

What you should know about

Magna Carta of Women (MCW) Special Leave or the Gynecological Leave for Women

MCW Special Leave benefit refers to a female employee's **leave entitlement** of two (2) months with full pay based on her gross monthly compensation following surgery caused by **gynecological disorders**.

Sec. 7.T. (Definition of Terms), RA 9710 IRR

"Gross monthly compensation"

monthly basic pay plus mandatory allowances fixed by the law/regional wage board

Who can avail of the MCW Special Leave benefit?

Women employees, regardless of age and civil status, who are in service for at least one (1) year and have rendered continuous aggregate employment service of at least six (6) months.

"In the public sector, however, women employees should have rendered at least six (6) months aggregate service in any various government agencies for the last twelve (12) months prior to undergoing surgery for gynecological disorders."

When should MCW Special Leave benefit be filed?

MCW Special Leave benefit may be filed in advance, at least five (5) days for government sector, or within a reasonable period of time for private sector, prior to the scheduled date of gynecological surgery. In case of emergency surgical procedure, the said leave shall be filed immediately upon return from such leave.

When can the MCW Special Leave benefit be availed?

MCW Special Leave benefit may be availed following surgery caused by a gynecological disorder. However, for employees in the private sector, the employer, in its discretion, may allow said employee to receive her pay for the period covered by the approved leave before or during the surgery.

"Employment Service"

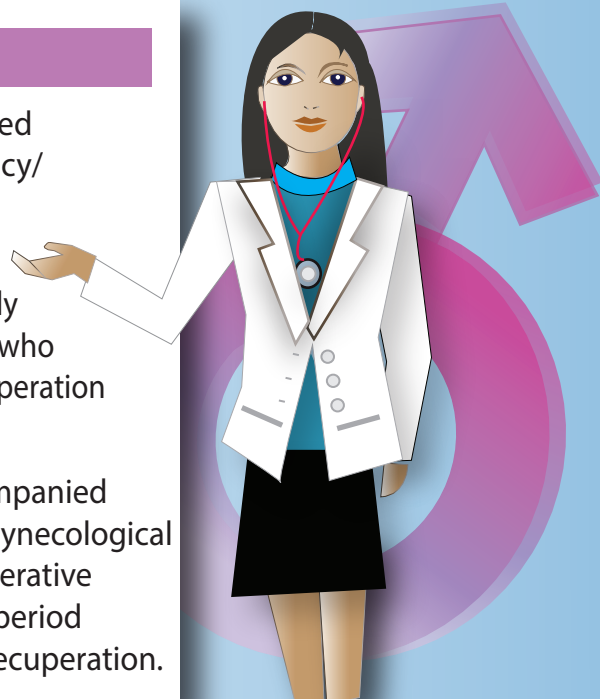
includes absences with pay such as use of other mandated leaves, company granted leaves and maternity leave, and authorized sick leave without pay.



Required documents

1. Properly accomplished and approved **Leave Form** being used in the agency/company/establishment
2. **Medical Certificate** certified by a competent medical authority preferably specializing in gynecological disorders who is in the position to determine the recuperation period of the woman employee

The Medical Certificate shall be accompanied by a clinical summary reflecting the gynecological disorder, histopathological report, operative technique used, duration of surgery, period of confinement, as well as period of recuperation.



How often can the MCW Special Leave benefit be availed?

Special Leave benefit may be availed for every instance of surgery due to gynecological disorder for a maximum total period of two (2) months or sixty (60) calendar days per year.

What if the employee incurred leave of absence prior to the surgery?

For government employees, the leave of absence incurred for preparatory procedures and/or confinement prior to the surgery may be charged to Sick Leave credits or Vacation Leave credits after their Sick Leave credits have been exhausted. However, the employees in the private sector may still charge their leave of absence to the company leave and other mandated leave benefits.

What if the doctor prescribed more than 60 days recuperation period?

After the two (2) months gynecological leave and the patient needs more time to recover, she may charge it to her earned Sick Leave credits or to her Vacation Leave credits, after her Sick Leave credits have been exhausted. However, the employees in the private sector may still charge their leave of absence to the company leave and other mandated leave benefits.

"Gynecological Disorders"

disorders that would require Surgical procedures such as Dilation and Curettage and those involving female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor

Gynecological surgeries shall also include Myomectomy, Hysterectomy, Ovariectomy and Mastectomy.

Is Special leave benefit same as SSS sickness benefit?

No. The MCW Special Leave benefit is different from SSS sickness benefit. The MCW Special Leave benefit is granted by the employer to a woman employee who has undergone surgery due to gynecological disorder while the SSS sickness benefit is administered and given by SSS in accordance with SSS Law or RA 1161 as amended by RA 8282.

Can the MCW Special Leave benefit be earned and/or converted to cash?

No. MCW Special Leave benefit is non-cumulative and non-convertible to cash unless otherwise provided by a collective bargaining agreement (CBA) in the private sector.



What will happen if the woman employee has undergone surgery due to gynecological disorder during her maternity leave, can she be entitled to MCW Special Leave benefit in addition to her maternity benefits?

The woman employee who has undergone surgery due to gynecological disorder during her maternity leave, is entitled only to the difference between the maternity leave benefits and the MCW Special Leave benefit.

What will happen to the existing or similar benefits under a company policy, practice or collective bargaining agreement (CBA)?

The existing similar benefits under a company policy, practice or CBA shall be considered as compliance, unless the company policy, practice or CBA provides otherwise. In case the company policy, practice or CBA provides lesser benefits, the company shall grant the difference.

What are the responsibilities of the Agency Head?

The agency head shall ensure that the MCW Special Leave benefit for women or the Gynecological Leave under RA 9710 (Magna Carta of Women) is enforced in their agency.

They shall likewise pro-actively promote reproductive health care awareness and wellness programs for their employees.



Human Resource Managers

References:

CSC Memorandum Circular No. 25, s. 2010 : Guidelines on the Availment of the Special Leave Benefits for Women under R.A. 9710 (An Act Providing for the Magna Carta of Women); DOLE Department Order No. 112-11 s. 2012: Guidelines Governing the Implementation of the Special Leave Benefits for Women Employees in the Private Sector; and Department Order No. 112-A, s. 2012 : Amending the Guidelines on the Implementation of the Special Leave Benefit for Women Employees in the Private Sector.

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