

CATEGORY	:	INSURANCE COVERAGE RECOGNITION AWARD
ORGANIZATION	:	SOCIAL SECURITY SYSTEM (SSS) PHILIPPINES
CONTACT PERSON	:	NORMITA M. DOCTOR, VICE PRESIDENT BENEFITS DIVISION
NAME OF PROJECT	:	PhP13.1 BILLION FUND ALLOCATION FOR THE 105-DAY EXPANDED MATERNITY LEAVE LAW (EMLL) FOR 2019
OBJECTIVE AND NATURE OF PROJECT	:	OBJECTIVE: 1. To complement the other government agencies' i.e. Department of Labor and Employment and Civil Service Commission in implementing EMLL under the "whole of government" approach; and 2. To enable the policy environment in recognizing and acknowledging women's vital role and contribution to the labor force and the opportunity to exercise their unique reproductive role. NATURE: Under international labor standards, maternal protection has two (2) aims: ▪ To preserve the health of the mother and her newborn; and ▪ To provide a measure of job and income security, i.e, protection from dismissal and discrimination, the right to resume work after leave, and maintenance of wages and income during maternity. Republic Act No. 11210 or the 105-Day Expanded Maternity Leave Law (EMLL) was designed to increase the maternity leave period to one hundred five (105) days for female workers with an option to extend for an additional thirty (30) days without pay, and granting of an additional fifteen (15) days for solo mothers. Under the EMLL, the SSS is mandated to implement the provisions of the law for the grant of SS maternity benefits to its qualified female members. The maternity benefit is a cash allowance granted to a female member who was unable to work due to childbirth or miscarriage. The maternity cash benefits are intended to replace the income lost due to the interruption of the female member's economic activities. Without income replacement, the female member's absence during maternity leave and the increased expenditures due to pregnancy can pose additional financial hardships to many families. Under Section 5(a) of the EMLL, "a female SSS member who has paid at least three (3) monthly contributions in the 12-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of her pregnancy shall be paid her daily maternity benefit which shall be computed based on her average daily salary credit for 105

		days, regardless of whether she gave birth via caesarian section, or natural delivery”, subject to qualifying conditions. It also provides for sixty (60) days paid leave for miscarriage and emergency termination of pregnancy The SSS funding for the EMLL also covers full-time mothers under voluntary paying category.
WHY IT SHOULD BE RECOGNIZED	:	The implementation of the EMLL should be recognized because it protects and promotes the rights and welfare of working women taking into account their maternal function by providing them ample time to regain health and overall wellness as well as to assume maternal roles before resuming paid work. This program also gives additional benefit to the female member who falls under Republic Act No. 8972 – Solo Parent Welfare Act of 2000, to help address the needs of solo parents to preserve and promote the solidarity and sanctity of the family as a basic social institution. The female worker may, at her option allocate up to seven (7) days to the child's father whether or not the same is married to the female worker. The allocated benefit granted to the child's father is over and above that which is provided under Republic Act No. 8187 or the “Paternity Leave Act of 1996.” This is for the purpose of enabling him to effectively provide support to his wife in her period of recovery and/or in the nursing of the newly born child. The EMLL's 105-day maternity leave exceeds the ILO Convention No. 183 which extends the period of leave to a minimum of 14 weeks (98 days). A total number of 5.8 million female SSS contributing members are potential claimants to the expanded maternity benefit.
SUMMARY OF PROJECT	:	The EMLL was approved by the President Rodrigo Roa Duterte on February 20, 2019 and the effectivity date is March 11, 2019. The Implementing Rules and Regulations (IRR) of RA No. 11210 was crafted and later on signed on May 1, 2019 by the Chairperson Alicia dela Rosa-Bala of the Civil Service Commission, Secretary Silvestre H. Bello III of DOLE and Aurora C. Ignacio, President and CEO of SSS. The EMLL grants 105 day maternity leave to SSS covered female member for live childbirth, regardless of the mode of delivery, and an additional fifteen (15) days paid leave if the female worker is qualified as a solo parent under RA No. 8972, or the “Solo Parents Welfare Act of 2000 or sixty (60) days paid leave for miscarriage and emergency termination of pregnancy. The maternity leave shall be granted to a qualified female worker in every instance of pregnancy, miscarriage or emergency termination of pregnancy regardless of frequency. Employed female workers shall receive full pay which consist of maternity benefit computed based on their average daily salary credit and salary differential to be paid by the employer. An option to extend for an additional thirty (30) days without pay in case of live childbirth is allowed.

	Full payment of the maternity leave benefit shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application. In case of self-employed female members, including those in the informal economy, OFWs and voluntary SSS members, the SSS shall directly pay the maternity benefit. The SSS shall immediately reimburse to the employer the maternity benefits advanced to the employed female member, only to the extent of one hundred percent (100%) of her average daily salary credit for one hundred five (105) days, one hundred twenty (120) days or sixty (60) days as the case may be, upon receipt of satisfactory and legal proof of such payment. Employers shall pay for the difference between the full salary and the actual cash benefit received from the SSS. The female worker entitled to maternity leave benefits may, at her option allocate up to seven (7) days of said benefit to the child's father, whether or not the same is married to the female worker. The allocated benefit granted to the child's father under this project is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996" In case the female worker avails of the option to allocate, the SSS shall pay her the amount of the maternity benefit corresponding to the period not allocated. In the event the female worker dies or becomes permanently incapacitated, the balance of her maternity leave benefits, if any shall accrue to the child's father or to a qualified alternate caregiver subject to the conditions set under RA 11210. Prior to the implementation of EMLL the maternity benefits of SSS members with monthly salary credits of P2,000, P 10,000 and P20,000 are P4,000, P20,000 and P40,000 respectively for normal delivery but under the EMLL the maternity benefits of these members have increased to P7,000, P35,000 and P70,000 respectively. The benefits will further increase to P8,000, P40,000 and P80,000 respectively, if the member is a solo parent. The percentage of maternity benefit increase for normal delivery is 75% while for caesarean delivery it is 35%. Maternity benefit disbursement in 2019 is expected to go up to PhP13.1 billion or increase by 85 percent compared to the 2018 actual benefit expenditures of 7.1B
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