

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7758



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party)

AN ACT
GRANTING MENSTRUAL LEAVE OF A MAXIMUM OF TWO (2) DAYS PER MONTH WITH
ONE HUNDRED PERCENT (100%) DAILY REMUNERATION TO ALL FEMALE EMPLOYEES
IN THE PRIVATE AND PUBLIC SECTORS

EXPLANATORY NOTE

Menstruation-related symptoms (MRSs) are diverse and widespread among women. According to Hum Reprod Update, between 45 and 95% of menstruating women suffer from primary dysmenorrhea, or painful menstruation.¹ MRS patients are also found to have lower scores in several domains of quality of life during their periods, such as general health, physical, mental, social, and occupational functioning.

Dysmenorrhea is often poorly treated and ignored by health professionals, pain researchers, and even women themselves, who may accept it as a normal part of menstruation. However, the painful and often unbearable symptoms of menstruation create considerable burdens on women and their families, such as over-the-counter medication. According to a survey released by BMJ Open, MRS also causes a great deal of lost productivity, and presenteeism is a bigger contributor to this than absenteeism.² Women workers would rather go to work despite being in pain than have their wages deducted due to absences.

In the past few years, menstrual leave has become a progressive legislation introducing new reproductive rights in many countries worldwide, such as Japan, South Korea, Taiwan, and Indonesia. Last February 16, 2023, Spain became the first European country to provide workers with three days paid menstrual a month with the option of extending it to five days.

¹ Iacovides S, Avidon I, Baker FC. What we know about primary dysmenorrhea today: a critical review. Hum Reprod Update 2015;21:762–78. 10.1093/humupd/dmv039

² Schoep ME, Adang EMM, Maas JWM, et al Productivity loss due to menstruation-related symptoms: a nationwide cross-sectional survey among 32 748 women BMJ Open 2019;9:e026186. doi: 10.1136/bmjopen-2018-026186

On October 18, 2023, La Union Governor Raphaele Veronica Ortega-David signed Executive Order 25 which allows female employees of the provincial government to avail Menstruation Day privilege to work from home two days a month while they have their menstrual periods.

The executive order acknowledges the painful and uncomfortable symptoms of menstruation and recognizes its impact on women's productivity.

The local government of Tangalan town in Aklan province also passed the "Menstruation Day Work-From-Home Privilege Ordinance" in December 2022 which entitles female employees of the local government to work in the comfort of their homes for two days during their monthly period.

As many local government units in the Philippines lead the implementation of such pro-women legislation, the national government must also pass a law to institutionalize menstrual leave with one hundred percent (100%) daily remuneration to all female employees in the private and public sectors.

In sum, there is a need to provide women with the flexibility and support they need to manage their reproductive health without the fear of negative consequences such as losing pay, falling behind in work, or facing disciplinary action. Thus, the immediate passage of this bill is earnestly sought.



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Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. Short Title. – This Act shall be known as the “Menstrual Leave Act.”

SECTION 2. Declaration of Policy. – 1) The 1987 Constitution, Article XIII, Section 14 provides that “the State shall protect working women by providing safe and healthful 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.” 2) The State shall, at all times, provide comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and address the major causes of women's mortality and morbidity.

SECTION 3. Definition of Terms. – For purposes of this Act, the following terms shall have the following meanings:

a. Employer - any person, natural or juridical, domestic or foreign, who carries on in the Philippines any trade, business, industry, undertaking, or activity of any kind and uses the services of another person who is under his orders as regards employment, or the national government, its political subdivisions, branches, agencies, instrumentalities, including government-owned or controlled corporations and financial institutions, the constitutional commissions, and the judiciary.

b. Employee - any person who performs services for an employer in which either or both mental and physical efforts are used and who receives compensation for such services.

c. Menstruation - a discharging of blood, secretions, and tissue debris that recurs in women typically at four (4) week intervals and lasting three (3) to five (5) days.

d. Premenstrual Tension - a state of physical or mental lack of well-being or physical or mental uneasiness relating to the period just preceding menstruation.

e. Menstrual Tension - a state of physical or mental lack of well-being or physical or mental uneasiness relating to the period of menstruation.

f. Menstrual Leave - refers to the benefits granted to a female employee allowing her not to report for work for up to two (2) days every month due to premenstrual or menstrual tension but continues to earn one hundred percent (100%) of the compensation therefor.

SECTION 4. Notwithstanding any law, rules, and regulations to the contrary, every female employee, except pregnant and menopausal women, in the private and public sectors, regardless of the nature or status of their employment, shall be entitled to a menstrual leave.

SECTION 5. Employers already granting menstrual leave or its equivalent are not covered by this Act.

SECTION 6. Menstrual leave granted in this Act shall be non-cumulative and strictly non-convertible to cash.

SECTION 7. Non-Diminution of Benefits. - Nothing in this Act shall be construed as to diminish existing maternity benefits currently enjoyed whether or not these are granted under collective bargaining agreements (CBA) or present laws if the same is more beneficial to the female worker.

SECTION 8. Security of Tenure. - Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of the security of tenure. As such, the exercise of this option by them shall not be used as a basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: Provided, That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal.

SECTION 9. Non-Discrimination. - No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided for in this Act.

SECTION 10. Implementing Rules and Regulations. - The Secretary of Labor and Employment, the Chairperson of the Civil Service Commission, and the Secretary of Health shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations necessary for the proper implementation of the provisions hereof.

SECTION 11. Penalty. - Any person, corporation, trust, firm, partnership, association or

entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including but not limited to, the president, vice president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SECTION 12. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 13. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 14. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.