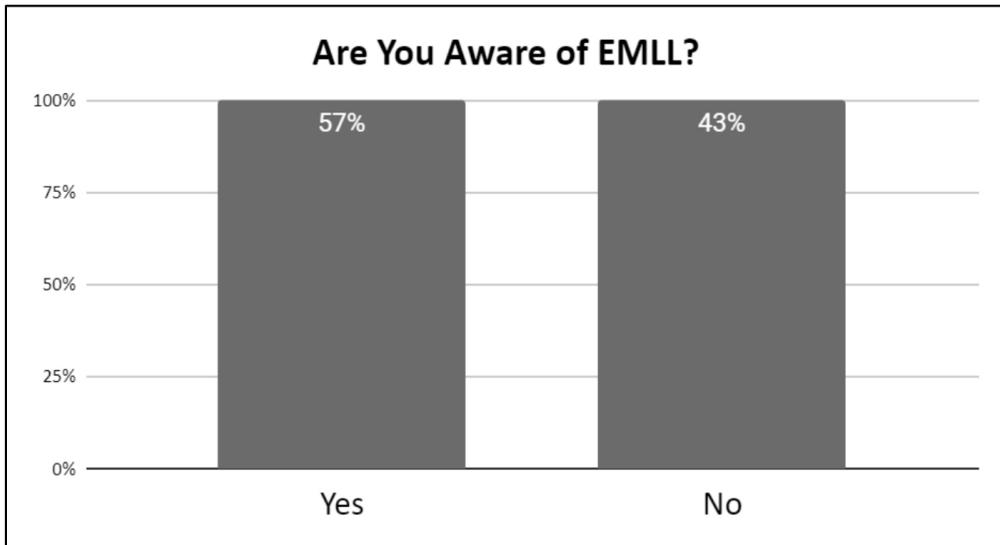
Employed Members		Self-Employed/Voluntary Members (SE/VM)		Total	
No. of Paid Claims	No. of Paid Claims with Allocation	No. of Paid Claims	No. of Paid Claims with Allocation	No. of Paid Claims	No. of Paid Claims with Allocation
448,385	14,672	550,101	12,466	998,486	27,138

Among employed SSS members, 448,385 claims were paid by the SSS, while there were also 14,672 paid claims with allocation. For self-employed and voluntary members, 550,101 claims were paid and additional 12,466 claims with allocations were paid. In total, SSS paid 998,486 claims (without allocations), as well as an additional 27,138 claims with allocation.

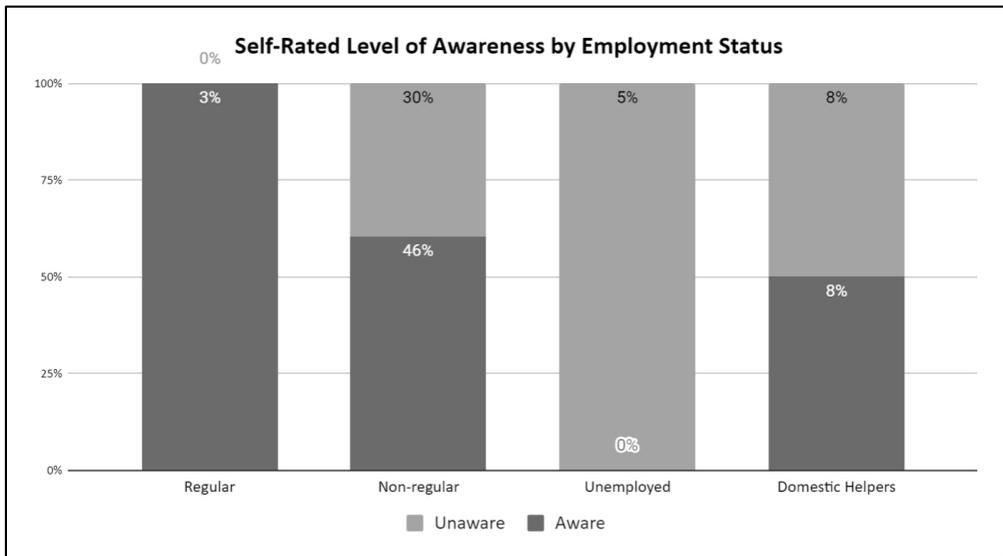
Findings

Level Awareness of the Respondents

GRAPH 5 ► Self-Rated Level of Awareness



Survey results showed that in terms of self-rated awareness, 57 percent of the respondents indicated a general awareness of the country’s maternity benefits policies, while 43 percent indicated that they were unaware of the policies. Of the 57 percent who indicated that they were aware, 46 percent were non-regular workers; 8 percent were domestic helpers; and 3 percent were regular workers. Of the 43 percent who indicated that they were unaware, 30 percent were non-regular workers; five (5) percent were unemployed; and eight (8) percent were domestic helpers.

GRAPH 6 ► Self-Rated Level of Awareness by Employment Status**TABLE 9** ► Self- Rated Awareness Level of EMLL

Type of Work	Number of Respondents		Are you aware of EMLL?			
	Total	%	Yes	%	No	%
Clothing Vendor	4	11%	4	11%	0	0%
Contractual Employees	4	11%	4	11%	0	0%
Domestic Helper	6	16%	1	8%	3	8%
Farmer	4	11%	3	3%	3	8%
Food Vendor	12	32%	7	19%	5	14%
Odd/Seasonal Jobs	4	11%	1	3%	3	8%
NGO Worker	1	3%	1	3%	0	0%
Unemployed	2	5%	0	0%	2	5%
Total	37	100%	21	57%	16	43%

However, these indications cannot automatically be attributed to the respondents' full awareness of the salient aspects and provisions of the EMLL. While there were survey respondents who indicated that they had a high degree of self-rated awareness of the EMLL, not all of them seemed to actually possess the full and correct knowledge about the law. This is perhaps due to their level of exposure to the kind of information

regarding the said policy. These circumstances may be influenced by the nature of their work and the resources consequent to the nature of their work. For example, in a work environment with a well-established organizational structure, and information and communication facilities, the likelihood of the availability of pertinent information and the organized activities that can facilitate learning and awareness of the EMLL is high. This is true for the five respondents (24 percent) who indicated their workplace as the main factor behind their knowledge about the EMLL.

For instance, Respondent 8, a self-employed sari-sari store (small retail shop selling various basic goods) owner and farmer, stated:

Dahil dati na akong SSS member at naging trabaho ko rin mangasiwa ng mga kasamahan ko sa trabaho, updated kami sa mga batas kaugnay sa social services na nauukol para sa aming mga namamasukan.

Because I have already been an SSS member in the past and it was my previous job to manage my colleagues at work, we are aware of the updated laws regarding the social services that apply to us employees.

Meanwhile, Respondent 20, a salaried worker, explained:

Na-discuss po yan sa amin ng H.R., benefits at magkano [sa mga buntis]. Three months pregnant pa lang kami ay papaliwanagan na.

It was discussed to us by the H.R. [Human Resources], benefits and how much [for pregnant employees]. We were only three months pregnant when it was explained to us.

Compare these responses to informal and largely blue-collar work, where workers are exposed to more labor-intensive and less learning-conducive work environments, and are therefore less likely to learn about the EMLL. The workers' internet capabilities, and the time and resources available to access information predominantly available online, are crucial factors in the awareness levels of the respondents. Five (24 percent) indicated that their source of information regarding the EMLL is social media; on the other hand, two respondents (10 percent) said that their source of information are websites. For instance, Respondent 21, a self-employed fruit shake vendor, stated:

Hindi ko [binasa] ang nilalaman ng 105-day expanded [maternity leave] pero sa mga kuwento lang at sa FB post tsaka sa messenger. Nabasa ko na halos 3 buwan na ang maternity benefits.

I did not read the contents of the 105-day expanded [maternity leave law], except through stories, FB [Facebook] posts. and [Facebook] Messenger. I read that the maternity benefits cover almost 3 months now.

Similarly, Respondent 4, a self-employed vendor of second-hand clothes, said:

Kasi po hindi ko naman nababasa ang batas. Kahit nasa social media post iyan ay parang di ko intindi ang iba pang kahulugan.

Because I can't really read the law. Even if [the law] is available through social media posts, I don't think I really understand what it says.

These factors are more pronounced when considering the respondents' employment, which varies in the degree of formality (and concurrently, informality). Workers in the informal sector rely on information relayed by word of mouth, which may be incomplete, particularly with regards to important details. The information provided by these sources may not be up-to-date or reliable (i.e., referencing the old maternity law), therefore preventing them from fully developing awareness regarding the salient aspects and provisions of the EMLL. Moreover, the knowledge provided by these respondents' sources of information may be largely based on the interpretations—or misinterpretations—of the person relaying the information. This was evident in this study, wherein respondents indicated that they relied on information relayed through word of mouth by their coworkers, relatives, or friends. When identifying their sources of information regarding the old maternity benefits policy (i.e., not the EMLL), four respondents (19 percent) indicated their friends; one (5 percent) indicated her family; and one (5 percent) indicated her neighbor. Thus, despite the high number of respondents who indicated that they were aware of the EMLL, a significant portion may only be considered partially aware.

Respondents based their answers on vague or common-knowledge awareness of the old maternity benefits policies, which were implemented prior to the enactment of the EMLL. The partial or surface-value knowledge that the respondents had about maternity benefits, as discussed previously, may have led them to indicate that they possess a degree of awareness of the policy studied herein. Also, although the nature of the work of some respondents may be considered informal, they indicated a high level of awareness of the EMLL due to their affiliation with community or civic groups that provide informative discussions on the said policy. Respondents employed in more formal settings indicated a high degree of awareness about the EMLL due to organizational and work-related factors, enabling them to garner such a level of knowledge. Lastly, two respondents indicated that they learned about portions of the EMLL

from an OB-GYN and a locally organized BUNTIS (pregnant) class at their barangay, respectively. This is also important as it points to the role played by healthcare workers and barangay officials in the dissemination of information pertaining to important features of the EMLL.

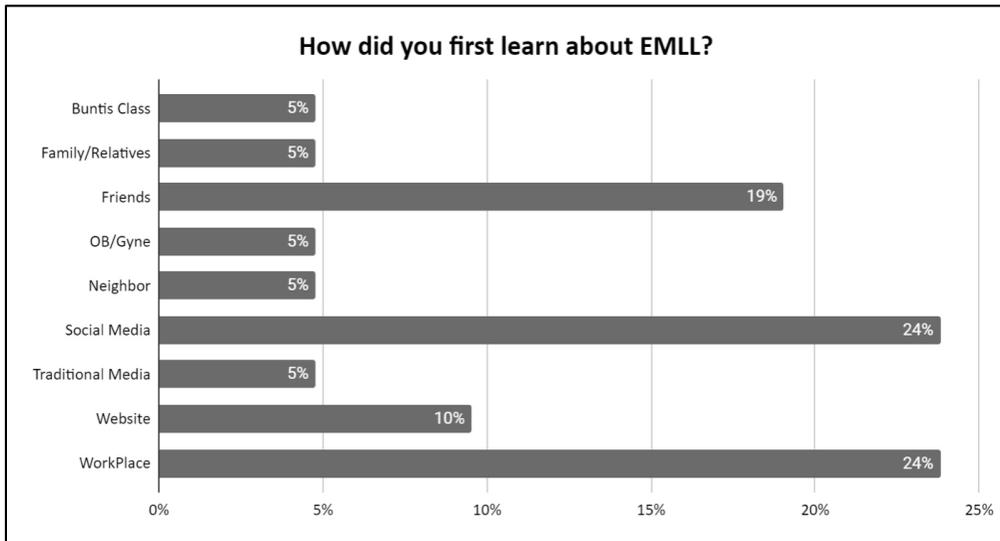
Respondent 29, an employee at an NGO, recounted:

Kasi nga dahil sa NGO training kung saan sinusulong talaga ang batas.
Because of my NGO training where the law [such as the EMLL] is promoted.

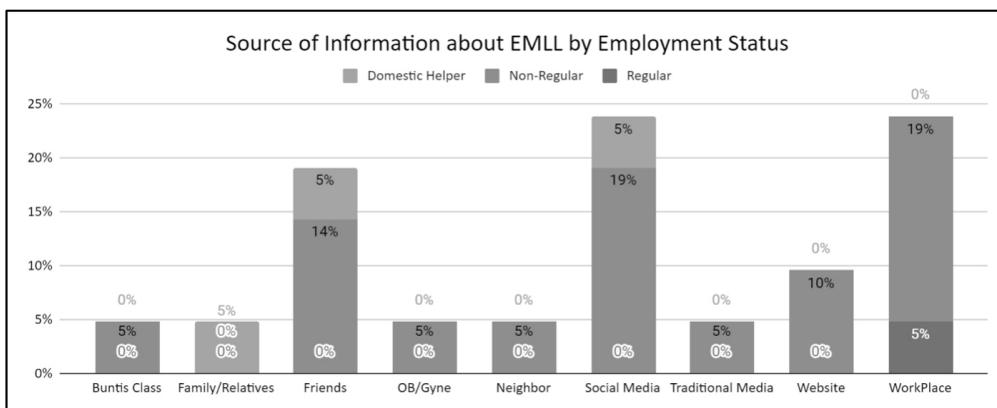
Respondent 36, a contractual employee, stated:

Na-discuss po yan sa amin ng H.R. benefits at magkano [sa mga buntis].
Three months pregnant pa lang kami ay papaliwanagan na.
[The law] was discussed by our Human Resources office. The benefits [for pregnant workers] and how much. As early as three months into pregnancy, they explained it to us.

GRAPH 7 ► Source of Information about EMLL



GRAPH 8 ► Source of Information about EMLL by Employment Status



With regards to the number of respondents who indicated that they were aware of the EMLL, 17 respondents (81 percent) indicated that they applied for maternity benefits while 4 respondents (19 percent) indicated that they did not. Sixteen of the respondents who indicated that they applied for their maternity benefits were from the informal sector, while only one respondent was from the formal sector. Of the 4 respondents who indicated that they were aware of the EMLL but did not apply, all belonged to the informal sector.

TABLE 10 ► Respondents Who Applied for Maternity Benefits by Type of Work

Type of Work	Number of Respondents		Among those who were aware, did you apply for maternity benefits?			
	Total	%	Yes	%	No	%
Clothing Vendor	4	19%	3	14%	1	5%
Contractual Employees	4	19%	4	19%	0	0%
Domestic Helper	3	14%	3	14%	0	0%
Farmer	1	5%	1	5%	0	0%
Food Vendor	7	33%	5	24%	2	10%
Odd/Seasonal Jobs	1	5%	0	0%	1	5%
NGO Worker	1	5%	1	5%	0	0%
Unemployed	0	0%		0%		0%
Total	21	100%	21	81%	4	19%

Relevant to the previous graph, of the seventeen respondents who indicated that they applied, fourteen were accepted, while three were

rejected. Of the fourteen respondents (82 percent) who indicated that their applications were accepted, thirteen (76 percent) came from the informal sector while one (6 percent) belonged to the formal sector. The three respondents (18 percent) who indicated that their applications were rejected all belonged to the informal sector.

TABLE 11 ► Respondents who were Accepted or Rejected after Applying for Maternity Benefits by Type of Work

Type of Work	Number of Respondents		Among those who applied, who were accepted? Who were rejected?			
	Total	%	Yes	%	No	%
Clothing Vendor	3	18%	2	12%	1	6%
Contractual Employees	4	24%	3	18%	1	6%
Domestic Helper	3	18%	2	12%	1	6%
Farmer	1	6%	1	6%	0	0%
Food Vendor	5	29%	5	29%	0	0%
Odd/Seasonal Jobs	0	0%	0	0%	0	0%
NGO Worker	1	6%	1	6%	0	0%
Unemployed	0	0%	0	0%	0	0%
Total	17	100%	14	82%	3	18%

The respondents whose applications were accepted by the SSS were also asked whether they knew other mothers who accessed said leave benefits, and if the latter provided information and encouraged them to apply for their SSS maternity benefits. Three (3) of the respondents noted that they did not know of any other mothers who provided them with EMLL-related information, while the rest, or eleven (11), of the respondents said that they knew of other mothers who provided them with information and encouraged them to apply. These mothers were either their workmates, sisters, mothers, friends, and women's/mothers' groups.

Respondent 24, a self-employed hamburger vendor, stated:

Wala po. Kasi sa Boracay kami nakatira. Ito po ay isla, wala akong nakasalamuha na nagbuntis at nanganak na may SSS.

None. We live in Boracay. It's an island, [so] I was not able to interact with anyone who was pregnant and gave birth that had SSS.

Respondent 21, a self-employed fruit shake vendor, similarly said:

Wala po. Wala po akong nakakuwentuhan kahit sa chat ng FB. Pandemya po eh, sa bahay lang.

None. I have not been informed by anyone, even through FB [Facebook] Messenger. It was the pandemic, so I was always at home.

On the other hand, Respondent 36, a contractual employee, replied:

Opo. Mga kakilalang namamasukan. Hindi po sila naghikayat sa akin. Kusa naman po pag-apply dahil sinabi sa opisina.

(Yes. From fellow employees that I am acquainted with. They did not encourage me. I voluntarily applied because it was mentioned in the office.)

Respondent 25, a sari-sari store vendor, answered:

Opo. 'Yung mga dating may SSS na self-employed nagpapalitan ng karanasan. Hinikayat po nila ako.

(Yes. Those who were previously self-employed that had SSS were exchanging ideas. They encouraged me.)

Respondent 35, a contractually employed sales lady, likewise said:

Mayroon po. Mga kaibigan ng nanay ko, pero nanay ko po nanghikayat sa akin.

(There were. They were my mothers' friends, but it was my mother who encouraged me.)

The same set of respondents were asked whether they were given assistance while applying and were asked to identify the people who provided this assistance to them. The respondents highlighted the difficulties they encountered in the application process, particularly those who did not have employers to process their application on their behalf and had to rely on themselves to submit their applications. One respondent lived in a rural area and faced physical/geographical barriers in submitting her maternity benefit application. Here, the respondents noted that they were obliged to submit online; in some cases, despite this mechanism, some still had to physically visit an SSS branch to submit the requirements. This is due to either: (a) multiple rejections of their online submissions and attached documentary requirements, that they were forced to physically seek clarification from SSS personnel, or (b) some not possessing the knowledge to navigate or operate the online platform.

Respondent 4, a contractual worker or consultant, replied:

Yes po. 'Yung SSS staff na friend ng asawa ko tapos 'yung guard ng SSS, siya nagsabi sa amin na dapat online ang application.

Yes, the SSS staff who was also my husband's friend and the security guard at the SSS [branch] told us that applications must be done online.

Respondent 11, a self-employed housewife, described difficulties in physically reaching the SSS office:

Ang asawa ko po sinamahan akong mag-apply. Napakahirap ng lagay namin dahil malayo ang SSS office. Tatawid pa kami nakabangka. Sa SSS office naman po nag-assist 'yung mga staff."

My husband accompanied me in applying [for maternity benefits]. It was very difficult for us because the SSS office was very far. We had to cross the sea by boat. At the SSS office, the staff assisted us.

Respondent 26, a vegetable vendor, reported:

Kaibigan ko po tumulong. Sinamahan po ako sa pag-apply at pag-submit ng requirements.

My friend helped me. She accompanied me in applying [for benefits] and submitting the requirements.

Respondent 27, a self-employed housewife, answered:

Ang dating agency office ang nag-asikaso ng SSS membership, pero sa pag-apply sa maternity benefits noong 2019, ako na po ang umasikaso at saka ang agency.

My previous agency processed my SSS membership, but I was the one who applied for my maternity benefits in 2019, and was assisted by the agency [in the application process].

This study also confirmed that wage workers who are formally employed in a company or an organization with a well-established human relations department—commonly available among formal work arrangements—did not experience difficulties, as their respective organizations processed their applications in their behalf. In contrast, respondents who indicated that they were members of the informal sector, particularly when self-employed, stated that they experienced varying degrees of difficulty in their application. Respondents who had access to internet used online platforms to submit their maternity benefit applications. They noted that doing so was more convenient than a face-to-face transaction.

Respondent 19, an underemployed clothing vendor, reported:

Pag online madali lang, pero need pa rin pumunta sa SSS for confirmation at mag-submit ng requirements.

It is more convenient online, but I still needed to go to the SSS [office] for confirmation and submission of my requirements.

Respondent 11, a self-employed housewife, said:

Nagpunta ako mismo sa SSS office.

I personally went to the SSS office.

Respondent 17, likewise self-employed, answered:

Ako lang po nag-register, nagpunta ako sa SSS office.

I registered myself. I went to the SSS office.

Respondent 14, a wage worker, stated:

Ang agency po ang nag-asikaso.

The agency managed my application.

Similarly, among respondents who indicated that they were domestic and agricultural workers, employers did not play any role in their maternity benefits application. This is perhaps explained by the fact that their employers do not possess the resource capabilities, expertise, and structural organization that established companies possess, such as an HR department and ICT facilities to conveniently facilitate employee's maternity benefit applications. As previously discussed, this is a work arrangement enjoyed by workers in more formal settings. Domestic and agricultural workers employed in a household or small-scale work environment have a different experience. In the case of agricultural workers with seasonal work, their employers do not possess the same capabilities and resources as other companies. This informal work arrangement does not oblige employers to provide any form of assistance, especially if there is no employer-employee relationship between them. As such, domestic and agricultural workers—and members of the informal sector in general—are less likely to get any form of assistance from their employer than workers in the formal sector.

Meanwhile, most respondents combining multiple kinds of work indicated that registering and applying for maternity benefits was feasible, while only two noted that it was difficult. One respondent said that she

was able to register and apply for EMLL because her previous formal employer enabled her to register and pay for SSS membership. Another noted that she was able to balance multiple jobs and even register as well as regularly contribute for her SSS. Some of the respondents noted that when they applied for the expanded maternity benefits under the EMLL, they were already SSS members, making their application easier despite juggling multiple jobs.

Government Efforts to Ensure Awareness of the EMLL among Women

The key informants from the SSS National Headquarters said that their agency has been conducting information campaign programs through their Public Affairs and Special Events Division (Corporate Communications Department and Media Affairs Department) and Member Education Department. The key informants stated that information is disseminated to stakeholders through the following: (a) SSS circulars, (b) media, (c) art cards, and (d) SSS official social media accounts. They claimed that these activities are conducted to reach out to SSS members and inform them of available maternity benefits under the EMLL. As the implementing arm of the EMLL, the key informants noted the following roles that their agency performs to heighten awareness of their stakeholders regarding EMLL:

SSS ensures proper dissemination of information to all members/employers who may be qualified to avail of the maternity benefit. SSS intensifies information dissemination through written advertisements in newspaper, display of posters and art cards, social media platform through radio, FB [Facebook], Twitter, etc. and conduct of webinars to be able to reach out to members/employers and educate them on their right to avail of this benefit once they meet the qualifying conditions. The branches are also always available to answer queries pertaining to maternity (and other types of) benefits. SSS also has the Telephone Brigade for members/employers who prefer to make a call for their inquiries. Queries can also be sent through the official SSS email address or through snail mail.

According to the key informants, these are the reasons why SSS members—including those from the informal sector—possess increased awareness of EMLL. In particular, SSS has a program management unit, which reaches out or caters to the informal sector. The best way to reach out to women and the informal sector is for the SSS to employ a “wholesale approach.” As a key informant from the SSS National Office stated,

[M]eron po kaming information drive na ginagawa so we are coordinating po with our corporate communications department and media affairs department po para po maglabas ng mga information campaign para po mareach out po natin lahat ng SSS members para mainform sila kung ano 'yung mga available na benefits so we believe po na 'yung mga female members natin even 'yung mga part ng informal sectors have more awareness na po ngayon sa SSS maternity benefits dahil nga po doon sa mga regular information [drives] natin. For your information lang ho, for SSS this is priority sector naman po sa'min self-employed we have actually a unit po in SSS in charge of reaching out po for the informal sectors. We have a program management unit there's a professional sectors department and there is also a cooperative and informal sectors department so they coordinate the branches in reaching out ho kasi pinaka the best way po in reaching out the informal sector in general and including the women for their maternity benefits is magkaroon kami ng wholesale approach, meaning through their communities, their cooperatives, through local government units, and 'yung mga communities within our branches na narereach out po ng mga programa, the barangay level or the LGU level to let them know, so very active po ang aming mga units dyan to conducting information campaign....

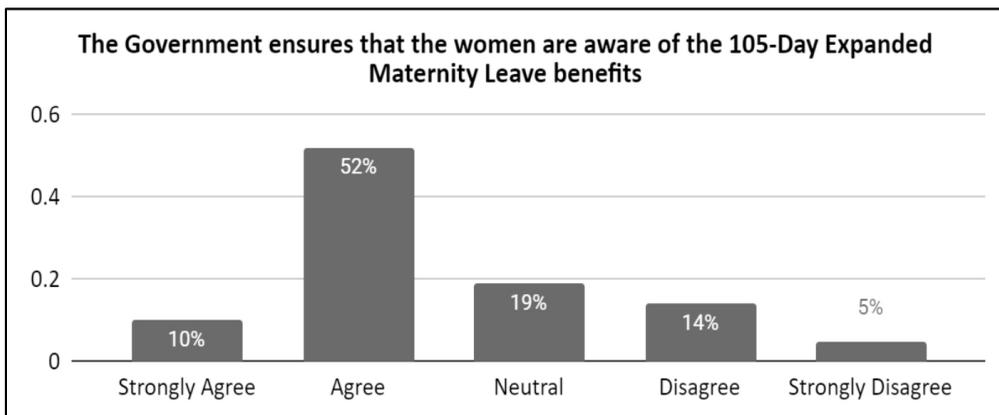
We conduct information drives, so we coordinate with our corporate communications department and media affairs department to conduct information campaigns [activities] in order to reach out to all SSS members and inform them about the available benefits. We believe that female members, even those who are part of the informal sector, are more aware now regarding SSS maternity benefits because of our regular information [drives]. For your information, the self-employed [workers] are a priority for SSS. We actually have a unit in the SSS that is in-charge of reaching out to the informal sector. We have a program management unit and there's a professional sectors department and there is also a cooperative and informal sectors department, so they coordinate the branches in reaching out, because for us the best way to reach out to the informal sector in general and including women for maternity benefits is if the SSS employs a wholesale approach. Meaning, through their communities, their cooperatives, through local government units, and the communities within our branches reached by our programs, the barangay, and the LGU level to let them know. So our units are very active in conducting information campaigns.

Overall, the communication efforts of SSS to inform prospective recipients of their potential benefits and eligibility are reflected in the former's conduct of seminars, webinars, and information drives prior and during the implementation of the EMLL. As per the responses provided by the SSS National Office key informants, the SSS specifically conducted 10 sessions of in-house seminars from 22 May 2019 to August 2019.

Furthermore, the SSS conducted 57 webinars and 8 radio and television interviews in 2019. Local branches of SSS performed multiple information and education campaigns at the barangay level, targeting agricultural and rural beneficiaries, and other potential beneficiaries, regarding the EMLL. However, the pandemic prevented the full implementation of these policies due to imposed mobility restrictions. It is only recently that the SSS implemented a “wholesale” approach in targeting these aforementioned sectors, as previously mentioned by the SSS respondent. Apart from these programs, there are no other known governmental efforts to target and reach potential beneficiaries who come from low income and low literacy sectors.

These claims appear to be supported by the survey respondents when asked about their awareness of government efforts to raise Filipino women’s awareness of the EMLL. Eleven respondents indicated that they agree; four said that they are neutral; three disagree; one strongly disagrees; and two strongly agree. Majority of the respondents indicated that they were aware of government efforts aimed at raising the Filipino women’s awareness regarding the EMLL.

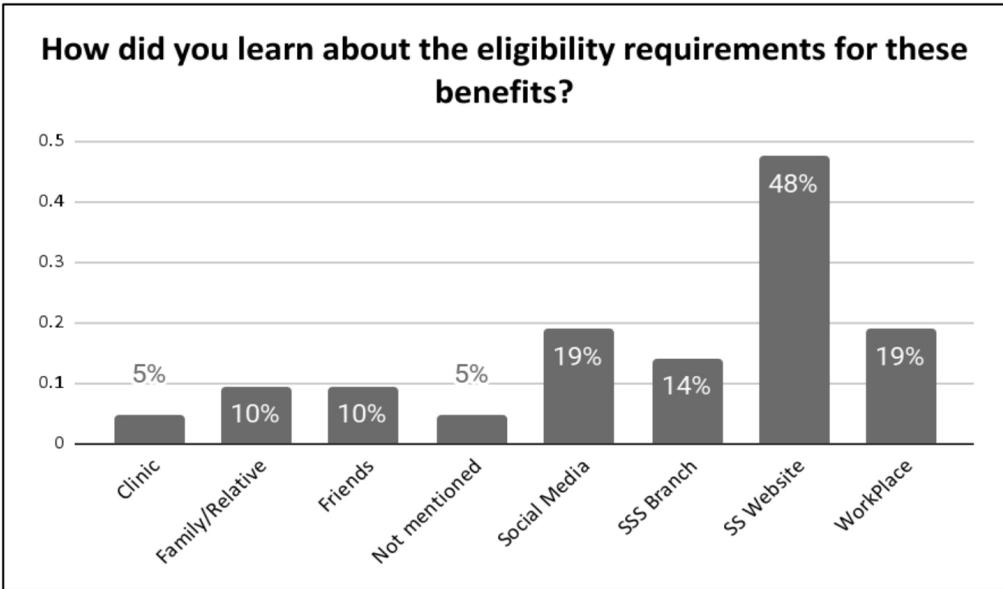
GRAPH 9 ► Rating on the Government’s Effort to Ensure EMLL Awareness among Women



Similarly, when asked how they learned of the eligibility requirements for these benefits, ten respondents (48 percent) said that they learned about it through the SSS website; four respondents (19 percent) through social media; and three respondents (14 percent) through an SSS branch. Two respondents (10 percent) learned through their family or relatives; another two did through friends; one respondent (5 percent), through their clinic. The SSS National Office key informants

stated that stakeholders who have online access are reached most effectively, as the information drives of SSS are conducted through online channels.

GRAPH 10 ► Source of Information about EMLL Eligibility Requirements



These claims appear to favorably characterize the information campaign programs that the SSS National Office creates and implements top-down. These characterizations of the SSS are important idealizations of the kind of approach it should employ and the ways it should implement such an approach effectively at the ground-level in order to reach the informal sector. However, these do not seem to reflect realities taking place at the branch—or ground—level. A key informant from a SSS Local Branch stated:

Actually, meron tayong mga campaign na tulad ng kada ano . . . kada bara-barangay . . . Actually meron tayo niyan but unfortunately currently because of the pandemic natigil. Because of health protocols . . . willing naman kami pumunta ayaw naman kaming papasukin.

Actually we have campaigns that we conduct per barangay . . . we have these activities but unfortunately we have currently suspended their implementation because of the pandemic. Because of health protocols. . . we were willing to go to barangays, but they did not let us inside their offices.

There also seems to be a disconnect or misinterpretation with regards to the roles imposed by the national leadership of SSS upon local

branches, on the latter's mandates to inform relevant stakeholders and members. The local SSS key informant argued that it is not the role of the SSS to ensure that members understand their maternity leave rights and the maternity leave law in general. The key informant added that this should be the role of employers and the Department of Labor and Employment (DOLE) instead. The key informant from an SSS local branch argued that

Actually iyang bagay na 'yan . . . part na dapat na sana 'yan ng employer and then DOLE. Iyan dapat ang role ng DOLE, pero pagdating naman kasi sa SSS we are more on the provision of benefits . . . though ayaw naman kasi naming saklawan ang dapat kasi DOLE ang nag-aano niyan sa kanila pagdating sa labor standards.

Actually with regards to that matter . . . it should be the role of the employer and then the DOLE. That's DOLE's role, but when it comes to the SSS' role, we are more [concerned with] the provision of benefits . . . we do not want to overstep DOLE's role when it comes to [enforcing] labor standards.

However, the key informant from the DOLE noted that when it comes to matters involving dissemination of information relevant to maternity benefits, SSS is the main agency tasked with the implementation of information campaigns about social benefits, particularly maternity benefits. A key informant, a Senior Labor and Employment Officer from DOLE's Bureau of Workers with Special Concerns (BWSC), explained,

Ang nakikita po naming problema dito Ma'am, 'yun pong karamihan po ng mga nasa informal sector, lalo na po 'yung mga nasa rural areas ay wala pong access sa internet. Karamihan po kasi sa advocacy na ginagawa ng raising awareness ng SSS—kasi sila po talaga itong nagpapalaganap nito dahil kabilang po ito sa mga benefits na pinapalaganap po nila—nakikita sa social media. 'Yung mga wala pong access sa social media, sila po 'yung hindi naabot nito at hindi nakakaalam ng mga benefits na kanilang [SSS] mandate.

Ma'am, the problem that we perceive here is that most of the members of the informal sector, particularly those in the rural areas, do not have access to internet. Most of the SSS advocacies to raise awareness—they are the ones disseminating information on this because it is a part of the benefits they provide—are available on social media. They [informal sector workers in rural areas] are not reached by this and are unaware of their [maternity] benefits, which is their [the SSS'] mandate.

The survey respondents also contradict the favorable claims of the national key informant from SSS, given the fact that respondents who asserted that they “agree” or “strongly agree” offered conflicting information on their understanding about the law. Even for respondents whose applications were accepted by SSS, only a few indicated that they were aware of the key provisions included in the EMLL. The rest indicated that while they were informed about the EMLL by SSS personnel or someone they knew, they were not fully aware of the extent of the benefits provided by the law. All of these respondents also noted that they knew where to find answers to questions regarding maternity leave benefits. For instance, Respondent 5, a wage and salary worker, stated,

Pagkatapos ko na lang po ako nanganak, nasabihan ako pero di pa din ganun kadami ang knowledge ko. Wala po akong gaanong alam tungkol sa law na 'yan.

It was only after I gave birth that I was informed about [the EMLL], but I still do not have enough knowledge about it. I still do not know that much about that law.

Respondent 8, a self-employed farmer and sari-sari store owner, answered:

Nalaman ko na mas malaking halaga na ang pwedeng makuha dahil nga 105 days ang katumbas; mas mahabang panahon ang pahinga at pwede pang mag-extend; na mayroon din itong provision para sa solo parents.

I learned that the cash benefits were bigger because it is equivalent to 105 days of paid leave; [that the law provided] longer time for rest, [which] is extendable. Also, that it has provisions for solo parents.

Respondent 19, an underemployed clothing vendor, explained:

Basta alam ko lang na mag-apply para makakuha ng assistance.

All I know is that I have to apply so I can get assistance.

Similarly, Respondent 11, a self-employed housewife, said:

Alam ko lang po may nakukuhang cash benefit. May special provision sa solo parents, at kailangan regular na naghuhulog.

All I know is that one can avail of cash benefits. There is a special provision for solo parents, and we need to pay our monthly contributions.

Respondent 17, who is self-employed, echoed limited information regarding the EMLL:

Hindi ko po kabisado. Ang alam ko lang po pag may hinuhulugang SSS pwede ka mag-apply ng loan.

I am not very familiar with [the law]. All I know is that if you regularly pay your SSS contributions you can apply for a loan.

Respondents also noted that SSS personnel expended little effort to properly explain the procedures and processes in applying and availing of maternity leave benefits. Respondent 1, who is unemployed, stated:

'Yung iba siguro maiintindihan ko, pero 'yung iba di ko masyado maintindihan.

I understand some parts [of the EMLL], but the other parts of it I do not understand well.

Respondent 17, a food vendor, similarly explained:

Hindi ko pa kabisado ang full details ng 105 days. Kung ano lang sinabi sa akin sa SSS office nang nag-apply ako. Hindi naman sinasabi kung iba-iba ang proseso.

I am not fully aware of the full details of the 105 days [paid leave offered by the EMLL]. [I only know of] what the SSS office told me when I applied. They did not tell me whether there were different processes involved.

Respondent 15, an apparel vendor, emphasized the need to know more about the law:

Dahil kailangan pang unawain nang mabuti. Ang alam ko lang ay may nakukuhang financial assistance at may mahabang pahinga kaysa noon.

I still need to understand [the EMLL] more. I only know that we can obtain financial assistance and our paid leave is longer compared to before.

Respondent 13, a sari-sari store vendor, responded similarly:

Dahil kailangang marami pang malaman tungkol sa maternity. Nabasa at nabalitaan lang sa news pero 'yung talagang paliwanag ay hindi po.

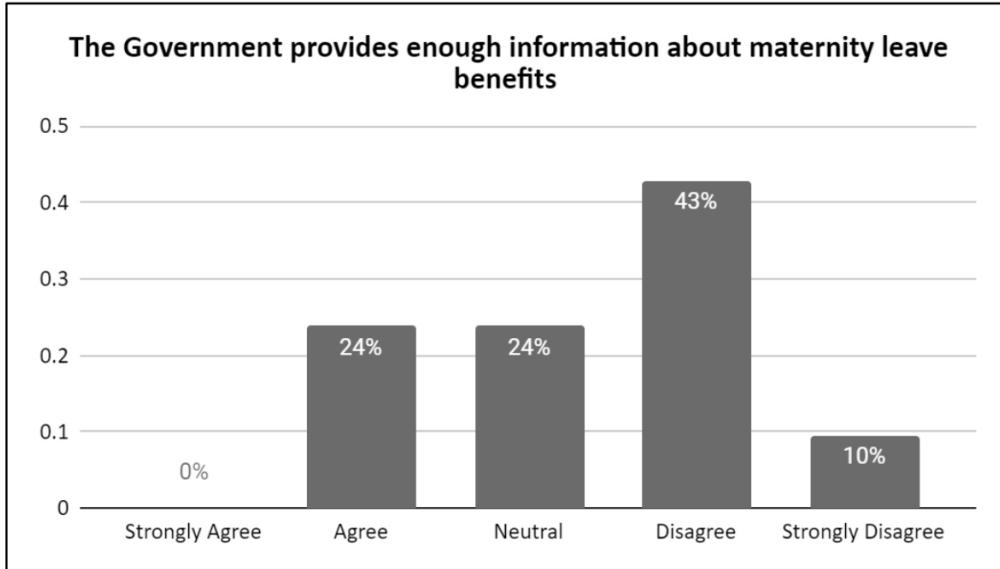
There is so much that still needs to be understood about [the] maternity [leave law]. I read about and learned of the law through the news, but no one really offered proper explanations.

From what can be gleaned from the provided data, there appears to be a significant difference between the ideal and actual

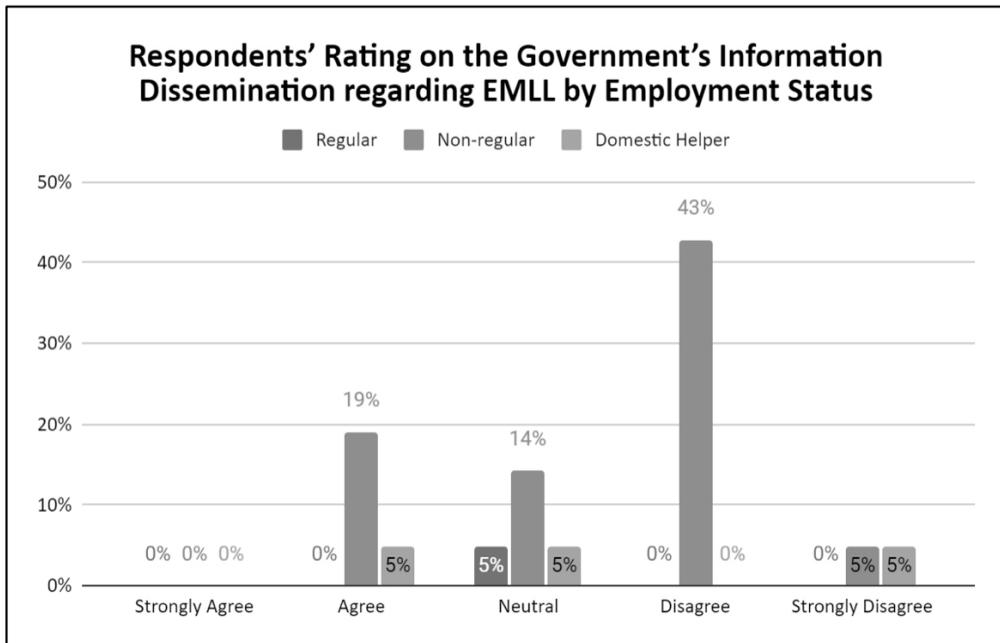
implementation of information dissemination campaigns mandated by the policy. Perhaps this gap can be explained by Filipinos' tendency to act deferentially towards government authorities. The reluctance to exact accountability or demand further explanations, as well as the general perception that docility is equivalent to being a good law-abiding citizen, explains Filipinos' deferential attitudes. Thus, when in doubt about certain government policies or processes, Filipinos tend to err on the side of safety—that is, to steer clear of any form of conflict with government authorities by providing safe feedback on policies and the manner in which these laws are implemented. As such, claims that concerned government agencies are ensuring awareness among relevant stakeholders, particularly women workers, appear to be contradictory with the responses provided in this study. These factors point towards the lack of effective information and education campaign programs targeting stakeholders, as well as the uneven availability and limited access to information provided to concerned stakeholders.

The contradictions discussed herein are corroborated by the answers of the respondents when asked whether the government provides sufficient information on maternity leave benefits. While respondents previously indicated that they were aware of government efforts to raise their knowledge of EMLL (Graph 13), these efforts do not provide sufficient information on the said law. The succeeding graph illustrates the percentage of respondents who believe that—despite their acknowledgment of government efforts on EMLL awareness-raising among Filipino women—the information provided by the government is insufficient in ensuring comprehensive understanding of the said law. Only 24 percent of respondents asserted that they agreed with the statement, “The government provides enough information about maternity leave benefits.” Another 24 percent were neutral. Forty-three percent disagreed, while 10 percent strongly disagreed. Among the respondents who disagreed, all were nonregular workers. Of those who replied that they agreed, 19 percent were nonregular workers and five percent were domestic helpers. Of the respondents who remarked that they were neutral, five percent were regular workers; 14 percent were nonregular workers; the remaining five percent were domestic helpers. Meanwhile, of the respondents who strongly disagreed, five percent were nonregular workers; the other five percent were domestic helpers.

GRAPH 11 ► Respondents' Rating on the Government's Information Dissemination regarding EMLL



GRAPH 12 ► Respondents' Rating on the Government's Information Dissemination regarding EMLL by Employment Status



These graphs do not only confirm that the respondents, according to their follow-up answers to their self-rated level of awareness, are

not fully aware of the salient aspects of the policy. It also underscores the lack of effective programs to properly communicate the EMLL to relevant stakeholders. Furthermore, a common theme among the respondents' answers is varying interpretations and knowledge levels among different segments of the female workforce. More importantly, a significant number of respondents (43 percent) claimed that they lacked knowledge about the EMLL, despite giving birth within the period of its implementation. These numbers are characteristic of the unevenness by which information on the EMLL is accessed by its intended audience. In other words, while in some instances the SSS and other concerned government agencies may be successful in reaching SSS members and female workers, they are also generally ineffective in reaching other members of the female workforce and relevant stakeholders. Furthermore, their success in reaching respondents who claimed awareness of the EMLL did not automatically mean full or in-depth understanding of the policy. They still lacked substantial knowledge as to the relevant processes and procedures involved in availing these benefits. It is thus important to raise questions regarding the means through which information is produced by concerned agencies, and the kind of media used in dissemination. It also underscores the fact that duty bearers and concerned government agencies, unlike the clientele that they serve—in this case female workers—do not take proactive approaches that seek to reach concerned stakeholders.

Meanwhile, respondents—who stated that they have multiple children but were unable to access maternity benefits in their previous pregnancies—noted the impact of being able to avail of maternity benefits under the EMLL. Most said that the cash they received under said benefits were used for their family's daily needs; pay debts accumulated due to pregnancy and childbirth; pay for their newborn child's medical expenses; and prop up their businesses. For instance, Respondent 8, a sari-sari store owner and farmer, said:

Malaking tulong din ang nakuhang benefits. Nakapanganak na nang mag-apply. Kaya nangutang muna at lumapit sa mga nasa gobyerno (mayor, councilors, DSWD, kamag-anakan, kaibigan). Kaya nakabayad din ng mga utang.

The cash benefits I received were a big help. I had already given birth when I applied. I borrowed and sought assistance from the government (mayor, councilors, DSWD [Department of Social Work and Development], relatives, and friends). So I was able to pay these debts.

Respondent 24, a hamburger vendor, echoed these sentiments:

Nakatulong nang malaki. Nakapanganak na nang matanggap. Kaya panahon ng pagbubuntis at panganganak nangutang muna at naging pambayad din ito.

It helped a lot. I had already given birth when I received [the benefits]. I used it to pay for my debts because I borrowed money during my pregnancy and delivery.

Respondent 14, a domestic helper, stated,

Hindi nahirapan sa financial at panganganak. Nagamit din sa online business (e.g., ulam, dessert).

It unburdened me of my financial needs when giving birth. I was able to use it for my online business ([selling food items], e.g., viands, desserts)

Respondent 21, likewise a domestic helper, said,

Napakalaking tulong para mayroon agad naka-reserve na pampanganak at paggastos sa check-up naming mag-ina.

It was a great help in ensuring that there was a reserve fund for childbirth and for me and my baby's expenses for medical check-ups.

For most respondents who were successful in availing of their maternity benefits, the concomitant cash benefits clearly addressed their economic, and prenatal and postnatal medical needs. The importance of this outcome is accentuated by the fact that the respondents are workers with unstable sources of income. Receiving their maternity cash benefits positively affected their economic positions for a particular period. There were also respondents who, apart from being members of the informal sector, were also solo parents leading single-income households. Some of the solo parents revealed, however, that they received assistance, albeit intermittently, from some members of the household. The majority of the respondents identified their partners as the other income earners in their household. Respondent 4, an administrative assistant and part-time teacher, answered,

Opo, husband ko. That time, siya ang may work, contractual sa office. Nagtitinda kami ng isda tapos minsan nagdedecorate ng para sa mga occasions. Tapos siya nagwa-waiter din minsan.

Yes, my husband. That time, he was a contractual office staff worker. We sold fish and at times decorated for events/occasions. He also worked as a waiter [in a restaurant].

Respondent 8, a self-employed farmer and sari-sari store vendor, explained,

Magkatuwang kami ng mister ko sa pag-intindi ng tindahan. Sa isang banda, nakakakuha rin si mister ng kita mula sa harvest ng mga saging mula sa aming lupang sakahan.

My husband and I help each other in managing our store. On the one hand, my husband also earns some when we harvest banana from our farm.

Respondent 11, who is self-employed, said,

Ang asawa ko po tour guide siya sa Boracay Island Resort. Wala siyang SSS.

My husband works as a tour guide in Boracay Island Resort. He does not have SSS.

Respondent 25, a self-employed sari-sari store vendor, answered,

Kami lang ng pamilya. Tricycle driver ang asawa ko, may SSS din po siya.

It's just our family. My husband is a tricycle driver; he also has SSS.

The other respondents indicated that their partners or spouses worked as a *barangay tanod* (village watchmen), a driver for Grab (a ride-sharing application), a jeepney driver, a waiter, a construction worker, and a supermarket merchandise head. Most are also members of the informal sector and similarly experience precarity in their work. Nonetheless, the respondents declared that their partners assisted in defraying the cost of the household's economic needs and attending to the medical needs of the mother and newborn child.

Some respondents, who claimed that they were unable to apply for maternity benefits, noted that they misunderstood the EMLL and were admittedly unaware of the additional provisions that allow for an additional 15 days of paid maternity leave days for solo parents. The respondents also remarked that they were not informed by SSS personnel regarding the additional benefits accorded to solo parents under the EMLL. One respondent noted that the application form lacked identifications for solo parents. Respondent 19, a self-employed clothing vendor, answered:

Walang mag-aalaga sa baby. Hindi maiwan. Hindi alam na puwede pala at hindi ko po alam na may dagdag na 15 araw pag solo parent.

Nobody will take care of the baby. I cannot leave [the baby]. I did not know that it was possible and that I was also unaware that there was an additional 15 days for solo parents.

Respondent 13, who is self-employed, stated:

Hindi ko po alam ang batas na 'yan. Hindi ko po kasi alam. Hindi naman sinabi ng SSS. Parang wala po sa form 'yung tanong kung solo parent ka. Hindi ko rin po nasabi na solo parent ako.

I did not know about [the EMLL]. I really did not know. The SSS did not mention it. I think the [application] form did not include questions asking whether you are a solo parent. I was also unable to mention that I am a solo parent.

Furthermore, respondents whose applications were accepted by the SSS were asked whether they were already aware of the EMLL prior to their pregnancy. Six of the 14 respondents indicated that they did not know about the EMLL, while eight of the respondents responded that they were already aware.

With regards to the ideal timeframe to process maternity benefits applications, the standard maximum number of days must be within seven days. Key informants from the SSS National Office explained that their beneficiaries receive their benefits in a timely manner. They explained that benefits are credited to the enrolled disbursement account from five to seven working days from the date of approval, in compliance with the Ease of Doing Business and Efficient Government Service Delivery Act of 2018. They added that maternity benefit will not be credited to the account of the member/employer and will be returned to SSS if there are discrepancies in the enrolled account—especially if the accounts enrolled are dormant, terminated, restricted, joint, dollar, frozen, or time deposit accounts. An SSS National Office key informant explained,

Yes po, it's a very fast processing platform po in terms ano na 'yung processing time natin dito, [nagbabanggit ng pangalan ng kasama]? One hundred percent of claims na settled po, na process. Yeah, 100 percent of claims settled were processed within the EOD processing time of seven days but actually 100 percent was processed; paid no 'yung may complete. Assuming po complete ang documents and everything, nakaka 100 percent po kami dyan [sa] in terms of our commitment po sa processing time but the average po is four days.

Yes, it's a very fast processing platform in terms...what is our processing time, [mentions name of colleague]? One hundred percent of claims that were settled were processed. Yeah, 100 percent of claims settled were processed within the EOD processing time of seven days, but actually, 100 percent were processed and paid for when complete. Assuming that their documents and everything were complete, we were able to achieve

100 percent in terms of our commitment to the processing time, but the average is four days.

Likewise, a key informant from an SSS Local Branch stated,

When we say timely, may timeframe naman ang SSS...you pay the right person, the right amount, at the right time . . . sabi ko nga 7 to 12 days. May mga nangyayari na nagiging more than siya . . . it's because bank-to-bank transaction...ang bangko ng SSS is DBP [Development Bank of the Philippines]. Ngayon may mga bangko naman na may schedule sila na kapag may pinasok kaming pera may schedule naman sila. Iba-iba 'yan sa kada bangko. Iba-iba 'yan, unlike BDO [Banco de Oro] o Metrobank, sila talaga pag pinasok, reflected kaagad. Sa iba parang may schedule, doon nagkakaproblema. Minsan inaabot ng 15 days.

When we say timely, we are talking about SSS having a timeframe . . . you pay the right person, the right amount, at the right time . . . as I said, 7 to 12 days. There are instances when the processing days exceed . . . it's because of the bank-to-bank transaction . . . the bank of SSS is DBP [Development Bank of the Philippines]. There are also banks that have [their own] schedules for processing the money we deposited. These vary, unlike BDO [Banco de Oro] or Metrobank, which immediately reflects the funds deposited. Others have different schedules; this is where problems occur. Sometimes it reaches 15 days [before it is processed and reflected in the disbursing account.]

However, the responses given by the survey participants do not seem to validate these claims. The survey participants provided multiple responses detailing the seemingly delayed releases of their maternity benefits that took months in most cases, as experienced by the respondents. Respondent 7, a self-employed sari-sari store owner and farmer, noted:

December nag-apply, natanggap ang benefits ng Mayo 2021.

I applied in December [2020]; I received the benefits in May 2021.

Respondent 24, a hamburger vendor, similarly said,

Nine months bago matanggap.

It was nine months before I received [the maternity benefits].

Respondent 37, a domestic helper, stated,

Inabisuhan po ako na mag-email po kung kailan matanggap. Mga seven months po.

I was advised to email [the SSS] on when I would receive the benefits. It took seven months.

Respondent 12, a sari-sari store vendor observed,

Nag-apply po August 2020, natanggap ang pera February 2021. Pinadala sa bangko ang pera.

I applied in August 2020, received the money in February 2021. The money was sent through the bank.

Furthermore, the respondents said that the SSS did not inform them when they can expect to actually receive their cash benefits. Respondent 35, a contractual sales lady, explained:

Hindi naman po sinasabi ng SSS kung kailan matatanggap kaya antay ka lang ng abiso kaya di ko po matutukoy ang “expected time.” Ang alam ko po basta bago manganak ay matatanggap. Sa kaso ko po Pebrero nag-apply, at Mayo natanggap. Hunyo nanganak.

The SSS never told me when I could expect to receive the cash benefits so I just waited for their advice, which is why I cannot answer the question about “expected time.” What I knew is I would receive the cash benefits before I give birth. In my case, I applied in February, I received it in May. I gave birth in June.

Meanwhile, Respondent 11, a self-employed housewife, said,

Hindi ko po alam ang “expected time” kasi di naman sasabihin. Maghihintay ka lang ng text o tawag.

I do not know the “expected time” because they won’t inform you. We [applicants] just wait for the text or call.

Respondent 37, a domestic helper, similarly answered,

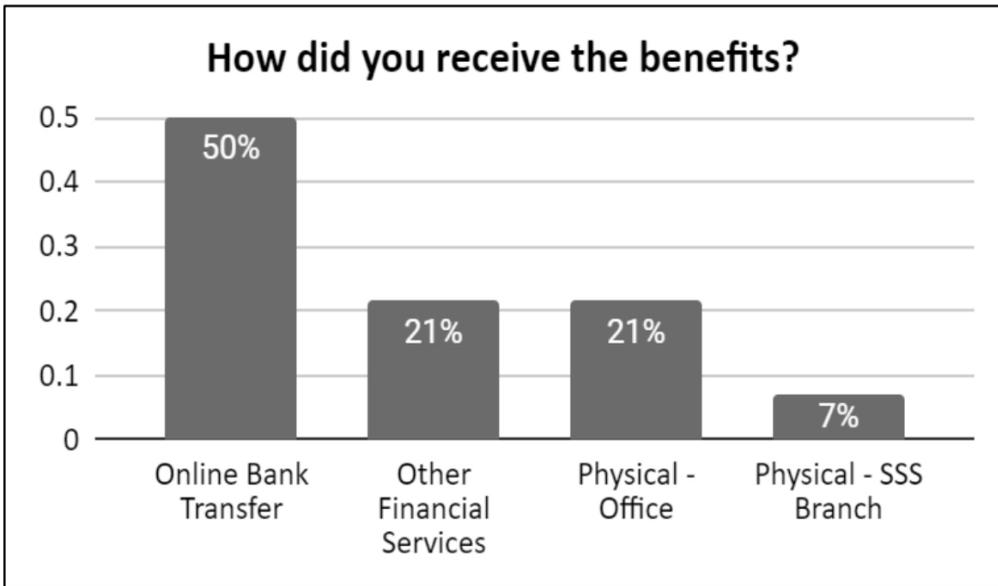
Hindi ko po kasi alam kung anong buwan matanggap mula sa day one ng application. Malaman lang pag nag-abiso na ang SSS na matatanggap na. Sabi kasi maghintay. Di nila sinasabi kung ilang buwan maghihintay.

From the first day of application, I didn’t know when I’d receive the benefits.. You will only know when you receive advice from SSS that the cash benefit will already be released. They just tell you to wait. They did not say how many months I must wait.

However, key informants from the SSS National Office explained that an electronic notification shall be sent to the member/employer once the benefit claims are credited to their bank/E-wallet accounts, or if the benefit is already available for disbursement through remittance centers. They further added that members/employers may also view the status of the disbursement through the Inquiry Module of their My.SSS account.

With regards to the manner by which members received their cash benefits, key informants from the SSS National Office noted that maternity benefits are credited to the member’s/employer’s approved disbursement account in the Disbursement Account Enrollment Module (DAEM). Members, upon enrolment of their My.SSS account, are also required to enroll their disbursement account details in the DAEM. The respondents noted that the SSS employed multiple means in delivering the members’ maternity cash benefits. Seven of the respondents—who indicated that their maternity benefits applications were accepted by the SSS—noted that they received their cash benefits through bank transfers. Two received their cash benefits through cheques issued by the SSS. Another noted that her office gave her SSS benefits in advance, while three respondents received their cash benefits through non-banking financial institutions (e.g., Palawan Express and Cebuana Lhuillier). Another respondent physically visited the SSS branch to receive her cash benefits.

GRAPH 13 ► Delivery of Maternity Cash Benefits



Regarding the respondents’ assessment of what was the easiest part in receiving the benefits, some pointed out that while bank transfers are a convenient way of transferring funds to beneficiaries, long delays, and misleading advice as to when their cash benefits will be released are their chief complaints. They also noted that bank transfers have eliminated the need to personally appear in an SSS branch or queue in long lines to personally collect their benefits. Additionally, the need to travel—at a

time when mobility restrictions are imposed by the government—was eliminated by the aforementioned schemes employed by the SSS. For respondents belonging to the formal sector, one noted that bank transfers were convenient because her employer was easy to deal with. In terms of difficulties in accessing the benefits, the same respondents noted that the long waiting time and the delays were the most difficult part of the process. A respondent, who resided in an island, claimed that the need to travel to the mainland via boat to process and claim her maternity benefits was the most challenging aspect of the process. Others noted the difficulties in needing to physically and personally process the application in their nearest SSS branch, and the consequent need to endure exposure to long queues, exposure to the elements, and travel during pregnancy.

With regards to the impact of maternity benefits on the respondents' ability to access other privileges—maternal health benefits available through PhilHealth, other paid leave, and other economic perks attendant to their successful access of their maternity benefits—the majority said “yes,” with only two respondents indicating that it did not. All respondents unanimously indicated that they did not lose access to other benefits that they normally received due to their successful access of their maternity privileges. Majority also indicated that their availment of the maternity leave under EMLL affected their return to work. Because there is no formal employer-employee relationship, which is characteristic of most informal sector work arrangements, most respondents who indicated that their maternity benefit application was accepted by the SSS revealed that there was no compelling pressure to return to work due to the non-existence of stringent and structured work arrangements within the informal sector. The respondents noted that they had the freedom to choose when to resume work without being obliged to do so. For the respondents who were in formal work arrangements, availing of a leave that afforded longer days for rest meant returning to work with pending work deliverables, especially if the employee was the only person who was familiar with the job. Respondent 27, a domestic helper, said,

Hindi naman po. Masaya po ako dahil kasama pamilya ko. Housewife nalang po. Mahaba ang pahinga bago mag-domestic helper ulit.

Not at all. I am happy because I am with my family. I am now only a housewife. I have long rest days before I return to work as a domestic helper.

Respondent 36, a contractual employee, stated,

Opo kasi po maraming na-pending na trabaho dahil ako lang may alam sa billing kaya gusto ng office ay bumalik ako kaagad.

Yes, there was so many pending work because I was the only personnel in the billing department, which is why the office wanted me to return to work soon.

All the respondents acknowledged that the maternity cash benefits they received were helpful in addressing the attendant economic and medical needs. As previously discussed, it also helped prop up their businesses. For some, the cash benefits they received served as a form of savings for their family or children.

Respondent 4, a contractual employee and consultant, said,

Nakatulong naman siya sa needs ng family ko, pero obviously maliit na amount lang kaya di naman ganun ka-significant.

It helped address the needs of my family. But obviously it was a small amount, which is why it was not so significant.

Respondent 8, a self-employed housewife, explained,

Napakalaking tulong ng leave benefits. Nakapagpaluwag din sa mga needs sa gastusin.

The leave benefits were a great help. It defrayed our expenses somewhat for our needs.

Respondent 11, a self-employed housewife, similarly noted that the benefits were helpful:

Malaking tulong sa kabuhayan. Dagdag na suporta at hindi namroblema sa pagbubuntis at panganganak.

It is a great help to our livelihood. It is an added support and lessened our problems during pregnancy and childbirth.

Respondent 24, a food vendor, said,

Napakasaya ng pamilya ko kasi may dagdag na tulong sa daily needs-bahay, pagkain, health care.

My family was very delighted because it was an added help to our daily needs—shelter, food, health care.

Respondent 29, a contractual employee, stated,

Malaking bagay dahil pansagot sa additional needs. Nakapaghands-on sa pag-alaga ng baby. Nakapag breastfeed dahil sa batas.

It was significant because it addressed our additional needs. I was able to be hands-on in taking care of my baby. I was also able to breastfeed because of this law.

Respondent 34, a market food vendor, explained its benefits to her business:

Nakadagdag sa puhunan, nakadagdag sa kita.

It topped-up my business capital, [gave me] additional income.

Respondent 28, an apparel vendor, said,

Opo nakadagdag sa puhunan ng tindahan. Pandemya po panahon at ang benefits ay malaking tulong.

Yes, it became additional capital for our store. It was during the pandemic, and these benefits were of great help.

Respondent 27, a domestic helper, noted,

Naging ipon po para sa future ng mga bata.

It served as a form of savings for my children's future.

Respondent 35, a contractual employee, said,

Para siyang naging savings na nakatago pagkatapos pinakinabangan. Yun lang saasbihin mong "buti nalang may SSS tayo," may sasandigan.

It was like a form of savings that you just keep after using some of the amount. You can say that "I was fortunate that I was registered with the SSS," I have a fall-back.

Clearly, the responses given by the survey participants are inconsistent with the claims made by the SSS key informants. The actual experiences of those who successfully availed of their maternity benefits have varyingly experienced substantial delays in the release of their maternity benefits' cash disbursements. In terms difficulties in accessing the benefits, the respondents who indicated that their applications were successful noted that the long waiting time and the delays were the most difficult part of the process.

However, it must be clarified that the “perceived” delays could be explained by the compliance of SSS with RA 11302. Under this law, government agencies are mandated to act upon applications or requests within seven “working days in the case of complex transactions, from the date the request and/or complete application or request was received” (Section 9.b.1., RA 11302). The key informant noted that “as long as the documents and other requirements are complete,”⁸ which perhaps refers to the fact that the process of releasing should not exceed seven days.

The seven-day processing period does not encompass the working days required for an application to progress through multiple stages, including receipt, review of documentary requirements, validation, and awaiting approval. This means that in each stage of the process, the personnel tasked to handle the document is given not more than fifteen days to act on the said transaction. Even if the maternity benefit application took months to finalize, the total processing and release time might only reflect a matter of a few days. Furthermore, heightened mobility restrictions have also severely limited available manpower of government agencies necessary to process such applications and transactions. To address this, SSS imposed mandatory online submission or filing of maternity benefits applications. Nonetheless, these delays, though justified under existing policy protocols, negatively affects the economic position of beneficiaries, especially informal sector workers who rely on these benefits for their medical and daily needs. From a purely technical standpoint, this process may still be considered efficient; however, for ordinary individuals whose economic sources are unstable, this is ungainly.

There is also the issue of rejections of online applications based on subjective interpretations of personnel tasked to verify online applications. There are discrepancies in the verification and processing of applications. One applicant can take more than a single online submission for just one maternity benefit application. There are instances when multiple online submissions, including its required documentary attachments, of a single maternity benefit application is processed and verified by different personnel. This leads to differing interpretations and uneven implementation of verification standards. The online submissions,

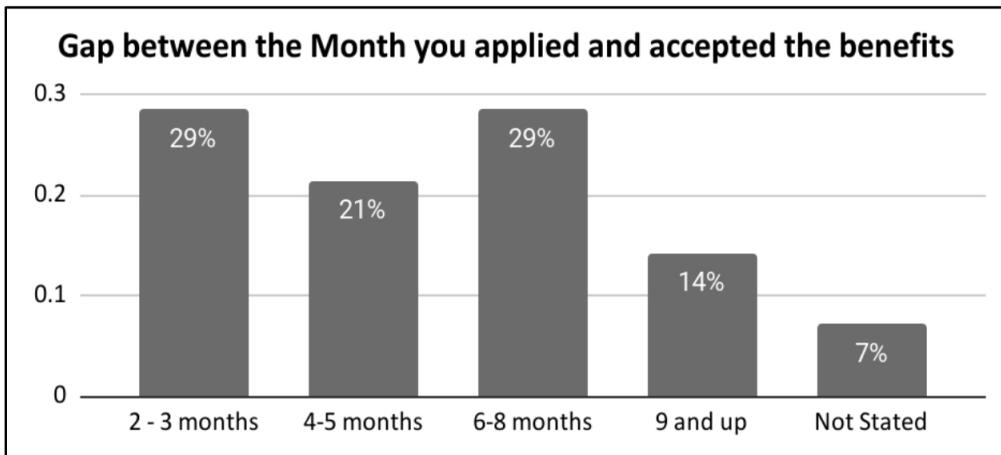
8 This means that the application has already been reviewed, verified for its necessary documentary attachments, validated, and approved by the appropriate authority.

when rejected by different personnel, will be resubmitted by the applicant with necessary adjustments prescribed by said personnel. The application will be received by its respective processing hub and will be assigned to personnel for processing and verification.

However, there is no assurance that the adjustments made will be accepted, as the application might be assigned to different personnel who might have a different take on verification. This arbitrarily influences the application process as continuity and consistency is compromised. This results in a highly impersonal and time-consuming process for applicants who do not have time and other relevant resources to spare.

Maternity Leave Availment: Number of Days and Amount Received

GRAPH 14 ► Gap Between the Application and Release/Receipt of Benefits



Regarding the number of leave days that the respondents took during their period of maternity, the responses varied. Eleven respondents indicated that it took them three months or more. In particular, one respondent said that because she delivered through the cesarean section, she was unable to perform economic and household responsibilities for more than three months. One respondent, a domestic helper, sought the permission of her employer and took three months of maternity leave. One respondent said that she spent six months recovering, while another said that she stayed home for the duration of her pregnancy and recovery due to the pandemic. A respondent indicated that she stopped working as a vendor during her eighth month

of pregnancy, while another said that she used her maternity leave after giving birth.

Respondent 7, a self-employed farmer and sari-sari store owner, said,

Na-caesarian ako kaya't mahigit tatlong buwan ding hindi gaanung gumawa sa tindahan at bahay.

I underwent caesarian section, so it took me more than three months. [During this time,] I was unable to manage our store and perform household chores.

Respondent 28, an apparel vendor, stated,

Self-employed po, pero tumigil sa pagtitinda nang eight months na ang tiyan.

I am self-employed, but I stopped working as a vendor in the eighth month of my pregnancy.

Respondent 11, a self-employed housewife, said,

Self-employed ako. Natapat na pandemic. Dinaanang ng ECQ/GCQ kaya talagang natigil sa bahay.

I am self-employed. My pregnancy coincided with the pandemic. Because of the ECQ/GCQ [Enhanced Community Quarantine/General Community Quarantine] I was stuck at home.

Respondent 27, a domestic helper, said,

Kumpleto po'yung three months. Dahil domestic helper po ako, nagpaalam po muna ako sa amo.

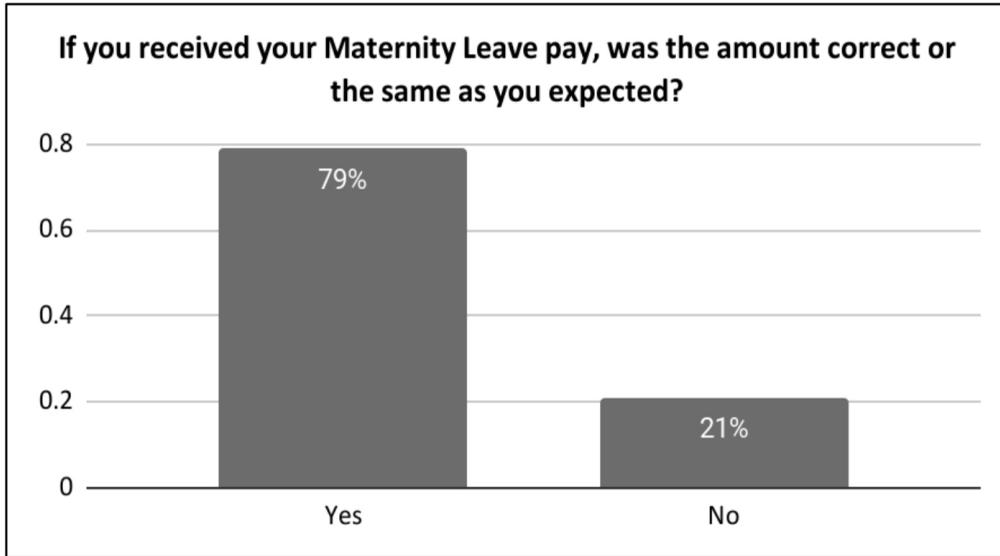
I maximized the entire three months. Because I am a domestic helper, I first sought the permission of my employer.

It should be noted that the respondents who indicated that they belonged to the informal sector, whether self-employed or employed, could maximize fully and/or even extend their leave days beyond the legally allowable 105 or 120 days. This is because they were not constrained by the stringent structures or regulations incumbent upon companies or organizations. They therefore had the leeway and freedom to dispose of their leaves alongside their monetary benefits. Despite this, the respondents explicitly expressed that they chose to use these leave days to rest and refrain from doing manual work. This is a manifestation of the necessity of leave days to rest and recover from maternity-related medical issues, regardless of their nature of work or employment status.

In fact, most respondents indicated that among the most appreciable aspects of the EMLL is the expanded number of days allowed for maternity leave.

Amount of Maternity Cash Benefits

GRAPH 15 ► Accuracy of the Distributed Cash Benefits among Accepted Applications



Respondents whose applications were accepted by SSS were asked whether the amounts of the cash benefits they received were correct. Eleven indicated that it was indeed correct, while three said that the amount they received was incorrect. A respondent noted that because the SSS computed her cash benefits, she assumed that the amount must be correct. Three respondents indicated that there were discrepancies between the expected and the actual amounts that they received. One respondent also stated that they think the amount they received was correct because it was able to cover all the expenses concomitant to her delivery. Meanwhile, another respondent's perceived discrepancy in her maternity cash benefit was based on the actual amounts or maternity benefits previously received by other mothers.

Respondent 4, administrative staff and a part-time teacher, said,

Kasi sabi raw ang makukuha ko 19k, tapos actual na nakuha ko more or less 9k. Di ko na pinush kasi at least may nakuha ako . . . doubtful ako syempre.

I was informed that I would receive 19k [PHP], but the actual amount that I got was more or less 9k [PHP]. I did not pursue it further because at least I still received something . . . but I was doubtful, of course.

Respondent 19, a clothing vendor, said,

Twenty thousand pesos ang natanggap, 30,000 pesos pataas ang nabasa sa website. Hindi na ako nag-inquire dahil kailangan ng pera.

I received [PHP] 20,000, although I read at the website it is supposed to be [PHP] 30,000. I did not inquire anymore because I just needed the money.

Respondent 26, a vegetable vendor, stated,

Kasi po 'yung iba may 50,000, yung sa akin 27,000 lang. Inaasahan ko ay 40,000 kasi may mga kilala akong 40,000 ang natanggap. Hindi ko po alam computation.

[I knew] other people who received [PHP] 50,000, [whereas] mine was only [PHP] 27,000. I was expecting to receive [PHP] 40,000 because I know someone who received [PHP] 40,000. I do not know the computation.

Respondent 11, a self-employed housewife, said,

'Yung SSS office nagpakita ng computation batay sa hulog ko. Lumitaw 60,000 pesos at 'yan din po actual ang natanggap. Dahil di naman ako marunong sa computation, syempre tiwala sa SSS."

The SSS office provided a computation according to my monthly contributions. It appeared that I will be receiving 60,000 pesos and this was also the actual amount I received. Because I do not know the proper computation, I just trusted SSS.

Respondent 25, a sari-sari store owner, said,

Sapat na po dahil normal delivery ako. Nakabili ng health care at saka ng daily needs. Tama po ang halaga. Kung ano po 'yung nasa computation ay yun din pinadala (PHP 49,000).

It was enough because I had normal delivery. It was able to address the [costs of] healthcare and daily needs. The amount was correct. What was reflected in the computation was also the amount I received [PHP 49,000].

The respondents did attempt to scrutinize whether the computation of their maternity benefits was accurate. The perceived discrepancy in the amount that they received from the SSS may be because of the respondents' lack of understanding of the proper computation of their maternity benefits. Eight respondents remarked that because there was an actual computation provided to them by an SSS personnel, they were

confident that it was the correct amount. It also reflects the resignation of informal sector workers in accepting decisions made by the government on their behalf, due to their pressing need for funds.

When asked whether the received cash benefits were enough to cover their needs, five respondents indicated “no,” while nine answered “yes.” Those who indicated that the cash benefits they received were insufficient said that they hoped that the benefits would help defray their incurred expenses. Another respondent noted that while she received the maximum amount provided by SSS, the benefits were unable to cover her total hospital bill, particularly when confined in a private hospital. For solo parents, the amount provided by SSS was arguably inadequate, given that the parent was the sole and primary income earner. The precarity of their income source was exacerbated by the pandemic, as they were unable to sell due to mobility restrictions. Respondents who answered “yes” said that the amount they received was enough to cover their immediate needs. Others attributed its sufficiency to the fact that they did not incur high medical/hospital bills; their childbirth delivery was normal. Others noted that the cash benefits more than addressed their needs as they were also able to pay the debts they incurred in their previous pregnancies and still afford the needs of their new infants.

Respondent 4, administrative staff and a part-time teacher, stated,

Kasi akala ko talaga talaga mataas makukuha ko, para sana sa mga needs ng anak ko. Hindi sufficient 'yung expectation ko na somehow makatulong.

I really expected to receive a higher amount to cover my child's needs. [The cash benefits] were not sufficient; I expected that it would somehow help.

Respondent 8, a self-employed farmer and sari-sari store vendor, replied,

Kung nasa public hospital po siguro ay sasapat nang masabi 'yung PHP 70,000. Kaso po caesarian case ako, tapos premature baby nang manganak. Kaya't dobleng gastos. Sa private hospital ako nanganak na inabot ng PHP 400,000 (PHP 240K + sa akin, + PHP 180K + para sa baby na naiwan pa sa hospital dahil premature.). Nagamit at nakatulong din ang PhilHealth pero PHP 19,000 lang ang approved sa PhilHealth.

If I was confined in a public hospital, I think the PHP 70,000 I received would be enough, but I had to give birth through caesarian section and my baby was born premature. The cost almost doubled. I gave birth in a private hospital, so our bill was PHP 400,000 (PHP 240,000 for my medical

expenses and PHP 180,000 for my baby, who was left in the hospital because he/she was premature). I was able to use my PhilHealth, and it was helpful, but they only approved PHP 19,000 for my delivery.

Respondent 19, a clothing vendor, answered similarly,

Sa panganganak pa lang at paggastos kinakapos na. May bayad sa lying-in clinic at mahina ang benta at kita sa pagtitinda sa panahon ng pandemya.

It was not enough, considering the expenses during childbirth and other expenses. Lying-in clinics collect fees, and we earned very little from selling because of the pandemic.

Respondent 26, a vegetable vendor, said,

Kulang po dahil solo parent ako; naapektuhan ang pagtitinda at takot lumabas ng bahay.

[The cash benefits] were insufficient because I am a solo parent. I was reluctant to go out [due to the pandemic] and my source of income was affected.

Respondent 37, a domestic helper, stated,

Nakatulong sa kabuuan—panganganak, health care. Pagbabayad ng utang dahil sa unang anak, inutang. Naibili ng needs ng baby.

Generally, it was helpful for my childbirth and healthcare. [And] paying debts for my first childbirth, [for which] I borrowed [money]. Spent for the babies' needs.

The respondents were also asked whether they took all the available time for leaves. Seven respondents, whose applications were accepted by the SSS, noted that this provision did not apply to them. They were self-employed and did not have the same work arrangements of salary or wage workers, particularly those working in more formal work arrangements. This set of respondents maximized and even extended their time resting and recovering before returning to normal day-to-day income-generating work. Some of the respondents indicated that they extended days or weeks beyond the 105-day allowable leave days in the EMLL. The only respondent under this arrangement noted, however, that her employer bargained with her, asking her to return to work despite being eligible for 120 days of paid leave. Respondent 34, a market vendor, said,

Dahil self-employed naman kaya na-adjust ang panahon ng pahinga at pag-aruga sa baby.

Because I am self-employed, I adjusted the days I rested and took care of the baby.

Respondent 25, a sari-sari store vendor, stated,

Self-employed na po kaya ako na po may say sa leave.

I am self-employed which is why I alone have the “say” in my leave days.

Respondent 36, a contractual employee, answered,

Hindi po. Kinausap po ako ng employer na kung pwede na ako bumalik. One hundred twenty days po leave ko. Going for three months ang baby, nag-work na uli.

No. My employer asked me to return to work as soon as I could, despite being eligible for a 120-day paid maternity leave. My baby was about to turn three months [old when] I returned to work.

Respondents were asked about their awareness of where to go if their rights related to maternity benefits were not honored. Ten respondents remarked that they knew where to inquire, specifically mentioning SSS and DOLE.

DOLE’s Efforts in Monitoring the Implementation of Salary Differential among Companies

Since one of the featured benefits under the EMLL is the provision of salary differential for qualified female employees, DOLE—through its Bureau of Working Conditions (BWC)—is mandated to ensure the compliance of private companies. According to the key informant from DOLE BWSC, based on their labor inspection system, their inspector rate program covers establishments and determines compliance with the law. Director Travilla clarified that in terms of implementation of the EMLL, DOLE encompasses monitoring, ensuring, and enforcing the employers’ compliance in the payment of the salary differential of qualified employees. In turn, below is a concern raised by Ma. Victoria Raquiza, Social Watch Philippines Lead Researcher, and the corresponding answer of the key informant from DOLE BWSC.

Concern: In terms of implementation of the law in the private sector that would mean in real terms, assuming that the workers are able to pay the contributions. Ang hinihingi lang naman talaga sa employers, lalo na kung differential, is to pay the differential. We were told this is where the DOLE comes in to monitor, ensure, and enforce the compliance towards the employers.

Concern: In terms of implementation of the law in the private sector, that would mean in real terms, assuming that the workers are able to pay for the contributions. What is being demanded from the employers, especially when it comes to [salary] differential, is to pay the differential. This is where the DOLE comes in to monitor, ensure, and enforce the compliance towards the employers.

Response: ‘Yun po yung implementation ng batas, recently nag-i-inspect sila. The EML is an old law. ‘Yun sa maternity benefits pa po ito. If you’re going to look sa structure of our monetary benefits, parts po siya ng standard. So, tatanong po ng inspector dito: “Kayo po ba ang nag-iimplement ng Expanded Maternity Leave Law?” So, tatanungin po nila ‘yung employer at empleyado. And if they say yes, they will record that there is a compliance in the implementation of the law. As for the specific availment po, ang nakakarecord po nito ay SSS.

Response: With regards the implementation of the law, they conduct inspections. The EML is an old law. This still covers the old maternity benefits law. If you’re going to look at the structure of our monetary benefits, it is a part of the standard. What the inspector asks is relevant to this: “Do you implement the Expanded Maternity Leave Law?” So, they also ask the employer and the employee. And if they say yes, they will record that there is compliance in the implementation of the law. As for the specific availment, it is the SSS that records or monitors this.

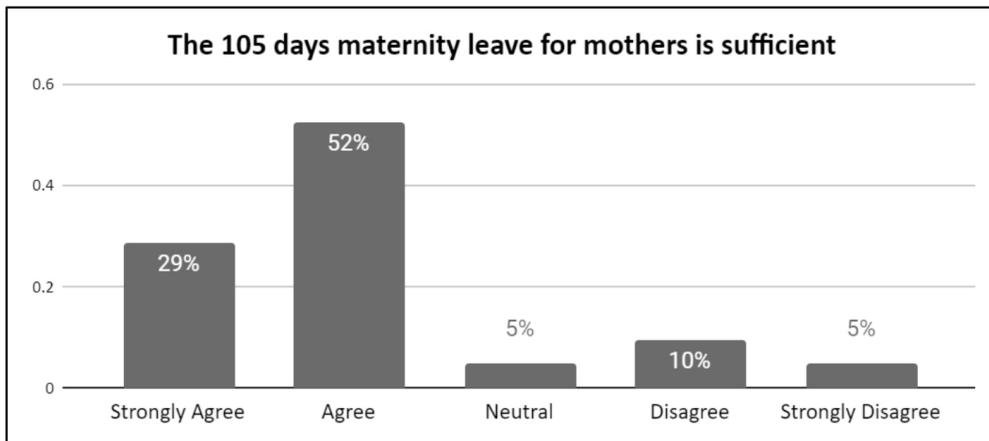
The DOLE BWSC key informant noted that maternity benefits are a part of the standards concerning monetary benefits of workers. This is one of the key aspects that inspectors examine and question employers and employees on. One particular concern of inspectors is to determine whether the company or employer is exempted from paying the salary differential. However, the implementation of EMLL is only one among many other policies that the private sector is mandated to comply with. According to the data provided by the DOLE key informants, which were largely a product of their inspections, there was, in 2019, 99 percent compliance rate among the 60,000 to more than 70,000 establishments it inspected. The DOLE noted, however, that some establishments were unable to comply with the provision of salary differential to their qualified employees. They added that this did not include all the establishments that needed to be inspected, since DOLE, with its limited inspectors and relevant human resources, was only able to inspect 10 percent of the establishments required to provide maternity benefits. The key informant projected that for 2023, out of 1 million establishments, only 75,000 will be inspected by DOLE.

In terms of DOLE’s mechanisms for communicating this benefit to relevant stakeholders, the DOLE BWSC key informant noted that it is the main duty of the SSS to disseminate information regarding the EMLL. However, DOLE still conducts information drives regarding the EMLL, particularly the eligibility of workers for the said benefit; DOLE is only involved in information drives that ensure the compliance of employers and companies in the provision of salary differentials.

Disputes arise from failure or inability of employers to pay employees’ salary differential. The Senior Labor and Employment Officer from BWSC said that the Single-Entry Approach (SENA) allows for the filing of complaints on such matters. Employers will be summoned; a second step—an inspection—will be conducted to confirm whether compliance is indeed upheld.

Sufficiency of the Number of Leave Days

GRAPH 16 ► Sufficiency of the Number of Days among Accepted Applications



Respondents were asked whether the number of leave days provided under the EMLL is enough for women to recover and care for their infants. Six respondents indicated that they strongly agree, while eight indicated that they agree. Two respondents stated that they disagreed; one said that she was neutral. Four respondents replied that while they think, in reality, that three and a half months of maternity leave may be insufficient to fully recover and care for the baby, the need to work and provide for the needs of the family is an important factor they need to consider. Two respondents argued that for normal deliveries, three and a half months is enough. However, if the means of delivery is cesarean section, then that

time is insufficient. Those who disagreed noted that for solo parents, this number of days—including the extension provided for solo parents under EMLL—is inadequate to recover and take care of the infant. It is also not enough for mothers who are breastfeeding their newborn.

Respondent 8, a self-employed farmer and sari-sari store owner, said,

Sa panahon kasi ngayon, kailangang makapagtrabaho agad. Ang 105 days ay mahaba-haba ng pahinga sa nanganak at pag-aalaga sa baby.

In today's conditions, there is a need to immediately return to work. The 105-day allocation gives enough time for women who gave birth to rest and take care of their babies.

Respondent 26, a vegetable vendor, stated,

Sapat na po. Para makabalik ng trabaho at maghanap-buhay muli. Mahabang panahon po ang pahinga.

It is adequate. To be able to return to work and earn a living. It is a long time for rest.

Respondent 19, a clothing vendor, responded,

Hindi sapat dahil single parent po ako. Sana mas malaki ang panahon. Sana may special provision para sa solo parent na mas mahabang panahon.

It is not enough because I am a single parent. I wish the number of leave days was longer. I wish there was a special provision for solo parents, allowing for longer periods of paid leave.

Respondent 35, a contractual sales lady, said,

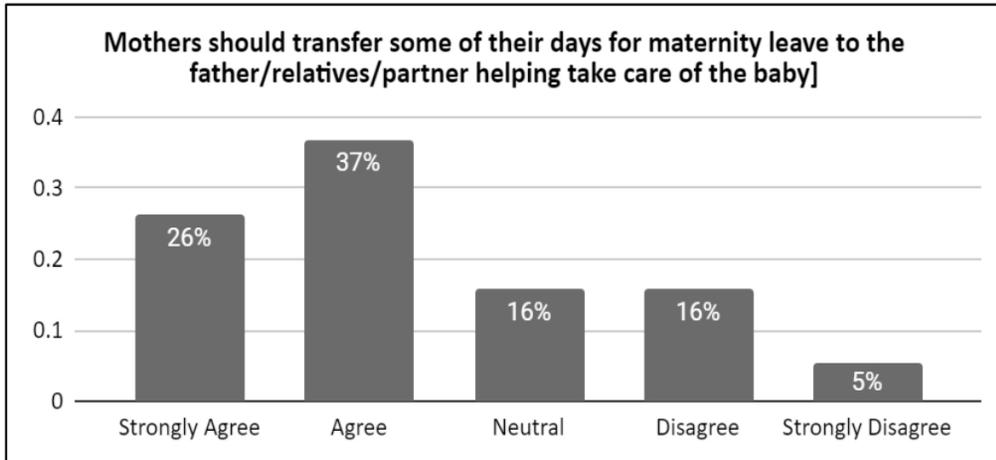
Kailangan po extend ng 30 days. Mahirap iwan ang baby kapag breastfeeding. Baguhang nanay po ako, parang kawawa ang baby kung hindi ka kasama sa first five months.

There is a need to extend it by 30 days. It is difficult to leave the baby, especially if the baby is breastfed. I am a new mother. The baby is shortchanged if he/she is separated from the mother before the first five months.

Ten respondents added that five months of maternity leave is appropriate for the mother to fully recover and take care of her newborn baby. One respondent noted that six months would be enough; another said four months. Three stated that three months is already enough.

Allocation of Maternity Leave Days

GRAPH 17 ► Decision to Transfer/Share the Days of Leave among Accepted Applications



The respondents were asked whether they agree that a portion of a female worker’s leave days should be allocated to the partner or relative chosen by the maternity leave beneficiary. Two respondents disagreed, while three were neutral on the issue. Four respondents strongly agreed, while six agreed. Twelve respondents noted that allocating their maternity leave days would significantly help in their recovery and in caring for the newborn child. One respondent noted, however, that instead of allocating their maternity leave, policymakers should instead extend the paternity leave to 14 days so that the female workers’ maternity leave days remain intact. Another respondent noted that allocation allows the father or partner to appreciate the law and further understand their responsibilities as a father or guardian of the child. Respondent 4, administrative staff and a part-time teacher, said,

Ang gawin nila, dagdagan ang paternity leave from 7 to 14 days. I-retain nila yung number of paid leave ng nanay, kulang pa nga eh.

What [policymakers] should do instead is increase paternity leave from 7 days to 14 days. They should retain the mother’s number of paid leave although it is inadequate in the first place.

Respondent 7, a contractual teacher in a SUC, stated,

Mas malaking tulong sa recovery ng body ng mother.

It would be a great help to the recovery of the mother’s body.

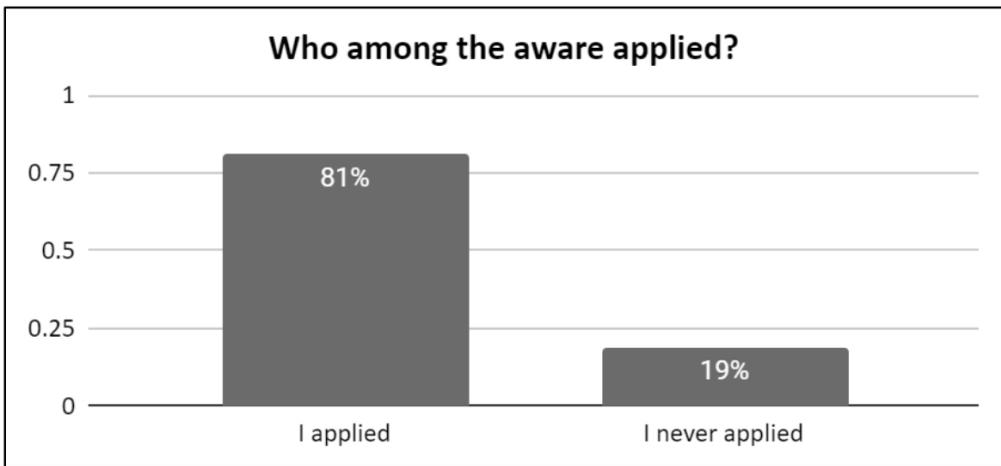
Meanwhile, Respondent 22, a domestic helper, explained,

Para po maunawaan din ng tatay o asawa ang responsibilidad at ang pakinabang sa batas.

So that the father or spouse will understand [their] responsibilities and appreciate the relevance of the law.

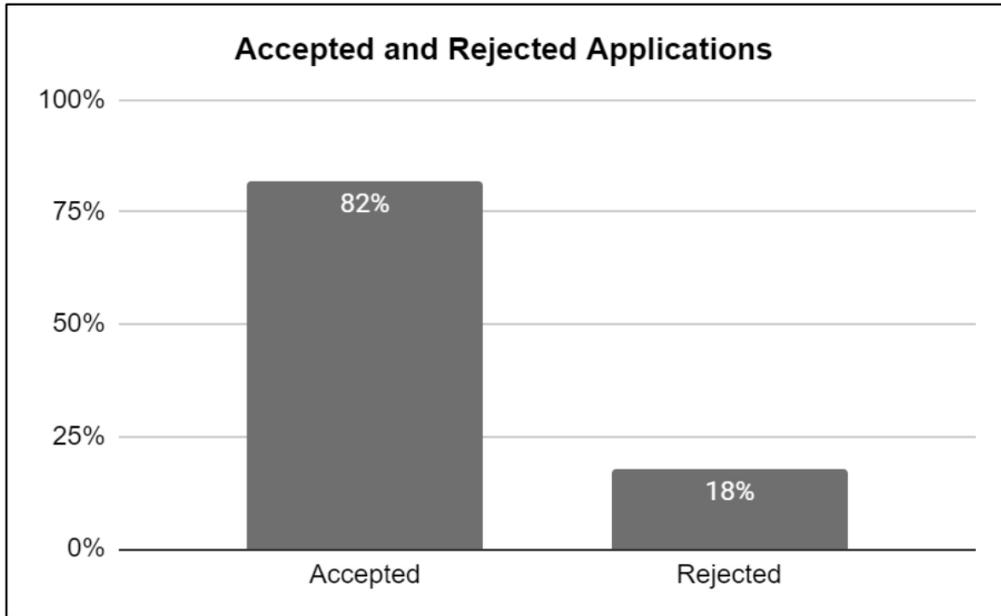
Mandatory Online Application Processes

GRAPH 18 ► Number of Aware Respondents Who Availed the Maternity Benefit



The SSS officially requires its members to process their applications for maternity benefits online. Under SSS Circular No. 2021-004 (SSS 2021b), applicants are required to submit their Maternity Benefit Application (MBA) online, via the SSS online platform. The SSS notes that the digitalization of this vital application process is expedient and eliminates red tape. Ideally, the premise is that multiple manual steps in the application process are eliminated in favor of an easier and more convenient process online. Its implementation also sought to address the inability of SSS members to apply for their maternity benefits, given the strict imposition of mobility restrictions due to the COVID-19 pandemic. Respondents from the SSS National Headquarters noted that from June 2020 to June 2021, members were unable to physically file their applications for maternity benefits. Online applications became mandatory in September 2021.

GRAPH 19 ► Accepted and Rejected Applications



The survey respondents, who indicated that they were aware of the EMLL, were asked whether they tried to apply for maternity benefits when they learned that they were pregnant. Of the 21 respondents who indicated that they were aware of the EMLL, 17 said that they tried to apply for their maternity benefits. They indicated that it was due to live birth that they applied for maternity benefits. The respondents’ dates of application for maternity benefits ranged from February 2019 to February 2022.

Of the respondents who indicated that they were aware of the EMLL and tried to apply for maternity leave benefits, four did not pursue their applications. They were either unable to pay for their SSS contributions or informed by the local SSS that they were unqualified for maternity benefits. One respondent noted that she does not have SSS contributions and was unaware that there were benefits of maternity leave pay; two respondents said that they have SSS contributions and are aware of maternity leave benefits, but they were apprehensive of leaving their homes due to the pandemic. Respondent 1, a housewife, said,

Di po ako registered sa SSS at PhilHealth. Di ko po kasi alam ang mga tungkol dyan.

I am not registered with SSS or PhilHealth. I don’t know anything about those things.

Respondent 6, a housewife, similarly stated,

Wala po akong alam, hindi po kasi ako nanonood o nakikinig sa balita. Hindi pa po ako naka-apply sa kahit anong benepisyo.

I am not aware of [the benefits] because I do not watch or listen to the news. I did not apply for any [social] benefits.

Respondent 21, a self-employed fruit shake vendor, answered,

Hindi ko po hinarap ang challenge na kahit pandemic ay sikaping mag-apply. Takot po ako.

I did not face the challenge of applying for maternity benefits due to the pandemic. I was afraid to go out.

According to the SSS National Office key informants, the maternity claims of qualified members—i.e., those who have paid their monthly contributions for at least three months before their semester of contingency—are handled by the following units of SSS:

- The Medical Evaluation Centers and Medical Operations Department (MOD), which handle claims related to miscarriages and cases of emergency termination of pregnancies (ETP); and
- The Sickness, Maternity, and Employees' Compensation (SMEC) Section, Processing Center (PC), and Central Processing Group (CPG), which handle the processing and payment of benefits.

The key informants noted that MECs and PCs are available nationwide. MEC and PC personnel are mandated to perform the following duties: (a) evaluating and comparing encoded information vis-a-vis the submitted documents, according to established guidelines and policies governing maternity claims; (b) screening of documents submitted to confirm consistency and authenticity; and (c) approving, rejecting, and denying claims. The key informants also noted that the medical specialists of MECs, MOD, and the Claims Processors III, SMEC Section, PC handle the medical evaluation and the processing and payment of the maternity claims filed through the SSS online platform.

Members are required to register at the SSS Member Portal and create their My.SSS account. To use this online platform, a member must have internet connection, as well as a smartphone, computer, or any internet-capable device.

Issues and Challenges

Significant Number of Female Workers, whether in the Public or Private Sector, Do Not Enjoy Social Security Benefits, including the EMLL, due to Informal Status

As earlier mentioned, informal sector workers in the country comprise anywhere from 40 percent (ILO 2016) to about 80 percent (Cabegin 2018) of the total labor force. They have permeated the public and private sectors, including private households. Furthermore, Cabegin (2019) cites that 40 percent of women are in the informal sector, which means that their employers do not provide them with social security. Theoretically, however, they can still avail of social security benefits, including EMLL, if they shoulder all the premiums involved, in which case, the SSS refers to them as voluntary members. Their ability to pay for the premiums largely depends on their financial status, which, in turn, is influenced by the seasonality or irregularity of their work and the size of their pay.

A significant number of respondents recognized the importance of enrolling for SSS membership and regularly paying for their premiums in order to qualify for maternity benefits. Their reluctance to do so, however, is due to their limited income, which they prioritize to pay for their families' daily needs. Furthermore, some respondents noted that they do not have the necessary documentary requirements to register for SSS membership. This is particularly true among survey respondents residing in far-flung rural areas. Thus, several respondents indicated that despite their willingness to pay for their SSS contributions regularly and voluntarily, their limited resources—as well as the documentary requirements—prevent them from doing so. A few respondents have indicated, nonetheless, that if they had been properly informed of the salient features of the EMLL, they would have saved a portion of their income. This plan would have enable them to pay for their minimum SSS monthly contribution and therefore qualify for maternity benefits for future pregnancies.

Furthermore, a significant section of Filipino workers, whether in the public or private sector, are contractual workers. Because of a dearth

of official data on contractualization in the Philippines, what is known is that many of them operate under an *endo* (“end of contract”) system, wherein establishments hire them for a period of only five months or less, thereby legally bypassing the requirement of regularization. As is legally mandated, and barring any other complications, contractual workers are required to be regularized once they reach six months at work. One estimate pegs the number of contractual workers from 1.2 million to 20 million as of 2016 (Purugganan 2022).

In fact, the biggest employer of contractual workers is the national government. According to the CSC, as of August 2020, there were 600,000 contractual employees, marking a five-fold increase from 2010 (Rubio 2021). For one senator, the “sharp increase of temporary hires ‘distorts and hides’ how much government spends on personnel services” (PhilStar 2021). Suffice to say, contractual workers are oftentimes not provided social security. The DOLE BWSC key informant observes that this is one of the issues hounding contractual workers in the country.

A case in point is one respondent who was a teacher—although contractual in status—in a SUC (i.e. a state university or college). The SUC did not provide any form of social security benefits; they did not deduct, and pay on her behalf, her social contributions throughout her employment, thereby disqualifying her from any form of social protection program available in the country. Respondent 7, a teacher, explained,

I was advised sa SSS na huwag na mag-apply kasi wala naman daw akong hulog. Kasi nga po di naman hinulugan ng SUC at palagi lang sinasabi ay yung “No Employer-Employee Relationship Clause.”

I was advised by the SSS personnel not to apply for my maternity benefits because there were no records of contributions under my name. It is because the SUC I worked for did not pay it on my behalf; they always invoked the “No Employer-Employee Relationship Clause.”

Furthermore, the SSS representative who was interviewed affirmed the widespread government practice of not providing social security for contractual workers. According to the SSS interviewee, this practice was also observed at the local government level, where many hire workers on a job-order basis to avoid falling under the coverage of the Government Service Insurance System (GSIS). Civil Service Commission Resolution 021430 clarifies policy guidelines for workers under Contracts of Service

(COS) and Job Order (JO).⁹ It provides the legal basis for this practice. “In contracts of service and job orders, there exists no employer-employee relationship between the hiring agency and the persons hired and it should be made clear in their contracts that services rendered thereunder can never be accredited as government service” (CSC 2002).

The significant reality of informal sector workers and the widespread practice of contractualization have underscored the lack of decent work—which includes a fair wage and access to social security—in the Philippines. In turn, the prevalence of informal work has significantly contributed to high levels of poverty in the country.

Finally, it must be noted that many female workers who belong to the formal sector can still “fall through the cracks” and be unable to avail of the EMLL because they work in companies that are legally exempt from implementing the law. Under Section V, Rule VI of the implementing rules and regulations of RA No. 11210, companies that are exempt from providing salary differential to their employees are (a) distressed companies;¹⁰ (b) “retail/service establishments and other enterprises that regularly employing not more than 10 workers;” (c) microenterprises with total assets not exceeding PHP 3 million; and (d)

9 The Civil Service Commission Resolution No. 021430 (CSC n.d.-1), Section 1 states:

- a. “Contract of Service - refers to the engagement of the services of a person, private firm, non-governmental agency or international organization to undertake a specific work or job requiring special or technical skills not organization in the agency to be accomplished within a specific period not exceeding one (1) year. The person engaged performs or accomplishes the specific work or job under his own responsibility and with minimum supervision by hiring agency. For purposes of this issuance, contract of services shall include the hiring of consultants and personnel engaged to perform work for special projects whether funded by the agency itself or externally funded.
- b. Job Order refers to the hiring of a worker for piece work or intermittent job of short duration not exceeding six months and pay is on a daily or hourly basis. It is to be understood that the piece work or job to be performed requires special or technical skills not available in the agency and the same is to be accomplished under the worker’s own responsibility and with minimum supervision by the hiring agency.”

10 The law provides the criteria for distressed establishments. In the case of a sole proprietorship or partnership or nonstock, nonprofit organizations, this is when the accumulated net losses for the last two full accounting periods immediately preceding the application for exemption amounts to 20 percent or more of the total invested capital, fund balance or member’s contribution at the beginning of the period under review or when the enterprise registers capital deficiency. For a corporation or cooperative, it’s when the actual net loss amounts to 25 percent of total assets or when the corporation/cooperative registers capital deficiency. See Boaloy (2019).

companies or establishments already providing similar or more benefits than RA No. 11210. These exclusions, adding to the already large swathe of female workers unable to avail of the EMLL, underscore the unrealized progressive potential of the law.

Mandatory Online Application for the EMLL Benefit

The onslaught of the COVID-19 pandemic significantly hampered the effective and efficient implementation of the EMLL, and the ability of respondents and other applicants to apply for maternity benefits. This is because the implementation of the EMLL coincided with the strict mobility protocols imposed by the government in 2020 to stem the spread of COVID-19.

The EMLL was enacted into law in March 2019; its implementing rules and regulations (IRR) were released in May 2019. Barely a year since the release of the IRR, the COVID-19 lockdowns commenced in March 2020. The lockdowns hindered the delivery of an array of public services, including those from the SSS. “Similar to our members,” said the SSS key informant, “our operations were also affected and we had to implement a work-from-home arrangement.” Below are relevant comments from two of the respondents in relation to this issue. Respondent 28, an apparel vendor, said,

Nagtiyagang pumila kahit mahaba, kahit mahirap, kahit may pandemya kasi kailangan at saka naghulog naman ako.

I persevered queueing even if the line was long, even if it was difficult, even if there was a pandemic because I needed to; and besides, I paid my contributions.

Respondent 21, a fruit shake vendor, stated,

Hindi po ako nag-apply dahil sa takot sa COVID-19, pero sana nga po ay sasamahan ako ng mister ko.

I did not apply because I was scared of the COVID-19 pandemic, but I hope my husband will accompany me.

It was during this period that SSS decided to fast-track the establishment of its online system and made online applications for EMLL benefits mandatory. The online platform was launched on 31 May 2021. Although designed to eliminate the health dangers posed by the COVID-19 pandemic and the inconvenience of having to physically transact business in an SSS branch, the decision to go completely online for the

EMLL application had the unintended effect of deepening inequities in terms of access. While workers in the formal sector and the educated may generally benefit from digital applications—as they possess the digital and functional literacy and necessary resources to access pertinent information online—mandating online submissions for maternity benefits hindered and excluded many informal workers from availing EMLL benefits. This was particularly true for workers residing in locations that lack information and communication technologies (ICT) infrastructure, or who lack the necessary technological savvy and resources (e.g., smartphones or laptops). These same factors affect the ability of many female workers, especially those in the informal sector, to successfully apply for maternity benefits, given the mandatory online application policy.

The picture of the Philippine digital landscape provided by the 2019 National ICT Household Survey of the Department of Information and Communication Technology (DICT 2019) is instructive. According to the survey, only 18 percent of households in the Philippines have internet access, while only 12.2 percent of the surveyed households indicated that there were free Wi-Fi facilities in their respective communities. Of the total households surveyed, only 47 percent had radios; 57 percent did not use the internet. Most revealingly, perhaps, was that 79 percent of the households surveyed did not access government websites. Those who accessed government websites comprised merely 6.5 percent of the total households surveyed; only 19.3 percent used the internet to access information (DICT 2019). This survey reveals the unequal and largely lagging digital landscape of the country. These survey results may explain the findings of this study, wherein respondents residing in rural and agricultural areas did not have access to, or were ill-informed about, the pertinent provisions and benefits stated under the EMLL.

According to a June 2022 report from the Congressional Policy and Budget Research Department—who investigated the above-mentioned survey—this is indicative of the challenges stemming from insufficient ICT infrastructure in rural areas, low level of internet literacy, and high cost of connectivity (Congressional Policy and Budget Research Department 2022). This is buttressed by the fact that significant variations exist among Filipinos in the age bracket of 10–64 years (63.6 percent of the entire population) who are exposed to the internet for research work and email. This is in terms of the following classifications: (a) age group, with 15 to 24 years old being the most exposed; (b) urban and rural residences, with

urban residents being the most exposed; and (c) gender classification, with women being the most exposed, at 83.7 percent nationwide compared to 79.2 percent for men (PSA 2020).

Moreover, the requirement of having a personal email address to complete the registration process poses an added barrier. This may help explain why female workers, particularly those in the informal sector engaged in blue-collar work, may not successfully register for an online SSS account. Respondent 4, a consultant and contractual worker, stated,

'Yung online application kasi conflicting. Kasi nirequire ako ng dalawang email kaya nga ako nagpa-assist doon sa guard 'yung nagprocess ng requirements masyadong time-consuming.

The online application was confusing. I was required to submit two emails which is why I requested the assistance of the guard when I processed the requirements. It was time-consuming.

In its 2019 Functional Literacy, Education, and Mass Media Survey, the PSA noted that of the 63.6 percent of 10–64-year-old Filipinos exposed to the internet for research work and email, only 25.2 percent were exposed to the latter daily; 17.6 percent were exposed only once a week; 20.4 percent seldomly; and 36.2 percent were never exposed to the internet for either research work or email (PSA 2020).

Among age groups, most Filipinos who used the internet for social media, as well as research work and email, were aged 15–24 years old. The rate of exposure to the internet of Filipinos aged 10–64 years old for research work and email use is lower in rural areas, at 52.3 percent than the observed 72.4 percent in urban areas. In terms of frequency, everyday exposure to the internet for email use in rural areas is at a low of 16.4 percent; at least once a week at 15.5 percent; seldom at 20 percent; and not at all at 47.3 percent. Compared to urban areas, the frequency of exposure is as follows: (a) every day (32.1 percent); (b) at least once a week (19.2 percent); (c) seldom (20.8 percent); and (d) not at all (27.5 percent).

With this information at hand, mandating online registration with email accounts—one of the requirements to secure an online SSS account, which would be used to process maternity benefit applications—serves as a barrier to EMLL access. This is especially true among Filipino women who are digitally illiterate; do not have email accounts; and are deprived of reliable ICT facilities and equipment.

Another formidable barrier to EMLL access is the requirement for the applicant to own a bank account where SSS disbursements can be directed. According to the Bangko Sentral ng Pilipinas (BSP) (Central Bank of the Philippines), 41 million Filipinos (53 percent of the country’s adult population) “remain unbanked” (Hilario 2022; cf. Senate Bill No. 535, 2013). Furthermore, the BSP also noted the slow adoption rate of online banking and the use of mobile phones for financial transactions (Hilario 2022). In fact, the Financial Inclusion Steering Committee co- led by the BSP noted that among those who do not have bank accounts and are financially excluded in Philippine society are informal workers, agricultural sector workers, lower-income class workers, and the unemployed (BSP 2022).¹¹

The BSP also explained in its 2019 Financial Inclusion Survey that among the factors behind the inability, if not reluctance, to own a bank or transaction account is their lack of documentary requirements, apprehension over maintaining balance, and dormancy charges. All these concerns explain the difficulties for women—in the informal sector, agricultural workers, and the unemployed—in owning a bank account; that is, many of their income sources are seasonal and unstable, thereby making them incapable of maintaining such accounts and financing the attendant documentary requirements. This is on top of the fact that a significant portion of the population still lacks awareness of online financial services and prefers conducting financial transactions in person (Hilario 2022).

Furthermore, various complaints have been made by users regarding the constant unavailability of SSS’ online application platform. As nationwide SSS members were encouraged to perform their transactions with SSS through this online platform, anecdotal reports revealed that the system can get overloaded and eventually malfunction. Thus, uploading of maternity benefit applications, including its required attachments, can be delayed. A key informant interviewee noted the difficulty posed by this circumstance. A benefits officer at a private university explained:

[A]ng dagdag na medyo pahirap ngayon ay nung nirequire ang online submissions...ngayon, kailangan magregister muna ang employee online,

11 The other sectors identified as among the financially excluded, which means at the very least do not have a transaction or bank account, are the MSME (Micro, Small and Medium Enterprises), Indigenous People, IDPs (Internally Displaced Peoples), PWDs (Persons with Disabilities), less educated, and those belonging to the younger generation.

tapos posibleng registered na siya pero nakalimutan'yung password so pupunta siya sa branch.... Pero to be honest, hindi ideal ang nangyayari.

Imagine that the portal of SSS is nationwide and aside from the provincial offices na nakaconnect doon sa system, every member na employee or every member ng SSS magko-connect din doon. That's why kadalasan kapag ako nag-aaccess doon sa system nila, sad face. Sad face kasi literally mayroong sad face na makikita sa system...nag-snap 'yung system,'yung hindi nakaya.

An added difficulty was when [SSS] began requiring online submissions [of maternity benefit applications].... Now that employees are required to register online beforehand, it is possible that the employee was already registered but forgot her password so she has to go to the branch.... But to be honest, what is happening is not ideal.

Imagine that the SSS portal is nationwide and aside from the provincial offices, which are connected to this system, every member-employee or every SSS member also gets connected there. That's why most of the time when I access their system, there is a sad face. Because literally, there is a sad face in the system...because the system has snapped, it has broken down.

While digitalization of the maternity benefit application process may be viewed as promoting efficiency and convenience, it does not consider the real-world conditions of many of the country's workers who struggle to access an online platform. Unaddressed, the ability of informal workers to produce documentary requirements and register a bank or transaction account in order to properly register for their online SSS account seriously hampers their access to EMLL.

One respondent reported that she had to mail her documentary requirements to her company while breastfeeding so that the latter would file her maternity application on her behalf due to the pandemic. Respondent 35, a regular employee, said:

Nagbe-breastfeed po tapos lalabas para pumunta sa LBC para sa ime-mail sa company na kailangan nilang documents.

I was breastfeeding then I had to go out to send to the LBC [courier/mail company] the documents needed by the company.

Finally, several respondents reported months of delay before they received their EMLL cash benefits. This was caused by difficulties in meeting the technical and documentary requirements.

The difficulties posed by the pandemic led the SSS to implement a mandatory online application, which was identified by respondents in

this study as an administrative barrier to applying for or accessing their maternity benefits. Respondents reported conflicting responses from the online form, as well as difficulties in requesting updates on their application, as SSS did not respond promptly. Respondent 4, a consultant and contractual worker, said,

Yung online application kasi conflicting. Kasi nirequire akong dalawang email kaya nga ako nagpa-assist doon sa guard yung nagprocess ng requirements masyadong time-consuming.

The online application was challenging because it was conflicting. I was required to send two e-mails, which is why I requested the assistance of the [security] guard to process the requirements. It was time-consuming.

Respondent 19, an apparel vendor, similarly stated:

Maraming hassle. Mahaba yung pila, sa online matagal mag-reply, tsaka mainit ang panahon. Umabot pa ng 3 months bago makuha yung pera.

[There were] many hassles. The queue was long, replies from online [applications and follow-ups] were slow, [and] the weather was hot. It took three months before I received the cash benefits.

Additionally, a respondent—a benefits officer for a local university—noted the additional difficulties posed by the mandatory online application. Furthermore, as one respondent noted, the technical issue of the system sometimes breaking down—due to simultaneous use by thousands of members nationwide and hundreds of local and provincial SSS offices—presented additional barriers.

Communicating EMLL to Broader Audience

When the EMLL was signed into law, different government agencies and the private sector were mandated to implement its provisions. In doing so, heavy reliance on the use of social media was observed, particularly for its public information campaign. The SSS maximized the Facebook pages of its national and regional offices, as well as local branches, in disseminating the important details of the agency's amended maternity services. Throughout the course of this research, SSS key informants stated that stakeholders who had online access were reached most effectively, as their information drives were conducted through online channels.

The SSS key informants further shared that their Corporate Communications Department and Media Affairs Department regularly provides relevant information to its SSS members and the public at large.

According to them, self-employed workers are a priority sector; they also have a unit in charge of reaching out to the informal sector. They stated, “We have a program management unit, a professional sectors department, and there is also a Cooperative and Informal Sectors Department where they coordinate with the local [SSS] branches in reaching out . . . [using this] wholesale approach, meaning reaching out to communities, cooperatives, and local government units.” This approach includes ensuring they—the SSS personnel—are invited to events of various local/community groups so that they can discuss their programs. They further added that they utilize radio and video programs at the regional level for their public information campaigns. Local SSS branches situated in urban areas have utilized their linkages in the city and barangay levels to disseminate information to the local level.

Access to SSS information was easiest for those working in the formal sector, whether public or private, as the government’s agency or private sector company organizational and communication structures facilitated the flow of information from management to their employees. This complemented the in-house activities and orientation seminars organized for their employees, which discussed employee benefits and privileges of the EMLL. The SSS also organized webinars discussing the IRR of the law to companies, employers, and HR officers. Since the implementation of the EMLL was disrupted by the pandemic, the SSS relied heavily on social media platforms and video conferencing services. SSS members in the formal sector also enjoyed the availability of ICT infrastructure in their places of work and residences, giving them access to pertinent information regarding maternity benefits and EMLL online.

However, this is not the case for workers based in rural areas. While the information was readily available online, it was not necessarily accessible to rural communities due to poor telecommunications and internet infrastructure, as shown in this research study. The predominant use of the English language when providing SSS information online is another barrier for many poor Filipino women, many of whom barely graduated from elementary school, much less finish their secondary education. At national and local SSS offices, there are posters, flyers, and brochures in Filipino—helpful, but limited in quantity and reach.

A significant number of survey respondents were only partially aware, if not totally unaware, of the EMLL. Respondents aware of the law were generally in a position to access the information on their own—for example, they had access to the internet and were familiar with the

technology—or were part of community-based organizations with high levels of political awareness and social solidarity. Yet as the survey results revealed, several respondents only found out about the EMLL because they were interviewed for this study. These respondents were generally based in rural and agricultural areas; some were in low-income urban areas. When told of this, the SSS key informants admitted that they needed to further intensify their wholesale approach in reaching out to self-employed workers, especially in the informal sector. According to these respondents, online information was not readily and easily available; moreover, they were unfamiliar with the technology.

Nevertheless, the SSS key informants shared that for the digitally challenged, many SSS branches nationwide have SSS E-Center Facilities. These E-Center Facilities are designed to accommodate and assist SSS members who have problems accessing and using the internet. Local branches also conduct seminars regarding SSS benefits, including maternity benefits. For many of the respondents interviewed, however, the lack of awareness of the EMLL meant that they did not feel compelled to know more and avail themselves of the program. According to them, they did not hear about the EMLL from those who normally gave information on government programs—the LGU, the Department of Social Work and Development (DSWD) worker, or the local health center. Indeed, workers in the informal sector, especially in rural barangays, tend to rely on local government officials—particularly barangay health workers—and local health centers to disseminate information regarding maternity benefits. Still, it remains unclear whether these LGUs, or very few of these health workers, are aware of the EMLL benefits and were therefore unable to raise the said sector’s awareness.

Another weakness identified during the study is that while SSS identified the wholesale approach in reaching out to the informal sector (i.e., LGUs, cooperatives, and community-based organizations), their outreach is severely limited. This is backed up by SSS data, where membership in its program for the informal sector, “AlkanSSSyA,” only numbered 108,779 individuals, which represents 19.3 percent of the country’s informal sector, based on ILO data from 2008–2017 (SSS 2019). Furthermore, only 44,093 members (4.4 percent of the informal labor sector) are registered in the Cooperative Accreditation Program; 230,069 members (9.1 percent) comprise Job Order personnel deployed to various government offices (SSS 2019).

This deficiency is also compounded by the absence of advertisements and information campaigns targeting the informal sector through traditional media platforms, such as television and radio. As DICT reveals, these media platforms are the most accessible to blue-collar members of the informal sector. Furthermore, limited copies of printed information materials in frequented locations in barangays (e.g., barangay health centers and barangay halls) may also explain the limited reach of SSS information drives among informal sectors in rural and remote areas.

Other government agencies, particularly the PCW and the CSC, among others, have also created their respective information, education, and communication (IEC) materials discussing the salient aspects of the EMLL. Business and private sectors, as well as labor groups and law offices also produced similar IEC materials for their respective clientele and stakeholders. The majority of these materials are presented in the English language through their respective websites and social media platforms. Generally, employers and human resource departments of private and government organizations are expected to provide seminars orienting their prospective employees about work-related incentives and benefits. As this study found, many companies and SUCs have not yet engaged in widespread information drives to heighten awareness of EMLL among women employees.

Finally, inadequate access to information by those in the informal sector has been reinforced amid the COVID-19 pandemic due to the SSS's increased reliance on the internet for their public dissemination initiatives. As earlier observed, members of the informal sector in rural and agricultural areas do not have access to online information and education materials on maternity benefits, including the EMLL, due to poor or nonexistent ICT infrastructure in their regions. Oftentimes, they do not possess either the gadgets or the knowledge necessary to access such information online. Indeed, the section on only relying on a digital platform for EMLL application is also relevant, given that much of the SSS information drives are ICT-driven. As such, the results of the 2019 DICT study, as well as the June 2022 report from the Congressional Policy and Budget Research Department, explain the limitations of such an information drive and underscore the need to go beyond an ICT-driven campaign.

Non-Implementation of the EMLL and Work Discrimination against Women

A key informant interviewee, interviewed on 13 September 2022, from the Department of Labor and Employment (DOLE)— the government agency tasked to enforce the EMLL in the private sector— reported a number of cases where some employers “do not want to implement the law.” This took greater resonance when, in 2021, the Commission on Audit (COA) expressed alarm because around PHP 305 billion remained uncollected by the SSS from delinquent employers (CNN Philippines Staff 2022). Huge uncollected remittances from private companies seriously jeopardize the capacity of the state pension fund to provide employees with social security benefits, including the EMLL. The bottom lines of many private companies were further eroded with the onslaught of the pandemic, which may partially explain the PHP 305 billion that remained uncollected from delinquent employers by 2021. Furthermore, according to the DOLE key informant, there are several conditions where companies become legally exempt from providing salary differentials to employees as mandated by the EMLL. All these exemptions, some of which may be valid, all add up and reinforce a scenario where women employees are not provided cash benefits under the EMLL.

Judy Miranda from Partido Manggagawa (PM) (Workers’ Party) noted the delinquency of a number of factories and companies in: (a) paying the social benefits contributions for their employees; and (b) providing the salary differentials of female employees for their maternity benefits. These delinquencies have resulted in the disqualification of female workers from successfully availing of their maternity benefits,¹² as their regular contributions are considered the main eligibility requirement for their maternity and other social protection benefits.

In the case of the respondent in the study, her employer did not deduct and pay on her behalf her social contributions throughout her employment at the said university. Thereby, it disqualified her (employee)

12 The law provides the criteria for distressed establishments. In the case of a sole proprietorship or partnership or non-stock, non-profit organizations, this is when the accumulated net losses for the last two full accounting periods immediately preceding the application for exemption amounts to 20 percent or more of the total invested capital, fund balance or member’s contribution at the beginning of the period under review or when the enterprise registers capital deficiency. For a corporation or cooperative, it is when the actual net loss amounts to 25 percent of total assets or when the corporation/cooperative registers capital deficiency.” See Boaloy (2019).

from any form of social protection provided by the social protection agencies of the country. Respondent 7, a teacher and a regular employee, stated,

I was advised sa SSS na huwag na mag-apply kasi wala naman daw akong contributions. Kasi nga po di naman hinulugan ng SUC at palagi lang sinasabi ay 'yung "No Employer-Employee Relationship Clause.

I was advised by the SSS [personnel] not to pursue my application anymore, because I did not have any contributions. It's because the SUC [under which I was employee] did not pay for my contributions and always invoked the "No Employer-Employee Relationship Clause."

Furthermore, according to Miranda, many companies and factories do not proactively promote or disseminate to employees information pertaining to EMLL. This has resulted in female workers' lack of awareness about this vital benefit. Miranda observed that this is often the case with non-unionized workers. She added that there have also been cases where female workers were deliberately misinformed by their respective companies about the EMLL and therefore did not avail of its benefits, even if they were qualified.

According to Miranda, a key informant from PM (Partido Manggagawa [Workers' Party]), discriminatory practices against women workers are widely observed, many of which are maternity-related concerns. She narrated that their organization once encountered a company employer who demanded virginity tests for female applicants, in order to reduce the possibility of pregnancy among female employees. This kind of thinking discriminates against female workers and has implications for female-dominated micro and small enterprises. Miranda noted that the productive capacities of women workers must not be viewed separately from her maternity and reproductive health. Therefore, women workers should not be deprived of their entitlements and rights.

Lack of and Outdated Data for Evidence-Based Planning

An overriding gap that hindered this study was the unavailability of updated databases and adequate information regarding the informal sector (e.g., there is no available information detailing locational data of the informal sector). The latest available dataset on the informal sector from the PSA was published in 2008. It is very likely that there have significant changes since then, especially with the onslaught of the COVID-19 pandemic. The lack of an up-to-date and comprehensive picture

of the situation of informal sector workers means the reduced possibility for data-driven policies. At best, the SSS can rely on the data of their members from the informal sector, available to them through online and on-site registration, although this is quite limited. Furthermore, to ensure that the EMLL and other maternity benefits can be widely accessed by Filipino women workers, gender-disaggregated data of the informal sector workers remains essential.

Lack of DOLE Inspectors and Compliance Among Several Company Employers

The IRR of the EMLL spells out the roles of various institutional actors. In particular, DOLE is tasked to monitor and enforce compliance of the EMLL, which means ensuring that private sector employers pay the salary differential due to female employees who avail of the law. According to a DOLE BWSC key informant, going by their survey data in 2019 and 2020, 99 percent of all establishments complied with the law, which translates to over 70,000 enterprises. According to the same interviewee, for 2023, the plan is to increase the number of establishments to be surveyed to 75,000. On the one hand, the compliance rate of 99 percent of all establishments is indeed impressive. On the other hand, this accomplishment is tempered by the fact that those surveyed comprise just over 10 percent of the total number of establishments in the country—about 1 million enterprises with varying numbers of employee sizes and asset bases. A major reason cited by the DOLE BWSC key informant for the low level of companies surveyed is the lack in the number of inspectors to monitor and enforce compliance, due to a lack of budgetary support. This points to the urgent need to increase DOLE’s budget in order to hire and train inspectors, with a view to strengthening private sector compliance in providing their social security obligation to their employees, among other things.

Recommendations

1. Support the Enactment of the Maternity Benefit for Women in the Informal Economy Act of 2021, or Senate Bill No. 2175

The benefits arising from the EMLL, as currently designed, are difficult to access for many women in the informal sector. Senate Bill

No. 2175, or the Maternity Benefit for Women in the Informal Economy Act of 2021, aims to complement and upgrade the EMLL. Senator Risa Hontiveros, Chair of the Senate Committee on Women, Children, Family Relations, and Gender Equality, filed this bill. It will require the “government to provide direct maternity cash aid for all pregnant workers in the informal sector” (Senate of the Philippines 2021).

Here, “all pregnant workers in the informal economy who are not members of the SSS will be entitled to a one-time maternity cash aid from DSWD. . . The amount provided will be equivalent to the prevailing minimum wage in the worker’s region, multiplied by 22 days” (Senate of the Philippines 2021). According to the bill, “funding for the cash aid will be collected from excise taxes on sweetened beverages, alcohol, and tobacco products,” (Senate of the Philippines 2021), as well as other appropriations from the national budget.

2. Make Manual Application an Option and Increase its Accessibility

Considering low levels of digital literacy and lack of internet access for a significant section of the population, providing a manual option for EMLL applications is an urgent issue. Furthermore, the wholesale approach of DOLE, where it reaches out to various LGUs and community-based organizations, must be stepped up so that EMLL applications are available not only in existing SSS branches—many of which are in main urban areas—but also in grassroots communities. Here, working with workers’ organizations and civil society groups, which actively promote the rights of workers to enjoy legal entitlements like the EMLL, is strongly recommended. They can help female workers in their organizations and localities to not only know more about the EMLL but also provide assistance during the application process, which is viewed as daunting by many women.

In terms of the online application option, this can be further enhanced. A nationwide platform that hosts the transactions of millions of its members and hundreds of its offices and branches must be regularly updated and improved to prevent malfunctions, which may frustrate less digitally literate members from pursuing their respective applications. Doing so would also minimize, if not eliminate, backlogs and delayed releases of applications, thereby improving and expediting service and public goods delivery to members and stakeholders.

Related to this is the urgent need to improve ICT infrastructure in the country, especially in rural and far-flung areas where there is a concentration of informal workers. This will widen the coverage of information drives, reaching previously uncovered areas. It will also improve the capacity of digitally marginalized sectors to access information and comply with the mandatory online filing of applications and claims, especially those residing in remote areas. This will ensure the long-term effectiveness and efficiency of this policy mechanism. Furthermore, the shift from brick-and-mortar to online platforms of important economic and socio-political activities and transactions requires the availability and stability of internet services. This will facilitate and expedite the concomitant processes and procedures not only in accessing benefits under the EMLL but also in other related transactions.

Finally, RA No. 11055, otherwise known as the “Philippine Identification System Act,” is a law that intends to provide National ID cards to all Filipino citizens, which means everyone enters the administrative radar of the Philippine government, given its universal character. However, at the time when concerned government agencies were preparing to roll out the EMLL, the National ID system enabled by RA No. 11055 was yet to be implemented. The existence of a regularly updated National ID system will allow concerned national government agencies (NGAs) to rapidly reach out and identify all Filipino citizens. A digital National ID system and integrated governmental databases could reduce errors and delays in the implementation of the EMLL. Furthermore, the identification card can serve as a valid proof of identity for any Filipino citizen seeking to transact with the government and access public goods and services, such as maternity benefits.

3. Intensify the Wholesale/Outreach Approach of SSS

As mentioned earlier, the SSS membership of informal sector workers like farmers, fisherfolk, and market vendors, is, at best, 20 percent. These findings, the result of an Australian-based survey, spurred SSS to affirm the need to increase their efforts to reach out to the informal sector.

As previously discussed, while there is merit to utilizing online platforms for outreach, these have limitations in relation to poor households, including workers in the informal sector, who are generally

digitally challenged and live and work in areas with poor internet connection. It is recommended that SSS disseminate information on the EMLL using more proactively traditional media, in particular, radio and television, in order to reach areas that are not reached by the internet due to poor ICT infrastructure.

Furthermore, the respondents recommended that raising public awareness, including information drives on EMLL, should intensify at the LGU level (e.g., municipality, city, and barangay). The SSS has a department for extending its services to the informal sector workers, including a “wholesale” approach for reaching out to cooperatives, LGUs, and other local communities. There is a need for DOLE to find ways to effectively, strategically, and creatively reach out to workers in the informal sector and raise public understanding and appreciation for the EMLL. This is relevant in light of the comments of many respondents that, despite their limited incomes, they would have paid the minimum SSS contributions that would have allowed them to avail the EMLL. Here, partnership with workers’ organizations and CSOs can prove to be critical in reaching out to hitherto unreached and hard-to-reach informal sector female workers.

Additionally, it is critical that the information drive explain in simple terms and popular language the different eligibility and documentary requirements of members. The current complex explanations and technical terms used by the SSS such as “semester of contingency,” “payment and contribution scheme,” “salary credits,” and “salary differential,” to name a few, can obscure rather than promote understanding of the EMLL, especially among low-income groups and those in the informal sector, who have limited formal education and do not have the luxury of time to undertake a prolonged study of SSS processes.

Finally, the SSS must also follow through in its aim to intensify information campaigns that package maternity benefits as part of a comprehensive package of benefits available to female workers who are regular contributing members of SSS. This will encourage members of the informal sector and voluntary members to register and qualify for such benefits.

4. Strengthen the Database for the EMLL

The PSA should conduct an updated and comprehensive survey on the number of informal sector workers and monitor their working conditions on a regular basis. This is important as the last survey of this sector was done in 2008. This means that adequate budgetary support from the General Appropriations Act (GAA) should be provided for this type of survey on a regular basis. Furthermore, gender-disaggregated data on informal sector workers must be conducted to monitor the conditions of female workers, especially in the informal sector. Furthermore, while contractualization of labor is widespread—and many workers do not have employer-employee relationships, whether in the private or public sector—no studies gauge the actual magnitude of this phenomenon, as well as the working and social conditions of these workers. Towards this end, the PSA can be mandated to conduct such a study and be provided adequate and sustained budgetary support.

Along this line, academic institutions can be encouraged to emphasize research on the informal economy and access to social security, including the EMLL. Critical scholarship that promotes women's rights and gender equality, and combat hetero normative policy mindsets that oftentimes inform certain assumptions when formulating policies and designing programs, must be promoted.

All these are essential in order to further equip the SSS, DOLE, CSC, and other institutions to gain a deeper understanding of the realities surrounding female workers, especially poor and low-income earners, including those in the informal sector. Having a better grasp of the contexts of these types of beneficiaries can lead to improvements in the design of social security programs so that these are better suited to their beneficiaries.

5. Enhance the Regulatory and Enforcement Capacity of DOLE

To ensure that employers and companies comply with the mandates under the EMLL (e.g., payment of employer counterpart of their employees' social protection contributions, and the provision of salary differential), DOLE must be able to significantly increase the number of inspectors dedicated to monitoring and enforcing the EMLL, as well as train them in order to upgrade the skills to increase their effectivity and impact. All these require increased and sustained budgetary support for DOLE. Strengthening the regulatory and enforcement capacity of DOLE

is critical in promoting accountability among the private sector employers and with a view to protecting the rights and well-being of female workers.

6. Government to provide EMLL for female workers in private sector companies exempt from implementing this law

It was earlier pointed out that there are several private sector companies that are exempt from implementing the EMLL for a variety of reasons, such as falling into financial distress or those that are considered micro-enterprise. Yet, the female workers in these micro-companies, including those in financially strapped ones, are, by definition, in great need of the EMLL. In a situation wherein the company is exempt from providing the EMLL, this research explores the possibility of the government providing this social security benefit, instead of the private sector employer. Here, female workers will pay their counterpart social security contributions, possibly through automatic salary deductions.

7. Conduct research on the rights of the female contract of service and job order workers in government with a view to promote their access to social security, including the EMLL

Contract of Service and Job Order workers in the public sector do not legally enjoy an “employer-employee” relationship with the government. It is noted that their contracts do not reflect the provision of social security benefits, including the EMLL. As such, there is a need to conduct research on the effect and impact of the “no employer-employee relationship” between workers and the government, especially in relation to their access to social security, and outline certain policy recommendations with a view to enhancing equitable access.

8. Include social security provisions of the EMLL in workers’ contracts, and create sustained and significant pathways to transition workers from the informal to the formal sector, and regularize contractual workers, which includes social security provisioning and security of tenure

Many contractual workers, both in the public and private sectors, have worked for several years in the same institution and have consistently received positive ratings from their employers. Yet, as is widely practiced, the shared provision for their social security between them and their employers is not reflected in their contracts.

Oftentimes, these workers are hired by manpower agencies and not by the institution. It is in this context that these workers have no “employer-employee” relationship with the institution they work with. As such, a recommendation articulated by a DOLE representative, and affirmed by this study, is that the provision of social security benefits, including the EMLL, should be included in the computation of salaries of workers and should explicitly be reflected in their contracts.

From a longer view, there is a need for a more strategic solution to the problem of the informality of labor. Here, more institutional pathways are needed to transition informal sector workers to the formal sector, such as paving the way for their regularization, which includes the provision of security of tenure, especially if the positions are permanent in nature and the workers’ performance is satisfactory. Both national and local governments must set aside adequate budgetary support from the GAA and local funds to support this endeavor. Furthermore, significantly reducing informality in the labor force will require a multiplicity of measures that will address both supplies—for instance, the need to enhance the health and education profiles of the labor force, both as a right and as a way to increase productivity and innovation—and demand, like the need to enhance the quality of existing jobs and the need to create new and good quality jobs. For women workers who continue to carry the main responsibility of reproductive and household work, support systems such as adequately resourced public daycare systems should be in place to help them manage their time and workload. Strategically, there should be more education and public awareness programs both in formal and informal arenas that promote equal sharing of responsibility for household chores between parents, including taking care of children. Traditional and social media platforms must be tapped, as these shape mindsets and public opinion.

Conclusion

The EMLL is no doubt progressive, as it not only expands the number of days for paid maternity leave but added features—compared to the previous paid maternity leave law—that promote the overall social and economic well-being of women, as well as that of their newborns and families. The expanded legal entitlements provided by the EMLL provide cutting-edge policy and political gains for women workers and are among

the more progressive measures that promote women workers' rights and gender equity.

However, this study has shown that the progressive potential of the EMLL is far from realized, in light of the many issues and challenges encountered in the course of its implementation. These issues cover a wide range—from the procedural and informational gaps, to eligibility and documentary requirements and application procedures that are more daunting because of their digital character. In real terms, the need for an internet connection and an internet-capable device, as well as knowledge of the use of the internet, are not needs to be taken for granted, at least not for a huge segment of the female working population who are digitally challenged and therefore disadvantaged from applying for EMLL benefits.

One urgent matter, however, is the high level of informality of work, including a large number of contractual workers in both the public and private spheres. In real terms, this means that many female workers are unable to access the benefits arising from the EMLL because of the myriad challenges they confront in paying required premiums, which have been outlined in this paper.

Addressing the various challenges confronting women workers, especially those in the informal sector, in order to facilitate their availment of maternity-related benefits have been identified here, including supporting the bill that provides additional cash assistance for pregnant working mothers in the informal sector.

However, longer-lasting solutions are also explored in this study, such as the need to transition female informal workers to the formal sector and to regularize high-performing contractual workers so they can enjoy security of tenure, higher wages, and better working conditions. In both these instances—whether more workers in the formal sector and more contractual workers who are regularized—more social security premiums will be paid, making social security institutions more financially stable, while promoting the social security of more female workers, including access to the EMLL. In such a scenario, the progressive potential of the EMLL can be fully realized.

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CS Form No. 211: Medical Certificate For Leave Form. Revised 2018.

CS Form No. 6: New Application For Leave Form.

CS Form No. 6a: Notice Of Allocation Of Maternity Leave Form. Series of 2020.

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Appendices

ANNEX A.1 ► Informed Consent Form for the Respondents

Informed Consent Form

Participant:

Name of Respondent	Signature	Date

Investigator:

Name of Investigator	Signature	Date

Introduction

- (1.) “Hello my name is (NAME OF INVESTIGATOR). I am conducting a research study among mothers who availed of, or tried to avail of, the 105-Day Maternity Benefits under the Expanded Maternity Leave Law. Your opinions and experiences would be highly useful in helping push for improved access to the benefits for mothers.
- (2.) We would like to invite you to answer the survey questionnaire and participate in a key informant interview. The interview/survey questionnaire will take at most two hours of your time.
- (3.) In the survey questionnaire and interview, we will ask questions about you and the challenges you face as a mother in accessing the 105-day Maternity Leave benefits. We will be tape-recording the conversations, to ensure that we have an accurate record of the opinions and information that you share with us.
- (4.) Please feel free to ask questions or clarifications when answering the questions and during the discussions; as well as to add any other information that you think was missed, but is very important for you as a mother.

- (5.) Please also feel free to call out my attention when there are topics that you think are too sensitive or should not be discussed. You may withdraw from the study anytime or request that your inputs be excluded if ever you feel that you were not properly informed about certain processes or that there were sudden changes.
- (6.) This study covers mothers who are working in the formal and informal sectors. It is estimated that the study will take about four months to finish, including the data processing and data analysis part.
- (7.) You do not have to provide your name or full information in order to participate in the discussion. However, at the end of the session, we may ask you for your name and contact information, so that we can get in touch with you about other activities in the future. If you choose to give us your name, it will be stored separately from the record of this conversation, so that no one will be able to link your name to the information you share with us.
- (8.) Participation in this research has some risks. You may be embarrassed or upset by some of the discussions. You may choose not to answer any questions, and you may leave the discussion at any time, for any reason. Refusal to participate will not affect future access to benefits for mothers.
- (9.) To prevent risks of stigma from happening, I will do everything to ensure confidentiality of our interviews. I request you to also keep all information from discussions as highly confidential. We will hold all our interviews inside private spaces so that other people who are not part of the study will not be able to hear our discussions.
- (10.) Moreover, data and information will be secured by the principal investigator. All printed documents including this informed consent form and other documents that will identify you will be stored in a vault separate from the vault for the storage of key informant interviews. The vaults will be locked at the residence of the principal investigator. Scanned/encoded copies of the questionnaires and voice recording of the interviews will be stored in a detachable media (USB) that will also be stored in

a locked vault. The principal investigator’s laptop will have “lock out” every after 20 minutes of inactivity to reduce risk of unauthorized use of data.

- (11.) The copies of all paper documents and electronic files will be stored for three years after the completion of the study. This includes both the printed documents and electronic files. After the three-year period, all printed documents - informed consent forms, documents with your personal information, accomplished questionnaires -- will be shredded. All electronic files including transcripts, voice records, and scanned documents will be deleted.
- (12.) Other researchers can have access to data from the research only if they agree to preserve the confidentiality of the data and consent is also provided by the respondents.
- (13.) Meanwhile, please feel free to request for updates on the progress and results of the study. Community ownership of the results of this study is very important and a priority. Hence, results and feedback on the results of the study will be immediately shared with you. Below are our contact details:

Researcher’s Name:	Ms. Roja Estrelita Salvador
Email Address:	rsalvador.bihc@gmail.com or recsalvador2@up.edu.ph
Mobile phone/Viber/ WhatsApp:	+639672543945
FB Messenger:	Roj RedStar Savior

Principal Investigator:	Dr. Marivic Raquiza
Email Address:	
Mobile phone/Viber/ WhatsApp:	

- (14.) This study is approved by the World Policy Center. Their website is worldpolicycenter.org.

Respondent's
Name (print): _____

Respondent's
Signature: _____ Date: _____

Investigator's
Name: _____

Investigator's
Signature: _____ Date: _____

ANNEX A.2 ► Informed Consent Form for the Key Informants

Expanded Maternity Leave Law Research

Interview Questionnaire (Commuters)

Time Start: _____ Duration: _____

Time End: _____ Date: _____

Introduction

Good day! My name is _____ a researcher for SOCIAL WATCH PHILIPPINES (SWP), a network of civil society and non-government organizations dedicated to the eradication of poverty and ending all forms of discrimination, equitable distribution of wealth, and the realization of human rights. The SWP is also a member of SOCIAL WATCH, an international network of citizens' organizations whose shared vision and goals are the abovementioned. As a member of SOCIAL WATCH, SWP aims to hold the government accountable for the fulfillment of national, regional, and international commitments to eradicate poverty. SWP engages in advocacy, awareness-building, monitoring, organizational development, and networking.

In collaboration with the WORLD Policy Center of the University of California Los Angeles (UCLA), the SWP will conduct a study entitled _____. It aims to provide an understanding and analysis of the features of the 2019 Expanded Maternity Leave Law (EMLL)

and its implementation. This research work shall also look into the administrative capacity and the financial costs of EMLL implementation for both government and private sectors. Lastly, this study intends to come up with policy recommendations to strengthen and enhance the EMLL and its implementation.

We are formally seeking your permission for a recorded interview. The purpose of this interview is to collect your expert opinions on matters relating to the implementation of the Expanded Maternity Law. Rest assured that your answers or responses will remain strictly confidential and your responses will not be utilized for any undertaking that is not related to this study. We would also like to clarify that your participation in this study is voluntary and that you were not subjected to any form of threat or enticement. Lastly, there are no wrong or correct answers.

Do you consent to participate in our study? _____ (Yes) _____(No)

Certificate of Consent

I was formally invited to participate in a study titled _____ . I was informed of the details of this research undertaking. I was given the opportunity to inquire or ask for proper explanations regarding the study. I am voluntarily expressing my permission to participate in this study.

Name of participant/
interviewee: _____

Signature of the participant/
interviewee: _____

Date (day/month/year): _____

Statement by the researcher/person taking consent

I have mentioned or read the important aspects of the study to the prospective participant and ensured that the latter understands the important aspects of this study and the purposes and objectives of this interview.

I attest that the interviewee/participant was given the opportunity to inquire or seek clarification on matters related to this research work and that I was able to properly address his or her concerns to the best of my ability. I also attest that the respondent understands the questions raised throughout the course of the interview.

I also attest that the participant was not coerced, threatened, or enticed to grant permission and that their participation in this study is voluntary.

Name of researcher/person
taking the participant's
consent:

Signature of researcher/
person taking participant's
consent:

Date (day/month/year):

ANNEX B.1 ► Questionnaire for the Respondents

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Research on Expanded Maternity Leave Law

Research on Expanded Maternity Leave Law

* Required

1. Email *

2. Name (optional)

3. Address (municipality/city and province) *

4. Age

5. Occupation Status

Mark only one oval.

- Regular Employee
- Running own business
- Helping in family business
- House work (housewife / doing chores at home)
- Consultant / Contractual
- Other:

6. Occupation or nature of business / consultancy

7. Work arrangement

Mark only one oval.

- Full-time, office/factory-based
- Part-time
- Full time, but with work from home arrangements

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8. Do you have multiple jobs?

Mark only one oval.

- Yes
 No

9. Have you had multiple types of job contracts, either consecutively or simultaneously?

Mark only one oval.

- Yes
 No

10. Do you have multiple children?

Mark only one oval.

- Yes
 No

11. If you have multiple children, did you have access to this benefit with previous children/pregnancies?

Mark only one oval.

- Yes
 No

12. Did I try to apply for the Maternity Leave Benefits?

Mark only one oval.

- Yes
 No

13. Did you have the same job type(s) as your current job when you applied for the maternity leave?

Mark only one oval.

- Yes
 No

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14. If the answer is NO, please share your reason for not applying for a maternity leave pay (please choose all that apply)

Check all that apply.

- I do not have SSS contributions and I was not aware that there are benefits of maternity leave pay.
- I have SSS contributions, but I was not aware of the maternity leave benefit
- I have SSS contributions and aware of maternity leave benefits, but I think the application is too complicated
- I have SSS contributions and aware of maternity leave benefits, but i have no time to apply for the maternity leave benefit
- I have SSS contributions and aware of maternity leave benefits, but I do not have internet for the online application process
- I have SSS contributions and aware of maternity leave benefits, but no one could accompany me to apply and submit requirements
- I have SSS contributions and aware of maternity leave benefits, but I do not have the complete requirements
- I have SSS contributions and aware of maternity leave benefits, but it is the pandemic times and I do not want to go out of the house
- I have SSS contributions and aware of maternity leave benefits, but I have no money to go to the SSS office

15. If your answer is YES, please share your reason for availing of Maternity Leave. *

Mark only one oval.

- Birth
- Termination of pregnancy (miscarriage, etc.)

16. Month and Year that I applied for Maternity Leave

17. Month and Year that I received my Maternity Leave pay

18. If you had multiple children and you did not have access to this benefit with previous children/pregnancies, how has having the benefit this time impacted you compared to previous children/pregnancies?

19. Raising baby with partner? *

Mark only one oval.

- Yes
- No (Solo parent)

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Research on Expanded Maternity Leave Law

20. In your household, does anyone else work for pay? If so, who? What type of contract does that person have? Do they have access to benefits?

21. How many days did you actually take a maternity leave from work after giving birth or after termination of pregnancy? *

22. For SOLO Parents, did you apply for the additional 15 days paid maternity leave for solo parents?

Mark only one oval.

- Yes
 No

23. If you are a SOLO parent who DID NOT apply for the additional 15-day paid maternity leave, please kindly share your reason for not applying for the additional paid leave.

24. I was already aware that there is an Expanded Maternity Leave Law in the Philippines even before I got pregnant

Mark only one oval.

- Yes
 No

25. In what year did I learn of the Expanded Maternity Benefit Law?

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Research on Expanded Maternity Leave Law

26. Please tell me what you know about the laws that provide the maternity leave benefits

27. How did you first learn of the 105-Day Maternity Leave Benefits

Mark only one oval.

- Social Media (Facebook, Twitter, Vlog, etc)
- Websites (Google, Government websites, etc)
- Traditional Media (television, radio, newspaper, magazines)
- Workplace
- Friends
- Family / Relatives
- My Organization (religious organization, solo parent organization, etc)
- Seminar
- Posters, flyers, leaflets from Government
- My OB Gyne / Doctor
- Other: _____

28. How did you learn about the eligibility requirements for these benefits?

29. Did you know where to go to get answers to your questions?

Mark only one oval.

- Yes
- No

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Research on Expanded Maternity Leave Law

30. Who provided you with the information on these laws and their benefits to workers like you?

31. Do you know other mothers who have accessed these leave benefits? If so, did they provide information or encourage you to apply for these benefits?

32. Was there any assistance available in applying for the benefit? If so, who provided that assistance?

33. For self-employed workers, how did you register in order to receive benefits?

34. For domestic and agricultural workers, what role did your employer play in helping you access benefits, if any?

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Research on Expanded Maternity Leave Law

40. What is missing (or should be added) in the Expanded Maternity Leave benefits?

41. Is there something confusing about the law or the application process for the 105-Day Expanded Maternity Leave benefits? What is it and why is it confusing?

42. In relation to the above question, what is your suggestion to avoid confusion?

43. What were the documents that you had to acquire and submit to avail of the 105-day maternity leave benefits?

44. Was it easy for you to complete the required documents? Why or why not?

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Research on Expanded Maternity Leave Law

45. Do you need to voluntarily register for this benefit or was registration obligatory? Please tell us about the registration process.

46. Who primarily facilitated your application for the 105-day maternity leave pay

Mark only one oval.

- Myself
- My Office
- Friends
- Family/relatives
- My partner (married or not)
- Other: _____

47. *Mark only one oval per row.*

	Very easy	Easy	Just right	A bit difficult	Very difficult
How easy was it to apply and avail of the 105-day maternity leave benefits?	<input type="radio"/>				

48. Please kindly explain your answer to the above question.

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54. Please kindly explain your answer above.

55. Do you think that the amount you received for your maternity leave pay is enough

Mark only one oval.

- Yes
- No

56. Please kindly explain your answer above.

57. If you were ever unable to receive your benefit at the expected time, how long did it take to finally receive it?

58. How did you receive the benefit? Who gave it to you and in what way?

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59. What was the easiest part of receiving the benefit?

60. Why do you think you were successful in accessing the benefits?

61. What was the most difficult part of receiving the benefit?

62. Did accessing these benefits impact or change your ability to access other benefits?

Mark only one oval.

- Yes
- No

63. Did you lose access to any other benefits you would normally receive?

Mark only one oval.

- Yes
- No

64. How did you use the money that you receive as your maternity leave pay?

Mark only one oval.

- Just for personal / family expenses
- I set up a small business
- I used it for both personal/family expenses and to set up a small business

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Research on Expanded Maternity Leave Law

70. If your Maternity Leave pay was NOT approved or released, who informed you that it was not approved?

Mark only one oval.

- SSS personnel
- Office personnel

71. Do you know where to go if benefits and rights guaranteed by the law are not honored by your employer? If so, where is that?

72. If your maternity leave pay was NOT approved / released, what was the explanation of your office or of the SSS personnel?

73. Do you feel that their reason above was acceptable? Why or why not?

74. If you were missing documents, why were you not able to access those documents?

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75. Did not receiving the benefit impact your employment after?

76. How did not receiving the benefit affect you and your family economically?

77. How did you attempt to meet your care needs without this benefit?

78. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The Government ensures that the women are aware of the 105-Day Expanded Maternity Leave benefits	<input type="radio"/>				

79. Please kindly explain your answer above.

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Research on Expanded Maternity Leave Law

80. *Mark only one oval per row.*

	Agree	Neutral	Disagree	Strongly Disagree
The Government provides enough information about maternity leave benefits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

81. Please kindly explain your answer above.

82. In your own opinion, what else should Government do in order to make more women aware of and understand the 105-day Maternity Leave benefits for women?

83. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
My office/employer provides enough information about maternity leave benefits	<input type="radio"/>				

84. Please kindly explain your answer above.

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Research on Expanded Maternity Leave Law

85. In your own opinion, what else should employers do in order to make more women aware of and understand the 105-day Maternity Leave benefits for women

86. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Most mothers are aware of 105-day maternity leave law	<input type="radio"/>				

87. Please kindly explain your answer above.

88. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I would encourage other mothers to avail of the 105-Day Maternity Leave Benefits	<input type="radio"/>				

89. Please kindly explain your answer above.

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Research on Expanded Maternity Leave Law

90. In your own opinion, what are the ways that mothers share information and encourage other women to avail of the 105-day maternity leave

91. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I fully understand my rights and obligations in relation to the 105-Day Maternity Leave Law	<input type="radio"/>				

92. Please kindly explain your answer above.

93. In your own opinion, what are the obligations of women in relation to the 105-Day Expanded Maternity Leave Law

94. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
105 days maternity leave for mothers is sufficient	<input type="radio"/>				

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Research on Expanded Maternity Leave Law

95. Please kindly explain your answer above.

96. What do you believe should be the actual number of days of paid leave that should be given to mothers?

97. *Mark only one oval per row.*

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Mothers should transfer some of their days for maternity leave to the father/relatives/partner helping take care of the baby	<input type="radio"/>				

98. Please kindly explain your answer above.

99. Were you able to transfer benefit time to the father of your child? (or to a relative/partner for solo parents)

Mark only one oval.

Yes
 No

100. If so, how many days did you transfer and why?

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Research on Expanded Maternity Leave Law

101. What did it mean for you and your family to share leave benefit with the father of your child? (or partner/relative for solo parents)

102. What else should be done to really make the Expanded Maternity Leave Benefit law work for women

103. What lessons did you learn in the process: What worked well; what were the challenges?

104. Other comments / suggestions

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Google Forms

1. Administrative

- a. Aside from SSS, are there other administrative organizations involved in implementing RA 11210 or EMLL? What agencies or organizations are these?
- b. Are employers, civil society organizations, worker organizations, medical and prenatal care providers, or others involved in implementation? If so, how?
- c. What are your organization's responsibilities in the implementation, promotion, and support of these laws—or support for their implementation?

Probe: Does your office have an assessment of the EMLL program, which answers the question: to what extent has the EMLL helped—or not—women who have gotten pregnant and given birth in the last three years? If so, may we know of the assessment? This question is focused on the impact of the program and on development outcomes (while noting that the program is only three years old).

- d. Do you have dedicated staff/personnel tasked with processing and disbursement of maternity benefits? Are they under what division or office?

Probes: Do you have a duly designated staff whose primary duty is to address or process personal and online maternity benefit applications? What are his or her responsibilities?

2. Availment of Benefits

- a. Please explain how online filing of maternity benefit applications works.

Probes: is it centralized? How are the applications submitted online assigned/processed by your personnel/staff?

Do you think that it is an efficient platform for applicants, regardless of their educational or economic backgrounds? Why or why not?

Are there any technical issues that must be addressed on this online application platform?

- b. The Expanded Maternity Leave Law (EMLL) was enacted in March

2019. May we know how many have since availed of the program on a yearly basis (2019, 2020, 2021, and the first half of 2022)?

- c. Do you have an idea of availment rates in percentages (e.g., for 2019, this would be about 38 percent of the eligible female population—meaning those who got pregnant during this period)?
- d. May we have a demographic profile of those who have availed of the EMLL (e.g., age, educational attainment, formally employed/informal/no work, place of residence)?
- e. It must be a challenge to reach out to women in the informal sector.
Probe: What is your estimate of how many or what percentage of women in the informal sector are being reached by this program?
Can you describe the difficulties in reaching out to these women?
What can be done to overcome these difficulties?

3. Finances and Costing of Benefits

- a. What do you think is the total cost of these benefits, if known?
- b. Does SSS have enough funds to cover the cost of maternity benefits claims?
- c. How are these benefits financed? By whom?
- d. What would you say are the main administrative costs to the government for implementing these laws? Please elaborate.
- e. What would you say are the direct costs to individuals and businesses? Please elaborate.

Probe: How are these costs assessed?

- f. Do employers get support from the government? If so, what is the process of getting that support?

4. Distribution of Benefits

- a. How are benefits distributed to recipients?

Probe: What are the procedures that recipients need to do to receive their benefits?

- b. Do recipients receive their benefits in a timely manner? If not, what are the factors that affect the delay in the distribution of their benefits?

5. Communicating Maternity Leave Benefits to Prospective Beneficiaries

- a. Does SSS communicate the availability of and eligibility for benefits to prospective recipients? Please elaborate specifically on which government department/agency/sector specifically does this.
- b. What is the role of your organization in this communication?
- c. What role does your agency or organization play in ensuring that workers understand their rights to leave?
- d. Please describe overall communication efforts informing prospective recipients of their potential benefits and eligibility. What mechanisms, groups, and media do these efforts use?
- e. Would you say these communications efforts are effective? Why or why not? How is this measured?
- f. What groups of workers do these communications reach most effectively? Why?
- g. What groups of workers do these communications reach least effectively? Why? What is being done to improve communications with these groups?

6. Challenges and General Recommendations for improving EMLL

- a. What do you think are the weaknesses of your institution/agency in the implementation of RA 11210?
- b. How has COVID-19 affected program implementation at both national and local levels?
- c. Does the law (or IRR) need to be amended? If so, how?
- d. Are SSS administrative systems and technical capacities of staff facilitative of EMLL program implementation at both national and local levels?

- e. What can be done to strengthen the institutional capacity of SSS to improve EMLL implementation at national and local levels?

ANNEX B.3 ► Questionnaire for Philippine Commission on Women

1. As an advocate for the passage of the EMLL, please answer the following:
 - a. Who were the key players for and against? Why were they for the bill? Why were they against the bill?
 - b. What were the factors that facilitated the enactment of the law?
 - c. Were there compromises that had to be made to get the law enacted? If so, what were these?
 - d. Did the IRR adequately capture the spirit of the law?
 - e. What challenges did you foresee for the implementation stage?
2. What is your organization's involvement in the implementation of EMLL – or support for their implementation?
3. Does your organization closely monitor the implementation of the EMLL? Why?
4. Does your organization assess the efforts of concerned agencies in implementing the RA 11210 or EMLL?
 - a. Why do you assess these efforts?
 - b. How do you assess these efforts?
5. Have you identified any important issue that affects the effective implementation of the EMLL?
 - a. If so, what are these? Please explain.
2. What do you think are the positive impacts of the EMLL on the maternal health of Filipino women? Please explain.
3. Do you think pregnant women from all walks of life can access these beneficial aspects of the EMLL? Why or why not?
4. Do you think the current means or strategies used to implement the EMLL are effective? Is it sustainable? Is it efficient? Why?
5. What do you think are the strengths and admirable features of the law? Can you discuss these?

6. What do you think are the weaknesses of the law? Can you discuss these?
7. What do you think are the ways that these weaknesses can be best addressed?
8. What do you think could still be improved with regards to the implementation of the EMLL?
9. Would you recommend legislative amendments to the law if necessary?
 - a. If so, what are these? Please explain.
 - b. What provisions should be added to the law? Why?
14. In your assessment, what do you think could still be improved in the EMLL in terms of:
 - a. Documentary requirements
 - b. Application process
 - c. Online Application Facility
 - d. Number of Paid Days of Leave
 - e. Information Dissemination (With Focus on Far-Flung Areas)

ANNEX B.4 ► Questionnaire for Department of Labor and Employment

1. What is the role of DOLE in the implementation of the EMLL?
2. Does DOLE communicate the availability of and eligibility for benefits to prospective recipients? Please elaborate specifically on which government department/agency/sector specifically does this.
3. What is the role of your organization in this communication?
4. What role does your agency or organization play in ensuring that workers understand their rights to leave?
5. Please describe overall communication efforts informing prospective recipients of their potential benefits and eligibility. What mechanisms, groups, and media do these efforts use?
6. Would you say these communications efforts are effective? Why or why not? How is this measured?

7. What groups of workers do these communications reach most effectively? Why?
8. What groups of workers do these communications reach least effectively? Why? What is being done to improve communications with these groups?
9. Do employers comply with the payment of their female employees' salary differential? Kindly provide the statistics of compliance of employers, including contractual employers.
10. How do you monitor and enforce compliance among employers in the payment of salary differential to their employees?
11. What do you think are the costs associated with your agency's implementation of EMLL?
12. What do you think are the weaknesses of your institution/agency in the implementation of the EML?
13. What do you think are the challenges encountered by your organization in the implementation of the EMLL?

Probe: How do you think these challenges could be best addressed?

14. What recommendations can you give to improve the implementation of EMLL?
15. How do you assure the compliance of international companies?

ANNEX B.5 ► Questionnaire for Partido Manggagawa

1. As an advocate for the passage of the EMLL, please answer the following:
 - a. Who were the key players for and against? Why were they for the bill? Why were they against the bill?
 - b. What were the factors that facilitated the enactment of the law?
 - c. Were there compromises that had to be made to get the law enacted? If so, what were these?
 - d. Did the IRR adequately capture the spirit of the law?
 - e. What challenges did you foresee for the implementation stage?

2. What is your organization's involvement in the implementation of EMLL – or support for their implementation?
3. Does your organization closely monitor the implementation of the EMLL? Why?
4. Does your organization assess the efforts of concerned agencies in implementing the RA 11210 or EMLL?
 - a. Why do you assess these efforts?
 - b. How do you assess these efforts?
5. Have you identified any important issue that affects the effective implementation of the EMLL?
 - a. If so, what are these? Please explain.
2. What do you think are the positive impacts of the EMLL on the maternal health of Filipino women? Please explain.
3. Do you think pregnant women from all walks of life can access these beneficial aspects of the EMLL? Why or why not?
4. Do you think the current means or strategies used to implement the EMLL are effective? Is it sustainable? Is it efficient? Why?
5. What do you think are the strengths and admirable features of the law? Can you discuss these
6. What do you think are the weaknesses of the law? Can you discuss these?
7. What do you think are the ways that these weaknesses can be best addressed?
8. What do you think could still be improved with regards to the implementation of the EMLL?
9. Would you recommend legislative amendments to the law if necessary?
 - a. If so, what are these? Please explain.
 - b. What provisions should be added to the law? Why?
14. In your assessment, what do you think could still be improved in the EMLL in terms of:

- o. Documentary requirements
- p. Application process
- q. Online Application Facility
- r. Number of Paid Days of Leave
- s. Information Dissemination (With Focus on Far-Flung Areas)

ANNEX C.1 ► List of the Respondents

Respondent Number	Type of Interview	Age	Address	Area	Employment Status	Specific Occupation	With Partner?	Multiple Children?	Other earning family/relatives
1	Face to Face	27	Camarines Sur	Rural	Non-Regular Worker	Seasonal and Casual Assists in the family-owned roadside eatery or carinderia. Also assists in her husband as a seasonal agricultural worker	Yes	Yes	Partner
2	Online	28	Pateros	Urban	Non-Regular Worker	Casual Food Vendor (Carinderia or a small local eatery)	Yes	Yes	Partner
3	Online	22	Camarines Sur	Urban	Non-Regular Worker	Casual Food Vendor (Shakes)	Yes	No	Partner
4	Online	22	Camarines Sur	Urban	Non-Regular Worker	Casual Clothing Vendor (Secondhand clothes)	Yes	No	Partner
5	Face to Face	26	Camarines Sur	Rural	Non-Regular Worker	Contractual Admission Assistant and Part Time Teacher	Yes	No	Partner
6	Face to Face	25	Camarines Sur	Rural	Non-Regular Worker	Contractual Teacher	Yes	No	Partner
7	Online	41	South Cotabato	Rural	Non-Regular Worker	Farmer (Seasonal agri-worker and local retail store owner)	Yes	Yes	Partner
8	Online	27	Bulacan	Rural	Non-Regular Worker	Casual Clothing Vendor	No (Solo parent)	No	Siblings

Respondent Number	Type of Interview	Age	Address	Area	Employment Status	Specific Occupation	With Partner?	Multiple Children?	Other earning family/relatives
9	Online	28	Caloocan City	Urban	Non-Regular Worker	Casual Clothing Vendor	No (Solo parent)	Yes	Siblings
10	Online	40	Leyte	Urban	Domestic Helper	Domestic Helper	Yes	No	Partner
11	Online	30	Iloilo	Rural	Non-Regular Worker	Casual Food Vendor (Hamburgers)	Yes	Yes	Partner
12	Online	31	Manila	Urban	Non-Regular Worker	Casual Food Vendor (Local Retail Store)	Yes	Yes	Partner
13	Online	35	Bulacan	Rural	Non-Regular Worker	Casual Food Vendor (Vegetable)	No (Solo parent)	Yes	Parents
14	Online	34	Manila	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner
15	Online	28	Mandaluyong City	Urban	Non-Regular Worker	Casual Clothing Vendor	Yes	Yes	Partner
16	Phone	38	South Cotabato	Rural	Regular Worker	Regular Employee	Yes	No	Partner
17	Online	27	Pasig City	Urban	Non-Regular Worker	Self-Employed Casual Food Vendor (Local Retail Store Owner)	Yes	Yes	Partner
18	Online	34	Caloocan City	Urban	Non-Regular Worker	Casual Food Vendor (Sausage)	Yes	Yes	Partner
19	Online	27	Pasig City	Urban	Non-Regular Worker	Contractual Sales Lady	Yes	No	Partner

Respondent Number	Type of Interview	Age	Address	Area	Employment Status	Specific Occupation	With Partner?	Multiple Children?	Other earning family/relatives
20	Online	31	Caloocan City	Urban	Non-Regular Worker	Contractual Billing Staff	Yes	Yes	Partner
21	Online	24	Pasig City	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner
22	Online	19	Camarines Sur	Rural	Non-Regular Worker	Seasonal Farmer	Yes	No	Partner
23	Face to Face	27	Camarines Sur	Rural	Non-Regular Worker	Casual Sari-sari store vendor. Assists in family-owned farm land.	Yes	Yes	Partner
24	Online	30	Camarines Sur	Rural	Non-Regular Worker	Casual and Seasonal Food Vendor (Meatshop and seasonal agri work)	Yes	Yes	Partner
25	Face to Face	33	Camarines Sur	Rural	Non-Regular Worker	Peanut vendor and performs seasonal agricultural work (e.g. copras and planting/harvest of rice)	Yes	Yes	Partner
26	Online	28	Bataan	Rural	Non-Regular Worker	Seasonal Farmer	Yes	Yes	Partner
27	Online	36	Tarlac	Rural	Non-Regular Worker	Seasonal Farmer	Yes	Yes	Partner
28	Online	33	Nueva Ecija	Rural	Non-Regular Worker	Domestic Helper (Laundry Woman)	Yes	No	Partner

Respondent Number	Type of Interview	Age	Address	Area	Employment Status	Specific Occupation	With Partner?	Multiple Children?	Other earning family/relatives
29	Online	23	Pateros	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	No	Partner
30	Online	34	Manila	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	Yes	Partner
31	Online	28	Manila	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	Yes	Partner
32	Online	39	Caloocan	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner
33	Online	33	Rizal	Urban	Non-Regular Worker	Casual Food Vendor (Street food)	Yes	No	Partner
34	Phone	19	Bohol	Rural	Domestic Helper	Domestic Helper	No (Solo parent)	No	Parents
35	Phone	23	Cebu	Urban	Unemployed	Unemployed (Housewife)	Yes	No	Partner
36	Online	39	Bataan	Rural	Non-Regular Worker	Farmer Seasonal	Yes	Yes	Partner
37	Online	21	South Cotabato	Rural	Unemployed	Unemployed (Housewife)	Yes	No	Partner

ANNEX D.1 ► List of Key Informants

Date of Interview	Type of Interview	Organization	Department/ Bureau	Representative/s	Designation
2 August 2022	Face to Face	Ateneo de Naga University	-	Key Informant	Benefits Officer
2 August 2022	Face to Face	Social Security System (SSS) - Naga City	Information Services Department	Key Informant	Staff
23 August 2022	Online	Philippine Commission on Women (PCW)	Policy Development Planning and Evaluation Division	Key Informant	Senior Gender and Development (GAD) Specialist
				Key Informant	Attorney III
2 September 2022	Online	Social Security System (SSS)- Central Office	Benefits Administration Division	Key Informant	Vice President
				Key Informant	Acting Head - Sickness, Maternity, and Disability Benefits Administration Department (SMBAD)
				Key Informant	Benefits Officer, SMBAD
7 September 2022	Online	Partido Manggagawa (PM)	-	Key Informant	Secretary-General
13 September 2022	Online	Department of Labor and Employment (DOLE)- Central Office		Key Informant	Director IV
				Key Informant	Senior Labor and Employment Officer Officer in charge of the Women Workers Development Division (WWDD)
				Key Informant	Labor and Employment Officer II
				Key Informant	Labor and Employment Officer I

ANNEX E ► Labor Force Details

TABLE 14 ► PSA 2022 Labor Force Participation Rate (LFPR)

Philippines	Aug. 2021F	Jan. 2022P	Feb. 2022P	Mar. 2022P	Apr. 2022P	May 2022P	Jun. 2022P	Jul. 2022P	Aug. 2022P
Labor Force Participation Rate (%)	63.6	60.5	63.8	65.4	63.4	64	64.8	65.2	66.1
Employment Rate (%)	91.9	93.6	93.6	94.2	94.3	94	94	94.8	94.7
Underemployment Rate (%)	14.7	14.9	14	15.8	14	14.5	12.6	13.8	14.7
Unemployment Rate (%)	8.1	6.4	6.4	5.8	5.7	6	6	5.2	5.3

Based on the 2022 release of the PSA, the Labor Force Participation Rate (LFPR) remained higher among men at 76.2 percent compared to women at 55.9 percent LFPR in August 2022. Employment rate for men was also higher at 95.0 percent than women at 94.2 percent. Men had a higher underemployment rate (16.5 percent) compared to their women counterparts (12.2 percent).

Below are the key indicators of the Labor Force Participation based on data released by the PSA on 6 October 2022.

TABLE 15 ► Key Employment Indicators by Sex with Measure of Precision, Philippines as of 2 August 2022

Total Population 15 Years Old and Over	76,519
Male 15 Years Old and Over	38,368
Female 15 Years Old and Over	38,150
Labor Force	50,551
Male	29,236
Female	21,315
Employed	47,870
Male	27,786
Female	20,083
Underemployed 1, 2	7,031

Male	4,584
Female	2,447
Unemployed	2,681
Male	1,450
Female	1,231
Total Population 15 Years Old and Over	
Labor Force Participation Rate (%)	66.1
Male Labor Force Participation Rate (%)	76.2
Female Labor Force Participation Rate (%)	55.9
Employment Rate(%)	94.7
Male Employment Rate(%)	95
Female Employment Rate(%)	94.2
Underemployment Rate (%)	14.7
Male Underemployment Rate (%)	16.5
Female Underemployment Rate (%)	12.2
Unemployment Rate (%)	5.3
Male Unemployment Rate(%)	5
Female Unemployment Rate(%)	5.8

For the purposes of this research, the latest official data on Gender Statistics on Labor and Employment (GSLE), which is 2018, will be used to present the landscape of the women labor force in the Philippines.

Based on the 2018 GSLE, of the 15.2 million women employed, most are in CALABARZON at 2.4 million. Meanwhile, the region with the lowest number of employed women was BARMM (246 thousand. In terms of employment rate per region, Central Visayas had the highest employment rate of women at 95.3 percent, while Ilocos Region had the lowest at 92.4 percent.

Most of the women in the Philippines who are employed are in the age group 25-34 years old (3.81 million) and the 35-44 age group (3.48 million). These are also the age group where most women would give birth to their children.

TABLE 16 ► Employed Persons by Age Group and Sex (2013-2017) in Thousands (as released by PSA 2018 Gender Statistics on Labor and Employment)

Age Group and Sex	2013	2014	2015	2016	2017
Both Sexes	38,118	38,651	38,741	40,998	40,334
15-19 Years	2,803	2,797	2,573	2,343	2,021
20-24 Years	4,531	4,711	4,681	4,923	4,759
25-34 Years	10,080	10,199	10,326	10,592	10,783
35-44 Years	8,743	8,858	8,918	9,346	9,223
45-54 Years	6,779	6,848	6,938	7,561	7,485
55-64 Years	3,660	3,709	3,757	4,398	4,376
65 Years and Over	1,520	1,528	1,548	1,834	1,686
Not Reported	*	1	*	1	*
Men	23,150	23,365	23,406	25,035	25,067
15-19 Years	1,824	1,806	1,657	1,549	1,395
20-24 Years	2,816	2,932	2,880	3,078	2,981
25-34 Years	6,331	6,357	6,405	6,747	6,971
35-44 Years	5,283	5,304	5,363	5,684	5,751
45-54 Years	3,940	3,979	4,054	4,434	4,471
55-64 Years	2,083	2,111	2,159	2,527	2,536
65 Years and Over	873	877	886	1,016	962
Not Reported	*	*	*	*	*
Women	14,968	15,286	15,335	15,963	15,267
15-19 Years	980	991	916	794	626
20-24 Years	1,715	1,779	1,801	1,845	1,778
25-34 Years	3,749	3,842	3,920	3,845	3,813
35-44 Years	3,461	3,555	3,555	3,662	3,472
45-54 Years	2,839	2,869	2,883	3,128	3,015
55-64 Years	1,578	1,598	1,597	1,871	1,841
65 Years and Over	647	651	663	819	723
Not Reported		*	-	*	*

Notes:

1. Details may not add up to totals due to rounding.
2. Data for the year were averages of four survey rounds (January, April, July and October).

TABLE 17 ► Employment Rate by Age Group and Sex (2013-1017) in Thousands (as released by PSA 2018 GSLE)

Age Group and Sex	2013	2014	2015	2016	2017
Both Sexes	92.9	93.4	93.7	94.6	94.3
15-19 Years	85.5	86.9	86.7	87.4	86.8
20-24 Years	82.9	83.5	84.1	86.1	85.1
25-34 Years	92.0	92.4	92.8	93.9	93.8
35-44 Years	96.6	97.1	97.1	97.3	97.2
45-54 Years	97.3	97.5	97.7	97.8	97.5
55-64 Years	97.3	97.8	98.0	98.1	97.5
65 Years and Over	98.7	98.8	98.9	98.8	98.9
Men	92.7	93.1	93.4	94.4	94.0
15-19 Years	86.4	87.6	87.3	88.1	87.7
20-24 Years	83.9	84.6	84.7	86.9	85.7
25-34 Years	92.0	92.2	92.6	93.8	93.6
35-44 Years	96.2	96.6	96.6	97.1	96.9
45-54 Years	96.5	96.7	97.0	97.4	96.9
55-64 Years	96.5	96.9	97.2	97.7	96.6
65 Years and Over	98.5	98.5	98.2	98.6	98.6
Women	93.2	93.9	94.2	94.8	94.8
15-19 Years	83.9	85.7	85.7	86.0	85.1
20-24 Years	81.2	81.8	83.2	84.7	84.2
25-34 Years	91.8	92.8	93.1	94.0	94.0
35-44 Years	97.3	97.7	97.8	97.7	97.8
45-54 Years	98.5	98.8	98.7	98.4	98.5
55-64 Years	98.5	98.9	99.1	98.7	98.8
65 Years and Over	99.0	99.2	99.3	99.0	99.4

The work of women is classified according to Major Industry Groups and Major Occupation Groups.

The Major Industry Group include the following categories: Agriculture, Hunting and Forestry; Fishing; Mining and Quarrying;

Electricity, Gas, Steam and Air Conditioning Supply; Water Supply; Sewerage, Waste Management, and Remediation Activities; Construction; Wholesale and Retail Trade and Repair of Motor Vehicles and Motorcycles; Transportation and Storage; Accommodation and Food Service Activities; Information and Communication; Financial and Insurance Activities; Real Estate Activities; Professional, Scientific and Technical Activities; Administrative and Support Service Activities; Public Administration and Defense; Compulsory Social Security; Education; Human Health and Social Work Activities; Arts, Entertainment and Recreation; Other Service Activities; Activities of Household Employers; Undifferentiated Goods and Services – Producing Activities of Households for Own Use; Activities of Extraterritorial Organizations and Bodies.

In terms of Major Industry Groups, most of the working women are in the wholesale and retail trade sector (4.7 million), followed by agriculture, hunting and forestry (2.2 million), and those working as household help (2 million).

TABLE 18 ► Employment Rate by Age Group and Sex (2013-2017) in Thousands (as released by PSA 2018 GSLE)

Major Industry Group and Sex	2013	2014	2015	2016	2017
Women					
All Industries	14,968	15,286	15,335	15,963	15,267
Agriculture, Hunting and Forestry	2,885	2,967	2,782	2,652	2,251
Fishing	128	139	126	105	81
Mining and Quarrying	23	24	23	19	13
Manufacturing	1,415	1,449	1,422	1,465	1,405
Electricity, Gas, Steam and Air Conditioning Supply	15	13	15	18	15
Water Supply; Sewerage, Waste Management and Remediation Activities	14	12	11	13	12
Construction	50	55	66	76	63
Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles	4,268	4,343	4,394	4,805	4,761
Transportation and Storage	97	94	96	112	90

Accommodation and Food Service Activities	929	976	980	1,004	926
Information and Communication	130	133	148	133	143
Financial and Insurance Activities	253	279	278	285	283
Real Estate Activities	96	94	95	106	102
Professional, Scientific and Technical Activities	93	98	103	106	125
Administrative and Support Service Activities	347	382	417	486	508
Public Administration and Defense; Compulsory Social Security	833	836	916	962	1,124
Education	906	915	939	949	876
Human Health and Social Work Activities	320	321	337	345	324
Arts, Entertainment and Recreation	125	133	132	144	131
Other Service Activities	1,570	1,563	2,053	2,176	2,033
Activities of Households as Employers; Undifferentiated Goods and Services-Producing Activities of Households for Own Use	468	456	-	-	
Activities of Extra-Territorial Organizations and Bodies	2	3	2	2	1

For Major Occupation Group, the categories are Officials of Government and Special Interest Organizations, Corporate Executives, Managers, Managing Proprietors and Supervisors; Professionals; Technicians and Associate Professionals; Clerks; Service Workers and Shop and Market Sales Workers; Farmers, Forestry Workers and Fishermen; Trade and Related Workers; Plant and Machine Operators and Assemblers; Laborers and Unskilled Workers; and Special Occupations.

In terms of employment by major occupation groups, most women are laborers or unskilled workers (3.6 million). The second major occupation group of women are managers (3.3 million) -- and the third group are service workers and shop and market sales workers (3.1 million).

Managers are defined by the PSA as those who “plan, direct, coordinate and evaluate the overall activities of enterprises, governments and other organizations, or of organizational units within them, and formulate and review their policies, laws, rules and regulations” (PSA 2012).

The tasks performed by managers usually include: formulating and advising on the policy, budgets, laws and regulations of enterprises, governments and other organizational units; establishing objectives and standards and formulating and evaluating programs and policies and procedures for their implementation; ensuring appropriate systems and procedures are developed and implemented to provide budgetary control; authorizing material, human and financial resources to implement policies and programs; monitoring and evaluating performance of the organization or enterprise and of its staff; selecting, or approving the selection of staff; ensuring compliance with health and safety requirements; planning and directing daily operations; representing and negotiating on behalf of the government, enterprise or organizational unit managed in meetings and other forums (PSA 2012).

Meanwhile, data also showed that in most regions, women are in elementary occupations except for the National Capital Region and Central Luzon where most women are service and sales workers. Most of the women workers in the BARMM and the Cordillera Administrative Region are in agriculture, hunting and forestry.

Elementary occupation is defined by the PSA as occupations involving the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort. Most occupations in this major group require skills at the first ISCO skill level (PSA 2012.)

Tasks performed by workers in elementary occupations usually include: cleaning, restocking supplies and performing basic maintenance in apartments, houses, kitchens, hotels, offices and other buildings; washing cars and windows; helping in kitchens and performing simple tasks in food preparation; delivering messages or goods; carrying luggage and handling baggage and freight; stocking vending machines or reading and emptying meters; collecting and sorting refuse; sweeping streets and similar places; performing various simple farming, fishing, hunting or trapping tasks performing simple tasks connected with mining,

construction and manufacturing including product-sorting; packing and unpacking produce by hand and filling shelves; providing various street services; pedaling or hand-guiding vehicles to transport passengers and goods; driving animal-drawn vehicles or machinery. Supervision of other workers may be included (PSA 2012.).

TABLE 19 ► Employed Persons by Major Occupation Group and Sex (2013-2017) in Thousands

Major Occupation Group and Sex	2016	2017
Both Sexes	40,998	40,334
Managers	6,992	6,490
Professionals	1,973	2,149
Technicians and Associate Professionals	1,296	1,533
Clerical and Support Workers	1,798	2,283
Service and Sales Workers	5,930	6,069
Skilled Agricultural, Forestry and Fishery Workers	5,108	5,426
Craft and Related Trade Workers	2,879	3,198
Plant and Machine Operators and Assemblers	2,239	2,552
Elementary Occupations	11,267	10,538
Armed Forces Occupations and Special Occupations	100	95
Others	1,415	
Men	25,035	25,067
Managers	3,750	3,147
Professionals	681	747
Technicians and Associate Professionals	679	791
Clerical and Support Workers	753	936
Service and Sales Workers	2,859	2,947
Skilled Agricultural, Forestry and Fishery Workers	4,184	4,502
Craft and Related Trade Workers	2,401	2,732
Plant and Machine Operators and Assemblers	1,989	2,229
Elementary Occupations	7,142	6,943
Armed Forces Occupations and Special Occupations	93	92
Others	685	
Women	15,963	15,267

Managers	3,422	3,342
Professionals	1,293	1,402
Technicians and Associate Professionals	617	742
Clerical and Support Workers	1,046	1,347
Service and Sales Workers	3,072	3,122
Skilled Agricultural, Forestry and Fishery Workers	924	924
Craft and Related Trade Workers	478	466
Plant and Machine Operators and Assemblers	250	323
Elementary Occupations	4,125	3,595
Armed Forces Occupations and Special Occupations	6	3
Others	730	

ANNEX F ► Maternity Benefit Details

In order to determine the maternity benefits of applicants, the applicant must determine the last day of the menstrual period and count back three calendar months from that date. Then one (1) year and seven (7) days are added to that date. For example, the last menstrual date is 11 August 2021, counting back three months from that would yield May 11, 2021. By adding one year and seven days, the expected delivery date would be 18 May 2022. Once the expected delivery month is determined (in this case May 2022), the quarter of the year covering said month will be identified. In this example, it would be the second quarter since the month of May falls in the second quarter of the year. The semester of contingency will then be determined by adding an additional quarter prior to the expected delivery month. Using the same example, the semester of contingency will thus be from January to June of 2022. This is vital in the determination of a potential beneficiary's eligibility as the SSS is only legally allowed to cover the former's pregnancy if contributions were paid for at least three of the 12 months immediately before the determined semester of contingency. Using the above-mentioned examples, then the beneficiary should have been able to pay for 3 monthly contributions to the SSS from January to December 2021.

In terms of the computation of the beneficiary's SSS maternity benefits, the computation will largely depend on the SSS Contribution Monthly Salary Credit (MSC) of the member. Furthermore, the amount

of SSS contributions will also determine the beneficiary's salary credit and, consequently, the total maternity benefits that would be received. The SSS provides the SSS Contribution Table, through which the MSC corresponding to the income range and contributions is found.

The next step is to determine the MSC of the 12-month period prior to the semester of contingency. For example, according to the 2021 SSS Contribution Table, a female employee earning a salary ranging between PHP 18,750.00 - PHP 19,249.99, has an MSC of PHP 19,000.00. Get the sum of the six highest MSCs within the 12-month period. So, assuming that the monthly salary is PHP 19,150.00 for January to December 2021, the MSC is also PHP 19,000.00. The sum of the 6 highest MSCs of the employee will be added. In the example provided—assuming that the employee consistently received the same compensation for the year prior to her semester of contingency, the Average MSC is PHP 114,000.00. In the computation of the maternity benefit the following formula shall thus be used:

$$\text{SSS Maternity Benefit} = (\text{Monthly Salary Credit} / 180 \text{ days}) \times \text{Number of Leave Days}$$

The beneficiary's average daily salary credit (ADSC) will be determined by dividing the Average MSC by 180 days. In this example, PHP 114,000 is divided by 180, resulting in an ADSC of PHP 633.33. The ADSC is then multiplied by the number of days of applicable leave in order to get the total amount of maternity benefit. Assuming that the applicable leave is for live birth which is equivalent to 105 days, in which case the computation shall be:

$$\text{SSS Maternity Benefit} = \text{PHP } 633.33 \times 105$$

$$\text{SSS Maternity Benefit} = \text{P}66,499.65$$

Thus, the total SSS maternity benefit of a qualified female employee whose monthly salary is PHP 19,150.00 and who underwent live birth is PHP 66,499.65. It is within the maximum amount provided by the SSS for maternity benefit claims which is PHP 70,000.00. If for example, under the same salary range, a female employee suffered from a miscarriage, abortion or stillbirth, the number of allowable leave days is 60. When multiplied by the ADSC, in this case PHP 633.33, then the resulting SSS maternity benefit shall be PHP 37,999.8. For a solo parent who underwent live birth, the allowable number of paid leave days is 120. Thus, assuming that the employee receives the same amount of monthly salary and using

the same formula, her SSS maternity benefit shall be PHP 75,999.60. However, as previously mentioned, the maximum maternity benefit provided by the SSS regardless of any type of applicable maternity leaves is PHP 70,000.00. Any compensable amount in excess of this maximum maternity benefit shall be covered under the employee's salary differential.

ANNEX G ► Salary Differential Computation Details

In the computation for the employee's salary differential, the amount of the employee's full pay should be determined first. In which case the employee's monthly salary shall be multiplied by the applicable maternity period in months. Using the aforementioned example, if the employee's monthly salary is PHP 19,150.00 and the applicable maternity period is 105 days, then the computation will be as follows:

Full Pay = monthly salary x maternity period in months

Full Pay = PHP 19,150.00 x 3.5 months

Full Pay = PHP 67,025.00

The second step would be to determine the employee's premium contribution share for PhilHealth, PAGIBIG, and SSS. The corresponding premium contributions of each social welfare service agency can be found in its respective contribution tables. In this case, the employee's SSS contribution share for the PHP 18,750-PHP 19,249.99 salary range is PHP 855.00. It shall then be multiplied by the period of maternity leave in months. Hence 3.5 if the applicable maternity leave days is 105 days. Thus, the SSS premium contribution share of the employee, in this case, is PHP 2,992.50. The same process is applied for the premium contribution share in PhilHealth and PAGIBIG of the employee. Thus, the corresponding PhilHealth premium contribution share of an employee earning PHP 19,150.00 per month is PHP 237.50 and PHP 100.00 for PAGIBIG, respectively. When multiplied by 3.5 months, the resulting amounts would be PHP 831.25 for PhilHealth, and P350.00 for PAGIBIG, respectively. In total, the combined premium contributions of an employee whose salary is PHP 19,150.00 and with a compensable maternity leave of 105 days shall be PHP 4,173.75.

The next step would be to determine the amount of SSS maternity leave benefit of the employee as discussed above (see previous discussion). Then the employee's premium contribution shares and

the computed SSS maternity leave benefit from the employee's full pay according to the formula provided under DOLE Advisory No. 1 series of 2019 , which are as follows:

TABLE 20 ► Computation for Salary Differential (DOLE, 2019)

Full Pay	PHP 67, 025.00
Social welfare contribution premiums	PHP 4, 173,75
SSS Maternity Benefit	PHP 66, 499.65
Total	- PHP 3,648.40

For employees with higher monthly salaries, the amounts received for their salary differential and SSS maternity benefits corresponding to their compensable leave days are also higher. Using the same formulas for computation, an employee whose monthly salary is PHP 35,750.00 would have the following maternity benefits, premium contributions, full pay, and salary differential, if the compensable days of maternity leave is 105:

TABLE 21 ► Sample Computation for Women with Higher Monthly Salaries

Full Pay	PHP 125,125.00
Social welfare contribution premiums	PHP 5,818.75
SSS Maternity Benefit	PHP 70,000.00 (maximum SSS maternity benefit)
Total	PHP 49,306.25

Under DOLE's Department Advisory No. 1, series of 2019, the following establishments are exempted from paying salary differential to their female employees availing maternity leave:

- (a.) Distressed establishments
- (b.) Retail/service establishments employing not more than 10 workers
- (c.) Micro-business enterprises with total assets no exceeding PHP 3 million
- (d.) Companies or establishments already provide benefits similar to or exceeding those provided under RA 11210.



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