If the 10-day leave is not enough, can the victim file for an extended leave from her employer?

Yes, when the necessity arises as specified in the protection order issued by the barangay or the court.

Can the employer be liable for discrimination and for violation of RA9262? What laws shall apply with regard to the penalty to be imposed?

Yes, when the employer/head of office prejudices (1) the right/denies the application for leave by his/her employee who is a victim-survivor under the VAWC law or (2) any person for assisting a co-employee who is a victim under the VAWC law.

The penalty to be imposed is governed by the provisions of the Labor Code and Civil Service Rules and Regulations, as the case may be.

Sources:
- Bureau of Workers with Special Concerns’ video animation on the 10-Day VAWC Leave, 2015 (for the captured illustrations)
- BWSC Briefing Paper on Republic Act No. 9262, November 2013
- Republic Act No. 9262 Anti-Violence Against Women and their Children Act of 2004
Violence Against Women and their Children (VAWC) refers to any act or a series of acts committed by any person against a woman who is his a) wife; b) former wife; or c) against a woman with whom the person has or had sexual or dating relationship; or d) with whom he has a common child; or e) against her child whether legitimate or illegitimate within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

What are the acts covered by VAWC?

a) “Physical violence” – refers to acts that include bodily or physical harm
b) “Sexual violence” – refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
   - Rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks
   - Acts causing or attempting to cause the victim to engage in any sexual activity by threat or force, physical or other harm or coercion
   - “Psychological violence” – acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation
   - “Economic abuse” – acts that make or attempt to make a woman financially dependent

*NOTE: Please refer to RA 9262 and its IRR for the complete text

What is VAWC?

What is the 10-Day VAWC Leave?

Under Section 43 of RA 9262, victims under the said law shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code, extendible when the necessity arises as specified in the protection order.

What is the requirement for the entitlement to the leave?

To be entitled to the leave benefit, the only requirement is for the victim-employee to present to her employer a certification from the Barangay Chairman or Barangay Kagawad, or prosecutor or the Clerk of Court, as the case may be, that an action relative to VAWC is pending.

What other features are included under the leave entitlement?

The availment of the 10-day leave shall be at the option of the woman employee, which shall cover the days that she has to attend to medical and legal concerns. Leaves not availed of are non-cumulative and not convertible to cash.

Can you apply for the 10-day leave from your employer just because you have a black eye or any manifestation of abuse?

No. The 10-day leave under VAWC may only be availed of if the victim has applied for any protection order with the intention to file a case against her assailant.

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