

THE 2019 EXPANDED MATERNITY LEAVE LAW: A LAW WHOSE PROGRESSIVE POTENTIAL HAS YET TO BE FULLY REALIZED

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Acronyms

ADSC - Average Daily Salary Credit

ARMM – Autonomous Region in Muslim Mindanao

BARMM – Bangsamoro Autonomous Region in Muslim Mindanao

CALABARZON – Cavite, Laguna, Rizal, Quezon

CAR - Cordillera Administrative Region

CARAGA – Caraga Administrative Region

COA - Commission on Audit

CPG - Central Processing Group

CSC - Civil Service Commission

CSO - Civil Society Organization

DICT - Department of Information and Communication Technology

DSWD - Department of Social Work and Development

ECOP - Employers Confederation of the Philippines

EMLL - Expanded Maternity Leave Law

ETP - Emergency Termination of Pregnancies

GAA - General Appropriations Act

GGGR - Global Gender Gap Report

GOCCs - Government Owned and Controlled Corporations

GSLE - Gender Statistics on Labor and Employment

ICT- Information and Communications Technology

IEC – Information, Education, and Communication (IEC)

ILO - International Labor Organization

IRR –Implementing Rules and Regulations

ISS - Informal Sector Survey

LFPR - Labor Force Participation Rate

LGBTQI+ - Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual, and many other terms

LGU - Local Government Unit

MBA - Maternity Benefit Application

MDR - Member’s Data Record

MEC - Medical Evaluation Centers

MIMAROPA – Mindoro (Oriental and Occidental), Marinduque, Romblon, Palawan

MOD - Medical Operations Department

MSC - Monthly Salary Credit

NGA - National Government Agencies

NTUC - National Trade Union Center

OFW – Overseas Filipino Workers

PAGIBIG - Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industriya at Gobyerno

PC - Processing Center

PCW - Philippine Commission on Women

PSA – Philippine Statistics Authority

PhilHealth - Philippine Health Insurance Corporation

RA – Republic Act

SMEC - Sickness, Maternity, and Employees' Compensation

SSS - Social Security System

SUCs - State Universities and Colleges

DOLE - Department of Labor and Employment

DTI – Department of Trade and Industry

PM – Partido Manggagawa

UMID Card - Unified Multi-Purpose Identification Card

WHO - World Health Organization

WP - Workers' Party

I. Introduction

After almost 11 years of fighting for an extended maternity leave benefits for women by various stakeholders, the Expanded Maternity Leave Law (EMLL), or Republic Act 11210, was enacted on March 11, 2019, and was widely hailed as a significant measure to improve the conditions of working mothers. About 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).

Due to the EMLL, maternity leave for all Filipino female workers (including informal workers) was extended from 60 days to 105 days with the option of extending this to an additional 30 days without pay. An additional 15 days of maternity leave was also granted for solo mothers. Republic Act 11210, known as the “105-Day Expanded Maternity Leave Law” (EMLL) was enacted into law to further boost the government’s constitutional mandate of promoting the rights and welfare of working women. The expansion of the paid maternity leave significantly allowed women more time to care for themselves and their babies during a critical period. This is to ensure their health and well-being, including their spouses/partners, if there was one, without any loss in income.

The EMLL is a much more progressive law compared to the earlier maternity leave law (and this will be discussed more later). Indeed, the Philippines has a long history of providing social protection in the country, including the sixty-day maternity paid leave for women. However, the limitations of the sixty-day maternity leave are underscored when it is cited as one of the reasons to explain the high incidence of maternal deaths in the country. This is because women are compelled to return to work too early due to poverty and lack of income, even when they are still too weak to rejoin the world of work. Furthermore, the sixty days paid leave was seen as too short

for lactating mothers to breastfeed their children. Breastfeeding is a practice which would have immensely boosted their health. It is of no small matter considering the lack of good nutrition for a significant number of mothers and children. The lack of breastfeeding practices that could have benefited mother and child has contributed to lower health outcomes in terms of them experiencing a variety of illnesses, including deaths, and mostly driven by poverty and multidimensional deprivation. Indeed, the paid leave duration of sixty days was viewed by many as too short for mothers including solo ones, fathers/partners, and their children. The longer paid maternity leave would allow them to experience the fuller benefits of breastfeeding, bonding and other foundational life-giving benefits.

According to an article published by the National Trade Union Center (NTUC) in 2013, building on past studies, the Philippines was lagging behind in the list of countries in Asia and globally in terms of giving maternity leave benefits. In fact, even by the year 2013, there were already many countries that had adopted longer paid maternity leave. This included 46 weeks, or 10.5 months, paid maternity leave in Norway; six months in Vietnam; four months in Bangladesh, Singapore and Mongolia; and three 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 benefits at that time.

With all these serving as the contextual backdrop, a number of women's and civil society organizations, labor unions, policymakers, including legislators, decided to remedy the situation by calling for the extension of the duration of the maternity paid leave beyond sixty days. From the first decade of the new millennium up to the year 2017, there were various attempts by

representatives and senators in the Philippine Congress to amend the old policy to extend the maternity leave benefits to about 100 to 120 days.¹

In particular, 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 such bills, saying that a longer maternity leave would “lead to further deterioration of labor productivity and competitiveness and would translate to increased costs of doing business.” They also tagged the bills as discriminatory against women arguing that the extension of maternity leave benefits would result in less employment opportunities for the 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 (NTUC, 2013). According to the results of an “ECOP Survey 02–19: Expanded Maternity Leave,” the EMLL would affect 31 percent of Philippine companies’ decision to hire women. The survey results show that 56 percent of the responses came from large-scale companies or those that employ 200 or more employees. This is followed by responses from small-scale companies (those that employ 10–99 employees) at 22 percent, while medium-scale companies (those that employ 100–199 employees) comprised 20 percent.

The survey illustrated that 42 percent of the respondents have more than 50 employees earning at least P16,000.00 per month, while 35 percent of respondents have more than 50 employees earning

¹ This included Senate Bill 322 (120 days), Senate Bill 2982 (100 days), and Senate Bill 1305 (105 days) as well as House Bills 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 Cong. Diosdado Arroyo, Cong. Gloria Arroyo along with more than 70 Congressmen/Congresswomen who co-authored the House Bills; as well as Senator Francis Pangilinan, Risa Hontiveros along with co-authors Senators Manny Pacquiao, Antonio Trillanes IV, Loren Legarda, Sonny Angara and Nancy Binay. The PCW also included this policy as among the women’s priority legislative agenda for the 17th Congress.

more than P20,000.00 per month. In this connection, the respondents noted that the possible cost impact of RA 11210's provision mandating employers to provide salary differential to their employees is substantial. The respondents also expressed mixed emotions with the passage of the law with 32 percent expressing happiness for the employees while 18 percent feeling sorry for the employer.

One of the biggest national associations of employers of private companies in the Philippines publicly opposed the enactment of the EMLL; they have also manifested their sentiment in legislative public hearings as well as through media write-ups. To further amplify the reasons for their opposition to the bill, their 2019 survey is revealing. According to the ECOP survey, the often-cited reasons of employers who are against the EMLL are the following (Employers Confederation of the Philippines 2019):

1. The long maternity leave is disruptive to the operations and planning for the company;
2. The cost implications caused by the expanded maternity benefit and the hiring and training of 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 have also been corroborated by the key informant from the Philippine Commission on Women (PCW) who was involved in the lobbying of the passage of the EMLL in Congress and in the drafting of its IRR. The key informant noted that during the lobbying for the law's passage, private employers were strongly opposed to its passage. The prospect of private employers paying additional counterpart payments for their employees' social contributions and salary differential

is what explains the reluctance and strong resistance by the former to the EMLL. Even arguing that these were overlapping, and therefore unnecessary, benefits are on top of already existing maternity-related benefits.

Parang sobra na at marami nang—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 na lalaki na lang. And at the same time, may counterpart na babayaran si employer as to dun sa contribution at benefit.

The employers would disclaim that “we support any bill that will improve the health of female employees,” but they’re hiding behind the claim that there is already so much leave available to women that they might no longer be productive [because of their perceived excessive leave availment for themselves]. This might result in the discrimination of women, especially in hiring. They might prefer men more [to hire and work for them]. And at the same time, there are counterpart contributions that employers need to pay for their employees’ contributions and benefits.

—PCW Key informant

According to the key informant, private employers have also argued that if the law is passed, given the removal of caps in the number of pregnancies covered by the EMLL, female employees might frequently get pregnant because this means they will also frequently receive benefits. In terms of payment of salary differential, the PCW key informant noted that the number of female employees

a company has to pay maternity-related salary differential for is likely low. Usually, female employees enjoying high salary are those who are already high in the corporate ladder, which takes time to achieve. Thus, by the time that the female employee has climbed the corporate ladder, she may no longer be reproductively active or capable. This also lessens the probability of getting pregnant 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 P70,000.00 maternity-related cash benefit.

During deliberation po, ang inano 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 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 or 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 malaki ang sahod, malaki rin po ang kanilang ibibigay.

During deliberation, private employers presented statistical data. They said that “they (women employees) might just keep giving birth without limit to keep receiving cash benefits. But given the trend on working women, those who get pregnant are usually still under the cover of the

SSS because their salaries are still relatively low. If the female worker's salary is already high, it means that she has already leveled up or has already climbed the corporate ladder. By that time she is already older and the probability of getting pregnant at this age is already very low. They [private employers] are worried that if the female employee gets pregnant and her salary is high, they [employer] 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 SSS. According to him, the SSS representatives during the congressional hearings expressed concern of possible fund depletion with the enactment of the EML bill. No less than then SSS President and Chief Executive Officer Emmanuel Ducot observed in 2019 that the EMLL will cost the SSS an additional P7.5 billion in benefits, on top of the P6 billion maternity benefits already disbursed in 2017 where some 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 11199) was enacted the year before (in 2018), strengthening “the pension fund’s actuarial life” as it mandated an “additional one percentage point increase in contribution ...” which “will bring about P31 billion in contributions alone” and which “in turn, will extend the actual life of SSS from 2038 to 2045” (ibid).

Judy Miranda (interviewed on September 7, 2022), secretary general of the Partido ng Manggagawa (Workers’ Party), avers that she and others from women and workers’ groups were

disturbed during the congressional debates to hear certain views aired that “it was not the State’s responsibility to take care of women who got pregnant” and that a woman getting pregnant was seen mostly as a cost to the employers and the government. According to Miranda, rather than view the EML as an additional cost, they should view it as an investment as it increases the productivity and health of female workers and their families. Besides, she adds, that money also comes from the SSS premiums invested by the female workers so why deny it from them?

Despite opposition, mostly from employer associations and even 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 lowest number of days that provided paid maternity leave. Doctors and other medical workers also gave testimony of the benefits that will be generated in terms of health and wellbeing of mother, child and their families, as well as the law’s potentially positive impact on workers’ productivity, citing ILO data and analysis. One of the key informants (interviewed on August 23, 2022) - a Senior GAD (Gender and Development Program) Specialist of the Policy Development Planning and Evaluation Division of the Philippine Commission of Women (PCW) observed 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 the EMLL champions among the legislators who were champions of the Reproductive Health Law that was enacted years ago, actively promoted women’s rights by coauthoring the EMLL at the House of Representatives and Senate.

At the level of the House of Representatives, there was wide-ranging support from legislators who represented congressional districts and those from the party-lists groups as well as coalescing

legislators who were members of the “Supermajority” (the coalition of political parties which supported President Rodrigo R. Duterte and his administration) and those from the political opposition. Suffice it to say, progressive legislators who came from organizations and parties from the left to the left of center, played a very active role in pushing for the bill.

In the House of Representatives, several house bills were passed to increase the number of days of maternity leave for women. The House Bill that became the basis for the EMLL was House Bill 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 October 17, 2016, and passed during the 17th Congress of the Republic.

House Committee on Women and Gender Equality, Rep. Emmeline Y. Aglipay-Villar of the Party-list DIWA, endorsed the 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 as a landmark legislative measure in Congress. A total of 79 other District Representatives coauthored the Bill with Villar.²

² Aside from Aglipay-Villar, the other authors of HB 4113 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

Congressman Edcel Lagman, a legislator seasoned in pushing 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 legislative step where the final wording and provisions of the bill are substantively worked out and agreed upon at the legislative level, before it is submitted to the President for his approval. Lagman was among those who successfully managed to keep the progressive provisions in the text, during a very critical phase of the legislative process.

In a press release, Rep. Emmi de Jesus of the Gabriela Party-list group, upon passage of the EMLL said that "Today, women won over the combined forces of corporate lobby and misogynists' mongering against the measure." De Jesus said the law advanced women's right to maternal health and upheld the security of tenure of pregnant female workers.

In the Senate, as early as 2015, senators already approved on its third and final reading the Senate Bill 2982 entitled, "Expanded Maternity Leave Law of 2015" for women in the public and private sectors and which aimed to lengthen the 60-day maternity leave to meet the 98-day minimum requirement of the International Labor Organization (ILO). In 2016, two separate bills were filed by Sens. Risa Hontiveros and Juan Edgardo Angara to increase the duration of paid maternity leave. Hontiveros filed on June 30, 2016 the Senate Bill 215 for a 120-day maternity leave plus an added 30 days for solo mothers, while Angara filed on December 12, 2016 the Senate Bill 1276, which sought to increase the paid maternity leave period to 98 days for female workers in the public and private sector with option to extend for additional 30 days without pay.

In the first quarter of 2017, some of the relevant senate committees which studied these two bills recommended that these be substituted with Senate Bill 1305, which eventually became the basis for Republic Act 11210, or the Expanded Maternity Leave Law, on February 20, 2019.

Hontiveros, who was then the 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 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.

This legislative initiative generated popular support from social movement organizations, trade unions, women's organizations, and a number of "experts" representing the medical profession like the Philippine Doctors Society, Gynecology Society, Midwives Society, all of which mobilized and attended the legislative public hearings on the bill. These nonstate actors galvanized and were present in all the public hearings, proactively expressing their support for the EMLL. They even produced position papers on some of the contentious issues that arose in the course of the legislative process, making publicly known their policy stance.

A labor group coalition, called Workers 4EML, were among those who celebrated the eventual passage of the EMLL. The group includes Akbayan Women, Building and Woodworkers International, Nagkaisa Labor Coalition, IndustriAll, Public Services International, Trade Union Congress Party, Partido Manggagawa, Sentro ng mga Nagkakaisa at Progresibong Manggagawa, Public Services Labor Independent Confederation, Kayumanggi, 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.”

According to WP Leader Miranda, also one of the key organizers of the Workers 4EML, she observed that, from the start, there was already broad-based legislative support for the bill, stating that “even (Sen. 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, Mr. Raymond Mendoza, said that the “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.” In a TUCP statement, Mendoza said, “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.”

The passage of the EMLL was also welcomed by various national government agencies. In a press release, the secretary of the Department of Labor and Employment, Silvestre Bello III, said that “the law should encourage employers to hire more women because they will be happy employees.”

Meanwhile, the Department of Health Secretary Francisco T. Duque said through a press release that, with the EMLL passage, “Clearly, 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.”

II. Significance of the Study

This study comes at a time when, even before the pandemic, many Filipino women were employed in low-paying, precarious work, oftentimes 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 as it was too short and was inadequate in addressing the health and wellbeing of mothers and their children. This situation was exacerbated when the Covid-19 pandemic struck in February 2020. By March 2020, the lockdowns and other strict mobility measures were instituted in many parts of the country. As such, this meant that the EMLL and the rolling out of its IRR was barely a year old when the Covid-19 pandemic struck the country. Practically overnight, many of the country's workers, a significant section of whom were in the informal economy, lost their jobs. Going to the SSS to avail themselves of social security benefits was not an option during this period because of the lockdown. Moreover, SSS needed about a year (in 2021) before they had fully established their online platform to avail themselves of EMLL benefits, together with other social security benefits. According to an ILO report (ILO Brief, April 2020, p.2), in 2020 over a billion workers in the informal economy were "heavily affected by restrictive lockdowns and border closures globally," including Filipino workers. The same report notes that social protection and safety nets were already weak in many countries just like in the Philippines even prior to the pandemic. Indeed, with the intensifying instability and informality of work, especially for women, a robust social protection system is critical, in the face of lifecycle contingencies, such as pregnancies.

It is in this context that such a study derives its added significance. Given the disruptions and volatility that today characterize the world of work, one that was already unstable and precarious

for those laboring in the informal economy even prior to the onslaught of the Covid-19, social protection measures, such as the 2019 Expanded Maternity Leave Law, take greater developmental resonance.

However, how to strengthen the law, particularly its implementation given that it is a relatively “new” program, requires an inquiry into its current status, what have been its accomplishments thus far, as well as pressing the issues and challenges that confront it.

III. Research Objectives

The objectives of the research are the following:

1. To describe and analyze the features of the Expanded Maternity Leave Law (including relevant aspects of the IRR) and how it has been implemented;
2. To describe and analyze financial costs to the government and private sector;
3. To describe and analyze the administrative capacity of the government and private sector to implement the law;
4. To describe the strengths as well as weaknesses/challenges regarding the law and its implementation, especially in relation to its impact on many poor workers, the majority of whom are found in the informal economy; and
5. To generate lessons and recommendations on the EMLL.

IV. Research Design/Methodology

The research proceeded with a review of literature on the EMLL, using government data as well as academic and media articles. Apart from these, the two major sources of primary data were the respondents' answers, using a survey questionnaire formulated for this research (see attachment A) and key informant interviews.

For generating data from a survey questionnaire, purposive sampling was used in identifying women in preselected sectors: agricultural work, domestic work, and self-employed street or market vendors. The study also targeted at least 30 respondents as part of the research design. However, in the actual search for respondents across these various groups, given the nature of the topic, the researchers had to focus on identifying respondents from a narrower subgroup within these sectors: those who got pregnant and gave birth after the enactment of the Expanded Maternity Law (EMLL) in March 2019 (in real terms, this means identifying women who got pregnant in the last two and a half years). This short timeline limited the targeting horizon of the researchers and was not helped by the fact of mobility restrictions due to the Covid-19 pandemic and the relatively short research period and budget.

Generally speaking, in the search for and identification of respondents, snowball sampling was employed where the research team members contacted their colleagues and friends (whom the research team referred to as “focal points”), most of whom came from NGO networks, to help identify women who got pregnant and/or gave birth between the period of March 2019 until the first half of June 2022 (or a window of three years and three months). Furthermore, the focal points were asked to identify women who were located in different settings (to cover rural and urban)

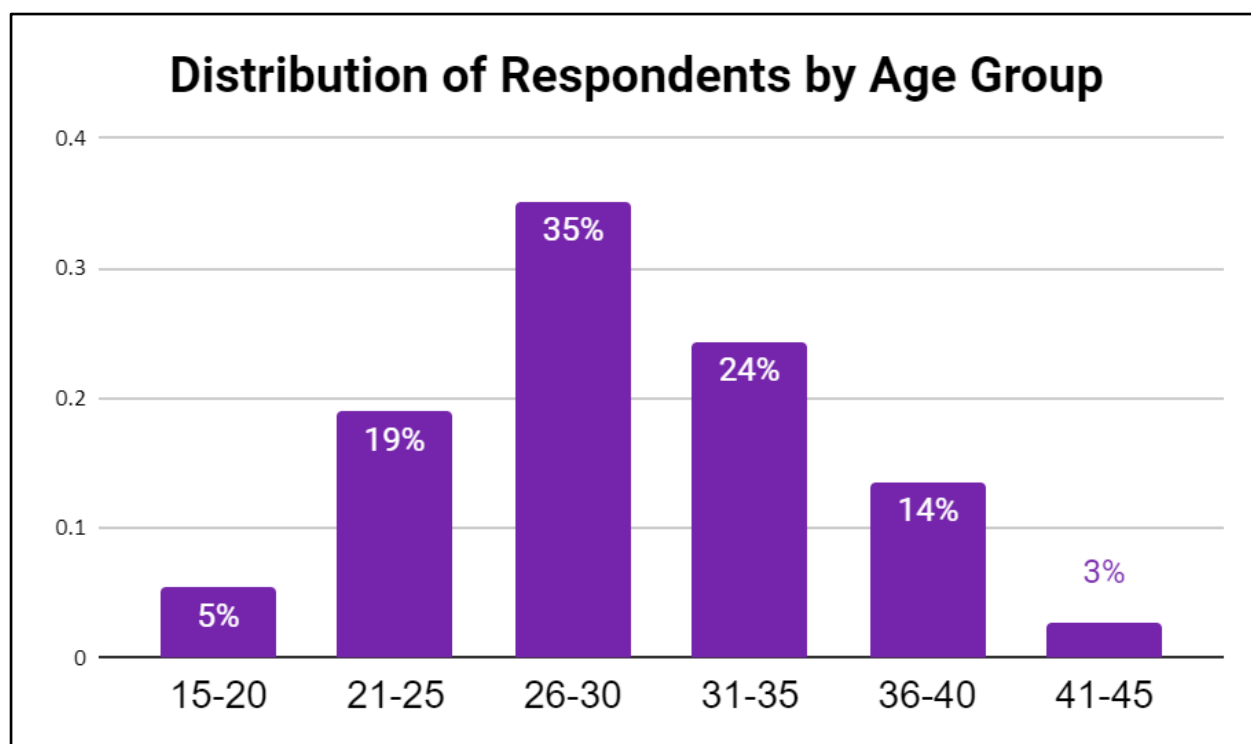
across the different provinces and islands (see figure 1 and table 1 farther on) to give some degree of national spread in the profile of the respondents. None of these respondents know each other.

The respondents were predominantly from the National Capital Region (NCR) at 38 percent and the major island of Luzon at 43 percent. The 14 respondents, or 38 percent, of the total respondents residing in the NCR were from the cities of Pateros, Manila, Caloocan, Pasig, and Mandaluyong. The respondents from the entirety of 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 island 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*³ and the rest, or 49 percent (49%), of the total respondents, resided in *rural areas*.⁴ Please refer to Figure 1 for the location mapping of the respondents.

³ 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 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)

⁴ 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 being 19 years old and the oldest 42 years old. The median age is 28 years and mode is 27 years. There were two, or 5 percent (5%), of the total respondents whose ages ranged from 15–20 years old and two more of the total respondents belonging to the 41–45 years old bracket. Four, or 11 percent, of the total respondents belonged to the 36–40 years old bracket and seven, or 19 percent (19%), belonged to the 21–25 years old range. Nine, or 24 percent (24%), were from the 31–35 years old bracket and 35 percent, or 13 respondents, belonged to the 26–30 years old range. In terms of data or information detailing the respondents' level of English fluency, this research undertaking was unable to cover or generate such information or data.

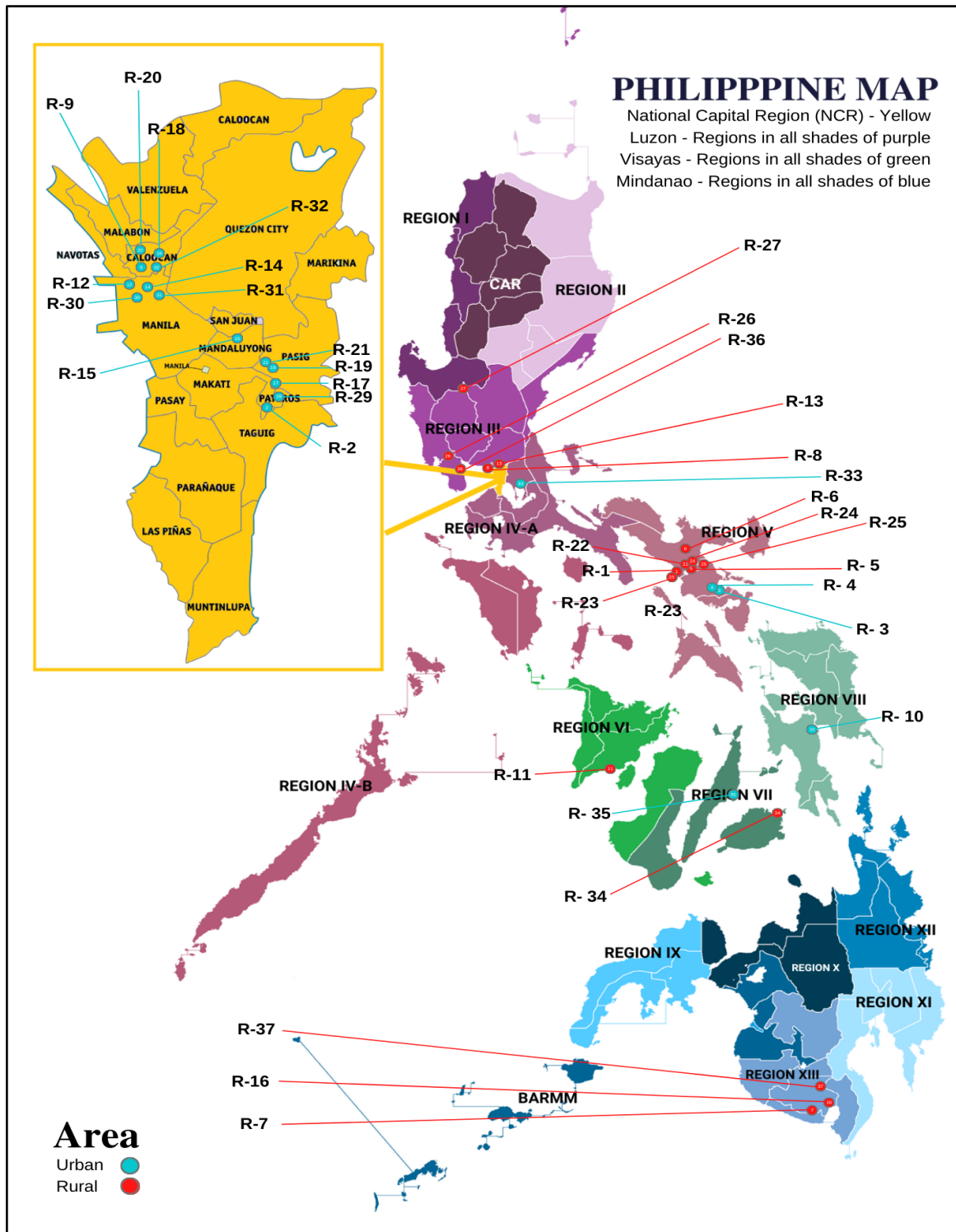


Figure 1. Location Mapping of Respondents

Table 1. Distribution of the Respondents by Location

Area	NCR		Luzon						Visayas						Mindanao	
	National Capital Region		Region 3		Region IV -A		Region 5		Region 6		Region 7		Region 8		Region 12	
	TO	%	TOT	%	TO	%	TOT	%	TOT	%	TOT	%	TOT	%	TOT	%
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%

There was difficulty for the researchers and their networks to identify female workers in grassroots communities and poor communities who got pregnant within a narrow temporal window (from March 2019 until the first half of June 2022). The researchers decided to include all women who got pregnant within that time line as long as they came 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. To be sure, of the 37 respondents, 30 of them 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. One approach was where focal points (usually an NGO contact of a research team member) who were embedded in the specific areas where the respondents lived and worked were the ones who conducted the interviews. A second approach was when the researcher conducted the interview via mobile phone and the third approach was when one of the members of the research team conducted face-to-face interviews in his place of work and provincial hometown. In all these approaches, a survey questionnaire was used as the basis for the interviews (see annex B). It must be emphasized that these modalities in the conduct of interviews were drawn up in the face of formidable challenges because of the strict health protocols which resulted in strict mobility measures that were in place at the time of the research as well as the limited research funds.

Below is a breakdown of work of the 37 respondents:

Table 2. Distribution of Respondents by Type of Work

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

In terms of the specific occupations of the respondents, 4, or 11 percent, indicated that they were clothing vendors, while twelve, or 32 percent, indicated that they were food vendors. Six, or 16 percent, indicated that they were domestic helpers all of whom are employed as live-in full-time workers for the respective individual private households of their employers, while four, or 11 percent (11%), indicated that they were farmers working for informal sector enterprises (i.e.,

⁵ Contractual white collar workers companies 4 (11%): full-time college teacher in a state university and college (SUC), a part-time teacher and administrative assistant in another SUC, a sales lady and a billing assistant in a capital equipment company. While they have contracts with their employers, they do not enjoy security of tenure and the provision of social security benefits are absent in their contracts.

⁶ Those doing odd work /seasonal work refer to the following : those taking care of their babies (and other children) while performing unpaid family labor (e.g., assisting in farming activities) or doing wage work (providing laundry service when work was available) which was enabled because of the presence of a family support system where oftentimes the mothers and/or sisters of the respondents would care for the babies (and other children) when the respondents would undertake productive (but oftentimes unpaid) work.

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 also perform unpaid work as housekeepers or as vendors of food items, among others. Two, or 5 percent, indicated that they are unemployed; two, or 5 percent (5%), indicated that they are teachers informally employed as contractual employees without “Employee-Employer Relationship Clauses” in formal institutions, e.g., state universities and colleges (SUCs); one indicated that she is a billing staff informally employed as a contractual worker for a private company; one NGO staff formally employed; and one saleslady informally employed in an informal sector enterprise, respectively.

Of those who indicated that they are food vendors, one indicated 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, while one sold vegetables. Another respondent helped in cooking and selling home-cooked dishes and snacks in her mother’s roadside food stall. The researchers have noted in their survey interviews that those who considered themselves as employed, particularly categorized as informally employed, perform multiple jobs or relied on seasonal odd jobs in order to meet their economic needs.

Here, it is relevant to bring in the official definitions of both formal and informal employment which are relevant to the employment status of the respondents. According to Cabegin (2018, p. 33), “by 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 the Cabegin 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 nonwage 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.” Furthermore, Cabegin (2018, p.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, “The informal sector is defined officially in the National Coordination Statistical Board Resolution No. 15-2002 as household unincorporated enterprises owned and operated by own-account workers (National Statistical Coordination Board, 2002).” This definition of the informal sector follows from the conceptual framework endorsed by the Fifteenth International Conference of Labour Statisticians in 1993 and subsequently 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) (Cabegin, 2018, p. 32). According to Cabegin (2018, p. 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

Going by this, the PSA has estimated that there are about 15.758 million workers, or 43 percent, of the 40.998 million employed population who are informally employed composed of unpaid family workers and informal sector operators in 2016 (Cabegin, 2018, p. 32).

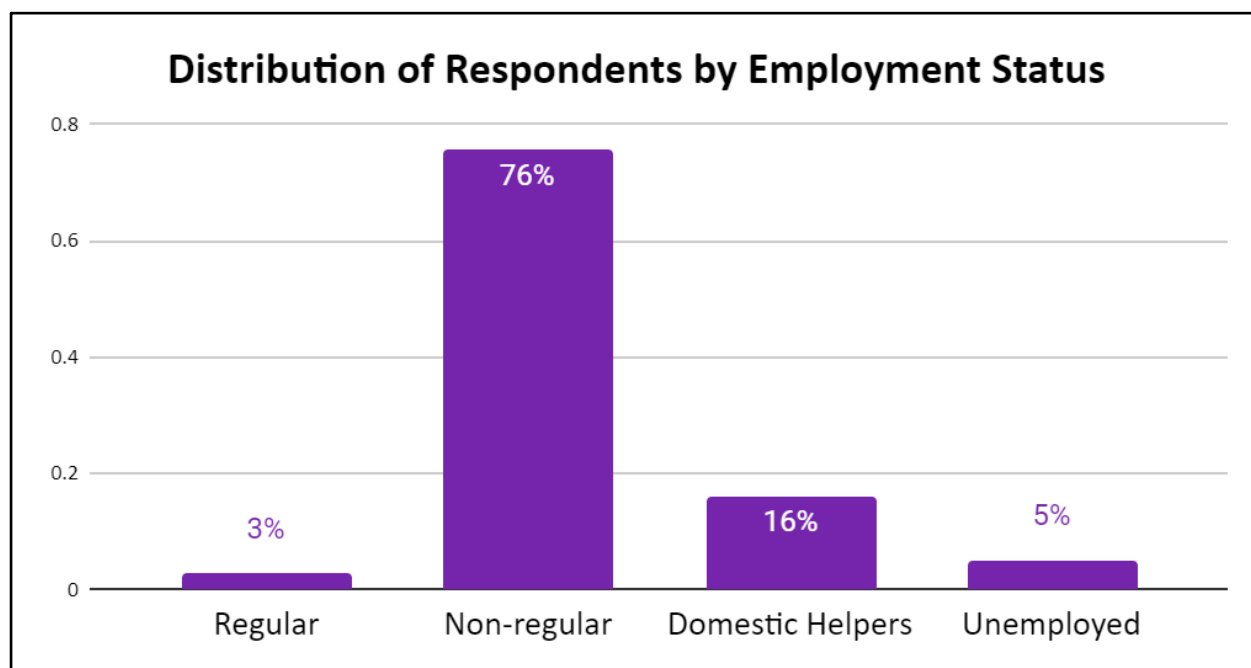
However, this research echoes the classification of Cabegin (Year, pp. 32–33) who observed that

[T]he three types of production units which 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.

The significance of this expanded typology, according to Cabegin (ibid) 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.” As Cabegin (2018, pp. 32–33) 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* (italics mine).” When one goes by Cabegin’s classification, the incidence of informal workers dramatically rises: here, more than four out of five Filipino workers in the working ages of 15–64 years old , or 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).

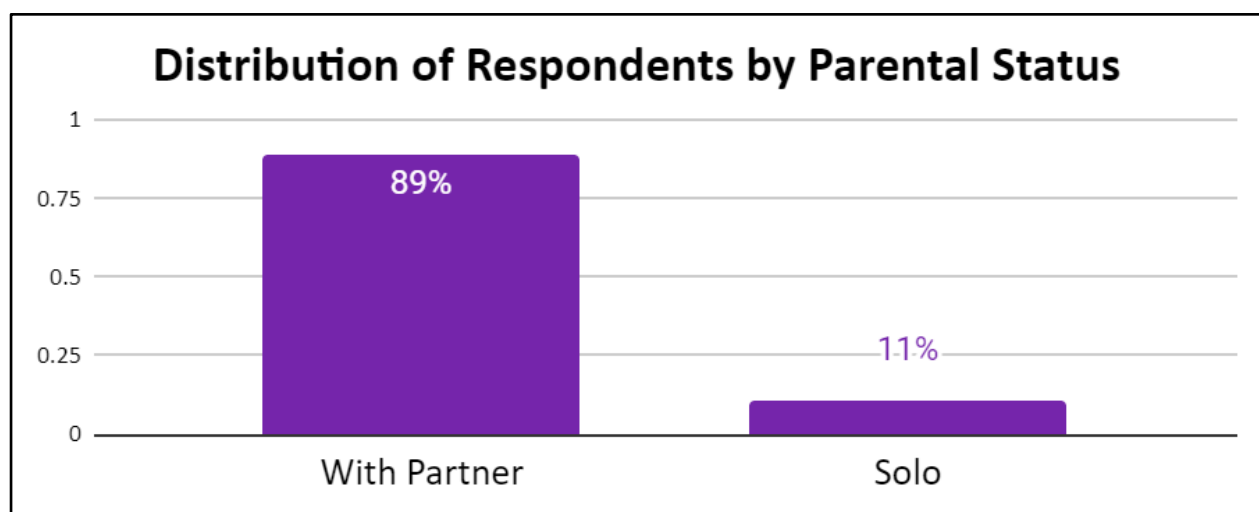
Going by Cabegin's (2018) expanded definition of informal workers, of the 37 respondents, only one qualified as working in the formal sector—the NGO employee—as she had wage employment and was covered by a written contract and where she and her employer paid for her social security contribution. All 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 limited time-frame contracts (in other words, 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 [with a short background information of each of the respondents]).



Graph 2. Distribution of Respondents by Employment Status

In terms of employment status, all of the respondents are informally employed in both formal and informal sector enterprises, and private households or are members of the informal sector, such as unpaid family workers e.g. unemployed housewives. Moreover, none of the respondents have indicated that they were involved in dependent employment. Two, or 5 percent of the total respondents were unemployed housewives while six, or 16 percent, were informally employed as domestic helpers. Furthermore, twenty-eight, or 76 percent (76%), of the respondents indicated that they were informally employed in formal and informal sector enterprises; while 1, or 3 percent, indicated that she is a regular worker or 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 for as long as they have paid at least three rounds of SSS contributions prior to their birth delivery (the details of which will be discussed further in a later section of the report). This means that, in theory at least, all 37 respondents who got pregnant after March 2019 could have availed themselves of the EMLL.

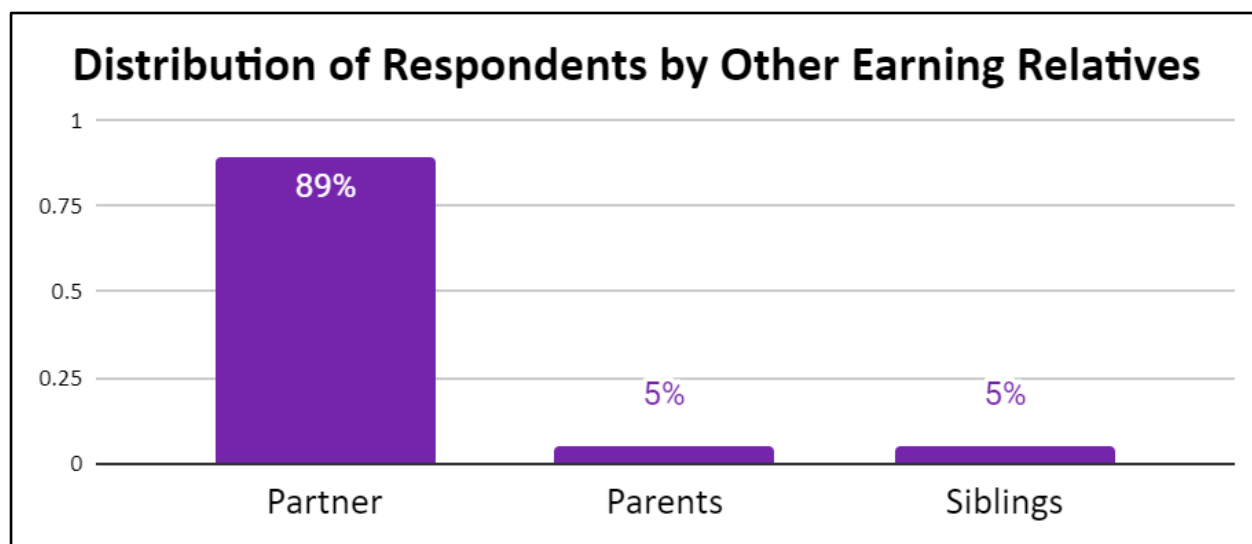


Graph 3. Distribution of Respondents by Parental Status

In terms of parental status, 89 of the respondents indicated that they had partners while the rest indicated that they were solo parents.⁷ 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 or 89 percent of the respondents indicated that other earning family members in their household are their partners. The rest of the respondents noted that their parents (5%) and their siblings (5%) are their household's 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 the 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' socioeconomic demographics, the data provided herein and its corresponding discussions, underscore the precarity of employment and sources of income. This is also

⁷ Solo parent refers to a covered female worker who falls under the category of a parent defined under Republic Act 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 has he or she has custody of the children); (3) Unmarried father or mother who has 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 parents or solo parent.

demonstrated by the multiple types of occupations held or performed by the respondents as indicated in the previous discussions above. This is important as this study's universe provides tangible examples of the practical realities experienced by Filipina workers. Included are important factors which may impact their abilities to apply for and successfully avail themselves 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 the various government agencies and private sector organizations were identified. These are the following:

1. The Social Security System (SSS) - this government agency provides for the EMLL in the private sector. Generally speaking, EMLL benefits are automatically provided for 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. The Civil Service Commission (CSC) - the government agency which enforces compliance of the EMLL (and other laws for workers) in the public sector. Note that EMLL benefits are automatically provided by the national government agency (NGA) for public sector workers who enjoy security of tenure and positions. Just like in the private sector, however, 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 was an active stakeholder during the legislative deliberations on the Expanded Maternity Leave bill leading to its enactment, and beyond; and
5. Partido Manggagawa (PM), or Workers' Party - a national workers' organization which also played an active role in advocating for the EMLL.

In the course of the research, the SSS, DOLE, and the PM granted the researchers an interview. The ECOP and legislators who coauthored the bills either did not respond to the request for an interview or kept passing the buck to the different units within their agency. As such, no interviews were conducted with them. Attachment C provides a list of key informant interviewees.

The conduct of all interviews occurred from June to October 2022.

V. Scope and Limitations of Study

The main 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 got pregnant. That the law is quite new as it was only enacted two and a half years ago 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 about it and providing unhampered services as a result. As such, whatever limitations will emerge in terms of program implementation will have to take these two factors into account.

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 got pregnant since the 2019 enactment of the law and within the time frame of about two months (July to August). In this sense, finding women who got pregnant in the last two and a half years within the networks of the researchers served as a limiting factor in identifying respondents. Furthermore, except for one respondent, the two other researchers were generally constrained by the 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 and finding local focal points to undertake the research facilitated the identification of 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 as some information, such as facial expressions, which can be revealing of a respondent's response

are lost. Furthermore, even if focal points were trained to use the standardized questionnaire, there can still be unevenness in the conduct of the interviews by the interviewers 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 get interviews with the legislators and this was not helped by the fact that the period of research coincided with the legislative budget hearings of national government agencies which commenced last June and continues until the end of the year. Moreover, the duration of the entire research spanned five months, from coming up with guidelines on how to implement the research design and which included designing and finalizing the questionnaire, to the actual search for respondents who “fit the bill” and the conduct of interviews, including key informant interviews, classifying and analyzing the data, and writing up the report.

The number of respondents, at 37, and the manner by which they were identified, via 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 which 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 received from the SSS.

VI. 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, 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 27.2 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 looking for a job, divided by the total working-age population. It is the proportion of total labor force to the total household population 15 years and over. 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.

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

Meanwhile, releases on women labor force participation rate during the pandemic were also published 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, 2021). Please see appendix E for details on the labor force.

In terms of the educational attainment of women in the labor force, most of them are graduates of junior high school (4.4 million) and this is validated when data is disaggregated by region such as 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 the BARMM are elementary graduates (66 thousand), followed by junior high school graduates (42,000). It is only in the Cordillera Administrative Region and the Eastern Visayas where the majority of employed women are college graduates. For the rest of the regions, most working women are junior high school graduates only.

Meanwhile, the women's employment rate by highest education completed revealed that it is highest among the elementary graduates (97.8%), followed by those who did not have any educational attainment (97.6 %), and the senior high school graduates. This may be interpreted to mean that the bulk of employment open to women are of low value and of low productivity which will explain why women with no or little formal schooling have the highest employment rates. It would seem that women high school graduates, who comprise the biggest group of women in the labor force, are less employable compared to 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
SPED ¹	NA	NA	NA		
SPED Undergraduate	NA	NA	NA	*	
SPED Graduate	NA	NA	NA	*	
High School 2	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	NA	NA	NA	NA	5,781
Undergraduate	NA	NA	NA	NA	1,604
Graduate	NA	NA	NA	NA	4,176
Senior High School	NA	NA	NA	NA	47
Undergraduate	NA	NA	NA	NA	44
Graduate	NA	NA	NA	NA	2
Post-Secondary	716	781	803	919	869
Undergraduate	152	112	98	98	86
Graduate	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

The working persons are also 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). 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.

Of the 15.2 million working women in the country, a total of nine (9) million are wage and salary workers, followed by the self-employed without any paid employee 4.3 million and those working without pay in family operated businesses or farms (1.4 million). For all regions except ARMM, most employed women are salary or wage workers. Meanwhile most working women in the ARMM 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 Gov't / Gov't 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 Gov't / Gov't 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	1,703	1,790	1,637	1,364	1,004

Operated Farm or Business (Unpaid Family Workers)					
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 Gov't / Gov't 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

The data also showed that most of the women who are employed in wholesale and retail trade, as well as those in agriculture, hunting and forestry, are self-employed without any paid employees. 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 they are working, those who said that they are working 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 are working 40-48 hours per week. The unpaid family workers are mostly working 20-29 hours per week. Meanwhile, there are 2 million underemployed women in 2017. They made up 13.4% of the women population. The highest underemployment rate was in the Bicol Region, at 23.6%.

This leads to the issue of the need 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 make up the Philippines informal economy are the independent, self-employed small-scale producers and distributors of goods and services. 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 way back to 2009. The 2008 Informal Sector Survey (2008 ISS) of the Philippines revealed 10.5 million informal sector operators. About 2/3 of them are male and 75 percent were in the age group 35-44 years old (PSA, 2009).

The International Labor Organization also raised that the Philippine data indicated that 38.3 per cent of those employed are in vulnerable forms of employment. This translates to 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".

Below is a picture of the Philippine informal sector as described based on a 2002 workshop among government and the private sector, which was organized by ILO to define characteristics of the informal sector (Batangan and TDU 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 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” (ibid.). 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 GSLE data.

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

Based on the survey, 62.1 percent of the respondents (informal sector, mostly women) did not have any form of insurance coverage. Most of those who are not insured came from the remote communities (65.5 percent), followed by those in the *poblacion*⁸ (60.9 percent) and in adjacent communities (80 percent). A majority of them also do not have family members with social insurance coverage.

Those in the poblacion who have insurance have health insurance, life/death insurance, retirement insurance, savings insurance, educational insurance. Only three of the respondents had childbirth insurance (ibid.)

The survey also found out that the majority of the study respondents who were not insured were not interested in acquiring insurance coverage (58 percent). Most of them said that they are not interested because of their inability to pay premium or contribution and that they have the perception that they do not need insurance coverage. Most of the respondents also believed that

⁸ **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” (<https://www.merriam-webster.com/dictionary/poblaci%C3%B3n>)

the Government will take care of their needs in case of unemployment, illness or unforeseen problems.

One important category of workers used by the Philippine Statistics Authority (PSA) are ‘irregular workers’ referring to probationary, casual, contractual/project based and seasonal workers. The table below (see Table 10) covers the number and type of irregular workers found in small and medium enterprises as of June 2016 and shows that about 27% or over a quarter of those employed across industry groups fall under the non-regular category.

Table 6. Total Employment and number of NonRegular workers in establishments with 20 or more workers by category and major industry group, Philippines. June 2016.

MAJOR INDUSTRY GROUP	Total Employment	Non – regular Workers					
		Total	Probationary Workers	Casual Workers	Contractual / Project - based Workers	Seasonal Workers	Apprentices / Learners
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	41,354	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	141,768	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	14,373	1,993	480	289	859	251	114

Personal Service Activities							
<i>Note: Details may not add up due to rounding</i> <i>Source: Philippine Statistics Authority, 2015/2016 Integrated Survey on Labor and Employment (ISLE)</i>							

To better appreciate who is not covered by the table above, it is worthy to note that in the Philippines, enterprises are classified based on number of employees and asset size. Below are the classifications of enterprises based on number of employees, number of irregular workers and their percentage per industry group (Department of Trade and Industry, n.d.).

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

With the above mentioned as a backdrop, one notes that the irregular workers covered in Table 10 only covers a section of enterprises under the small and medium categories. Not covered here are micro enterprises which comprise 99.5 percent of all businesses in the country, 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).

VII. The 2019 Expanded Maternity Leave Law (RA 11210)

A. Its Significance

1. Mother, child and family health

Before the enactment of the EMLL, the International Labor Organization was already raising concerns on the Philippines' previous 60-day maternity leave policy (Social Security Law of 1997 or Republic Act 8282), emphasizing that the duration provided by the law was less than the 14 weeks maternity leave espoused in the 2000 ILO Maternity Protection Convention No. 183.

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 of only allowing 60 days paid leave for normal delivery and 78 days paid leave for cesarean birth with the EMLL, may indeed be considered as a highly strategic course of action as it enabled the country to provide women workers with enough transition time to regain health and overall wellness as well as to ensure that their babies are well taken care of.

The Philippines' old policy of 60-day paid maternity leave forced mothers to give up exclusive breastfeeding from zero to six months and continued breastfeeding six months up to two years and beyond. In fact, the 2011 National Nutrition Results showed that only 47% of babies zero to six months in the Philippines were exclusively breastfed and only 45% of babies six to 23 months were breastfed and timely fed with adequate and safe nutritious complementary food. This situation also pushed mothers to resort to buying expensive infant formula to feed their babies. As cited by the World Health Organization (WHO) (2013, p.4, Breastfeeding in the Philippines: A

Critical Review, 2013,) “the Government reported that Filipino families spend 21.5 billion pesos on infant formula”.

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

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 after giving birth, even if they have not physically recovered from childbirth (Zialcita, 2015). The ILO 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 (ILO, 2010).

Moreover, a study by the University of California Berkeley (Guendelman et al., 2009) found out that women who took their maternity leave in the ninth month of pregnancy were 73 percent less likely to have a Cesarean birth than those who worked continuously up to delivery, hence, increasing the risk of surgical complications and longer recovery times (as cited by Gloor, Business Mirror, 2019).

The study also revealed that mothers who immediately resumed work after delivery are less likely to establish breastfeeding within the first month (ibid). 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 risk of postmenopausal osteoporosis and bone fracture and can easily lose the weight they gained due to pregnancy. Moreover, the release of oxytocin when women breastfeed helps the uterus to quickly return to its normal size and reduces post-delivery

blood loss. Meanwhile, the release of prolactin from breastfeeding keeps estrogen and progesterone at bay. This results in pauses in ovulation and menstruation, which is a welcome break for women who just gave birth (ibid). The act of breastfeeding also lowers insulin needs in diabetic mothers and decreases risks of breast, ovarian and endometrial cancers (NTUC, 2013).

Meanwhile, 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, among other factors necessary in preventing childhood disease, in order to meet the 2030 child survival target (World Economic Forum, 2021). Breast Milk provides the child 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 (NTUC, 2013).

Apart from improving the health and well-being of the mother and child, the law also addresses the economic dimension. This is because one of the main aims of the law is to prevent losses in income and ensure the provision of economic opportunities caused by their absence from productive work in performance of 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/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/paternity leave, computed as a percentage of the annual gross wage (WEF, 2021).

The previous law merely provided 60 days and 78 days of paid maternity leave for normal and cesarean deliveries, respectively. Republic Act 11210 or the EMLL expanded this to 105 days of paid maternity leave. In essence, the law has placed great value upon the maternal health of female

workers. By lengthening the number of paid leave days of women, the State is ensuring that women are given the right to fully recover from the physical and mental toll of childbirth or other maternity related medical conditions, before they return to productive work. Several respondents have argued that expanding to 105 days or 3.5 months the allowable paid maternity leave of women allow them to fully heal from the wounds caused by childbirth, particularly those who underwent cesarean section. It also enables the mother to spend more time taking care of her child in the latter's first months of existence.

2. Placing importance on the value and contribution of the informal sector

The Expanded Maternity Leave Law, which provides the same benefit to 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 in informal sector employment. (Cabegin, 2019). Moreover, using Binary logistic regression in Filipino informal workers, Cabegin found out high probabilities of informal employment persisted throughout the 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 Social Security System is very important for many women in the informal sector. They are outside the scope of of statutory regulatory framework for wages and labor standards, while facing lower wages and being marginalized 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 service workers.

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

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

The EMLL is anchored on the 1987 Philippine Constitution provisions espousing the recognition of women in nation building and mandating the State to ensure the fundamental equality before the law of men and women. The Constitution also promotes the full employment and equality of employment opportunities for all (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”. Also, 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 9710) which highlights women’s rights to sexual and reproductive health and rights, as well as their right to decent work (Sections 17 and 22).

The law is also anchored on the principles and mandates provided in various national policies including the Labor Code (Presidential Decree 442), which provides for equal work opportunities “regardless of sex, race or creed” (PSA, 2018); the First 1000 Days Law (RA 1148), 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 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. It is also rooted in the fundamental propositions enshrined in the Solo Parents' Welfare Act (RA 8972) and the Paternity Leave Act of 1996 (RA 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 to the father which is an added benefit to the seven days paternity leave granted under Republic Act 8187 or to 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 of her partner's gender identity, correcting some of the prevailing gender biases embedded in the previous law. The new law also removed the four-pregnancy cap (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. All in all, as can be gleaned from the features of the EMLL (and this will be discussed in greater detail in subsequent sections), 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

acknowledged as a substantially significant policy improvement in the State's provision of maternity benefits for Filipino women. This 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. Therefore, the EMLL is progressive in the sense that it incorporated key reforms addressing maternity-related socio-economic gaps and issues affecting Filipino women.

As described by the Philippine Commission on Women, "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).

Indeed, the provision of additional paid leaves in order to heal and care for the baby has allowed the female worker to exercise greater economic autonomy which further resonates in cases where there are no clearly defined marital arrangements or if the father of the newborn 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 or unmarried male or LGBTQI+ plus partners or relative which underscores at least two important messages; one, that reproductive work, including caring for the baby, should be the shared responsibility of both parents and two, it does not reflect a heteronormative bias as it officially acknowledges that the notion of a "family" takes many forms.

C. Features and How it Works

i. Benefits

The law provides that benefits for mothers delivering live births are 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 No. 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. However, this is chargeable against the female employee’s sick leave credits. 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.
- d.) Option to allocate up to seven (7) days of the maternity leave to the child’s father or to the caregiver.

Mothers who suffered from a miscarriage, or underwent emergency termination, are entitled to sixty (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 clarified that these leave benefits are taxable being paid leave. Furthermore, the law provides that the maternity leave period is counted in calendar days, including Saturdays, Sundays, and holidays.

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. The maternity leave can be

credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) or sixty (60) days, 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 of an employee's monthly salary and the SSS maternity benefit. Furthermore, female government employees can claim maternity leave benefits from SSS and the Philippine Health Insurance Corporation (PhilHealth) if they are members who meet the contribution requirements of 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 11210, the CSC has 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 female workers in the Public Sector are covered under RA 11210 regardless of their employment status and their length of service.

To avail, the following are the eligibility and documentary requirements that pregnant female workers must submit to their respective agencies to avail their maternity leave: (a) Accomplished Application for Leave (Civil Service Form No. 6); (b) Medical Certificate issued by a physician as proof of pregnancy and estimated date of delivery; (c) accomplished Clearance Form (Civil

Service Form No. 7); and (d) 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 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 and provided that the adoptee is aged below seven years old, he or she is qualified for an adoption leave with full pay. If a female employee is married, her legitimate spouse—who is also a government employee—can avail of a seven (7) days 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 in the website of the Social Security System as well as an enrolled disbursement account.

ii. Amount of Maternity Benefit

Female SSS members are entitled to a daily cash allowance equivalent to 100% of her 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 of these are 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 that they will receive from SSS. The salary differential is the difference between the employee's base wage and her SSS benefits. This is the amount of money that a company must pay the employee in case the beneficiary's salary is higher than the receivable actual cash benefits from SSS. Employers are mandated to pay their salary differential for the entire duration of the maternity leave. Informal workers, however, do not enjoy or benefit from this provision of the law—due to the circumstances surrounding their working conditions either as wage workers that do not have employment contracts or are outside the legal ambit of national labor legislations and social security regulations.

For full details on the computation of beneficiary's SSS maternity benefits, please see appendix F.

iii. Provision and Administration of Employee Salary Differential

The salary differential forms part of the compensation income of the female employee during her paid maternity leave and it is taxable. The determination and administration of salary differentials is under the jurisdiction of or governed by regulations provided by the Department of Labor and

Employment (DOLE). The implementation of employees' salary differential is the task of DOLE's Bureau of Working Conditions. The Department of Labor and Employment released Department Advisory No. 1, series of 2019, providing the guidelines in the computation of the salary differential of qualified female employees pursuant to RA 11210. Under the same advisory, the employer shall pay the salary differential between the full salary of a female worker during her maternity leave and the actual cash benefits received from the Social Security System (SSS). It further stated that the salary differential shall be included as part of the basic salary of the employee for purposes of computation of the 13th month pay of the rank-and-file employees. 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, please see appendix G.

iv. Process: Online Filing of Maternity Benefits

Under SSS Circular No. 2021-004, female workers in the 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 in 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 registered My.SSS account at the SSS website and a disbursement account enrolled with the SSS through its Disbursement Account Enrollment Module (DAEM) in the My.SSS portal found in the SSS Website. 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 supporting document/s, 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 are re-submitted and re-filed using the same process as a new transaction.

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

- Register in My.SSS Portal.
- Updating contact information such as e-mail address, mobile number, and local address.
- Enrollment of disbursement account through the Disbursement Account Enrollment Module (DAEM).
- Scanning of documentary requirement/s which will be uploaded during the Maternity Benefit Application (MBA) for members or Maternity Benefit Reimbursement Application (MBRA) for employers.
- Submission of MBA or MBRA through the member or employer's my.SSS account.
- In cases of claim rejection, compliance on the rejection reason stated in the e-mail notice from SSS.

v. Eligibility and Application Requirements

Eligibility and Documentary Requirements in the Availment of Maternity Leave Benefits for women working in the private and public sectors vary. The law provides that any pregnant female

worker in the government service, regardless of employment status and length of service are eligible for such benefits. The following are the documentary requirements necessary for public sector workers:

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

For female employees in the private sector, the former must meet the following requirements to qualify for a maternity leave benefit grant.

1. To be eligible for maternity benefit from the Social Security System (SSS), an employee must have paid at least 3 monthly SSS contributions in the 12 month period immediately preceding the semester of the birth, miscarriage or termination.
2. Notice to her employer of her pregnancy and expected date of birth. The qualified beneficiary must submit supporting documents such as: (a) an ultrasound report; (b) medical certificate, and/or; (c) pregnancy test result

The notification and supporting documents proving her pregnancy must be submitted to their employer and directly to SSS through the My.SSS portal or SSS Mobile App. The latter procedure applies for employed, OFW, self-employed, and unemployed members. Failure of the pregnant

female workers to notify the employer shall not bar her from receiving the maternity benefits, subject to guidelines prescribed by the SSS.

vi. Allocation of Maternity Leave Credits

Under Section 6 of RA 11210, qualified female workers may allocate up to seven (7) days of her maternity leave benefits to the child's father, regardless if the latter is married or not to the female worker. This means that the father can avail of an additional seven (7) paid days of maternity leave, apart from his separate seven (7) paid days of paternity leave, if qualified for the latter. However, this option is only applicable in cases of live birth.

If in case the father of the child is unable to care for the latter, the allocable seven-day maternity leave credits may be transferred to a current partner or family member, with whom the female worker lives with. To avail of this leave credit allotment, the female worker must inform her employer or company. In the same manner, the father's or substitute's employers must also be informed.

vii. 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, in particular those who are unregistered – neither voluntary nor regular members of the SSS. Packages are set at P6,500 and P8,000 if availed of in accredited hospitals, and in infirmaries/dispensaries and birthing homes/maternity clinics, respectively, anywhere in the country. PhilHealth also requires maternity care beneficiaries to have four prenatal visits during the course of 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 P5,000.00 to P6,500.00, inclusive of postpartum care. Women who give birth via cesarean section deliveries conducted in levels 1 to 3 hospitals. However, to be eligible for the benefits provided by PhilHealth, expectant mothers who are not yet members are required to enroll in the National Health Insurance Program.

PhilHealth also covers other methods of deliveries, namely: (a) cesarean section—P19,000.00; (b) complicated vaginal delivery with or without episiotomy or forceps—P9,700.00; (c) breech extraction—P12,120.00; and (d) vaginal delivery after cesarean section—P12,120.00. Apart from these, PhilHealth also provides the Expanded Newborn Care Package, which amounts to P2,950.00 and covers the following:

(a) 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 which may cause mental retardation.

· Newborn Hearing Test—a mandatory test for all infants.

To avail of these PhilHealth benefits, beneficiaries must secure the following documentary requirements:

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

Furthermore, PhilHealth members may apply for these 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.

D. Cash Benefits Costs of EMLL Implementation

In 2016, the Social Security System reported that, three years before the implementation of the EML law, the average annual disbursement is at P6.16 billion. In 2019, the Social Security System noted that disbursements for maternity benefit payouts for the same year have risen, due to the implementation of the expanded maternity leave law. There was a steep increase of about P3.35 billion in maternity disbursements following the passage and implementation of RA 11210. Disbursements for maternity benefits in 2018 alone, amounted to P7.1 billion, up 16 percent from P6.1 billion in 2017. There were over 326,000 female SSS members who availed of their maternity benefits in 2018. It also noted that there was a 12 percent increase or an additional 36,550 more female members availed of maternity benefits in 2018. The SSS has also noted that the EML law has increased the maximum allowable funds disbursed to female workers from P32,000.00, based on a monthly salary credit of P20,000, to P70,000. Consequently, the EML law costs the SSS an additional P7.5 billion yearly despite a 12 percent raise in members' monthly contributions in April 2019. In 2020, however, the SSS has released 10.49 billion for the maternity benefit claims of 290,000 female members as beneficiaries in 2020.

Recently, SSS President and Chief Executive Officer Michael Regino claimed that the agency has already released P53.27 billion in total maternity benefits to 1.91 million members nationwide, from 2016 until 2021. 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 P13.90 billion in 2021.

With regards the number of female members covered by the SSS and the number of members with approved maternity claims the following are the data provided by the SSS:

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 total 18,484,872 covered female SSS members, there were only 175,730 members (0.95%) with approved maternity claims. In terms of the number of approved maternity claims by type of filer, the SSS provided the following data:

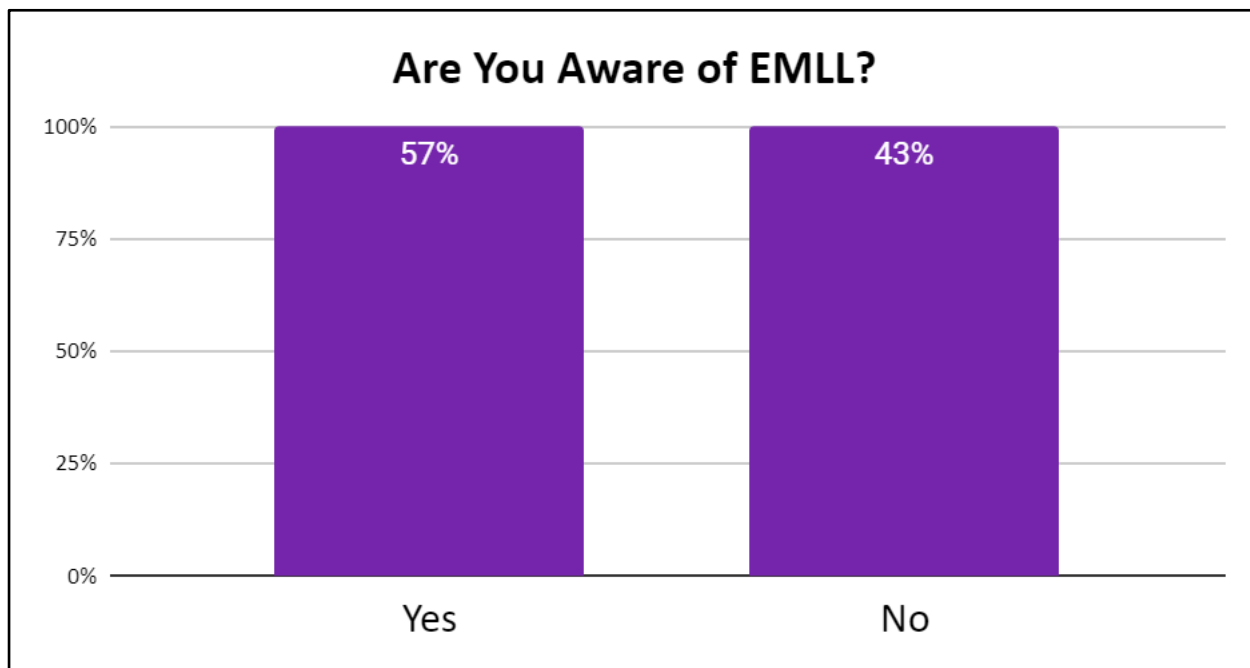
Table 8. Approved Maternity Claim by Type of Filer

Employed		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 the self-employed and voluntary members 550, 101 claims were paid and additional 12,466 claims with allocations were also paid. In total, 998,486 total claims (without allocations) were paid and additional 27, 138 claims with allocation were also paid by the SSS.

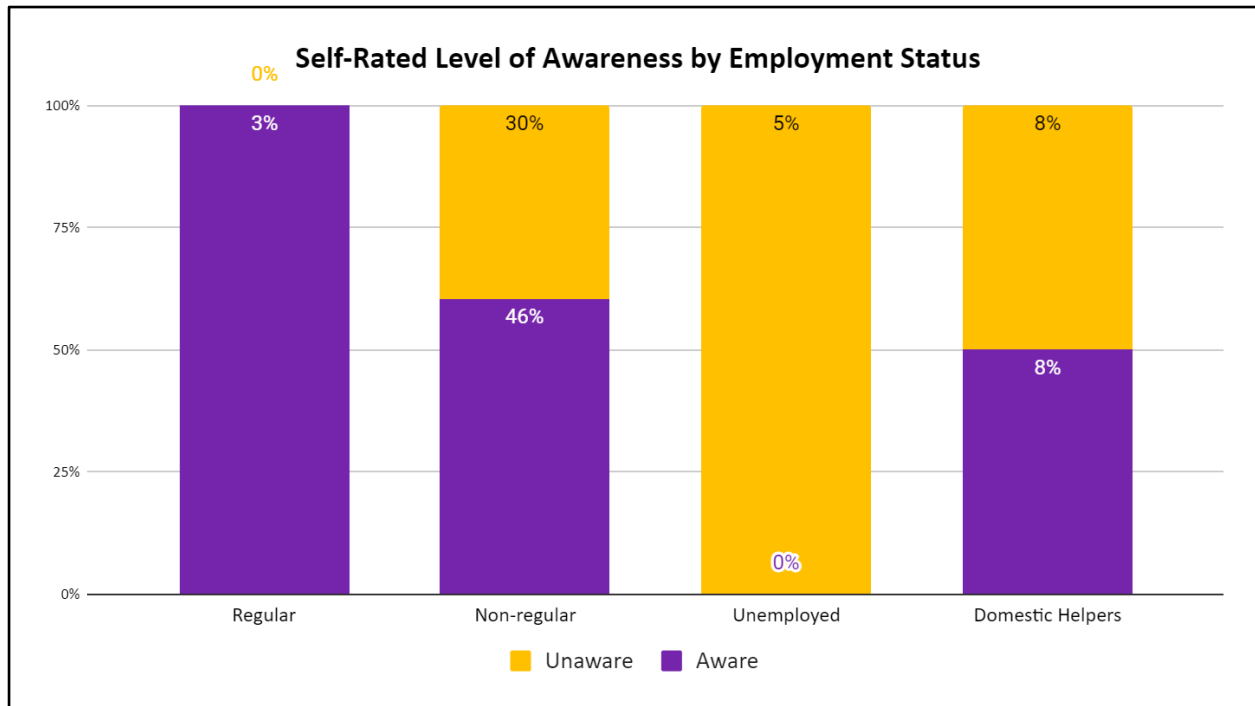
VIII. Findings

A. Level Awareness of the Respondents



Graph 5. Self-Rated Level of Awareness

Survey results have shown that in terms of their self-rated awareness 57 percent of the respondents have 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, forty-six percent were non-regular workers; eight percent were domestic helpers; and three percent were regular workers. Of the 43 percent who indicated that they were unaware, thirty percent are non-regular workers; five percent are unemployed; and eight percent are 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?			
	TOT	%	Yes	%	No	%
Clothing Vendor	4	11%	4	11%	0	0%
Contractual Employees	4	11%	4	11%	0	0%
Domestic Helper	6	16%	3	8%	3	8%
Farmer	4	11%	1	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 respondents who indicated that they had a high degree of self-rated awareness of the EMLL in the survey, not all of them seem to actually possess the full and correct knowledge about it. This is due perhaps to their level of exposure to the kind of information regarding the said policy. This circumstance could be influenced by their nature of work and the resources or circumstances consequent to their nature of 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 which could facilitate learning and awareness of EMLL is high. This is true for five respondents (24%) who indicated that the workplace as the main factor behind their learning about the EMLL.

Dahil dati na akong SSS member at naging trabaho ko rin mangasiwa ng mga kasamahan ko sa trabaho, kayat 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 updated about the laws regarding social services which apply to us employees.

—Respondent 8 (Self-employed, sari-sari store owner and farmer.)

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 Resource]: benefits and how much [for pregnant employees]. We were only three months into pregnancy when it was explained to us.

—Respondent 20 (Salary worker)

Compare this to informal and largely blue-collar work where workers are exposed to more labor-intensive and less learning- or research-conducive work environments, and are therefore less likely to learn about the EMLL. The workers' internet savvy, and the time and resources available to access information which are predominantly available online are crucial factors in the levels of awareness of the respondents. Five respondents (24%) have indicated that their sources of information regarding the EMLL are social media; while two respondents (10%) said that their source of information are websites.

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

(I have not read the contents of the 105-day expanded (maternity leave law) but from stories or conversations and through an FB (Facebook) post and through (FB) messenger. I have read that the maternity benefits are for almost 3 months already.)

—Respondent 21 (Self-employed, fruit shake vendor.)

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 have not yet read the law. Even if it is available in social media posts, I think I cannot comprehend what it means.)

—Respondent 4, (Self-employed, 2nd-hand clothing vendor.)

These factors are more pronounced when considering the degree of formality and informality of work of the respondents. Workers in the informal sector rely on information relayed by word of mouth which may also be incomplete or are lacking in important details. The information provided by these sources may not be updated, incomplete, unreliable, or are about the old maternity law and may, therefore, not really help them develop full awareness regarding the salient aspects and provisions of the EMLL. The knowledge or awareness provided by these respondents' sources of information may also be largely based on the interpretations, or misinterpretations, of the person relaying the information. This is evident in this study wherein respondents indicated that they relied on information relayed to them by word of mouth by their coworkers, relatives, or friends. In fact, four respondents (19%) indicated their friends; one (5%) indicated her family; and one (5%) indicated her neighbor, as their sources of information regarding the old maternity benefits

policy and not the EMLL, respectively. Thus, despite the high number of respondents who indicated that they are aware of the EMLL, a significant portion may be considered only partially aware. They were basing their responses on their 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 herein studied. Also, although some respondents' nature of work may be considered informal, they indicated a high level of awareness of the EMLL due to their affiliation to the community or civic groups that provide informative discussions on the said policy. Those who are employed in more formal settings have indicated a high degree of awareness about the EMLL due to the organizational and work-related factors enabling them to garner such a level of knowledge. Lastly, there are two respondents who indicated that they have learned about portions of the EMLL from an OB-Gyne and from 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 the important features of the EMLL.

Kasi nga dahil sa NGO training kung saan sinusulong talaga ang batas

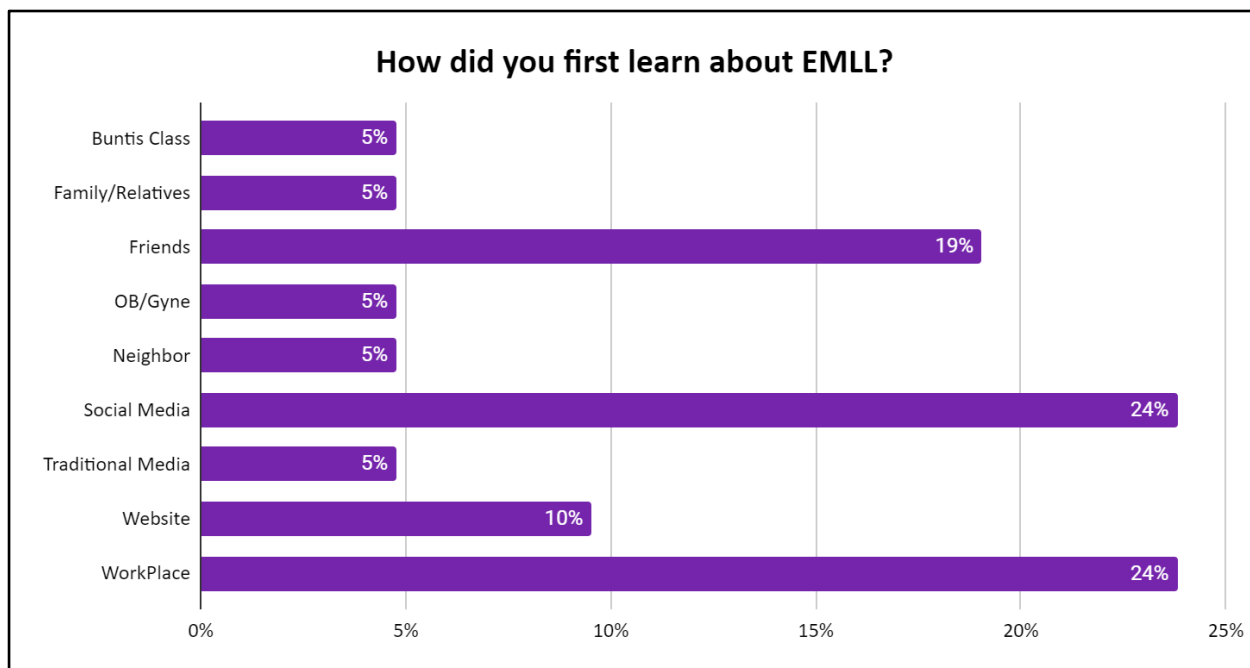
(Because of my NGO training where the EMLL is being promoted.)

-Respondent 29 (NGO Employee)

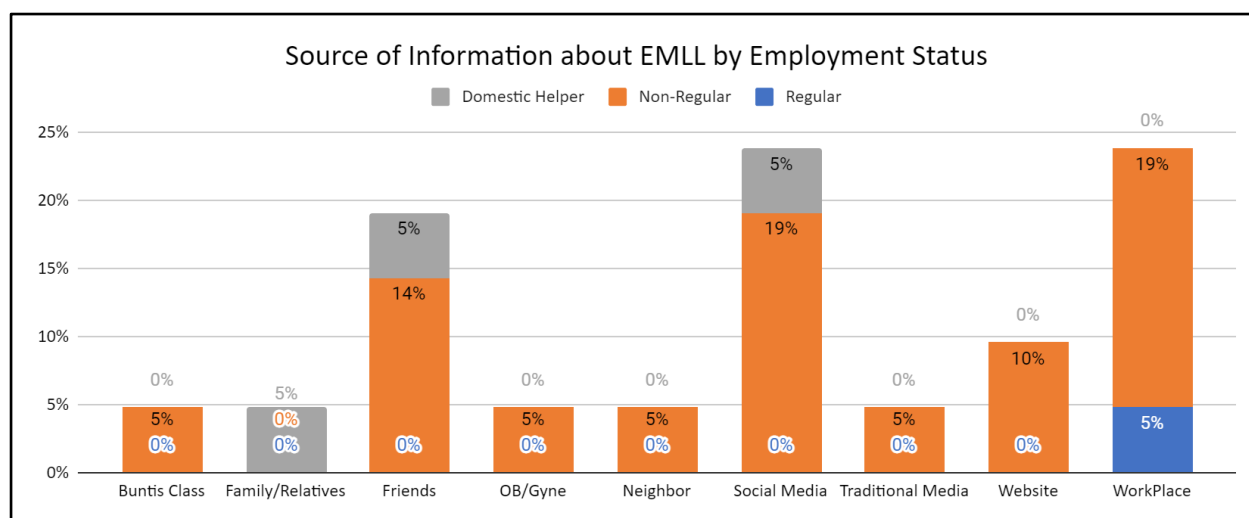
Na-discuss po yan sa amin ng H.R. benefits at magkano (sa mga buntis). Three months pregnant pa lang kami ay papaliwanagan na.

(It was discussed to us by our Human Resource office. The benefits and how much. As early as 3 months into pregnancy, they already explained it to us.)

-Respondent 36 (Contractual employee)



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 or 81 percent of the respondents indicated that they applied for their maternity benefits while four or nineteen percent indicated that they did not. Sixteen of the respondents who indicated that they applied for their maternity benefits are from the informal sector while there is only one from the formal sector. Of the four respondents who indicated that they were aware of the EMLL but did not apply, all of whom 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?			
	TOT	%	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%	17	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 or 82% who indicated that their applications were accepted, thirteen or 76% were from the informal sector while one or 6% was from the formal sector. The three or 18% of the respondents who indicated that their applications were rejected all belonged to the informal sector.

Table 12. Respondents who were Accepted / 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?			
	TOT	%	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 know of other mothers who provided them with information and encouraged them to apply. These were either their workmates, sisters, mothers, friends, and women's/mothers' groups.

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, I was not able to interact with anyone who got pregnant and gave birth that had SSS.)

—Respondent 24 (self-employed, hamburger vendor)

“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 on FB messenger. It is the pandemic, I was always at home.)

—Respondent 21 (self-employed, fruit-shake vendor)

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 36 (contractual employee)

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 25 (Sari-sari store vendor)

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.)

—Respondent 35 (contractual employee, Sales girl)

The same set of respondents were asked whether they were given assistance while applying and who were the people who provided such assistance to them. The respondents highlighted the difficulties they encountered in the application process particularly those who did not have employers who would process their application on their behalf and had to rely on themselves to submit their applications. There was one respondent who lived in a rural area who had to hurdle physical/geographical barriers to submit her maternity benefit application. Here, the respondents noted that they were obliged to submit online and that in some cases, despite this mechanism, some still had to physically go to the branch to submit the requirements. This is either due to multiple rejections of their online submissions and attached documentary requirements that they are forced to physically seek clarification from an SSS personnel or because some do not have the know-how of navigating or operating this online platform.

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, it was the SSS staff who was the friend of my husband. The security guard at the SSS (branch), he told us that applications have to be done online.)

—Respondent 4

(contractual/consultant)

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. It was very difficult for us because the SSS office was very far. We had to cross the sea on a boat. In the SSS office, we were assisted by their staff.)

—Respondent 11 (self-employed,

housewife)

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

(My friend helped me. She accompanied me in applying and submitting the requirements.)

—Respondent 26 (vegetable vendor)

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 when I applied for my maternity benefits in 2019, I was assisted by the agency in the application process.)

—Respondent 27 (self-employed, housewife)

This study has 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 stead. Whereas the respondents who indicated that they were informally employed members of the informal sector, particularly the self-employed, stated that they have varying degrees of difficulties in their application. For the more internet savvy respondents, they noted that they used the online platforms to submit their maternity benefit applications and that it was more convenient compared to the face-to-face process of application.

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 19 (underemployed, clothing vendor)

Nagpunta ako mismo sa SSS office.

(I personally went to the SSS office.)

—Respondent 11 (self-employed, housewife)

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

(I registered myself. I went to the SSS office.)

—Respondent 17 (self-employed)

Ang agency po ang nag-asikaso.

(The agency managed my application.)

—Respondent 14 (wage worker)

Similarly, among respondents who indicated that they were domestic and agricultural workers, their employers did not play any role at all in their maternity benefits application. This is perhaps explained by the fact that their employers did not possess the resource capabilities, expertise, and structural organization that established companies possess; for example, 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 may experience something different; where, in the case of agricultural workers whose work-engagements are seasonal, employers do not possess the same capabilities and resources that companies have. This informal work arrangement does not oblige their employers to provide any form of assistance, especially if there is no employer-employee relationship existing 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 of the respondents combining multiple kinds of work indicated that registering and applying for maternity benefits were feasible, while only two noted that it was difficult. One respondent said that she was able to register and apply for EMLL. Her previous formal employer enabled her to become registered and pay for SSS membership. Another one noted that she was able to balance between jobs and even registered and contributed regularly for her SSS. Some of the respondents noted that during the time that they applied for the expanded maternity benefits under the EMLL, they were already SSS members making their application easier despite simultaneously juggling multiple jobs.

B. 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 such information is disseminated to stakeholders through the following: (a) SSS circulars, (b) media, (c) artcards, and (d) SSS official social media accounts. The key informants claimed that these activities are conducted in order to reach out to SSS members and inform them about available maternity benefits under the EMLL. As the implementing arm of the EMLL, the key informants noted the following roles that their agency perform 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 artcards, social media platform through radio, FB, 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.

These, according to the key informants, are the reasons why SSS members—including those from the informal sector—have increased awareness of EMLL. In particular, SSS has a program management unit that reaches out or caters to the informal sector, adding that the best way to reach out to women and the informal sector is for SSS to have or employ a “wholesale approach.”

[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 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....

–SSS National Office key informant

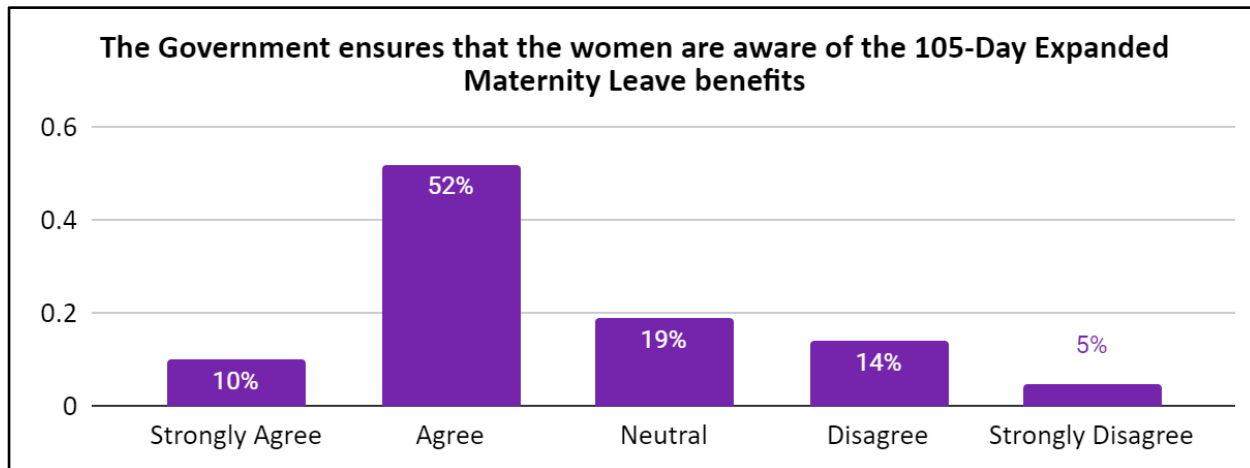
(We conduct information drives, so we are coordinating with our corporate communications department and media affairs department to conduct information campaigns (activities) in order to reach out to all SSS members to inform them about the available benefits, so we believe that the female members and even those who are part of the informal sector have more awareness now regarding SSS maternity benefits because of our regular information. For your information, the self-employed is 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 in reaching out to the informal sector in general and including the women for their maternity benefits is if the SSS employed 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 (local government unit) level

to let them know. So our units are very active in conducting information campaign.)

–SSS National Office key informant

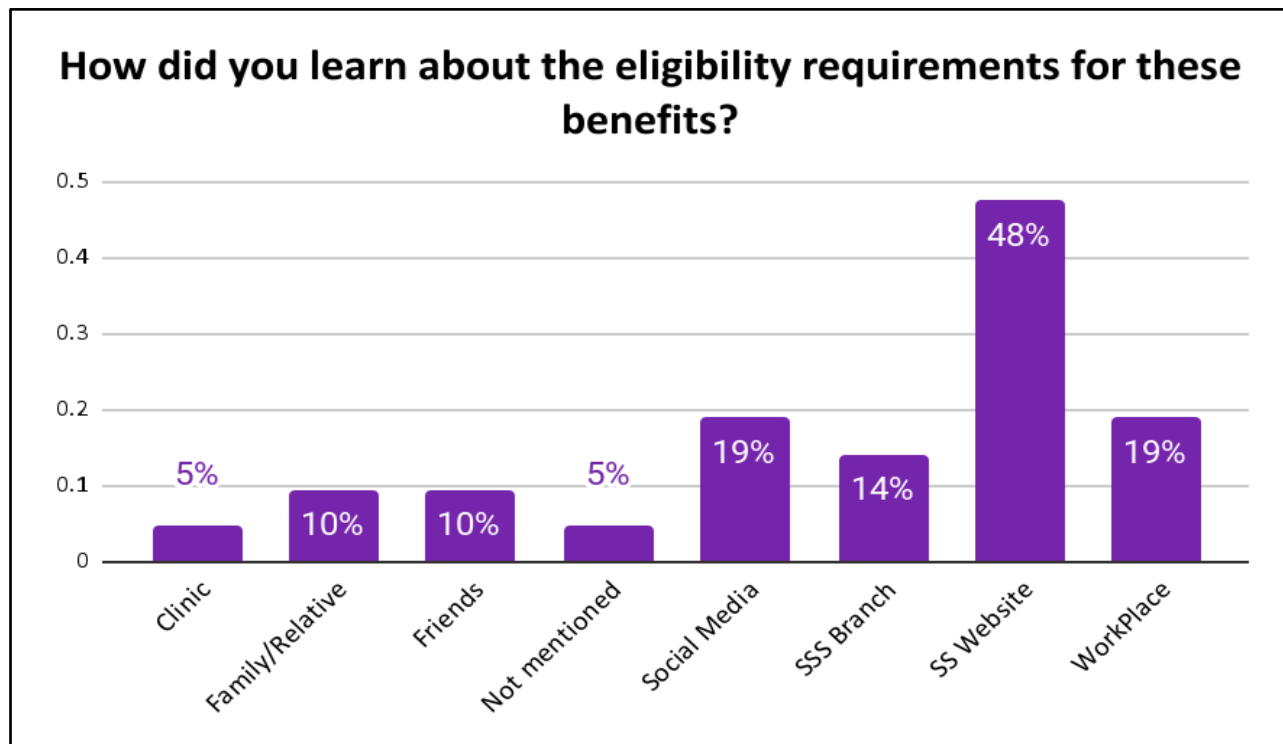
Overall, SSS’ communication efforts informing prospective recipients of their potential benefits and eligibility are reflected in the former’s conduct of seminars, webinars, and information drives prior and during the implementation of the EMLL. As per the responses provided by the SSS National Office key informants, the SSS specifically conducted 10 sessions of in-house seminars from 22 May 2019 to August 2019. Further, the SSS conducted 57 sessions of webinars, and 8 radio and television interviews in 2019. The local branches of SSS performed multiple information and education campaigns at the barangay level, targeting agricultural and rural beneficiaries and potential beneficiaries regarding the EMLL. However, the pandemic has prevented the full implementation of these policies due to imposed mobility restrictions. It is only recently that the SSS will be implementing a “wholesale” approach in targeting these aforementioned sectors as previously mentioned by the SSS respondent. Apart from these, there are no other known governmental efforts to target and reach low income and low literacy potential beneficiaries.

These claims appear to be supported by the responses provided by the survey respondents when asked about *their awareness about* 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 are 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 as to how they learned about the eligibility requirements for these benefits, 10 respondents, or 48 percent said that they learned about it through the SSS website; four, or 19 percent, through social media; 3, or 14 percent through an SSS branch. Two, or 10 percent, learned through their family or relatives and another two through friends. Lastly, one, or five percent, learned about the eligibility requirements through their clinic. The SSS National Office key informants stated that stakeholders who have online access are reached most effectively as the information drive of SSS is 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 offices creates and implements top-down. These characterizations of the SSS are important idealizations of what kind of approach it should employ and how 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.

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 its implementation because of the pandemic. Because of health protocols...we are willing to go to barangays, but they would not let us inside their offices [because of the pandemic].)

—SSS Local Branch Key Informant

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 DOLE, instead.

Actually iyang bagay na 'yan....sa ano na dapat sana 'yan sa 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 regard to that matter...it should be the role of the employer and then the DOLE. But when it comes to the SSS' role, we

are more on the provision of benefits...we do not want to overstep DOLE's role when it comes to labor standards.)

—SSS Local Branch Key Informant

However, the key informant from the DOLE noted that when it came to matters involving dissemination of information relevant to maternity benefits, the SSS is the main agency tasked with the implementation of information campaigns about social benefits, particularly maternity benefits.

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 mandate (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 the internet. Most of SSS' advocacies to raise awareness—because 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 in rural areas] are the ones not reached by this and are unaware of the benefits which is their mandate [SSS mandate].)

—Senior Labor and Employment Officer, DOLE BWSC

The survey respondents also contradict the SSS' claims of the national key informant and the favorable responses that the former have provided. Given the fact that those who asserted that they “agree” or “strongly agree” offered conflicting information on their understanding about the law. Even for the respondents whose applications were accepted by the SSS, only a few indicated that they were aware of the key provisions included in the EMLL. The rest have indicated that while they were informed by an SSS personnel or by someone they know about the EMLL, they are not fully aware of it. All of whom also noted that they know where to go to get answers to their questions regarding maternity leave benefits.

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, I was informed about it but I still do not have enough knowledge about it. I still do not know that much about that law.)

—Respondent 5 (wage and salary worker)

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

(I learned that the cash benefits was bigger because it is equivalent to 105 days of paid leave; longer time for rest and is extendable. And also, that it has provisions for solo parents.)

--Respondent 8 (self-employed, farmer and sari-sari store vendor)

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.)

Respondent 19 (underemployed, clothing vendor)

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 oneself of cash benefit. There is a special provision for solo parents, and there is a need to pay our monthly contributions.)

—Respondent 11 (self-employed, housewife)

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 that. All I know is that if you regularly pay your SSS contributions you can apply for a loan.)

—Respondent 17 (self-employed)

They also noted the lack of effort by SSS personnel to properly explain the procedures and processes necessary in the application or availment of the maternity leave benefits.

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

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

—Respondent 1 (Unemployed)

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

(I am not fully aware of the full details of the 105 days [EMLL]. When I applied, only some of the details were discussed with me at the SSS Office. They did not tell me whether there were different processes involved.)

—Respondent 17 (Food Vendor)

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

(Because I still need to understand it more. What I know is that one can get financial assistance and that there are more days for rest compared to before.)

—Respondent 15 (Apparel Vendor)

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

(Because there are still more to be learned about maternity. I only read and learned about it from the news, but no proper explanations were given about it.)

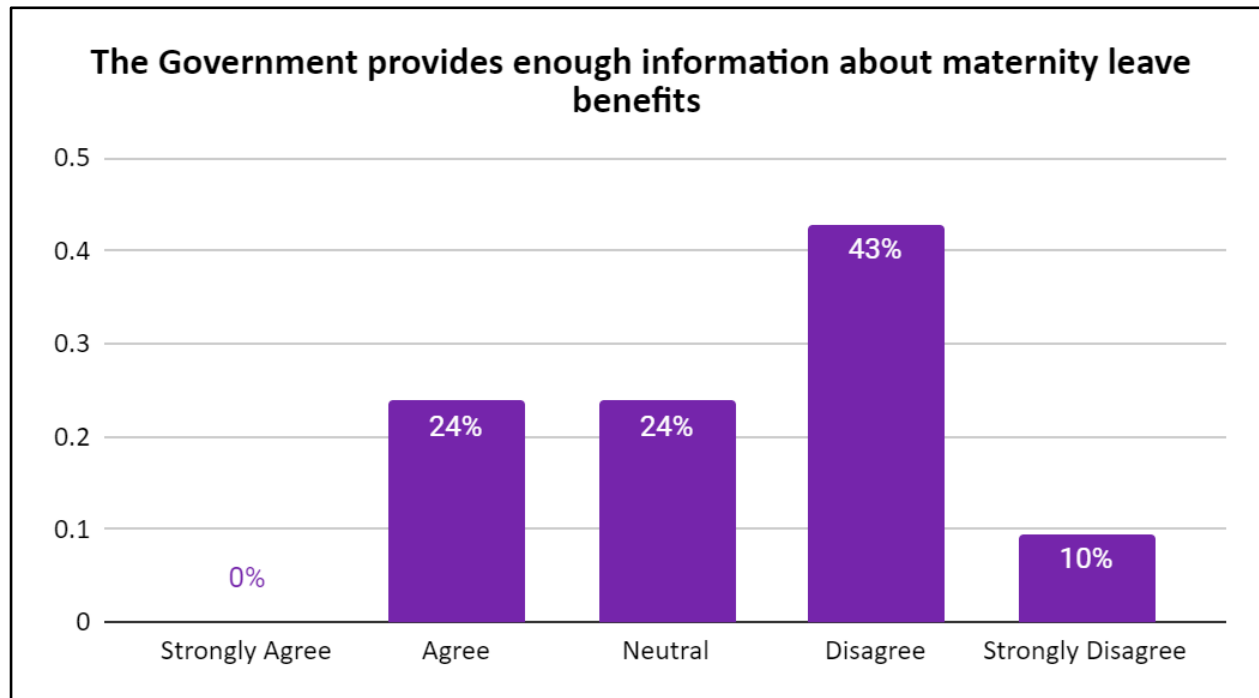
—Respondent 13 (Sari-Sari Store Vendor)

From what can be gleaned in the data provided, there appears to be a significant difference between the ideal and actual implementation regarding the information dissemination component of the policy. Perhaps this can be explained by the Filipinos' tendency of deferential attitude towards government authorities. The reluctance to exact accountability or demand further explanations and the general perception that docility is equivalent to being a good or law-abiding citizen explain the Filipino's deferential nature. Thus, when in doubt about certain government policies or processes,

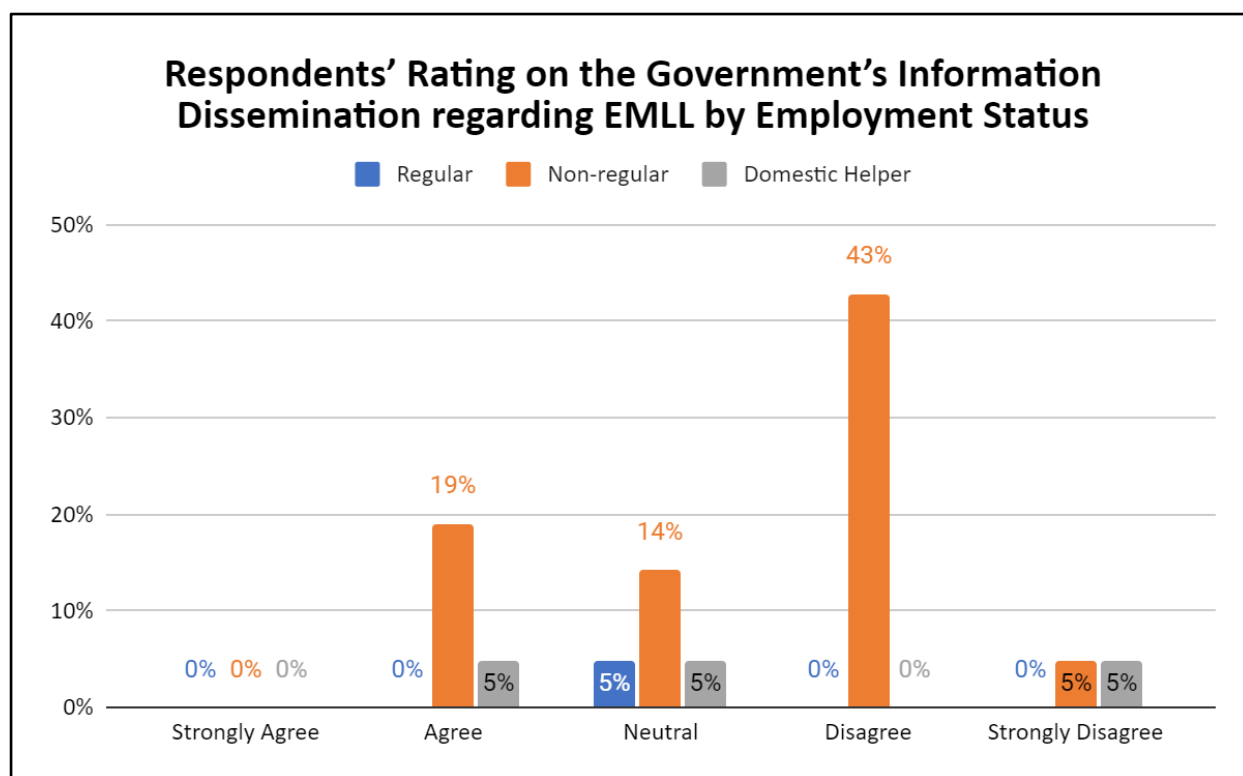
Filipinos tend to err on the side of safety, that is to steer clear of any form of conflict with government authorities and give safe feedback about policies and the manner these are implemented. Thus, such responses affirm that concerned government agencies are ensuring awareness among relevant stakeholders, particularly women workers, appear to be contradictory with the responses provided herein. These factors point towards the lack of effective information and education campaign programs targeting stakeholders, and the unevenness of availability of and access to information of concerned stakeholders.

The contradictions discussed herein are corroborated by the responses provided by the respondents when asked whether the government provides enough information about maternity leave benefits. While they previously indicated that they are aware of government efforts to raise their awareness on EMLL (see Graph 13), these efforts do not provide enough information on the said law. The succeeding graph discusses how many of these respondents believe that, despite their acknowledgment of government efforts on EMLL awareness-raising among Filipino women, the information provided by the government on the said law are not enough or sufficient to enable comprehensive understanding of the said law. Only 24 percent asserted that they agree and another 24 percent were neutral. There were 43 percent who disagreed, while 10 percent strongly disagreed. All of the respondents who responded that they disagreed are categorized as non – regular workers. Of those who replied that they agreed, 19 percent (19%) are non – regular workers and five percent (5%) are domestic helpers. Of the respondents who remarked that they were neutral five percent (5%) are regular workers; fourteen percent (14%) are non – regular workers, and other five percent (5%) are domestic helpers. Meanwhile, of the respondents who strongly

disagreed, five percent (5%) are non – regular workers and other five percent (5%) are 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

Not only does this confirm that 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 but also of the lack of effective programs which could communicate the EMLL to relevant stakeholders. Furthermore, what is commonly noticeable among these responses is the differences of interpretations and depth of knowledge among respondents from different segments of the female workforce. More importantly, a significant number of respondents, 43 percent, have claimed that they lacked knowledge at all about the EMLL despite giving birth within the period of its implementation. These are characteristic of the unevenness by which information regarding EMLL is accessed by its intended audience. Meaning that, while SSS and other concerned government agencies may be successful in reaching SSS members and female workers in some instances, they are also unable

or ineffective in reaching other members of the female workforce and relevant stakeholders, in general. Furthermore, their success in reaching those who claimed that they were aware of the EMLL did not automatically mean a full or in-depth understanding of the policy. This means they lacked substantial knowledge as to the relevant processes and procedures involved in its availment. From these, questions arise regarding how information is produced by concerned agencies and through what forms of media these are disseminated. 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 the former.

Meanwhile, respondents—who stated that they have multiple children but did not have access to maternity benefits in their previous pregnancies—noted the impacts of being able to avail themselves of maternity benefits under the EMLL. Most of them 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.

Malaking tulong din ang nakuhang benefits. Nakapanganak na ng 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 was a big help. I already gave birth when I applied. I borrowed and sought assistance from the government (mayor, councilors, DSWD, relatives, friends). So I was able to pay these debts.)

—Respondent 8 (Sari-sari store owner and farmer)

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

(It helped a lot. I already gave birth when I received (the benefits). I used it to pay for my debts because I borrowed money during my pregnancy and delivery.)

—Respondent 24 (Hamburger Vendor)

Hindi nahirapan sa financial at panganganak. Nagait din sa online business (ulam, dessert).

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

—Respondent 14 (Domestic Helper)

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 is a reserve fund for child birth
and for me and my baby's expenses for medical checkups.)***

—Respondent 21 (Domestic Helper)

For most of the respondents who were successful in availing themselves of their maternity benefits, the concomitant cash benefits have clearly addressed their economic, and prenatal and postnatal medical needs. The importance of which is accentuated by the fact that the respondents are workers with unstable sources of income. Receiving their maternity cash benefits positively impacts their economic positions for a particular period of time. There are also respondents who, apart from being members of the informal sector, are also solo parents leading single-income households. Some of the solo parents revealed, however, that they receive assistance, albeit intermittently, from some members of the household. The majority of the respondents indicated their partners as the other income earners in their household.

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 nagwi-waiter din minsan.”

(Yes, it's my husband. That time, he worked as a contractual office staff. We sold fish and decorated for events/occasions. He also worked as a waiter [in a restaurant].)

—Respondent 4 (Administrative Assistant/Part-Time Teacher)

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. My husband also earns when we harvest banana from our farm.)

—Respondent 8 (self-employed, farmer and sari-sari store vendor)

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 11 (Self-employed)

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.)

—Respondent 25 (self-employed, sari-sari store vendor)

The other respondents indicated that their partners or spouses worked as *barangay tanod* (village watchmen), Grab driver, jeepney driver, waiter (catering service), construction worker, and supermarket merchandise head. Most of whom are also members of the informal sector and similarly experience precarity in the nature of their work. Nonetheless, the respondents declared that their partners assisted in defraying the cost of the household's economic needs and in attending to the medical needs of the former and their 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 have also remarked that they were not informed by the SSS (personnel) regarding the additional benefits accorded to solo parents under the EMLL. One respondent noted that there were no indications or questions in the (application) forms asking whether the applicant is a solo parent.

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 a solo parent.)

—Respondent 19 (Self-employed, clothing vendor)

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 that law. I really did not know. The SSS did not say 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.)

—Respondent 13 (Self-employed)

Furthermore, the 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 the end of day (EOD) processing time of seven days. The SSS National Office key informants explained that their beneficiaries receive their benefits in a timely manner. They explained that the benefits are credited to the enrolled disbursement account from five to seven working days from the date of approval based on Ease of Doing Business and Efficient Government Service Delivery Act of 2018. They added that the 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 account.

Yes po it's a very fast processing platform po in terms ano na 'yung processing time natin dito Dina? 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 na '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, Maam it's a very fast processing platform in terms of our processing time, right Dina? 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.)

—SSS National Office key informant

When we say timely, may timeframe naman ang SSS...you pay the right person, the right amount, at the right time....sabi ko nga seven to 12 days. May mga nangyayari na nagiging more than siya...it's because bank-to-bank transaction...ang bangko ng SSS is DBP. 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 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, seven 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. There

are also banks that have schedules in processing the money we deposited. These banks vary, unlike BDO (Banco De Oro) or Metrobank, that automatically makes available the funds SSS deposited. Others have different schedules; this is where problems occur. Sometimes it reaches 15 days (before it is processed and reflected on the disbursing account.)

—SSS Local Branch Key Informant

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.

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

(I applied in December (2020); received the benefits in May 2021.)

—Respondent 7 (Self-employed, Sari-sari store owner and farmer)

Nine months bago matanggap.

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

—Respondent 24 (hamburger vendor)

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

(I was advised to email (the SSS) when I shall receive the benefits. It took seven months.)

—Respondent 37 (Domestic Helper)

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.)

—Respondent 12 (Sari-Sari Store Vendor)

Furthermore, the respondents said that the SSS did not update or inform them when they will actually receive their cash benefits. The respondents noted that they did not know of the expected time when their cash benefits would be received.

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 will receive the cash benefit so I just waited for their advise that is why I cannot answer this question about “expected time.” What I know is I will receive the cash benefits before you give birth. In my case, I applied in February, I received it by May. I gave birth in June.)

—Respondent 35 (contractual employee, salesgirl)

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. One will just wait for the text or call.)

—Respondent 11 (self-employed, housewife)

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.

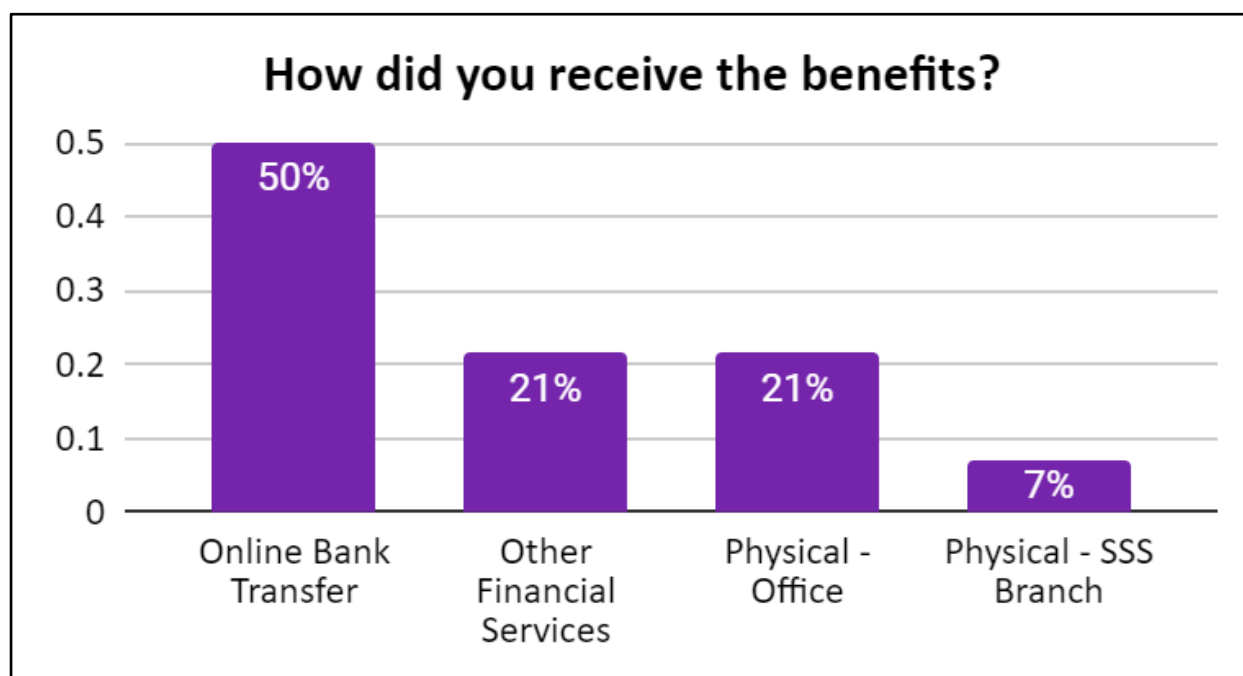
(I do not know what month I will receive the benefits starting from the day 1 of application. You will only know when you receive an advice from SSS that the cash benefit will already be released. They just tell you to wait. They did not say how many months I have to wait.)

—Respondent 37 (domestic helper)

However, the 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 the My.SSS account.

With regard 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 went to the SSS branch to receive her cash benefits.



Graph 13. Delivery of Maternity Cash Benefits

With regard to the respondents' assessment of what was the easiest part in receiving the benefit, some respondents have pointed out that while bank transfers are a convenient way of transferring funds to beneficiaries, the long delays and misleading advice as to when is the actual release of their cash benefits is their chief complaint. 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 above-mentioned schemes employed by the SSS. For the respondent belonging to the formal sector, a respondent noted that it was convenient because her employer was easy to deal with. In terms of what the difficult part was in accessing the benefits, the same respondents noted that the long waiting time and the delays were the most difficult part of the process. The respondent residing in an island claimed that it was the need to travel to the mainland via boat to process and claim her maternity benefits which was the most difficult aspect of the process. Others noted that it was the need 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 traveling despite pregnancy.

In terms of whether these same set of respondents' ability to access other benefits—such as maternal health benefits available through Philhealth; other paid leave benefits; and other economic benefits attendant to their successful access of their maternity benefits—was impacted by their success in accessing their maternity benefits, the majority said “yes” with only two respondents indicating that it did not. All of the respondents have also unanimously indicated that they did not lose access to other benefits that they normally receive due to their successful access of their maternity benefits. Majority of them 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 of the 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 inexistence of stringent and structured work arrangements within the informal sector. The respondents noted that they have the freedom to

choose when to resume work without being obliged by anyone to do so. For the other respondents who were in formal work arrangements, availing of a leave that affords longer days for rest meant returning to work with piled-up or pending work deliverables, especially if the worker is the only person who is familiar with the job.

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 serve as a domestic helper.)

—Respondent 27 (domestic helper)

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

(Yes, because there were 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.)

—Respondent 36 (contractual employee)

All of the respondents acknowledged that the maternity cash benefits they received were helpful in addressing the attendant economic and medical needs and 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.

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 4 (Consultant/Contractual employee)

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

(The leave benefits were of great help. It defrayed our expenses for our needs.)

-Respondent 8 (self-employed, housewife)

Malaking tulong sa kabuhatan. 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 child birth.)

-Respondent 11 (self-employed, housewife)

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, healthcare.)***

-Respondent 24 (food vendor)

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 take care of my baby hands-on. I was also able to breastfeed because
of this law.)***

-Respondent 29 (contractual employee)

Nakadagdag sa puhunan, nakadagdag sa kita.

(It topped-up my business capital, additional profit.)

-Respondent 34 (market/food vendor)

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

***(Yes it became an additional capital for our store. It was during the
pandemic and these benefits are a great help.)***

-Respondent 28 (Apparel vendor)

Naging ipon po para sa future ng mga bata.

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

-Respondent 27 (Domestic Helper)

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 have an SSS (eligibility), I have a fallback.)

-Respondent 35 (contractual employee)

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 themselves of their maternity benefits have varyingly experienced substantial delays in the release of their maternity benefits' cash disbursements. In terms of what the difficult part was in accessing the benefits, the respondents who indicated that their maternity benefit 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 SSS' compliance with RA 11302.⁹ 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

⁹ AN ACT PROMOTING EASE OF DOING BUSINESS AND EFFICIENT DELIVERY OF GOVERNMENT SERVICES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9485, OTHERWISE KNOWN AS THE ANTI-RED TAPE ACT OF 2007, AND FOR OTHER PURPOSES. (Congress of the Republic of Philippines, 2018)

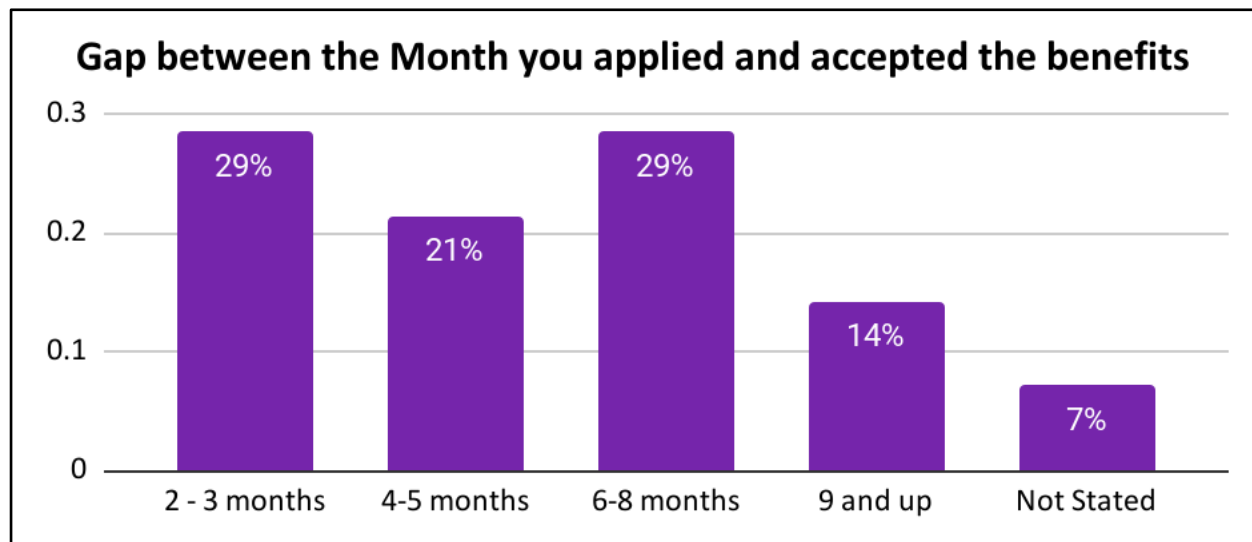
date the request and/or complete application or request was received.¹⁰ From what the key informant noted that “as long as the documents and other requirements are complete,”¹¹ it was only referring to the number of days that the process of releasing should not exceed seven days. The seven days does not include the working days it would take for an application to undergo the multiple steps of receiving, reviewing documentary requirements, validating, and approving the said application. This means that each step of the process that the application needs to undergo, the personnel tasked to handle the document is given not more than 15 days to act on the said transaction. This means that even if the maternity benefit application took months to complete, the counting of the number of days for the processing of the maternity benefit application and release of the benefits may only reflect several days. Furthermore, the heightened mobility restrictions imposed by the national government have also severely limited the available manpower of government agencies necessary in the processing of such applications and transactions. This has further exacerbated the delays in the processing of maternity benefit applications. To address this, the SSS has imposed the mandatory online submission or filing of maternity benefits applications. Nonetheless, these delays, though justified under existing policy protocols, negatively impacts the economic position of beneficiaries, especially the informal sector, relying on these benefits for their medical and daily needs. From a purely technical standpoint this process may still be considered efficient, for ordinary individuals whose economic sources are unstable this is ungainly.

¹⁰ Section 9.b.1. of RA 11302.

¹¹ Meaning that the application has already been reviewed, verified for its necessary documentary attachments, or validated, and approved by the approving authority.

There are also issues of rejections of online applications on grounds that are based on subjective interpretations of personnel tasked to verify online submissions of applications. There are discrepancies in the verification and processing of applications so that one applicant can take more than one online submission for a single 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 when processing maternity applications submitted online. The online submissions, 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 tasked to process or verify it. However, there is no assurance that the adjustments made will be accepted as is or scrutinized according to prescribed adjustments as the application might be assigned to different personnel who might verify the application differently. Thus, there is no assurance that the same personnel will process the application and check for the prescribed adjustments recommended in the previous submission of the application. 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.

C. Maternity Leave Availment: Number of Days and Amount Received



Graph 14. Gap Between the Application and Release/Receipt of Benefits

With regard to the number of maternity leave days that the respondents took during the course of their period of maternity, the responses were varied. Eleven of the respondents indicated that it took them three months or more. In particular, one 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 totally 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.

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 that I was unable to manage our store and perform household chores.)

—Respondent 7 (self-employed, farmer and sari-sari store owner)

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

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

—Respondent 28 (apparel vendor)

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

(I am self-employed. My pregnancy coincided with the pandemic. Because of the ECQ/GCQ I was stuck at home.)

--Respondent 11 (Self-employed, housewife)

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

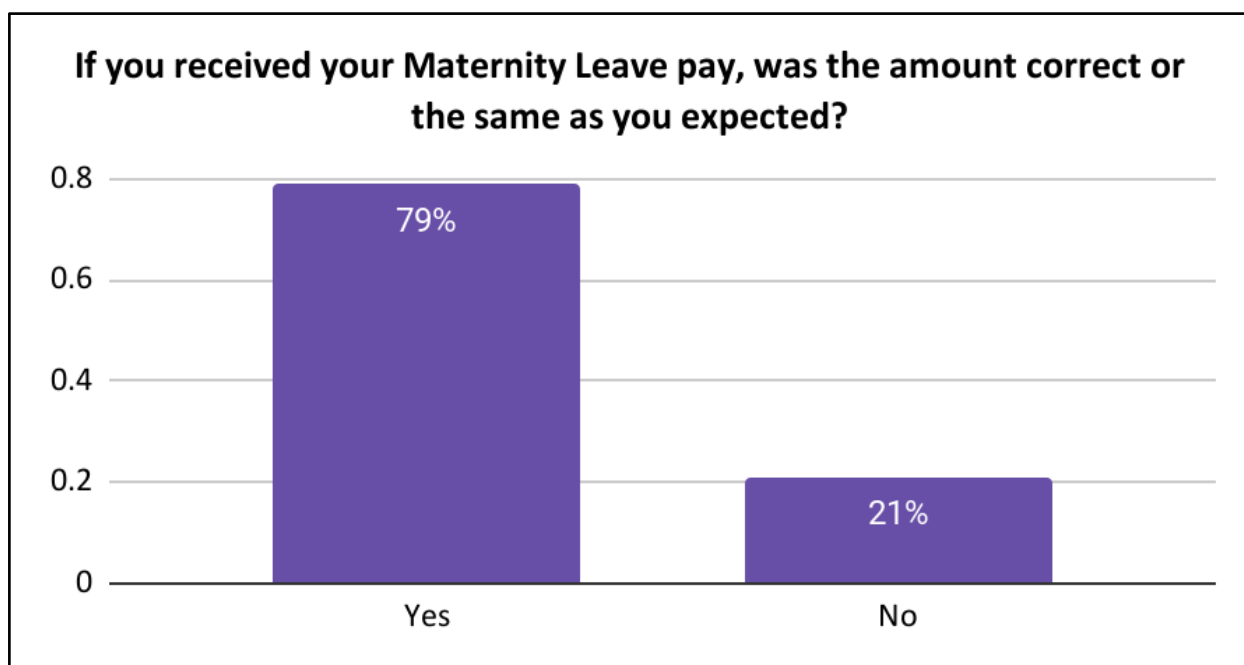
(I maximized the entire three months. Because I am a domestic helper, I first sought the permission of my employer.)

—Respondent 27 (domestic helper)

It should be noted that because all of the respondents who indicated that they belong to the informal sector, whether they are self-employed or employed, they are capable of maximizing fully and/or even extending their leave days beyond the legally allowable 105 or 120 days. This is because they are not constrained by the stringent structures or regulations incumbent upon companies or

organizations. They therefore have the leeway and freedom to dispose as they please with the leave days attendant to their monetary benefits. Despite these, however, the respondents explicitly expressed that they have chosen to use these leave days to rest and refrain from doing manual work. This is a manifestation of the vitality of leave days to rest and recovery from maternity-related medical issues experienced by female workers, regardless of their nature of work or employment status. In fact, most of the respondents indicated that among the most appreciable aspects of the EMLL is the expanded number of days allowed for maternity leave.

D. Amount of Maternity Cash Benefits



Graph 15. Accuracy of the Distributed Cash Benefits among Accepted Applications

The respondents whose applications were accepted by the SSS were asked whether the amounts of the cash benefits they received were correct or as they expected. 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, then she assumed that the amount must be correct. There were three respondents who indicated that there was a discrepancy between their expected and the actual amounts that they received. One respondent has also stated that they think the amount they received was correct because it was able to cover all of the expenses concomitant to her delivery. Meanwhile, another respondent's perceived discrepancy in her maternity cash benefit is because she based her expected amount on the actual amounts or maternity benefits previously received by other mothers.

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 will be receiving 19k (in Pesos) but the actual amount that I got was only more or less 9k (in pesos). I did not pursue it further because at least I still received something...but I was doubtful, of course.)

—Respondent 4 (Administrative staff/part-time teacher)

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

(I received 20,000 pesos, although I have read at the website it is supposed to be 30,000 pesos. I did not inquire anymore because I needed the money.)

—Respondent 19 (clothing vendor)

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.

(Because the others received 50,000 (pesos), mine was only 27,000 (pesos). I was expecting to receive 40,000 (pesos) because I know someone who received 40,000 pesos. I do not know the computation.)

—Respondent 26 (vegetable vendor)

'Yung SSS office nagpakita ng computation batay sa hulog ko. Lumitaw 60,000 pesos at 'yan din po actual na 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 11 (Self-employed, housewife)

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 (49,000 pesos).

(It was enough because I had normal delivery. It was able to address the health care and daily needs. The amount was correct. What was reflected in the computation was also the amount I received [49,000 pesos].)

—Respondent 25 (Sari-sari store vendor)

The respondents have not made any effort to scrutinize whether the computation of their maternity benefits is in fact accurate. This perceived discrepancy in the amount that they received from the SSS may be because of the respondents' lack of proper understanding of the proper computation of their maternity benefits. Eight of the respondents have remarked that because there was an actual

computation provided to them by an SSS personnel, they were already confident that it was the correct amount. It also reflects the resignation that members of the informal sector accept 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 of the respondents indicated “no” while nine answered “yes.” Those who indicated that the cash benefits they received were not enough, said that they were hoping that the cash they would receive would help defray the expenses that they would incur. Another respondent noted that while the amount she received was the maximum cash benefit that SSS provides, it was unable to cover the total hospital bill incurred, particularly when confined in a private hospital. For solo parents, the amount they received from SSS were arguably inadequate given that she is the main income earner. Her income source’s precarity was worsened by the pandemic as she was unable to sell anything due to mobility restrictions. The respondents 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 benefit more than addressed their needs as they were also able to pay the debts they incurred in their previous pregnancy and still buy the new babies’ needs.

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 was really expecting that I will be receiving a higher amount, hoping it would be for my child's needs. It was not sufficient according to my expectations that it will somehow help.)

—Respondent 4 (Administrative staff/Part-time teacher)

Kung nasa public hospital po siguro ay sasapat nang masabi 'yung P70,000.00 Kaso po Caesarian case ako, tapos premature baby ng manganak. Kaya't dobleng gastos. Sa private hospital ako nanganak na inabot ng P400,000.00 (P240K + sa akin, + P180K + para sa baby na naiwan pa sa hospital dahil premature.). Nagamit at nakatulong din ang PhilHealth pero P19,000 lang ang approved sa PhilHealth.

(If I were confined in a public hospital, I think the P70,000 I received would be enough but I had to give birth through Caesarian section and my baby was born premature. The cost was almost doubled. I gave birth in a private hospital so our bill was P400,000.00 (P240,000.00 for my medical expenses and P180,000.00 for my baby who was left in the hospital because he/she was premature). I was able to use, and it was helpful, my PhilHealth but it only approved P19,000.00 for my delivery.)

—Respondent 8 (self-employed, farmer and sari-sari store vendor)

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 is not enough when considering the expenses during childbirth and other expenses. Lying-in clinics collect a fee and we earn very little from selling because of the pandemic.)

—Respondent 19 (clothing vendor)

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

(It was 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 26 (vegetable vendor)

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 health care. In paying debts for my first childbirth, which I borrowed. Spent for the babies' needs.)

—Respondent 37 (Domestic helper)

The respondents were also asked whether they took the full leave time available to them. Seven of the respondents whose applications were accepted by the SSS noted that it did not apply to them. They are self-employed and did not have the same work arrangements that salary or wage workers experience, 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 stipulated allowable leave days in the EMLL. The only respondent under this arrangement noted, however, that her employer bargained with her to return to work despite being eligible for 120 days of paid leave.

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 34 (Market vendor)

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 25 (Sari-Sari Store Vendor)

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

(No. My employer talked to me to return to work as soon as I can despite being eligible for a 120-day paid maternity leave. My baby was going three months, I returned to work already.)

—Respondent 36 (contractual employee)

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

E. 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, the DOLE—through its Bureau of Working Conditions (BWC)—is mandated to ensure that private companies comply with this mandate. According to the key informant from DOLE BWSC, noted that based on their labor inspection system, their inspector rate program covers the establishments and determines whether there is compliance of the law. Director Travilla clarified that in terms of implementation of the EMLL, DOLE's encompasses monitoring, ensuring, and enforcing the employers' compliance in the payment of the salary differential of qualified employees.

Question: 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.

(Question: 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.)

—Marivic Raquiza, SWP Lead Researcher

Answer: ‘Yun po yung implementation ng batas, recently nagi-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, tinatanong 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.

(Answer: 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 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.)

– BWSC - DOLE Key Informant

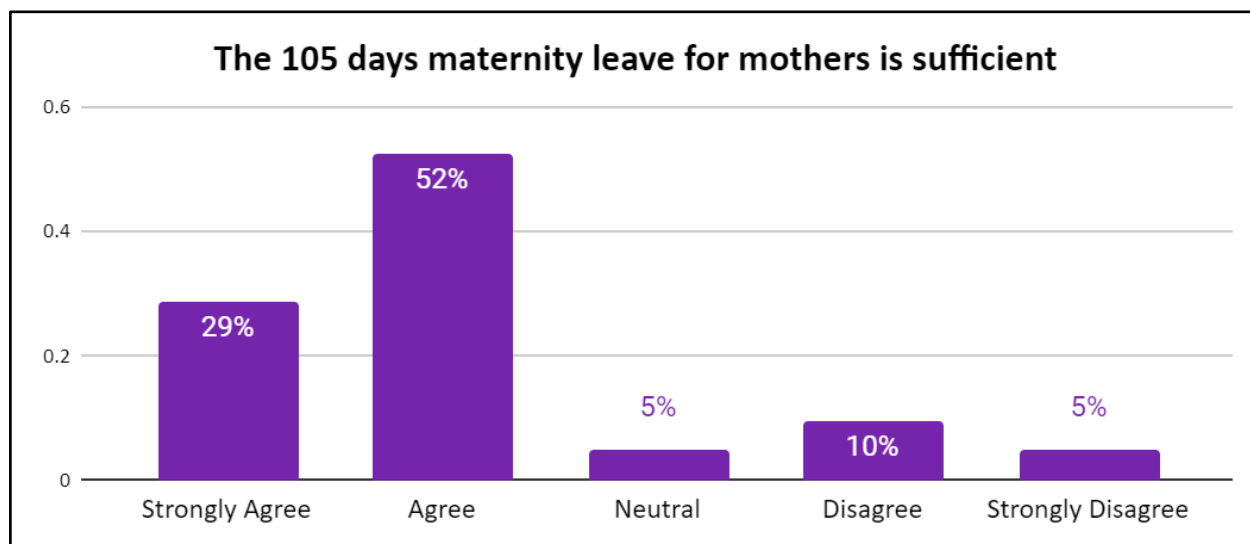
The DOLE BWSC key informant noted that maternity benefits are a part of the standards concerning monetary benefits of workers. This is one of the important key aspects that inspectors look into which inspectors ask employers and employees about. One other important concern that inspectors look into is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

by DOLE. They admitted that it is highly possible that they will not be able to inspect all of these companies.

In terms of DOLE's mechanisms in 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 EMLL. However, DOLE still conducts information drives regarding the EMLL, particularly the eligibility of workers for the said benefit. They noted that any information drive concerning EMLL is really the duty of the SSS. The ones DOLE is involved in is with information drives ensuring the compliance of employers and companies in the provision of salary differential.

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. The employers will be summoned and a second step which is an inspection will be conducted to confirm whether compliance is indeed upheld.

F. Sufficiency of the Number of Leave Days



Graph 16. Sufficiency of the Number of Days among Accepted Applications

The same set of respondents were asked whether the number of leave days provided under the EMLL is enough for women who have given birth to recover and care for their infants. Six indicated that they strongly agree, while eight indicated that they agree. Two respondents stated that they disagree and one said that she was neutral. Four of the respondents replied that while they think, in reality, that 3.5 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, 3.5 months is enough. However, if the means of delivery is cesarean section then 3.5 months is really insufficient. Those who disagree 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.

Sa panahon kasi ngayun, 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 days allocation is quite enough time to rest for women who gave birth and take care of their babies.)

—Respondent 8 (self-employed, farmer and sari-sari store owner)

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

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

—Respondent 26 (vegetable vendor)

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 hope the number of leave days is longer. I hope there is a special provision for solo parents allowing longer periods of paid leave.)

—Respondent 19 (clothing vendor)

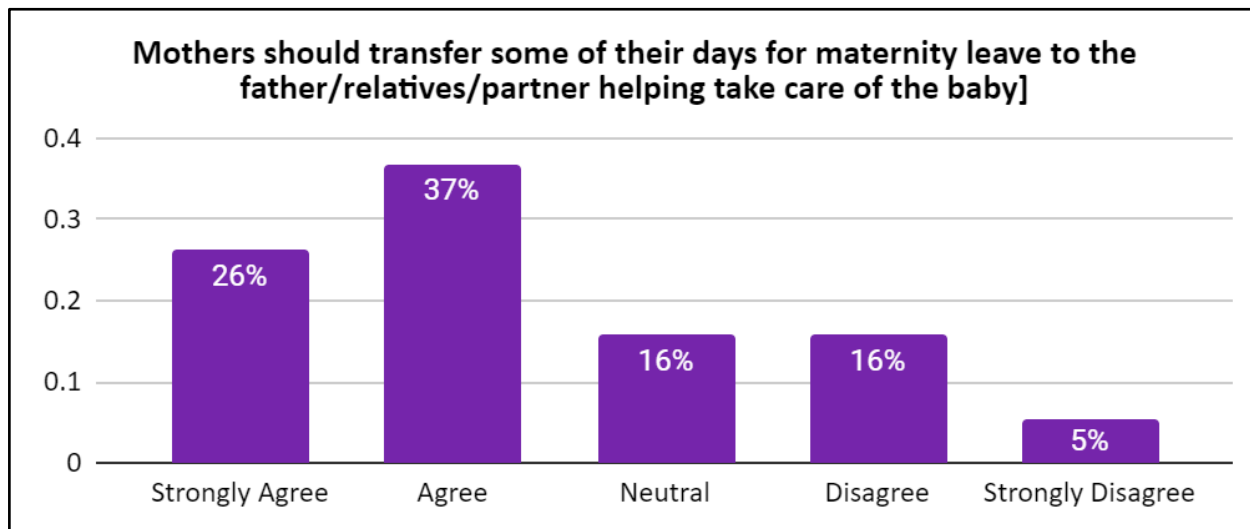
Kailangan po extend ng 30 days. Mahirap iwan ang baby kapag breastfeeding. Baguhang nanay po ako, parang kawawa ang baby kung hindi ka kasama sa first five months.”

(There is a need to extend it to 30 days. It is difficult to leave the baby especially if the baby is breastfed. I am a new mother. The baby is pitiful if separated from the mother within five months.)

—Respondent 35 (contractual employee, salesgirl)

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

G. 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 the care of 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 understand further his/her responsibilities as a father or guardian of the child.

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

(What they should do instead is to increase the paternity leave days from seven to 14. They should retain the mother's number of paid leave because it is inadequate, in the first place.)

—Respondent 4 (Administrative staff/Part-time teacher)

Mas malaking tulong sa recovery ng body ng mother.

(It would be a great help to the recovery of the mother's body.)

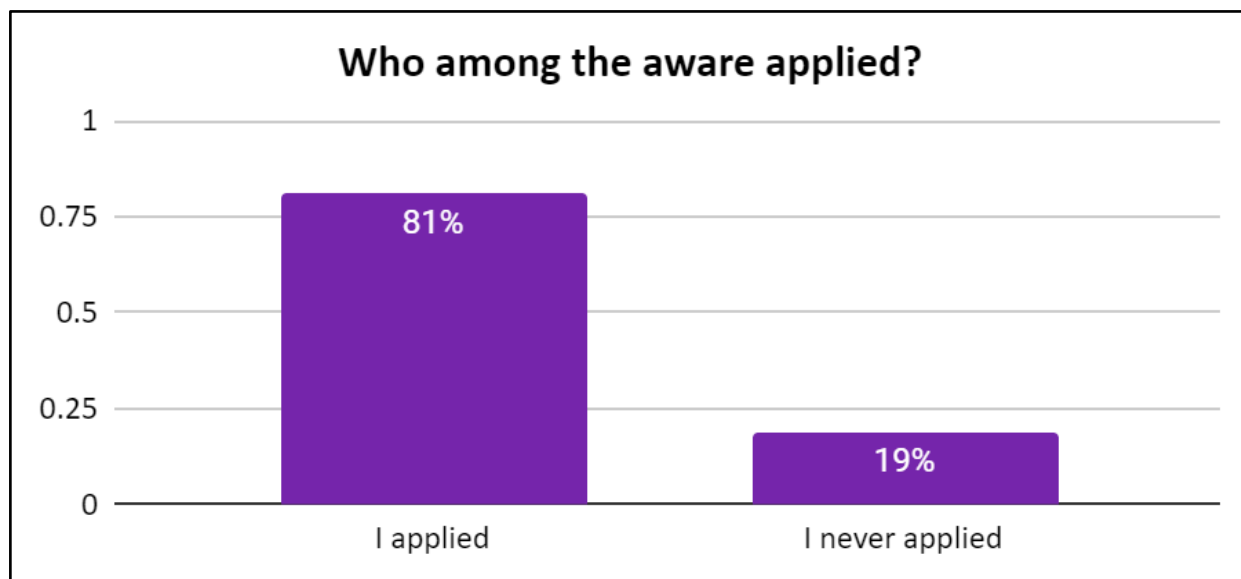
—Respondent 7 (contractual teacher, SUC teacher)

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

(So that the father or spouse will understand his or her responsibilities and appreciate the relevance of the law.)

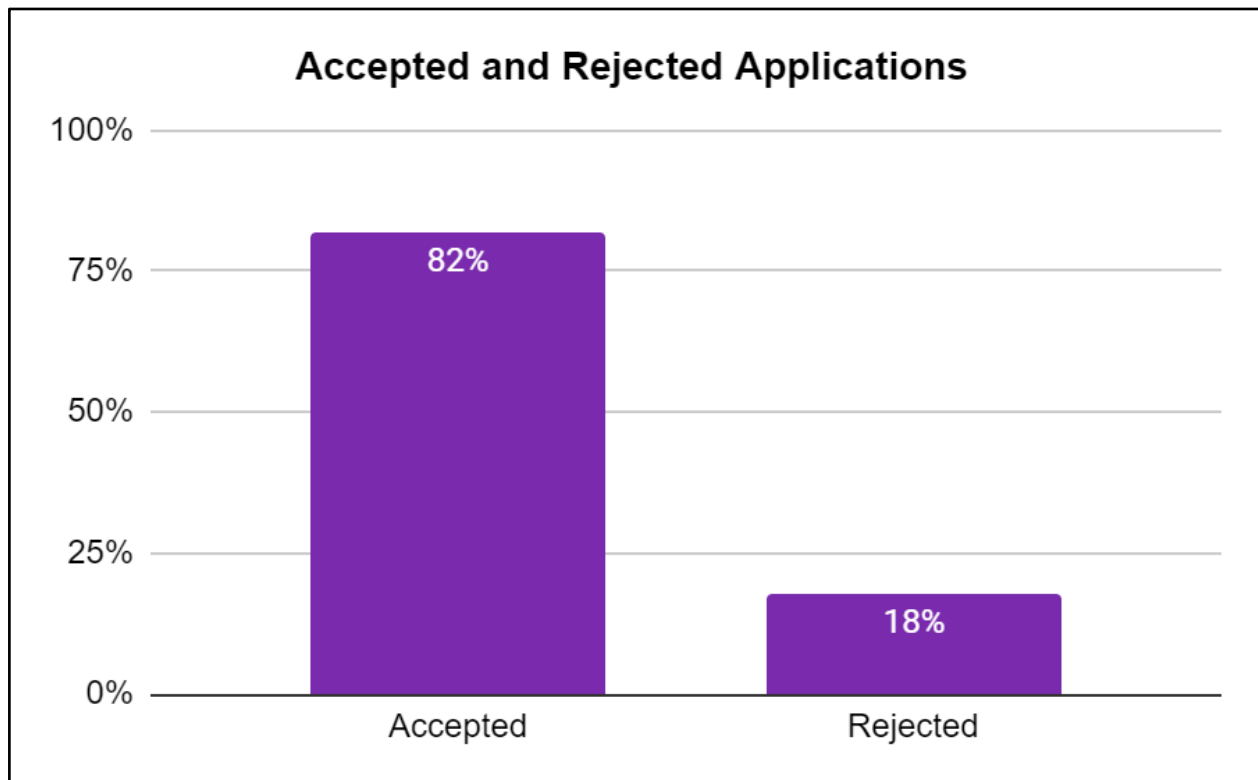
—Respondent 22 (domestic helper)

H. 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, applicants are required to submit their Maternity Benefit Application (MBA) online via SSS' online platform. The SSS notes that the digitalization of this vital application process is expedient and eliminates red tape. Ideally, the premise that multiple manual steps in the application process are eliminated in favor of an easier and more convenient process facilitated online. Its implementation was also to address the inability of SSS members to file for their maternity benefits application given the strict imposition of mobility restrictions due to the Covid-19 pandemic. Respondents from the SSS National Headquarters noted that from June 2020 until June 2021, members were unable to file for their applications for maternity benefits due to stringent lockdowns and mobility issues. 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, there were four who did not pursue their applications. They were either unable to pay for their SSS contributions or they were informed by the local SSS that they are not qualified for maternity benefits. One respondent noted that she does not have SSS contributions and that she was unaware that there are benefits of maternity leave pay; two respondents said that they have SSS contributions and are aware of maternity leave benefits, but it was the pandemic time and they were apprehensive of getting out of their house.

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

(I am not registered with the SSS or Philhealth. It's because I have no knowledge about these things.)

–Respondent 1 (housewife)

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 it because I do not watch or listen to the news. I did not apply for any (social) benefit.)

–Respondent 6 (housewife)

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 then.)

-Respondent 21 (Fruit shake vendor, Self-Employed)

According to the SSS National Office key informants, the maternity claims of qualified members—or those who have paid their monthly contributions at least three months before their semester of contingency—are handled by the following units of SSS: (a) The Medical Evaluation Centers and Medical Operations Department (MOD) handle claims related to miscarriages and cases of emergency termination of pregnancies (ETP); and (b) The Sickness, Maternity, and Employees' Compensation (SMEC) Section, Processing Center (PC), and Central Processing Group (CPG) handle the processing and payment of benefits. The key informants noted that the MECs and PCs are available nationwide. The MEC and PC personnel are mandated to perform the following duties: (a) evaluating and comparing of 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 the 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 SSS online platform.

Members are required to register at the SSS Member Portal and create their My.SSS account. To use this online facility, a member must have an internet connection and must have a smartphone, computer, or any device that enables internet access.

IX. Issues and Challenges

A. 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 and have permeated the public and private sector, including private households. Furthermore, Cabegin (2019) cites that 40 percent of women are in the informal sector, which means that social security is not provided to them by any employer. Theoretically however, they can still avail of social security benefits, including EMLL, if they shoulder all the premiums involved (they are referred to, by SSS, 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 incomes which are prioritized to pay for their families' daily subsistence. Furthermore, some respondents have noted that they do not have the necessary documentary requirements to register for SSS membership. This is particularly true among some of the survey respondents residing in far-flung rural areas. Thus, a number of respondents indicated that despite their willingness to regularly and voluntarily pay for their SSS contributions, their

limited resources, as well as the documentary requirements, prevent them from doing so. A number of respondents have indicated, nonetheless, that if they had been properly informed regarding the salient features of the EMLL, they would have saved a portion of their income. This plan/intention would enable them to pay for the minimum SSS monthly contribution and therefore qualify them for maternity benefits for future pregnancies.

Furthermore, a significant section of Filipino workers, whether in the public or private sector, are contractual workers. Due to a dearth of official data on contractualization in the Philippines, what is known is that many of them operate under an *endo* (or “end of contract”) system where establishments only hire for a period of five months or less, thereby legally bypassing the requirement of regularizing them, as legally mandated (and barring any other complications), 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 fivefold increase from 2010 (Rubio 2021) causing one senator to quip that the sharp increase of temporary hires “distorts and hides” how much government spends on personnel services. Suffice it to say, contractual workers oftentimes are 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 (state university/college). Here, the SUC did not provide any form of social security benefit to her and did not deduct, and pay on her behalf, her social contributions throughout her employment, thereby disqualifying her from any form of social protection program provided by the social protection agencies of the country.

“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 my contributions under my name. It is because the SUC [State University/College] I worked for did not pay it in my behalf and they always invoke the “No Employer-Employee Relationship Clause”)

-Respondent 7 (Teacher, Regular Employee)

Furthermore, the SSS representative who was interviewed affirmed this widespread practice by government 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 and that they are not covered by the GSIS (Government Service Insurance System). Civil Service Commission Resolution 021430 which clarifies policy guidelines for workers under Contracts of Service (COS) and Job Order (JO)¹² provides the legal basis for this

¹² **Section 1. 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.

as it explicitly states that ‘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’ (Civil Service Commission, 2022).

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

Finally, it is noted that many female workers who may belong to the formal sector can still “fall through the cracks” and will be unable to avail of the EMLL because they work in companies that are legally exempt from implementing the law^{[5] [6]}. Under Section V, Rule VI of the implementing rules and regulations of RA 11210, companies that are exempt from providing salary differential to their employees are (a) distressed companies¹³; (b) retail/service establishments and other enterprises regularly not more than 10 workers; (c) microenterprises with total assets not exceeding P3 million; and (d) companies or establishments already providing similar or more than the benefits provided under RA 11210. Their addition to the already huge swathe of female

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

13 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: <https://www.pwc.com/ph/en/tax/tax-publications/taxwise-or-otherwise/2019-taxwise-or-otherwise/salary-differential-under-the-new-maternity-leave-law.html>.

workers who are not able to avail themselves of the EMLL underscores the unrealized progressive potential of the law.

B. 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 due to the fact that the implementation of the newly signed law, EMLL, coincided with the strict mobility protocols imposed by the government a year later, in order to stem the spread of the virus.

The EMLL was enacted into law in March 2019 and its implementing rules and regulations (IRR) was released in May of that same year. It was only a year since the release of the IRR that the Covid-19 pandemic lockdown commenced (March 2020). This hindered the delivery of an array of public services including those from the SSS. According to the SSS key informant, “Similar to our members, 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:

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, despite the pandemic because it was needed and besides I have paid for my contributions.)

—Respondent 28 (Apparel Vendor)

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 pandemic, but my husband was
planning to accompany me.)*

—Respondent 21(Fruit-shake vendor)

It was during this period that SSS decided to fast-track the establishment of their online system and made online application for EMLL benefits mandatory. 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 totally go online for EMLL application (the online program was launched on May 31, 2021) had the unintended effect of deepening inequity in terms of access. While those working in the formal sector and the educated may generally benefit from making online application for EMLL mandatory as they possess the digital and functional literacy and necessary resources to access pertinent information online, making online application the only way to avail of the EMLL benefits made it difficult for many informal workers to avail of this, especially those who reside in locations that lack ICT infrastructure or who lack the technological savvy and resources (e.g., gadgets, such as smartphones or laptops). These same factors affect the ability of many female workers, especially those in the informal sector—who may be eligible for maternity benefits—to successfully apply for the latter, given the mandatory online application policy.

Here, the picture of the Philippine digital landscape provided by the 2019 National ICT Household Survey of the Department of Information and Communication Technology (DICT) 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 wifi facilities in their respective communities. Of the total households surveyed, only 47 percent have radios; 57 percent did not use the internet. Perhaps the most revealing of this survey is that 79 percent of the households surveyed did not access government websites (ibid). Those who accessed government websites comprised merely 6.5 percent of the total households surveyed and only 19.3 percent used the internet to access information. Digitally, this survey reveals an unequal and largely lagging digital development in 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—which looked into 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. This is buttressed by the fact that the frequency of exposure of the 63.6 percent of Filipinos, aged 10–64 exposed to the internet for research work and email, significantly varies. This is in terms of the following classifications: (a) age group (15 to 24 years old were the most exposed); (b) urban and rural classification (urban being the most exposed); and (c) gender classification (female being the most exposed at 83.7% nationwide compared to 79.2% for male) (PSA 2020).

Moreover, the requirement of having one's own email address to complete the registration process poses an added barrier. Latest data discussing Filipinos' exposure to the internet for research work and email purposes may explain why female workers, particularly those in the informal sector whose work are blue collar by nature, may not successfully register for an online SSS account.

'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.)

-----Respondent 4 (Consultant/Contractual Worker)

The PSA noted—in its 2019 Functional Literacy, Education, and Mass Media Survey— that of the 63.6 percent of Filipinos aged 10 to 64 years old, who were 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 neither for research work nor email.

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) everyday (32.1%); (b) at least once a week (19.2%); (c) seldom (20.8%); and (d) not at all (27.5%).

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

Another formidable barrier to EMLL access is the requirement for the applicant to own a bank or transaction account where SSS disbursements will be directed. According to the Bangko Sentral ng Pilipinas (BSP), or Central Bank, there are 41 million Filipinos, or 53 percent, of the country's adult population who remain unbanked. Furthermore, the BSP also noted the slow adoption rate of online banking and 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, and unemployed (BSP 2022).¹⁴

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 the aforementioned sectors' 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) to own a bank account; that is, much of their income sources are seasonal

¹⁴ 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, Indigenous People, IDPs, PWDs, less educated, and those belonging to the younger generation.

and unstable, thereby making them incapable of maintaining such accounts and financing its documentary requirements. This on top of the fact that a significant portion of the population still lack awareness of online financial services, prefer 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 are encouraged to perform their transactions with SSS through this online platform, anecdotal reports reveal 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]ng dagdag na medyo pahirap ngayon ay nung nirequire ang online submissions...ngayon, kailangan magregister muna ang employee online, 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 is already registered but has forgotten 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 get connected there. That's why most of the times that 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.

—Benefits officer, Private university

While digitalization of the maternity benefit application process may be viewed as promoting efficiency and convenience, it does not take into account the real-world conditions of many of the country's workers who have great difficulty in accessing an online platform. Unaddressed, the ability of the informal sector to produce the required 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.

There was a respondent who 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.

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.)

—Respondent 35 (Regular employee)

Finally, a number of respondents report months of delay before receiving their EMLL cash benefits. This is caused by difficulties in meeting the technical and documentary requirements.

The difficulties posed by the pandemic has led SSS to implement a mandatory online application which was identified by respondents in these study as an administrative barrier to applying or accessing their maternity benefits. It was either conflicting or that following-up for updates on application was difficult as response from the SSS was not prompt.

“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. It is because I was required to send two e-mails which is why I requested the

assistance of the (security) guard when I processed the requirements. It was time consuming.

-Respondent 4 (Consultant/ Contractual Worker)

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

(Many hassles. The queue was long, replies from online [applications and follow-ups] was slow, besides the weather was hot. It took three months before I received the cash benefit.)

-Respondent 19 (Apparel Vendor)

Additionally, a respondent who is a benefits officer for a local university noted the additional layer of difficulty mandatory online application poses to the maternity benefit application procedures. Furthermore, as one respondent further noted, there was the technical issue of the online system sometimes breaking down due to simultaneous use or access by thousands of members nationwide and by hundreds of local and provincial SSS offices.

C. Communicating EMLL to Broader Audience

Once the EMLL was signed into law, the different government agencies and the private sector were mandated to implement its provisions. In so doing, heavy reliance on the use of social media is 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 the dissemination of

information regarding the important details of the agency's amended maternity services. Throughout the course of the research, the SSS key informants stated that stakeholders who had online access were reached most effectively as the information drive of SSS was conducted through online channels.

The SSS key informants further shared that they have a Corporate Communications Department, and a Media Affairs Department that regularly provide relevant information to its SSS members and the public at large. According to them, the self-employed is a priority sector and they also have a unit in charge of reaching out to the informal sector. To wit, "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 getting themselves (the SSS personnel) invited to events of various local/community groups so they can talk about their programs. They further add 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 its 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 facilitate the flow of information from management to their employees. This is apart from the in-house activities and orientation seminars organized for their employees pertaining to their benefits and employee privileges, maternity benefits among these. The SSS also organized webinars discussing the IRR of the EMLL 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 enjoy the availability of ICT infrastructure in their places of work and residences, allowing them access to pertinent information regarding maternity benefits and EMLL online.

However, this is not the case for those who were based in the rural areas. While the information provided was readily available online, it did not guarantee accessibility for rural folk 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 a barrier for many poor Filipino women, many of whom barely made it to elementary, much less high school, graduation. There are SSS posters, flyers, brochures translated into Filipino found in SSS offices at both national and local levels that are helpful but of limited reach.

But a significant number of survey respondents were only partially aware, if not totally unaware, of the EMLL. Those who were aware of the EMLL were generally those in a position to access the information on their own (for example, they had ready 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, a number of respondents only found out about the EMLL because they were interviewed for this study. These respondents were generally based in rural/agricultural areas and some 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 the self-employed, especially the informal sector. According to these respondents, online information is not readily and easily available to them. And even if it were, they were not that used to 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, 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, meaning the LGU, the DSWD (Department of Social Work and Development) worker, or the local health center. -Indeed those 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, have this knowledge and are therefore unable to raise the said sector's awareness.

Another weakness identified in the course of the study is that while SSS has identified the wholesale approach in reaching out to the informal sector (via LGUs, cooperatives, and community-based organizations), their outreach is severely limited based on the results of this study. This is backed up by SSS data where membership in its program for the informal sector, called AlkanSSSy, only numbered 108,779 individuals, or 19.3 percent, of the country's informal sector (based on ILO data from 2008–2017) (SSS 2019). Furthermore, only 44,093 members (or 4.4% of total number of the informal labor sector) are registered in the Cooperative Accreditation Program; and 230,069 members (or 9.1%) comprise job order personnel deployed to various government offices (SSS 2019).

This lack is also compounded by the absence of advertisements or information campaigns targeting the informal sector through traditional media platforms, in particular, television and radio. As the DICT reveals, these media platforms are the most accessible to blue-collar members of the informal sector. Furthermore, the limited copies of printed information materials in conspicuous

or frequented locations in barangays (e.g., barangay health centers and barangay halls) may also explain the limited reach of SSS information drive among informal sectors in rural and remote areas.

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

Finally, inadequate access to information by those in the informal sector has been reinforced in the context of the Covid-19 pandemic because of SSS's increased reliance on the internet for their public dissemination of data. 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 EMLL, due to poor or nonexistent ICT infrastructure in their locality. Oftentimes, they do not possess either the gadgets and know-how necessary to access such information online. Indeed, the section on only relying on a digital platform for EMLL application is also also relevant here given that much of the SSS information drive on the EMLL is 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 therefore underscore the need to go beyond an ICT-driven campaign.

D. 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 some Php305 billion pesos remained uncollected by the SSS from delinquent employers (“GOCCs book combined net loss of over ₱691B in 2021 — COA”, 2022). This huge uncollected remittances from private companies seriously jeopardizes the capacity of the state pension fund to provide employees social security benefits, including the EMLL. The profit bottom lines of many private companies was further eroded with the onslaught of the pandemic which may partially explain the huge amount of P305 billion that remained uncollected from delinquent employers by 2021. Furthermore, according to the DOLE key informant, there are a number of conditions where companies are legally exempt from providing the salary differential to employees in the context of 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 benefit under the EMLL.

Judy Miranda from the Partido Manggagawa (PM) 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 benefits¹⁵ , 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 in the said university. Thereby, it disqualified her (employee) from any form of social protection provided by the social protection agencies of the country.

“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 employed) did not pay for my contributions and always told me about the “No Employer-Employee Relationship Clause.”)

—Respondent 7 (Teacher/Regular employee)

Furthermore, according to Miranda, many companies and factories do not proactively promote or disseminate to employees or workers information pertaining to EMLL. This has resulted in female

¹⁵ 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: <https://www.pwc.com/ph/en/tax/tax-publications/taxwise-or-otherwise/2019-taxwise-or-otherwise/salary-differential-under-the-new-maternity-leave-law.html>.

workers' lack of awareness about this vital benefit. Miranda observes that this is often the case with non-unionized workers. She adds that there have also been cases where female workers were deliberately misinformed by their respective companies about the EMLL and therefore did not avail themselves of its benefits, even if they were qualified.

According to Judy Ann Miranda, key informant from the PM,¹⁶ discriminatory practices against women workers are widely observed, many of which are maternity-related concerns. She narrates that there has even been an instance their organization encountered when the company employer demanded virginity tests for female applicants wanting to make sure that the possibility of getting pregnant is reduced. This kind of thinking that discriminates against female workers has implications for female-dominated micro and small enterprises. Miranda notes 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.

E. Lack of and Outdated Data for Evidence-Based Planning

An overriding gap that hobbled this study was the unavailability of updated databases or adequate information regarding the informal sector (for example, 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 will have been 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 reduced possibility for data-driven policies for them. At best, the SSS can rely on the data of their members from the informal sector (made available to them through online and on-site registration), although this is

¹⁶ Workers' Party.

quite limited. Furthermore, to ensure that the EMLL (and other maternity benefits) can be widely accessed by Filipino women, including workers, gender-disaggregated data of the informal sector workers remains essential.

F. Lack of DOLE Inspectors and Compliance among a number of Company Employers

The IRR of the EMLL spells out the roles of various institutional actors. In particular, the DOLE is tasked to monitor and enforce compliance of the EMLL, which in effect means seeing to it that private sector employers pay the salary differential due their female employees who avail themselves 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 to 75,000 the number of establishments to be surveyed. 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 (there are about 1 million enterprises with varying numbers of employee size and asset base). A major reason cited by 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 budgetary support of DOLE 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.

G. SSS Orientation: Need to enhance its social orientation and developmental mandate?

SSS was one of the many government-owned-and-controlled entities that was corporatized some time back. This means that while the government retains ownership of the corporation, it is run like a private company. As a corporatized entity, its main goal is to realize profits (and why, in the literature, corporatization serves as the basis for the commercialization of services). This can explain why the SSS seems to be viewed more as a commercial rather than social insurance. As a commercial insurance, the financial viability and profitability of SSS is prioritized over its developmental mandate of providing social security cover for its beneficiaries. Here, the organizational impetus is to protect the fund by collecting premiums from its members and realize profit margins by investing in certain market operations. Since its fundamental purpose is commercial, there is the organizational impetus to reduce its exposure to risks, particularly those from economically disadvantaged groups, including older people and those with disabilities. May this explain why SSS seems to be extremely careful of fund depletion, such as by setting up a rather complicated and technical process for availing oneself of its funds, in particular for EMLL. By safeguarding its funds, the purpose is to protect it from being “gamed” by unscrupulous beneficiaries, and by those who may have been “adversely selected.” These notions have been encountered by the researchers in the course of the study. It is noted that in the process of implementing these strict measures in SSS, however, a large chunk of female workers in the private and public sectors—especially those considered in the informal sector as well as those in marginalized sectors—are effectively excluded from availing themselves of the insurance.

X. Recommendations

A. 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 by many women in the informal sector, as has been discussed in previous sections of this report. Senate Bill No. 2175 or the Maternity Benefit for Women in the Informal Economy Act of 2021 aims to complement and upgrade the EMLL. Sen. Risa Hontiveros, Chair of the Senate Committee on Women, Children, Family Relations and Gender Equality, has filed this bill which will require the government to give out a direct maternity cash aid for all pregnant workers in the informal sector.

Here, all pregnant workers in the informal economy who are not members of the Social Security System (SSS) will be entitled to a one-time maternity cash aid from the Department of Social Welfare and Development (DSWD) (Senate of the Philippines Press Release, May 16, 2021). The amount of the cash aid will be equivalent to the prevailing minimum wage in the worker's region multiplied by 22 days (ibid). According to the Bill, funding for the cash aid will be generated from excise taxes collection on sweetened beverages, alcohol and tobacco products, as well as other appropriations from the national budget.

B. Make Manual Application an Option and Increase its Accessibility

Considering the low levels of digital literacy and lack of internet access for a significant section of the population, there is a pressing need to provide a manual option for EMLL application.

Furthermore, the wholesale approach of DOLE, where it reaches out to various LGUs, community-based organizations, and the like must be stepped up so that EMLL applications are available not only in existing SSS branches, many of which are located in main urban areas, but also in more 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 not only know more about the EMLL but can engage in hand-holding during the application process, one which is viewed as daunting by many.

In terms of the online application option, this too can further be enhanced. A nationwide platform that 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 which may frustrate less digitally literate members from pursuing their respective applications or transactions. Doing so would also minimize, if not eliminate, backlogs and delayed releases of applications thereby improving and truly 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 application/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 that will facilitate and

expedite the concomitant processes and procedures not only in accessing benefits under the EMLL but of other related transactions.

Finally, the RA 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 11055 was yet to be implemented. The existence of a regularly updated national ID system would have allowed 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.

C. Intensify the Wholesale/Outreach Approach of SSS

As earlier mentioned, SSS membership of informal sector workers like farmers, fisherfolk and market vendors, is, at best, twenty percent (20%). This finding which was the result of an Australian-based survey spurred SSS to affirm the need to beef up their efforts to reach out to the informal sector.

As previously discussed, while there is merit to utilizing online platforms for outreach, especially in the context of the Covid-19 pandemic, this platform has its 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 connections if at all. It is recommended that SSS

disseminated information on the EMLL using more proactively traditional media, in particular, radio and television, in order to reach areas that are not reached by internet due to poor ICT infrastructure.

Furthermore, the respondents have 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 strategically and creatively find ways of effectively reaching out to those 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, in spite their limited incomes, they would have contributed and paid for the minimum SSS contributions that would have allowed them to avail of the EMLL. Here, the 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.

Added to this, it is critical that the information drive explains 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”, “salary differential”, to name a few, can obscure rather than promote understanding on 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 its information campaign that packages maternity benefits as part of a comprehensive package of benefits available to female workers who are regularly paying/contributing members of the SSS. This will encourage members of the informal sector and voluntary members to register and qualify for such benefits.

D. Strengthen the Database for the EMLL

The PSA should conduct an updated and comprehensive survey on the number of informal sector workers and know and monitor their working conditions on a regular basis. This is important as the last survey of this sector was 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 of informal sector workers must be conducted in order to monitor the conditions of female workers, especially in the informal sector. Furthermore, while contractualization of labor is widespread and where many workers do not have employer-employee relationships with the institution or company they are working in (whether in the private or public sector), there are no studies that gauges the actual magnitude of this phenomenon, as well as the working and social conditions of these workers. Towards this end, the Philippine Statistics Authority 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 combating heteronormative 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 SSS, DOLE, CSC and other institutions so that they have a deeper understanding of the realities surrounding female workers, especially the 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 improving the design of social security programs so that these are better suited to their beneficiaries.

E. 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 who are dedicated to the monitoring and enforcement of 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.

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

It was earlier pointed out that there are a number of private sector companies which are exempt from implementing the EMLL for a variety of reasons such as falling into financial distress or those that are considered a 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 this situation where the company is exempt from providing the EMLL, this research explores the possibility that the government steps in and provides 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).

G. Conduct research on the rights of female contract of service and job order workers in government with a view to promoting 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 provisioning of social security, including the EMLL. As such, there is a need to conduct a research on the effect and impact of the ‘no employer-employee’ relationship between these workers and government, especially in relation to their access to social security, and outline certain policy recommendations with a view to enhancing equitable access.

H.) Include social security including 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 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 is widely practiced, the shared provision for their social security between them and their employers are not reflected in their contracts. Oftentimes, these workers are hired by manpower agencies and not by the institution or company these employees work for. It is in this context that these workers have no ‘employer-employee’ relationship with the institution or company 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 are satisfactory. Both the 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 supply (for example 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 (the need to enhance the quality of existing jobs and the need to create new, good quality jobs). For women workers who continue to carry the main responsibility of reproductive/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 the formal and informal arenas that promote equal sharing of responsibility of household chores between parents, including taking care of children. Traditional and social media platforms must be tapped as these shape mindsets and public opinion.

(i) Strengthen SSS orientation as a social insurance by rethinking its corporatized orientation with the end in view of further enhancing the implementation of its developmental mandate and further promoting social equity.

The Philippine government, based on the 1987 Philippine Constitution and the many social protection laws it has enacted including the EMLL, and the international treaties that it is signatory to, legally views social protection as a right of every Filipino. In this context, the provision of social security is viewed as an important developmental mandate to be carried out by the state. Given this, there is a need to rethink the corporatized orientation of the SSS with a view to enhancing its character as a social insurance. In other words, its bottom line is not so much for the fund to be profitable but rather to be used for developmental purposes, that is, to promote good health and well-being outcomes for a greater number of the population. Having said this, for the developmental mandate of SSS to be observed on a sustained basis, it is important that the fund remains financially viable.

Furthermore, the sustainability of the SSS fund is largely determined by the contributions paid by the members and the earnings SSS gets from its investment portfolio. Thus, it stands to reason that social protection agencies diligently protect its funds to ensure its prolonged life and expand coverage of its membership to increase access to social protection. With this in mind, the SSS can formulate a more accommodating policy framework that will ensure its financial viability while expanding its outreach to informal sector workers, including those whose sources of income may be less stable and whose work arrangements are precarious. One strategy for this is to intensify and make more efficient payment collection of delinquent employers, among others. In more strategic terms, there is a need to capacitate and transition informal sector workers to enter the formal sector thereby expanding the SSS membership base and increasing its funds (through increased SSS premium contributions). Here, the workers are effectively covered by comprehensive social insurance packages while at the same time contributing to the size of the SSS funding base.

XI. Conclusion

The EMLL is, no doubt, progressive as it not only expands the number of days for paid maternity leave but it has 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 babies and families. The expanded legal entitlements provided by the EMLL provide cutting-edge policy and political gains for women workers and is among the more progressive measures that promotes women workers' rights and gender equity.

However, this study has shown that the progressive potential of the EMLL is far from being 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, the eligibility and documentary requirements and application procedures that have been made more daunting because of its digital character. In real terms, the need for an internet connection and an internet-capable device, as well as being knowledgeable about 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 are therefore disadvantaged from applying for the EMLL benefits.

One urgent matter however, that must be placed front and center is the high level of informality of work, including a high 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 are confronted with, in paying the required premiums, which are 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 are 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 paper such as the need to transition female informal workers to the formal sector and regularizing 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, helping to make the 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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XIII. 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: _____

Telephone/Cellphone Number: _____

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

15. This informed consent is written in Tagalog and English versions. You can use whichever will be most easy to understand for you.

16. This consent is time-bound and only effective for a maximum of four years, including the three-year period before all documents are destructed or deleted.

Confidentiality:

I confirm that (please tick box as appropriate):

1.	The procedures regarding confidentiality have been clearly explained (e.g. use of names, code names, confidentiality of data, etc.) to me.	<input type="checkbox"/>
2.	Separate terms of consent for interviews, audio, video or other forms of data collection have been explained and provided to me.	<input type="checkbox"/>
3.	The use of the data in research, publications, sharing and archiving has been explained to me.	<input type="checkbox"/>

4.	I understand that other researchers will have access to this data only if they agree to preserve the confidentiality of the data and if they agree to the terms I have specified in this form.	<input type="checkbox"/>
5.	Select only one of the following:	<input type="checkbox"/>
	<ul style="list-style-type: none"> I would like my name used and understand what I have said or written as part of this study will be used in reports, publications and other research outputs so that anything I have contributed to this project can be recognized. 	<input type="checkbox"/>
	<ul style="list-style-type: none"> I do not want my name used in this project. 	<input type="checkbox"/>

Consent

Your signature below indicates that you have decided to volunteer as a research participant for this study, and that you have read and understood the information provided above. You will be given a signed and dated copy of this form to keep, along with any other printed materials deemed necessary by the study investigators. *Thank you very much!*

Respondent's Name (print):			
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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

Time Start: _____ **AM/PM**

Time End: _____ **AM/PM**

Duration: _____

Interview Questionnaire

(Commuters)

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 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

7/24/22, 11:54 AM

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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1/20

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

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)

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?

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

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?

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?

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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

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?

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

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?

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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

79. Please kindly explain your answer above.

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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

84. Please kindly explain your answer above.

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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<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 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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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?

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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Annex B.2. Questionnaire for the Social Security System

1. Social Security System

1.1. Administrative

1.1.1. Aside from SSS, are there other administrative organizations involved in implementing RA 11210 or EML? What agencies or organizations are these?

1.1.2. Are employers, civil society organizations, worker organizations, medical and prenatal care providers, or others involved in implementation? If so, how?

1.1.3. 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).

1.1.4. 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?*

1.2. Availment of Benefits

1.2.1. 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?

1.2.2. 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)?

1.2.3. 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)?

1.2.4. 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)?

1.2.5. 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?

1.3. Finances and Costing of Benefits

1.3.1. What do you think is the total cost of these benefits, if known?

1.3.2. Does SSS have enough funds to cover the cost of maternity benefits claims?

1.3.3. How are these benefits financed? By whom?

1.3.4. What would you say are the main administrative costs to the government for implementing these laws? Please elaborate.

1.3.5. What would you say are the direct costs to individuals and businesses? Please elaborate.

Probe: How are these costs assessed?

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

1.4. Distribution of Benefits

1.4.1. How are benefits distributed to recipients?

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

1.4.2. 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?

1.5. Communicating Maternity Leave Benefits to Prospective Beneficiaries

1.5.1 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.

1.5.2 What is the role of your organization in this communication?

1.5.3 What role does your agency or organization play in ensuring that workers understand their rights to leave?

1.5.4 Please describe overall communication efforts informing prospective recipients of their potential benefits and eligibility. What mechanisms, groups, and media do these efforts use?

1.5.5 Would you say these communications efforts are effective? Why or why not? How is this measured?

1.5.6 What groups of workers do these communications reach most effectively? Why?

1.5.7 What groups of workers do these communications reach least effectively? Why? What is being done to improve communications with these groups?

1.6. Challenges and General Recommendations for improving EMLL

1.6.1. What do you think are the weaknesses of your institution/agency in the implementation of RA 11210?

1.6.2. How has Covid-19 affected program implementation at both national and local levels?

1.6.3. Does the law (or IRR) need to be amended? If so, how?

1.6.4. Are SSS administrative systems and technical capacities of staff facilitative of EMLL program implementation at both national and local levels?

- 1.6.5. 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.

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)**

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.

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)**

Annex C.1. List of the Respondents

Table 12. List of Respondents

Respondent Number	Age	Address	Area	Employment Status	Specific Occupation	With Partner?	Multiple Children?	Other earning family/relatives
1	27	La Opinion, Nabua, 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	28	34 S. T. Santos St. Brgy Sta Ana, Pateros MM	Urban	Non-Regular Worker	Casual Food Vendor (Carinderia or a small local eatery)	Yes	Yes	Partner
3	22	Brgy. 33 Peñaranda, Legazpi City	Urban	Non-Regular Worker	Casual Food Vendor (Shakes)	Yes	No	Partner
4	22	Brgy. 38 Lakandula Drive, Legazpi City	Urban	Non-Regular Worker	Casual Clothing Vendor (Secondhand clothes)	Yes	No	Partner
5	26	San Nicolas, Iriga City	Rural	Non-Regular Worker	Contractual Admission Assistant and Part Time Teacher	Yes	No	Partner
6	25	Dayangdang, Naga City	Rural	Non-Regular Worker	Contractual Teacher	Yes	No	Partner
7	41	Brgy. Edwards (población), T'boli, South Cotabato	Rural	Non-Regular Worker	Farmer (Seasonal agri-worker and local retail store owner)	Yes	Yes	Partner

8	27	Anamaria Village, Meycauayan, Bulacan	Rural	Non-Regular Worker	Casual Clothing Vendor	No (Solo parent)	No	Siblings
9	28	Delville I Subdivision, Caloocan City	Urban	Non-Regular Worker	Casual Clothing Vendor	No (Solo parent)	Yes	Siblings
10	40	Brgy. 94 Tigbao, Tacloban City.	Urban	Domestic Helper	Domestic Helper	Yes	No	Partner
11	30	Amonticello Villas, Pavia, Iloilo	Rural	Non-Regular Worker	Casual Food Vendor (Hamburgers)	Yes	Yes	Partner
12	31	Brgy. 105, Tondo, Manila	Urban	Non-Regular Worker	Casual Food Vendor (Local Retail Store)	Yes	Yes	Partner
13	35	Ana Maria Village, Meycauayan, Bulacan	Rural	Non-Regular Worker	Casual Food Vendor (Vegetable)	No (Solo parent)	Yes	Parents
14	34	Pamangga St., Tondo, Manila	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner
15	28	Brgy. Addition Hills, Mandaluyong City	Urban	Non-Regular Worker	Casual Clothing Vendor	Yes	Yes	Partner
16	38	Brgy. City Heights, General Santos City, South Cotabato	Rural	Non-Regular Worker	Regular Employee	Yes	No	Partner
17	27	Villa Bernardo, San Joaquin, Pasig City	Urban	Non-Regular Worker	Self-Employed Casual Food Vendor (Local Retail Store Owner)	Yes	Yes	Partner
18	34	Ususan Ext. K.B.S. Compound. Caloocan City	Urban	Non-Regular Worker	Casual Food Vendor (Sausage)	Yes	Yes	Partner
19	27	Krovha Axis Road, Kalawaan, Pasig City	Urban	Non-Regular Worker	Contractual Sales Lady	Yes	No	Partner
20	31	Lourdes Street, Caloocan City	Urban	Non-Regular Worker	Contractual Billing Staff	Yes	Yes	Partner
21	24	Purok 6, Kalawaan, Pasig City	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner

22	19	Santiago, Iriga City	Rural	Non-Regular Worker	Seasonal Farmer	Yes	No	Partner
23	27	Lourdes Young, Nabua Camarines Sur	Rural	Non-Regular Worker	Casual Sari-sari store vendor. Assists in family-owned farm land.	Yes	Yes	Partner
24	30	Santiago, Iriga City	Rural	Non-Regular Worker	Casual and Seasonal Food Vendor (Meatshop and seasonal agri work)	Yes	Yes	Partner
25	33	Los Angeles, Buhi, 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	28	Maligaya, Dinalupihan, Bataan	Rural	Non-Regular Worker	Seasonal Farmer	Yes	Yes	Partner
27	36	Tolega Norte, Moncada, Tarlac	Rural	Non-Regular Worker	Seasonal Farmer	Yes	Yes	Partner
28	33	Licab, Nueva Ecija	Rural	Non-Regular Worker	Domestic Helper (Laundry Woman)	Yes	No	Partner
29	23	16-J S.T. Santos St., Brgy Sta Ana, Pateros MM	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	No	Partner
30	34	Brgy. 209, Tondo, Manila	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	Yes	Partner
31	28	Brgy. 209, Tondo, Manila	Urban	Non-Regular Worker	Casual Food Vendor (Snacks)	Yes	Yes	Partner
32	39	17 Kadiwa St. Brgy 27, Maypajo Caloocan	Urban	Domestic Helper	Domestic Helper	Yes	Yes	Partner
33	33	Morong, Rizal	Urban	Non-Regular Worker	Casual Food Vendor (Street food)	Yes	No	Partner

34	19	Isla de Pitogo, President C.P. Garcia, Bohol	Rural	Domestic Helper	Domestic Helper	No (Solo parent)	No	Parents
35	23	Chinese Cemetery, Brgy. Carrea, Cebu City	Urban	Unemployed	Unemployed (Housewife)	Yes	No	Partner
36	39	Sitio Pugad Lawin, San Juan, Samal, Bataan	Rural	Non-Regular Worker	Farmer Seasonal	Yes	Yes	Partner
37	21	Polomolok, South Cotabato	Rural	Unemployed	Unemployed (Housewife)	Yes	No	Partner

Annex D.1. List of Key Informants

Table 13. List of Key Informants

Date of Interview	Organization	Department/Bureau	Representative/s	Designation
02 August 2022	Ateneo de Naga University	-	Key Informant	Benefits Officer
02 August 2022	Social Security System (SSS) - Naga City	Information Services Department	Key Informant	Staff
23 August	Philippine Commission on Women (PCW)	Policy Development Planning and Evaluation Division	Key Informant	Senior Gender and Development (GAD) Specialist
			Key Informant	Attorney III
02 September 2022	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
07 September 2022	Partido Manggagawa (PM)	-	Key Informant	Secretary-General
13 September 2022	Department of Labor and Employment (DOLE)- Central Office	Bureau of Workers with Special Concerns	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. Labor Force Participation Rate (LFPR)

Philippines	Aug. 2021 F	Jan. 2022 P	Feb. 2022 P	Mar. 2022 P	Apr. 2022 P	May 2022 P	Jun. 2022 P	Jul. 2022 P	Aug. 2022 P
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%) compared to their women counterparts (12.2%).

Below are the key indicators of the Labor Force Participation based on data released by the PSA on 06 October 2022.

Table 15. Key Employment Indicators by Sex with Measure of Precision, Philippines as of 02 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%, while Ilocos Region had the lowest at 92.4%.

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

AGE AND GROUP 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		*	-	*	*
<i>Notes: 1. Details may not add up to totals due to rounding.</i>					

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 (2013-2017) in Thousands

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	98.8	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. Employed Women by Major Industry Group (2013 -2017) in Thousands

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 ^a	2,176 ^o	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 (ibid).

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 (ibid.)

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 (ibid.).

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 August 11, 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 May 18, 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 P18,750.00 - P19,249.99, has an MSC of P19,000.00. Get the sum of the six highest MSCs within the 12-month period. So, assuming that the monthly salary is P19,150.00 for January to December 2021, the MSC is also P19,000.00. 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 P114,000.00. 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, P114,000 is divided by 180, resulting in an ADSC of P633.33. 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:

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

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

Thus, the total SSS maternity benefit of a qualified female employee whose monthly salary is P19,150.00 and who underwent live birth is P66,499.65. It is within the maximum amount provided by the SSS for maternity benefit claims which is P70,000.00. 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 P633.33, then the resulting SSS maternity benefit shall be P37,999.8. 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 P75,999.60. However, as previously mentioned, the maximum maternity benefit provided by the SSS regardless of any type of applicable maternity leaves is P70,000.00. 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 P19,150.00 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 = P19,150.00 x 3.5 months

Full Pay = P67,025.00

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 an P18,750 to P19,249.99 salary range is P855.00. 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 P2,992.50. 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 P19,150.00 per month is P237.50 and P100.00 for PAGIBIG, respectively. When multiplied by 3.5 months, the resulting amounts would be P831.25 for PhilHealth, and P350.00 for PAGIBIG, respectively. In total, the combined premium contributions of an employee whose salary is P19,150.00 and with a compensable maternity leave of 105 days shall be P4,173.75.

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, which are as follows:

Table 20. Computation for Salary Differential

Full Pay	P67, 025.00
Social welfare contribution premiums	P4, 173.75
SSS Maternity Benefit	P66, 499.65
Total	-P3,648.40

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 P35,750.00 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	P125,125.00
Social welfare contribution premiums	P5818.75

SSS Maternity Benefit	P70,000.00(maximum SSS maternity benefit)
Total	P49,306.25

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 3 million pesos
- d.) Companies or establishments already provide benefits similar to or exceeding those provided under RA 11210.