

Article

## **Are Female Workers in the Informal Sector Benefiting from the Expanded Maternity Leave Law? : A Preliminary Investigation**

Ma. Victoria R. Raquiza

*Associate Professor, University of the Philippines Diliman*

*Co-Convenor of Social Watch Philippines (SWP)*

*mrraquiza@up.edu.ph*

Duke Thomas G. Dolorical

*Consultant*

*Social Watch Philippines*

Roja E. Salvador

*Supervising Health Program Officer*

*Department of Health*

### **Abstract**

The Philippines' Expanded Maternity Leave Law (EMLL), enacted in March 2019, expanded the maternity leave to a minimum of 105 days (from 60 days). It sought to provide female workers with significantly more time to regain their health and ensure that their babies are better taken care of. Seeking to help assess the implementation of the EMLL, the study interviewed key informants, using snowball sampling to identify a total of 37 women from all over the country, who got pregnant and/or gave birth between June 2019 and May 2022. Most work in the informal economy or have informal status even in formal settings, serving as food and clothing vendors, domestic helpers, and agricultural workers. Also interviewed were employees of government agencies that help implement the law. The study revealed that awareness of the EMLL and access to its benefits are uneven and limited, with

variations depending on which setting the workers are in, whether formal or informal. This is due to the following: the lack of effective information dissemination campaigns from the government; the difficulties of the online application process; the need of workers to prioritize their family's daily subsistence (instead of paying for SSS premiums), lack of documentary requirements to get a Social Security System (SSS) membership, language barriers, and, in some cases, non-compliance of employers to provide for EMLL benefits. Several policy recommendations are presented to address these and other related challenges.

#### **Keywords**

*Maternity leave, employment, SSS, maternity benefit, informal sector, Expanded Maternity Leave Law*

## **Introduction**

After almost 11 years of advocacy from various women's groups, trade unions, medical professionals, academics, and many others, Republic Act (RA) No. 11210, or the Expanded Maternity Leave Law (EMLL), was enacted on 11 March 2019. Three government agencies—CSC (Civil Service Commission), DOLE (Department of Labor and Employment), and SSS—rolled out the law's implementing rules and regulations (IRR). The EMLL was widely hailed as a significant measure to improve working mothers' conditions. Before its enactment, the International Labour Organization (ILO) was already raising concerns over the Philippines' previous 60-day maternity leave policy (the Social Security Law of 1997 or RA No. 8282), emphasizing that this duration was fewer than the 14 weeks espoused in the 2000 ILO Maternity Protection Convention No. 183. Also, the Philippines had been lagging behind Asian countries in terms of providing maternity leave benefits (NTUCP 2013). In 2013, Norway had 46 weeks, or 10.5 months; six months in Vietnam; four months in Bangladesh, Singapore, and Mongolia; and three months in Afghanistan, Indonesia, Cambodia, China, Laos, and Thailand. Even European countries had already stipulated at least six months of paid maternity leave. Thus, in many ways, the EMLL is a landmark legislation that allows the Philippines to catch up with regional and global standards.

This paper examines how the EMLL fared three years since its implementation, focusing on women in the informal economy. Was the law's vaunted objective of providing material support to this hard-to-reach sector realized? What are the issues and challenges faced by the state and its stakeholders during implementation? What recommendations can be put forth to address these issues? To answer these questions, the paper identified key informant interviewees, which include 37 women from the informal sector, and several government officials and NGO workers. The study asked the 37 informants to discuss the following: their level of awareness and understanding of the law; success in applying for the benefits (including cash); the sufficiency thereof; and the difficulties which they encountered during the application process.

The interviewees' responses suggest several issues with the law's implementation, such as relatively poor information dissemination campaigns, and uneven awareness and limited understanding of EMLL provisions. They also reveal the need of workers to prioritize their family's daily subsistence (instead of paying for SSS premiums), lack of documents needed to get a Social Security System (SSS) membership, language barriers, and lack of access to the internet. Interviews with respondents from government agencies also reveal outdated and incomplete data for evidence-based planning, and a dearth of government inspectors that can enforce compliance among employers. The paper then offers several recommendations to address these issues.

The next sections of the paper cover the methodology and respondents' profiles, an overview of the basic provisions of the EMLL, and the experiences of the women in the informal sector in accessing the law's benefits. The recommendations section wraps up the discussion.

## **Methodology and Respondents' Profile**

For the key informant interviews (KIIs), the authors employed snowball sampling to identify 37 respondents from both the private and public sector. The authors contacted their colleagues and friends (who were referred to as "focal points"), most of whom were from NGO (nongovernment organization) networks, to help find women who got pregnant and/or gave birth between June 2019 and 31 May 2022 (a window of two years and eleven months). In turn, these focal points

were asked to identify women in different settings (to cover rural and urban areas) across provinces in Luzon, Visayas and Mindanao, the three major islands of the Philippines. Most of the respondents worked either in the private sector or were self-employed in the informal sector, while two of them were contractual workers in state colleges and universities (SUCs). The respondents did not know each other. All belong to the informal sector, broadly defined (see below).

A copy of the questionnaire that was given to the respondents can be found in Annex 1. At the same time, the authors also interviewed a few informants from relevant government agencies, namely, the Social Security System (SSS), the Department of Labor and Employment (DOLE), and the Philippine Commission on Women (PCW). Questions for each agency representative, which focus on implementation, are given in Annex 2. Lastly, Judy Miranda, Secretary-General of Partido Manggagawa (Workers' Party), was also interviewed. The questions posed to her are outlined in Annex 3. Meanwhile, below are the tables and figures profiling the 37 respondents.

Table 1. Distribution of Respondents by Type of Work

Type of Workers	Total	%
Clothing Vendors	4	11%
Contractual White-Collar Workers <sup>1</sup>	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%

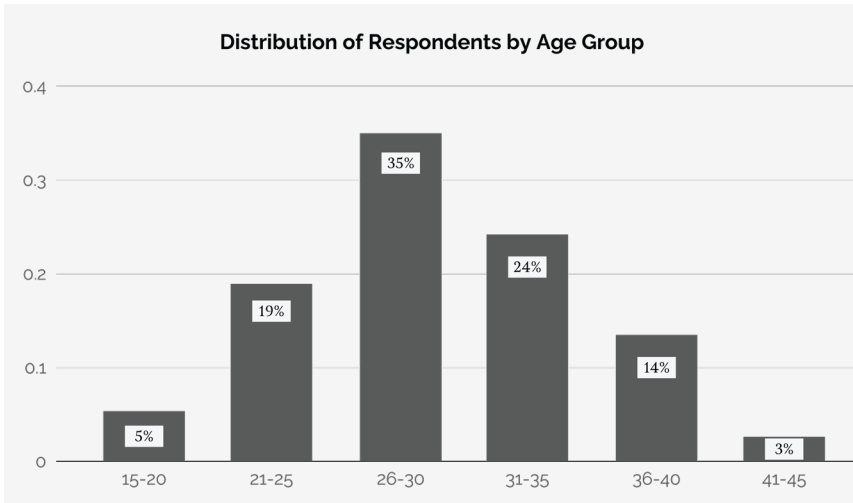
<sup>1</sup> Four respondents (11 percent) were contractual white-collar workers: a full-time college teacher in a state university and college (SUC), a part-time teacher and administrative assistant in a different SUC, a sales lady, and a billing assistant in a capital equipment company.

Type of Workers		Total	%
Total		37	100%

Table 2. Distribution of the Respondents by Location

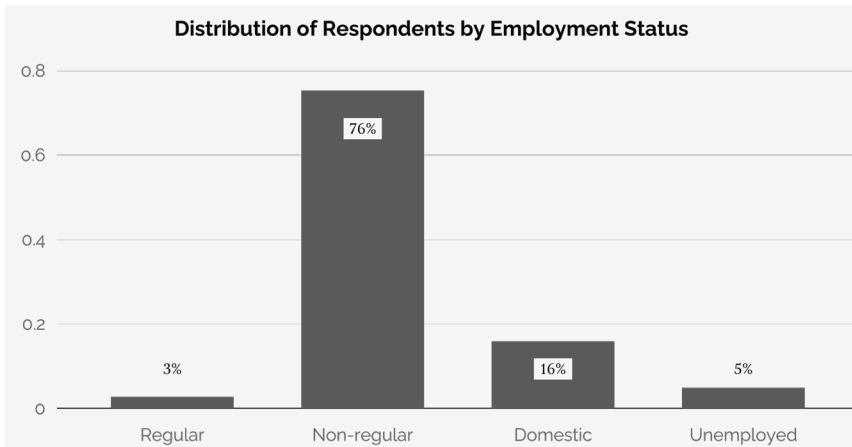
Area	NCR		Region III		Region IV-A		Region V		Region VI		Region VII		Region VIII		Region XII	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Urban	14	38%	0	0%	1	3%	2	5%	0	0%	1	3%	1	3%	0	0%
Rural	0	0%	6	16%	0	0%	7	19%	1	3%	1	3%	0	0%	3	8%
Total	14	38%	6	16%	1	3%	9	24%	1	3%	2	5%	1	3%	3	8%

Figure 1: Distribution of Respondents by Age Group



All responses were given in Taglish or Filipino, and translated to English. Only the English translation has been included here to maximize the space/word count.

Figure 2: Respondents' Employment Status



At first glance, 76 percent of the respondents belong to the informal sector. But this figure is based on a narrow version of informality, which only looks at workers outside formal employment settings, such as street vendors and farmers, all of whom do not go to an “office.” As we shall see below, a broader, and more accurate definition of informality—wherein informality is pervasive even *within* the formal sector—will entail an increase beyond 76 percent.

### *Limitations*

Focusing on the experiences of women in the informal sector, this paper is by no means a definitive examination and evaluation of the implementation of the EMLL, since it only covers a very small number from the informal sector, and does not cover the experiences of those in the formal sector. Also, the bulk of the research for this study was done at the height of the COVID-19 pandemic. As such, the health crisis should be taken into consideration in assessing the extent of their experiences. That is, it is possible that COVID-19 made the application process more difficult than it was, and that it may be easier today, when there are fewer restrictions. Moreover, this assessment took place only two years and eleven months since the law had been implemented, making it too early to gauge its full effects, much less its impact, on working mothers, particularly in the informal sector. Even so, while the study is not intended to be a full evaluation of the law, its foregrounding of the experiences of female workers in the informal sector highlights the need to take into account their experiences in crafting and refining policies.

## Informality and the Social Context of the EMLL

Ideally, infants must continue exclusive breastfeeding until they are two years old, if not beyond. Lactation offers plenty of health benefits; it increases children's resistance to infections and enhances neurological development for a higher IQ (NTUCP 2013). However, the Philippines' previous policy—60 days paid maternity leave—forced mothers to give up exclusive breastfeeding. The 2011 National Nutrition Results show that only 47 percent of babies zero to six months in the Philippines were exclusively breastfed, and only 45 percent of babies six to 23 months were breastfed and fed with safe, adequate, and nutritious complementary food. This also pushed mothers to resort to buying expensive infant formula, on which Filipino families spend PhP 21.5 billion (WHO 2013, 4). Also, insufficient maternity leave has been partly blamed for the high incidence of maternal deaths. Poverty and income loss forced many women to return to work too early after giving birth, giving them little recovery time. And those who returned were less likely to establish breastfeeding within the first month (Zialcita 2015; ILO 2010).

Given these issues, there was a pressing need to extend the length of a maternity leave, so that women could have a longer recovery period, and so that children could be better fed and taken care of. The EMLL also aims to prevent, or at least minimize, income loss for mothers as they temporarily cease to work. In this respect, the EMLL is very important in strengthening the country's human development.

## Why the Informal Sector?

As of 2017, 40 percent of women and 36 percent of men in the Philippines are employed in the informal sector (Cabegin 2019). The official definition of the country's informal sector is "household unincorporated enterprises owned and operated by own account workers" (Cabegin 2018, 32). Going by this, the Philippine Statistics Authority (PSA) estimates that about 15.758 million workers (43 percent) out of 40.998 million workers are employed informally. These include unpaid workers in family businesses. However, according to Cabegin (2018, 32), "these figures are underestimated as they do not include workers informally employed in the formal sector and in private households." Cabegin (2018) defines informal jobs as wage work without an 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. Moreover,

Informal employment is not equated with employment in the informal sector since informality of employment can and has already permeated the formal sector comprising the organized private establishments and the government agencies. (Cabegin 2018, 34)

Using this classification, the incidence of informal workers dramatically rises: about 83 percent of Filipino workers aged 15–64 years old are informally employed. Following Cabegin's definition (2018) above, all 37 respondents for this study belong to the informal sector, even though some of them do work in formal settings.

By understanding how and to what extent women in the informal economy accessed (or otherwise) EMLL benefits, we can get some idea on how, and to what extent, the law has succeeded, and what else can and should be done. Informal sector workers are among the most vulnerable members of society, and the extent to which they receive benefits is one indicator of the effectiveness of the government's welfare programs. As mentioned, programs like the EMLL are part of the need to improve human development in the Philippines, to say nothing of basic human rights.

## The EMLL: Features and how It Works

### *General Provisions*

The EMLL makes the number of maternity leaves in the Philippines somewhat at par with its ASEAN neighbors (The ASEAN Post 2020). Vietnam provides the highest at 180 days, followed by Singapore at 112, and the Philippines, Brunei, and Lao PDR, with 105, respectively. Myanmar provides 98 days, while Cambodia, Indonesia, and Thailand provide 90. This is the same under Article 84 of Indonesia's Manpower Law; Section 2b, Article 37 of Malaysia's Employment Act; and Thailand's Labor Protection Act and Social Protection Act (Oceano 2022, 20–21). Similarly, Vietnam and Singapore also provide full payment of the beneficiary's salary for the duration of the leave, according to the Vietnam Labor Law and the Singaporean Employment Act, respectively (GIFA n.d.; Vu & Glewwe 2021, 3). The EMLL provides the following benefits for mothers delivering live births:



- Fully paid 105 days maternity leave regardless of delivery mode, i.e., Cesarean or normal, and of the number of deliveries;
- Solo parents receive an additional 15 days, for 120 days total, made available as provided under RA No. 8972, or the Solo Parents Welfare Act;
- Option to extend for additional 30 days without pay, and to allocate up to seven days of maternity leave to the baby's father or caregiver.
- A maximum of PhP 70,000 in cash, with the amount varying depending on the applicant's contributions to the Social Security System.

The SSS administers the leave benefits of female workers in the private sector (which also covers the informal sector), while DOLE promotes compliance among employers, who must pay their female employees' salary differential. 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, natural or Cesarean section; 120 days for solo parents; or 60 days for miscarriages, abortions, and stillbirths, depending on which are applicable.

### *Access to EMLL Benefits: The Private Sector Including Informal Sector*

To qualify for SSS maternity benefits, private sector employees, including women in the informal sector, must meet the following requirements:

- a. At least three monthly contributions out of the 12 months immediately preceding the semester of contingency;
- b. Submission of duly accomplished SSS Maternity Notification Form, with an attached ultrasound report; SSS ID or UMID ID; and two other valid identification cards.
- c. Duly registered My.SSS account in the SSS website and an enrolled disbursement account (enrolled with SSS) through its Disbursement Account Enrollment Module (DAEM). The SSS strictly prohibits manual, or face-to-face, filing of applications and only accepts online applications. These uploaded documents will then be reviewed by SSS.

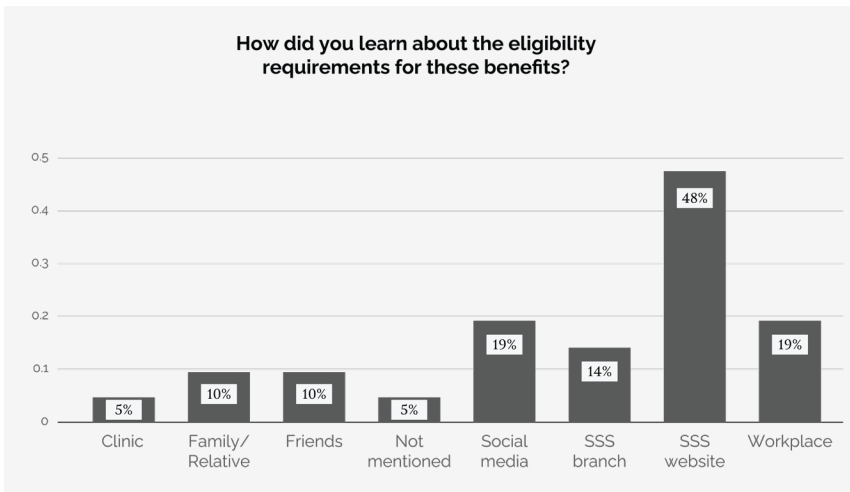
Naturally, women in the informal sector do not have an employer who can shoulder the salary differential, and will not have access to the 105 days of leave. These women are only entitled to the cash benefits. The amount will vary depending on their voluntary contributions to the SSS, but it is certain that not all women from the informal sector—whose salaries are generally lower, will not receive the maximum amount of PhP 70,000.

## Experiences of Women from the Informal Sector in Accessing EMLL Benefits

### *Awareness of the Law*

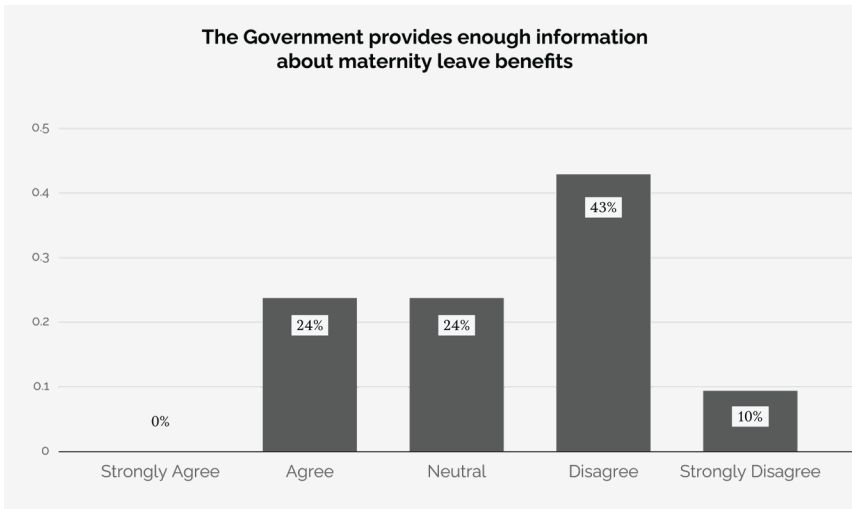
The SSS conducted various EMLL-related information campaigns. As the key informants from the agency affirmed, the agency organized ten sessions of in-house seminars from 22 May 2019 to August 2019, as well as 57 webinars and eight radio and television interviews in 2019. It maximized the Facebook pages of its national and regional offices, as well as those of its local branches. Figures 3 and 4, which indicate respondents' awareness of the law, point to some degree of success of the government's campaigns.

Figure 3: Source of Information about EMLL Requirements



However, the study found that only 57 percent of respondents (out of 37; 21 of them) had a general awareness of the EMLL, while the rest (43 percent, 16 respondents) had no knowledge whatsoever. Also, 43 percent also disagreed when asked whether the government provides enough information about maternity leave benefits (Figure 4).

Figure 4: Respondents' Rating on the Government's Information Dissemination regarding the EMLL



Sixteen respondents only found out about the EMLL because they were interviewed for this study. These respondents were generally based in agricultural areas and some in low-income urban areas. For example, Respondent 6 admitted a general unawareness due to a lack of access to the news, stating that “I am not aware of [the benefits] because I do not watch or listen to the news. I did not apply for any [social] benefit.” The findings reveal that respondents who were employed in more formal environments were more likely to know more about the EMLL through their company’s human resource unit and the internet. For instance, Respondent 29, an employee at an NGO, recounted that she knew of the EMLL “because of my NGO training where the law [such as the EMLL] is promoted.” Respondent 36, a contractual employee, stated, [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.”

Contrast this to the situation of many who work in the informal sector, where information on the EMLL tended to emanate from word of mouth from friends, family members and workmates, who were oftentimes also mothers themselves. Suffice it to say, much of the information passed around was incomplete or not accurate.

Beyond questions of awareness, the study also found a common theme among the respondents’ answers: varying interpretations and extent of knowledge among different segments of the female workforce. In Figure 3, those who said they agreed that the government provided enough information about the EMLL gave conflicting information on their awareness or understanding of the law. Some respondents, who claimed that they were unable to apply for maternity benefits, noted that they misunderstood or were unaware of the EMLL, or that they were not informed by SSS personnel that solo parents can have an additional 15 days of paid maternity leave. Respondent 19, a self-employed clothing vendor, shared, “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 also self-employed, stated, “I did not know about the EMLL... 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.”

As mentioned, while this article does not mean to offer a full evaluation of the EMLL and its implementation, and the success (or otherwise) of a law does not solely rest with the government, the situation seems to suggest a lack of effective information and education campaign for stakeholders.

For their part, key informants from the SSS shared that for the digitally challenged, many of the agency’s branches nationwide do have e-Center facilities designed to accommodate and assist members with problems accessing the internet. Local branches also conducted seminars regarding SSS benefits and maternity benefits. In this context, the SSS posters, flyers, brochures translated into Filipino located in SSS offices at both national and local levels are helpful, but these are arguably of limited reach.

The lack of awareness of the respondents is not only a function of the effectiveness of information dissemination campaigns. It also has to do with their status as informal workers, which affects their ability to apply for the EMLL even if they do know about it. For instance, Respondent 7, a teacher, explained, “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.” Respondent 1, a housewife, said, “I am not registered with [the] SSS or PhilHealth. I don’t know anything about those things.” In a few cases, the pandemic simply kept respondents from going out and inquiring about possible maternity benefits at SSS branches. Respondent 21, a self-employed fruit shake vendor, answered, “I did not face the challenge of applying for maternity benefits due to the pandemic. I was afraid to go out.”

### *Rate of Acceptance and Sufficiency of Benefits*

Of the 37 respondents, 21 said that they were aware of the EMLL. Of these, only 17 applied, fourteen of whom were approved and received their benefits. 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 was insufficient shared that they had hoped that the benefits would help defray expenses. Another respondent noted that while she received the maximum amount provided by the SSS, the benefits could not cover her total hospital bill, particularly since she was confined in a private hospital. For solo parents, the amount provided by the SSS was arguably inadequate, given that they are the sole and primary income earner. Respondent 8, a self-employed farmer and *sari-sari* store vendor (selling a variety of everyday goods), said,

If I was confined in a public hospital, I think the PhP 70,000 I received would be enough. Unfortunately, I had to give birth through caesarian section as my baby was born premature. The costs 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.

Setting aside the sufficiency of the cash benefits, the respondents did note some positive impact of the EMLL. Most said that the cash 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 4, a contractual employee and consultant, said, "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 sari-sari (retail) store owner and farmer, said

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, "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, "It unburdened me of my financial needs when giving birth..." Respondent 21, likewise a domestic helper, said, "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."

## Different Experiences in Access

### *Difficulties*

Fourteen respondents whose applications were accepted by the SSS indicated that they encountered difficulties in the application process. As mentioned, they had no employers who could process their applications on their behalf, or they lived in rural areas far from urban centers. They also raised technical issues concerning the mandatory online submissions of applications, and lacked resources necessary to apply. Some still had to physically visit an SSS branch to submit the requirements. This is due to (a) multiple rejections of their online submissions, (b) documentary requirements forced them to seek face-to-face clarification from SSS personnel, or (c) some did not possess the knowledge to navigate or operate the online platform. For one respondent, the SSS website broke down altogether.

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.

Respondent 4, a contractual worker, said, "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, "[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."

Respondents noted that the long waiting time and the delays were the most difficult part of the process. A respondent, who resided on an island, needed to travel to the mainland via boat to process and claim her maternity benefits. In some cases, respondents had to travel far even when they were pregnant.

### *Success Stories*

The application process seems to have been easier for respondents who managed to augment their incomes by combining multiple kinds of work, and were therefore able to pay the minimum premiums, with only two of them finding the process difficult. One said that she was able to apply for the EMLL because her previous employer enabled her to register and pay for SSS membership. Another noted that she was able to balance multiple jobs and even register, and to make regular social security contributions. Other respondents noted that when they applied for EMLL benefits, they were already SSS members, making their application relatively easier, despite juggling multiple jobs.

Respondent 4 shared, “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. “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, “My friend helped me. She accompanied me in applying [for benefits] and submitting the requirements. Respondent 27, a self-employed housewife, remarked, “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].”

It appears that those working in the formal sector and who have had more education might have generally benefited from the mandatory online application because they possessed the digital and functional literacy and necessary resources, such as ICT facilities in their workplaces. Key informants from the SSS affirmed just as much, stating that stakeholders who had online access were reached most effectively. The same could not be said for the other respondents,.

### *Unequal Online Access*

Mandating online applications had the unintended effect of deepening unequal access to the internet. As mentioned, some respondents had difficulties accessing and using the required technology because they resided in locations lacking ICT (Information and Communication Technology) infrastructure, or lacked technological savvy and resources (e.g., to use, let alone own, gadgets, such as smartphones or laptops). According to a 2019 National ICT Household Survey of the Department of Information and Communication Technology (DICT), only 1 of 5 (18 percent) of households in the Philippines have internet access. Also, a majority of households—52.5 percent—who indicated that they did not have internet access noted the high cost of internet subscription, while 33.8 percent remarked that expensive equipment are barriers to access (PIDS 2021, 81). The survey also revealed that more than 20 percent of households in Regions I, II, VII, VIII, IX, X, XI, XII and the BARMM (Bangsamoro Autonomous Region of Muslim Mindanao) reported



not knowing how to use the internet, while more than 10 percent of households in Regions II, VIII, XI, and BARMM shared they did not know what the internet is (PIDS 2021, 80).

### *The Challenges of Informality*

In principle, female informal workers can still avail of social security benefits, including maternity leaves, if they personally shoulder all the premiums involved (they are voluntary members, as the SSS calls them). Indeed, many respondents recognize the importance of enrolling for SSS membership and regularly paying for their premiums to qualify for maternity benefits. Eleven respondents said that had they been properly informed of the salient features of the EMLL, they would have saved a portion of their income to pay for the minimum SSS monthly contribution and therefore qualify for maternity benefits. However, payment for 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. Their reluctance to apply is affected by their limited incomes, which are prioritized for their families' daily needs. Also, some respondents claimed they do not have the necessary documents to register for SSS membership. This is particularly true among survey respondents residing in far-flung rural areas.

### **Broader Issues with Implementation**

A key informant interviewee from the DOLE 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 some PhP 305 billion remained uncollected by the SSS from delinquent employers (CNN Philippines 2022). This jeopardizes the financial stability of the state's social security scheme. As Judy Miranda from Partido Manggagawa (PM) noted, a number of factories and companies have been remiss in (a) paying social benefits contributions for their employees; and in (b) providing female employees' salary differentials for their maternity benefits, for which female workers thus became ineligible. Furthermore, according to Miranda, many companies and factories do not proactively inform employees or workers about the EMLL. This has resulted in workers' lack of awareness about this vital benefit, especially among the non-

unionized. She also noted cases where qualified female workers were deliberately misinformed by their respective companies.

There are about 1,109,684 enterprises (PSA 2022), which vary in employee size and asset base in the country. A key informant from the DOLE's Bureau of Workers' Special Concerns (BWSC) revealed that the agency surveys only about ten percent of the total number of companies in the country. This is due to the lack of inspectors who can monitor and enforce compliance, which in turn arises from a small budget provided by the national government.

## Recommendations

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

Senate Bill No. 2175, or the Maternity Benefit for Women in the Informal Economy Act of 2021, aims to complement and upgrade the EMLL; it requires the government via the DSWD to give a direct maternity cash aid for all pregnant workers in the informal sector (Senate of the Philippines 2021). The amount of cash aid will be equivalent to the prevailing minimum wage in the worker's region multiplied by 22 days (ibid.). As of July 2024, the bill remains pending in Congress and increased lobbying is needed by women's groups, by those in the medical profession, and by other stakeholders so that the bill can be enacted into law.

### *Make Manual Application an Option and Increase Its Accessibility*

Though COVID-19-related restrictions have virtually disappeared, online application is still mandatory. However, as mentioned, many workers are not digitally savvy, they do not have the gadgets and suffer from unreliable internet infrastructure. Thus, there should be the option of manual application for EMLL benefits. This is certainly more feasible in a post-COVID-19 landscape. Furthermore, the SSS's outreach approach, where it reaches out to various LGUs, community-based organizations, and the like, must be stepped up, so that information about the EMLL can be more widely shared in more grassroots communities.

Moreover, online applications can be enhanced. A nationwide platform—which hosts the transactions of millions of its members, hundreds of its offices and branches—must be regularly updated and improved to prevent it from malfunctioning. Doing so would also minimize, if not eliminate, backlogs and delayed releases of applications, thereby improving and truly expediting the delivery of services.

Similarly, there is an urgent need to improve ICT infrastructure in the country, especially in rural and far-flung areas where informal workers are concentrated. This will widen the coverage of information drives, and reaching hitherto uncovered areas. It will improve the capacity of digitally marginalized sectors to access information and comply with mandatory online filing of application/claims.

Finally, RA No. 11055, or the “Philippine Identification System Act,” intends to provide national ID cards to all Filipino citizens. During the research, however, when concerned government agencies were preparing to roll out the EMLL, the national ID system had yet to be implemented. And now it has, though with some significant delays in the delivery of IDs. At any rate, a regularly updated national ID system can allow concerned national government agencies (NGAs) to rapidly reach out to every Filipino citizen. Together with integrated government databases, it could also reduce errors and delays in EMLL implementation (and for other laws as well).

### *Intensify the Wholesale/Outreach Approach of SSS*

As mentioned, SSS membership among informal sector workers is extremely limited vis-à-vis the total number of informal sector workers, whether by PSA’s definition thereof or Cabegin’s. While there is merit to utilizing online platforms for outreach, especially during the COVID-19 pandemic, these have limitations. As previously discussed, poor households, including workers in the informal sector, are generally digitally challenged and/or live and work in areas with slow internet connections, if there is any at all. Until and unless the ICT infrastructure improves, the government must disseminate information on the EMLL using traditional media, particularly radio and television.

Furthermore, respondents recommended that raising public awareness at the LGU level (e.g., municipality, city, and barangay) is useful. The SSS's department for extending its services to informal sector workers, including its "wholesale" approach for reaching out to cooperatives, LGUs, and other local communities, can be tapped for this initiative. This is critical in light of the many respondents who stated that in spite of their limited incomes, they would have paid for minimum SSS contributions had they known about the EMLL. Also, a strengthened partnership between SSS and workers' organizations and CSOs is important, since the latter can reach out to many informal sector workers and can provide them with information and technical support.

Additionally, information drives must explain in simpler terms the different eligibility and documentary requirements. Currently, complex explanations and technical terms used by the SSS, such as "semester of contingency," "payment and contribution scheme," "salary credits," "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/or have little time to undertake a (prolonged) study of SSS processes.

Finally, the SSS must also follow through on its aim of intensifying its information campaign that shows maternity benefits as part of a comprehensive package of benefits for SSS members. This will also encourage more from the informal sector to register and qualify for such benefits.

### *Strengthen the Database for EMLL*

The last government survey of the informal sector took place in 2008. Accordingly, the Philippine Statistics Authority should conduct an updated and comprehensive survey on the number of informal sector workers, and monitor their working conditions on a regular basis. Furthermore, the data must be gender-disaggregated so that the circumstances of female workers are identified. This will guide policymakers in (re)designing programs so that they are more sensitive to the needs of Filipino women. Most importantly, not only should the PSA update the information, it should explore adopting a broader definition of informality to get a more accurate picture of the

phenomenon. All these would need adequate budgetary support from the GAA (General Appropriations Act).

Similarly, academic institutions can be encouraged to emphasize research on the informal economy and access to social security, including the EMLL. Also to be promoted are critical scholarship promoting women's rights and gender equality, and combating heteronormative policy mindsets that oftentimes inform certain assumptions (i.e. the relationship between a man and woman as the "normal" standard) in policy formulation and design.

All these are essential in order to further equip the SSS, CSC, and other institutions so that they can have a deeper understanding of the realities surrounding female workers, especially the poor and low-income earners in the informal sector. This will help improve the design of social security programs.

### *Enhance Regulatory and Enforcement Capacity of DOLE*

To ensure that employers and companies comply with the mandates under the EMLL, the DOLE must significantly increase the number of inspectors, who can monitor and enforce compliance with the law. Their skills must be upgraded as well to increase their effectiveness and impact. Strengthening DOLE's regulatory and enforcement capacity is critical to promoting accountability among private sector employers, and protecting the rights and well-being of female workers. All these require increased and sustained budgetary support for the agency. Furthermore, as the research has shown, workers organized in trade unions and political organizations are more aware of their rights and are thus better positioned to claim them. As such, workers' unions should be encouraged and strengthened; they can complement the work of DOLE in monitoring the compliance of companies in providing social security benefits to its workers.

### *Government to Provide EMLL for Female Workers in Exempted Companies*

A number of private sector companies are legally exempt from implementing the EMLL for a variety of reasons, including the small size of their employee base. However, it is precisely female workers in these micro-companies who need the EMLL the most. The government

must consider stepping in to provide this social security benefit, even as female workers pay for their counterpart social security contributions (possibly through automatic salary deductions). Another policy option, however, is to pass the Maternity Benefit for Women in the Informal Economy Act or Senate Bill No. 148, so they can avail of cash assistance.

### *Promoting Labor Rights*

Many contractual workers, both in the public and private sector, have worked for a number of years in the same institution or company and have consistently received positive ratings from their employers. Yet, as widely practiced, the shared provision for social security between them and their employers is not reflected in their contracts. Oftentimes, manpower agencies hire these workers, not by the institution or company these employees work for. These workers have no “employer-employee” relationship with the institution or company they work in. As such, one recommendation from a DOLE informant, and affirmed by this study, is that the provision of social security benefits should be included in the computation of workers’ salaries and be explicitly reflected in their contracts.

From a longer and broader view, there is a need for a more strategic solution to the problem of labor informality, as many others have long echoed. More institutional pathways are needed to transition informal sector workers to the formal sector, such as regularization, which includes 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 (General Appropriations Act) and local funds, respectively, to support this endeavor. Furthermore, significantly reducing informality in the labor force will require a multiplicity of measures that will address both supply and demand. For the former, the Philippines must enhance the health and education profiles of the labor force, both as a right and as a way to increase productivity and innovation. For the latter, it must improve the quality of existing occupations and the need to create new, good quality jobs. For female workers who continue to carry the main responsibility of reproductive/household work, they need support systems, such as adequately resourced public daycare systems. There also should be

more education and public awareness programs both in the formal and informal arenas that promote equal sharing of responsibility of household chores between parents, including childcare. Traditional and social media platforms must be tapped in this regard since these also shape mindsets and public opinion.

## Conclusion

This study has shown that the progressive potential of the EMLL is far from being realized in light of many issues and challenges in its implementation. These issues cover procedural and informational gaps, and difficulties in the application process since many informal sector workers do not have sufficient information on the EMLL, or the gadgets and know-how to access the online application process. This challenge is exacerbated in low-income and rural settings marked by poor ICT infrastructure.

The study identifies ways to address these challenges, including 1) intensifying and broadening SSS's information dissemination campaigns in grassroots communities through the use of traditional and social media; 2) tapping municipal and barangay level DSWD and health workers and by strengthening partnerships with workers' organizations and CSOs; 3) making manual application for EMLL an option; 4) enhancing the regulatory capacity of DOLE so it can better enforce compliance of private companies to implement the EMLL; 5) public provisioning of EMLL for female workers in private companies which are legally exempt from implementing this law; 6) updating government statistics on the informal sector with gender-disaggregation; and 7) supporting a bill that would provide maternity cash benefits for new mothers in the informal sector.

Nevertheless, the paper also reiterates longer-lasting solutions, such as the need to transition female informal workers to the formal sector and regularizing high-performing contractual workers so that they can enjoy security of tenure, higher wages, and better working conditions. In both these instances—hiring additional workers in the formal sector, including the regularization of contractual workers—will mean generating more social security premiums. This will help social security agencies become more financially stable and better able to

fulfill their mandates. In such a scenario, the progressive potential of the law will more likely be fully realized.

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## Annex 1

### *Questions for beneficiaries*

1. Email\*
2. Name (optional)
3. Address (municipality/city and province)\*
4. Age
5. Occupation Status

<input type="checkbox"/>	Regular Employee
<input type="checkbox"/>	Running own business
<input type="checkbox"/>	Helping in family business
<input type="checkbox"/>	House work (housewife / doing chores at home)
<input type="checkbox"/>	Consultant/Contractual
<input type="checkbox"/>	Other:

6. Occupation or nature of business / consultancy
7. Work arrangement

<input type="checkbox"/>	Full-time, office/factory-based
<input type="checkbox"/>	Part-time
<input type="checkbox"/>	Full-time, but with work from home arrangements

8. Do you have multiple jobs?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

10. Do you have multiple children?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

<input type="checkbox"/>	I do not have SSS contributions and I was not aware that there are benefits of maternity leave pay.
<input type="checkbox"/>	I have SSS contributions, but I was not aware of the maternity leave benefit
<input type="checkbox"/>	I have SSS contributions and aware of maternity leave benefits, but I think the application is too complicated
<input type="checkbox"/>	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

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

	Birth
	Termination of pregnancy (miscarriage, etc.)

15. Month and Year that I applied for Maternity Leave

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

17. 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?

18. Raising baby with partner?\*

	Yes
	No (Solo parent)



19. 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?

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

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No (Solo parent)

22. 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.

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

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

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

<input type="checkbox"/>	Social Media (Facebook, Twitter, Vlog, etc)
<input type="checkbox"/>	Websites (Google, Government websites, etc)
<input type="checkbox"/>	Traditional Media (television, radio, newspaper, magazines)
<input type="checkbox"/>	Workplace
<input type="checkbox"/>	Friends
<input type="checkbox"/>	Family / Relatives

	My Organization (religious organization, solo parent organization, etc)
	Seminar
	Posters, flyers, leaflets from Government
	My OB Gyne / Doctor
	Other:

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

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

	Yes
	No

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

30. 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?

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

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

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

34. For workers combining various forms of work (e.g. part-time wage work and self-employment), is registration and application feasible for workers who shift between or combine various forms of work?

35. How do I rate my knowledge and understanding of the 105-Day Expanded Maternity Leave Law of the Philippines?

Excellent	Very good	Good	Needs improvement	No knowledge about it
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

36. Please explain your answer for the above rating

37. What do I appreciate about the 105-Day Expanded Maternity Leave benefits?

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

39. 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?

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

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

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

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

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

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

45. How easy was it to apply and avail of the 105-day maternity leave benefits?

Very easy	Easy	Just right	A bit difficult	Very difficult
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

47. How many hours did you spend for the entire application process, including follow up and claiming the full payment for the maternity leave?

	Less than 5 hours
	5-10 hours
	11-15 hours
	16-20 hours
	More than 20 hours
	Other:

48. How many days of processing and waiting before you were actually able to receive your maternity leave pay?

49. How much of your own money did you have to spend in the process of applying for the maternity leave benefits (transportation, cellphone load, photocopying, food, etc.,)

	Less than P 1,000
	P 1,000 - P 2,500
	P 2,500 - P 5,000
	P 5,000 - P 7,500
	P 7,500 - P10,000
	Other:

50. What was the greatest challenge that you faced when you were trying to avail of your 105-day Maternity Leave Pay?

51. If you received your Maternity Leave pay, was the amount correct or the same as you expected?

	Yes
	No

52. Please kindly explain your answer above.

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

	Yes
	No

54. Please kindly explain your answer above.

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

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

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

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

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

60. Did accessing these benefits impact or change your ability to access other benefits? Did you lose access to any other benefits you would normally receive?

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

	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

62. Please kindly share with us your story in relation to the above question.

63. Are there any changes in your situation as a (category of workers) that changed after you started receiving the benefits? Please explain.

64. Did this leave affect your work or your return to work? If so, in what way?

65. What did it mean economically for you and your household to have the leave benefit?

66. Did you take the full leave time available to you? If not, did you want to do so? If you wanted to do so but did not, why not?

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

	SSS personnel
	Office personnel

68. 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?

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

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

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

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

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

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

75. The Government ensures that the women are aware of the 105-Day Expanded Maternity Leave benefits

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

76. Please kindly explain your answer above.

77. The Government provides enough information about maternity leave benefits

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

78. Please kindly explain your answer above.

79. 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?

80. My office/employer provides enough information about maternity leave benefits

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<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 employers do in order to make more women aware of and understand the 105-day Maternity Leave benefits for women

83. Most mothers are aware of 105-day maternity leave law

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

84. Please kindly explain your answer above.

85. I would encourage other mothers to avail of the 105-Day Maternity Leave Benefits

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

86. Please kindly explain your answer above.



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

88. I fully understand my rights and obligations in relation to the 105-Day Maternity Leave Law

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

89. Please kindly explain your answer above.

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

91. 105 days maternity leave for mothers is sufficient

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

92. Please kindly explain your answer above.

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

94. Mothers should transfer some of their days for maternity leave to the father/relatives/partner helping take care of the baby

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

95. Please kindly explain your answer above.

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

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

98. 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)

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

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

101. Other comments / suggestions

## Annex 2

### *Questions for relevant government agencies*

#### 1. Socio-Demographic Profile

Name of Respondent \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Birthday \_\_\_\_\_

Barangay \_\_\_\_\_ City \_\_\_\_\_ (mm/dd/yyyy) \_\_\_\_\_

2. **Educational Attainment:** Please identify your highest educational attainment (or the interviewer reads the items provided below before the respondent identifies any of the items relevant or corresponding to their educational background).

Elementary Undergraduate		Elementary Graduate	
Highschool Undergraduate		Highschool Graduate	
College Undergraduate		College Graduate	
Master's Degree Undergraduate		Master's Degree Graduate	
Doctorate or Doctor of Philosophy Undergraduate		Doctorate or Doctor of Philosophy Graduate	
Technical/Vocational		Others (pls. specify)	

#### **Questions for Department of Labor and Employment (DOLE)**

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?

### **Questions for the Philippine Commission on Women (PCW)**

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.

#### *EMLL Impact*

6. What do you think are the positive impacts of the EMLL on the maternal health of Filipino women? Please explain.
7. Do you think pregnant women from all walks of life can access these beneficial aspects of the EMLL? Why or why not?
8. Do you think the current means or strategies used to implement the EMLL are effective? Is it sustainable? Is it efficient? Why?
9. What do you think are the strengths and admirable features of the law? Can you discuss these?
10. What do you think are the weaknesses of the law? Can you discuss these?
11. What do you think are the ways that these weaknesses can be best addressed?
12. What do you think could still be improved with regards to the implementation of the EMLL?
13. 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)

## Questions for Social Security System (SSS)

### *Administrative*

1. Aside from SSS, are there other administrative organizations involved in implementing RA 11210 or EML? What agencies or organizations are these?
2. Are employers, civil society organizations, worker organizations, medical and prenatal care providers, or others involved in implementation? If so, how?
3. 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).

4. 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?

*Communicating Maternity Leave Benefits to Prospective Beneficiaries*

1. 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.
2. What is the role of your organization in this communication?
3. What role does your agency or organization play in ensuring that workers understand their rights to leave?
4. Please describe overall communication efforts informing prospective recipients of their potential benefits and eligibility. What mechanisms, groups, and media do these efforts use?
5. Would you say these communications efforts are effective? Why or why not? How is this measured?
6. What groups of workers do these communications reach most effectively? Why?
7. What groups of workers do these communications reach least effectively? Why? What is being done to improve communications with these groups?

*Availment of Benefits*

1. 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?

2. 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)?

3. 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)?
4. 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)?
5. 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?

#### *Finances and Costing of Benefits*

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

Probe: How are these costs assessed?

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



*Distribution of Benefits*

1. How are benefits distributed to recipients?

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

2. 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?

*Challenges and General Recommendations for improving EMLL*

1. What do you think are the weaknesses of your institution/agency in the implementation of RA 11210?
2. How has Covid-19 affected program implementation at both national and local levels?
3. Does the law (or IRR) need to be amended? If so, how?
4. Are SSS administrative systems and technical capacities of staff facilitative of EMLL program implementation at both national and local levels?
5. What can be done to strengthen the institutional capacity of SSS to improve EMLL implementation at national and local levels?

## Annex 3

### *Questions for Partido Manggagawa*

#### 1. Socio-Demographic Profile

Name of Respondent \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Birthday \_\_\_\_\_

Barangay \_\_\_\_\_ City \_\_\_\_\_ (mm/dd/yyyy) \_\_\_\_\_

2. **Educational Attainment:** Please identify your highest educational attainment (or the interviewer reads the items provided below before the respondent identifies any of the items relevant or corresponding to their educational background).

Elementary Undergraduate		Elementary Graduate	
Highschool Undergraduate		Highschool Graduate	
College Undergraduate		College Graduate	
Master's Degree Undergraduate		Master's Degree Graduate	
Doctorate or Doctor of Philosophy Undergraduate		Doctorate or Doctor of Philosophy Graduate	
Technical/Vocational		Others (pls. specify)	

#### Questions 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 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.

#### *EMLL Impact*

6. What do you think are the positive impacts of the EMLL on the maternal health of Filipino women? Please explain.
7. Do you think pregnant women from all walks of life can access these beneficial aspects of the EMLL? Why or why not?
8. Do you think the current means or strategies used to implement the EMLL are effective? Is it sustainable? Is it efficient? Why?
9. What do you think are the strengths and admirable features of the law? Can you discuss these?
10. What do you think are the weaknesses of the law? Can you discuss these?
11. What do you think are the ways that these weaknesses can be best addressed?
12. What do you think could still be improved with regard to the implementation of the EMLL?
13. 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)