

**Good News**  
**Department of Labor and Employment**  
**Bureau of Working Conditions**  
**30 July 2019**

**DOLE ISSUES ADVISORY ON EML SALARY DIFFERENTIAL**

On 09 July 2019, the Labor Secretary signed Department Advisory No. 01, Series of 2019 containing the guidelines on the computation of salary differential of female workers during her maternity leave and its criteria for exemption pursuant to Republic Act No. 11210 and its implementing rules and regulations.

Under the said Advisory, it provides that the employer shall pay the salary differential between the full salary of female worker during her maternity leave and the actual cash benefits received from the Social Security System (SSS) which shall be computed as follows:

1. Compute the amount of full pay:  
Full pay = monthly salary x maternity period in months
2. Ascertain the employee's premium contribution share for SSS, Philippine Health Insurance Corporation (PhilHealth), and Home Development Mutual Fund (Pag-IBIG) covering the maternity period.
3. Determine the amount of SSS maternity leave benefit of the female worker based on the prescribed formula and computation by the SSS.
4. Deduct from the amount of full pay the total amount of employee's premium contribution share and SSS maternity leave benefit.

It was likewise stated in the Advisory that establishments in the private sector mentioned in Section 5, Rule VI of the implementing rules and regulations of Republic Act No. 11210 may be exempted from paying their female workers' salary differential by submitting its application form in duplicate copies with all the prescribed requirements to the DOLE Regional/Provincial/Field/Satellite Office where the applicant principally operates.

The Certificate of Exemption issued by the Regional Director of the area where it principally operates shall be valid for one year from the date of its issuance. But, if an establishment has already been issued a Certificate of Exemption by the Regional Tripartite Wage and Productivity Board (RTWPB) from payment of minimum wage for a certain year, the same Certificate shall also carry with it an exemption from payment of salary differential for the same year and no separate application shall be required in this case.

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