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DOLE, stakeholders sign IRR for Expanded Maternity Leave Law

By Erma Edera

The Department of Labor and Employment (DOLE) and other stakeholders have signed the Implementing Rules and Regulations (IRR) for the Republic Act 11210 or the Expanded Maternity Leave Law on Labor Day in San Fernando, Pampanga.

DOLE Secretary Silvestre Bello III, chairperson of the Civil Service Commission (CSC) Alicia dela Rosa Bala and the president of Social Security System Aurora Ignacio led the signing of IRR for the Expanded Maternity Law on Wednesday which pave way the full implementation of the law where working mothers will have 105 days of paid maternity leave and an additional 15 days to solo mothers.



Pregnant women and mothers celebrate the passage of the 105 days of Expanded Maternity Leave (EML) Law at the Bonifacio Shrine in Manila and call for its immediate implementation on March 1, 2019. (ALI VICOY / MANILA BULLETIN)

Prior the enactment of the law, women are allowed only 60 days of paid maternity leave.

Based on the IRR, mothers will also have the option to extend for an additional 15 days of unpaid leave.

Bello said that even husbands can benefit from the law.

“The wife who gave birth, if she wants to be with her husband can pass up to 15 days of her leave so that he could attend to her,” he said.

The Expanded Maternity Leave Law also includes a provision allowing the allocation of seven maternity leave days to fathers, raising the paternity leave to 15 days from the current seven days.

Unwed mothers can also share up to 15 days to a working relative, Bello said.

Under the IRR, for cases of miscarriage or emergency termination of pregnancy, a 60-day paid maternity leave shall be granted to a female worker.

Other health care services for pre-natal delivery, postpartum and pregnancy-related conditions will also be granted to female workers particularly those who are neither voluntary nor regular members of the Social Security System governed by the existing rules and regulations of the Philippine Health Insurance Corporation (PhilHealth).

The IRR stated that even if the female worker has a pending administrative case, she can still enjoy the benefits under the law.

The law gives mothers the option to extend their leave for another 30 days without pay, provided that the employer is given due notice in writing at least 45 days ahead before the end of the maternity leave.

The law also applies to every instance of pregnancy, removing the 4-pregnancy cap. It shall be applied to all female workers regardless of civil status.

Maternity benefits shall also be given to female workers in the informal economy, provided that they have remitted to the Social Security System at least three monthly contributions in the 12-month period immediately proceeding the semester of her childbirth, miscarriage, or emergency termination of pregnancy.

“No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided,” the IRR showed.

DOLE said any violation of RA 11210 shall be punished with a fine of not less than P20,000 but not more than P200,000, or imprisonment of not less than 6 years but not more than 12 years, or both fine and imprisonment.

Female workers can start availing the Expanded Maternity Leave 15 days after the publication of its IRR in a newspaper of general circulation.

President Duterte signed into law the Expanded Maternity Leave measure on Feb. 20.