

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **2540**



Introduced by Honorable Ma. Alana Samantha Taliño Santos

**AN ACT PROVIDING FOR FLEXIBLE WORK ARRANGEMENTS FOR
PREGNANT WOMEN AND POST-NATAL MOTHERS**

EXPLANATORY NOTE

Safe maternity and healthcare for both mother and child are basic needs and part of every person's right to life and health. Maternity protection is a basic labor right supported by international human rights agreements.¹

The Constitution, in its declaration of State Policies, provides:

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception.

Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

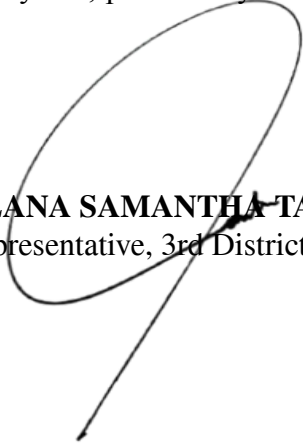
It is clear that the State has a duty to ensure maternity protection for women. As of 2024, women make up 41.4% of the labor force.² While existing laws provide maternity leave and benefits after childbirth, they fall short in offering support during pregnancy, when care and assistance are equally essential.

This bill aims to establish comprehensive provisions for flexible work arrangements tailored specifically to the needs of pregnant women and post-natal mothers. Both private and public sector employers will be mandated to offer flexible working arrangements, including work-from-home options, to pregnant women. These arrangements will grant pregnant employees the flexibility to adjust their time-in and time-out schedules at the workplace, or

¹ ILO: Maternity and paternity at work: Law and practice across the world (Geneva, 2014), available at www.ilo.org/maternityprotection

²World Bank Group (2024). <https://data.worldbank.org/indicator/>

even work remotely from their homes, within the framework of relevant and mutually agreed-upon guidelines. By enacting this legislation, we empower pregnant women and post-natal mothers to effectively balance the responsibilities of their professional commitments with the demands of their family life, particularly during this crucial phase of motherhood.



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Representative, 3rd District of Cotabato

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

Section 1. ***Short Title.*** – This Act shall be known as the “*Pregnant Women’s Welfare Act.*”

Section 2. ***Definition of Terms.*** – For the purpose of this Act, the following terms shall mean:

(a) “*Pregnant Woman*” means a woman expecting to deliver a child or children, which condition shall continue until she has delivered such child or children or has suffered a miscarriage

(b) “*Flexible Work Arrangement*” refer to alternative arrangements or schedules other than the traditional or standard work hours, workdays and workweek. Flexible work arrangements allow the pregnant employee to vary her arrival and departure time without affecting the core work hours in a day or in the week, depending on the agreed upon arrangement between the employee and the employer.

(c) “*Work-from-home*” refers to a work arrangement where the pregnant employee works at home or their residence;

(d) “*Medical leave*” means the leave benefits granted to a pregnant woman to enable her to undergo a medical check-up related to her pregnancy, or to any ailment of affliction she may be suffering from as a result of her pregnancy

Section 3. ***Flexible Work Arrangement.*** — The employer, public or private, shall provide for a flexible work arrangement and/or a work-from-home program for pregnant women. This benefit shall extend to postnatal mothers, at least one year from the date of childbirth. Such arrangement shall provide that pregnant women should be allowed to work remotely or take advantage of the applicable flexible work arrangement to enable them to undergo a medical check-up related to her pregnancy, or to any ailment or affliction she may be suffering from as a result of her pregnancy.

The flexible work arrangement and/or work-from-home program to be adopted by employers under this Act shall be subject to the following parameters:

- a. The flexible work arrangement and/or work-from-home program shall be agreed upon by the qualified pregnant employee and post-natal mother;
- b. The working arrangement agreed upon by the parties shall not affect individual and company productivity;
- c. The terms and conditions for the flexible working arrangement shall not be less than the minimum labor standards set by law, and shall include compensable work hours, minimum number of work hours, overtime, rest days, and entitlement to leave benefits; and;
- d. On meritorious grounds, any employer may request an exemption from complying with the above requirements from the Department of Labor and Employment (DOLE).

Section 4. ***Criteria for Support.*** - Any pregnant woman whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided, however,* That any pregnant woman whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 4,5, and 6 of this Act.

Section 5. ***Work Discrimination.*** - Without prejudice to the relevant provisions of the Labor Code and the implementing rules thereto, no employer shall discriminate against any pregnant woman employee with respect to terms and conditions of employment on account of her status.

Section 6. ***Non-Diminution of Benefits.*** - Nothing in this Act shall be construed as to diminish existing employment benefits currently enjoyed by pregnant women and/or post-natal mothers whether or not these are granted under collective bargaining agreements (CBA) or present laws, if the same are more beneficial to such employee.

Section 7. ***Medical Assistance*** - The DOH shall develop a comprehensive health care program for pregnant women. The program shall be implemented by the DOH, through their retained hospitals and medical centers, and the local government units (LGUs) through their provincial/district/city/ municipal hospitals and rural health units.

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 security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination.

Section 9. ***Penalties.*** - 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 of not less than Twenty Thousand Pesos (P20,000) nor more than Two Hundred Thousand Pesos (P200,000) 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.

Failure on the part of any association, partnership, corporation, or private enterprise to comply with the provisions of this Act shall be a ground for non-renewal of business permits.

Section 10. ***Implementing Rules and Regulations.*** – The Secretary of Labor and Employment, the Chairman 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. ***Repealing Clause.*** –Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent or contrary to the provision of this Act is hereby repealed or modified accordingly.

Section 12. ***Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or a newspaper of general circulation.

Approved,