

LAW & POLICY GROUP | [GRIST](#)

PHILIPPINES EXPANDS PAID MATERNITY LEAVE, BENEFITS

By Mercer's Pauline Cardenas, Fiona Webster and Stephanie Rosseau

1 Mar 2019

From 8 Mar 2019, women in the Philippines who meet certain eligibility criteria can take up to 105 days of paid maternity leave, under a law ([Act 1120](#)) signed by the president on 20 Feb 2019.

HIGHLIGHTS OF THE LAW

Features of the 105-Day Expanded Maternity Leave Law include the following:

- All working mothers — including those employed in the informal sector — can take up to 105 days of paid maternity leave (up from 60 days for normal childbirth or 78 days for a cesarean delivery) for each pregnancy, provided they've made at least three monthly contributions to the Social Security System (SSS) in the 12 months preceding the semester of the birth and have notified their employer. Previously, women were entitled to leave for up to four pregnancies. The maternity arrangements for workers who aren't covered by the SSS will be governed by the Philippine Health Insurance Corporation.
- Paid maternity leave is available to all working mothers, regardless of their civil status and the legitimacy of their child. Women who suffer a miscarriage or have an emergency termination can take up to 60 days of maternity leave with full pay.
- Private-sector employers must make full payment to employees within 30 days after receiving a leave application. The SSS will reimburse the employers. With some exceptions, employers will be responsible for the payment of the salary differential between the cash benefit received from the SSS and the employee's actual weekly or regular wage for the duration of the leave. The Department of Labour and Employment (DOLE) will issue guidelines. Companies whose maternity benefits meet or exceed the statutory minimum will be exempt from the law, subject to annual ratification by the DOLE.
- Leave must be taken as a single, uninterrupted period at the time of the child's birth. The leave can't be deferred, but it can be taken as a combination of pre- and post-natal leave — post-natal leave can't be less than 60 days.
- Employees can extend their leave by an additional 30 days without pay, subject to notifying their employer 45 days before the end of the leave. Mothers who are single parents can request an additional 15 days' leave with full pay.
- Women can transfer up to seven days of their maternity leave to the child's father, subject to fulfilling notification requirements for both employers.

- Women whose employment is terminated will be entitled to paid maternity leave provided the birth, miscarriage or emergency termination occurs within 15 days of the end of their employment. Employers that dismiss pregnant employees without just cause will be liable for payment of the employee's salary and any maternity-related benefits for the full period of maternity leave that the woman would have received or for 60 days in the case of a miscarriage or emergency pregnancy termination.
- Women on maternity leave will be protected from discrimination, including demotion and layoff. In certain circumstances, employers may transfer women returning from maternity leave to a comparable position or reassign them to another part of the business.
- Penalties for violations of the law could be as high as PHP 200,000 (and not less than PHP 20,000) and include imprisonment from six to 12 years.

RELATED RESOURCES

- [Act 11210](#) (Philippine Government, 20 Feb 2019)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.