

DEPARTMENT OF LABOR AND EMPLOYMENT	
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DEPARTMENT ORDER NO. 112 - 11
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**GUIDELINES GOVERNING THE IMPLEMENTATION OF THE SPECIAL LEAVE
BENEFITS FOR WOMEN EMPLOYEES IN THE PRIVATE SECTOR**

Pursuant to Section 21 (B) of the Implementing Rules and Regulations of Republic Act 9710, otherwise known as the "Magna Carta of Women", the following guidelines relative to the application of the special leave benefits for women is hereby issued for the guidance and compliance of all concerned.

Section 1. Definition of terms.-As used in these Rules, the following terms shall mean:

- (a) ***Special leave benefits for women*** refers to a female employee's leave entitlement of two (2) months with full pay from her employer based on her gross monthly compensation following surgery caused by gynecological disorders, provided that she has rendered continuous aggregate employment service of at least six (6) months for the last 12 months. This two-month leave is in addition to leave privileges under existing laws.
- (b) ***Gynecological disorders***, refers to disorders that would require surgical procedures such as, but not limited to, dilatation and curettage and those involving female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor, as certified by a competent physician. For purposes of the Act and the Rules and Regulations of this Act, gynecological surgeries shall also include hysterectomy, ovariectomy, and mastectomy.

Section 2. Conditions to entitlement of special leave benefits. - Any female employee, regardless of age and civil status, shall be entitled to a special leave, provided she has complied with the following conditions:

- (a) She has rendered at least six (6) months continuous aggregate employment service for the last twelve (12) months prior to surgery;
- (b) She has filed an application for special leave in accordance with Section 3 hereof.
- (c) She has undergone surgery due to gynecological disorders as certified by a competent physician.

Section 3. Application for special leave. - The employee shall file her application for leave with her employer within a reasonable period of time from the expected date of surgery, or within such period as may be provided by company rules and regulations or by collective bargaining agreement.

Prior application for leave shall not be necessary in cases requiring emergency surgical procedure, provided that the employer shall be notified verbally or in written form within a reasonable period of time and provided further that after the surgery or appropriate recuperating period, the female employee shall immediately file her application using the prescribed form.

Section 4. Availment. -Special leave benefits shall be granted to the qualified employee after she has undergone surgery, without prejudice to an employer allowing an employee to receive her pay before or during the surgery.

Section 5. Benefits. – The employee is entitled to full pay for two months based on her gross monthly compensation. Gross monthly compensation refers to the monthly basic pay plus mandatory allowances fixed by the regional wage boards.

Section 6. Non-commutation of benefits. - This special leave shall be non-cumulative and non-convertible to cash unless otherwise provided by a collective bargaining agreement (CBA).

Section 7. Enforcement and monitoring. - The Labor Inspectorate of the DOLE Regional Offices shall be responsible for the enforcement and monitoring of this Guidelines.

Section 8. Transitory Provision.- Subject to the provisions of Section 2 herein, female employees who have taken a leave of absence following surgery for gynecological disorder on or after 15 September 2009 are entitled to the special leave benefits for women.

Section 9. Effectivity.-This Guidelines shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Manila, Philippines, March 11, 2011.


ROSALINDA DIMAPILIS-BALDOZ
Secretary