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## Newsletter

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# Update on the Labour Protection Act: Enhanced Maternity Leave and Introduction of "Spousal Leave"



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## Introduction

The recent bill amending the Labour Protection Act introduces substantial new rights for employees and corresponding obligations for employers in relation to maternity, post-partum childcare, and spousal leave. This draft was approved by the House of Representatives on 16 July 2025 and will next be considered by the Senate. These changes will require employers to prepare the necessary documentation and systems to support these new entitlements and employees to familiarise themselves with their entitlements and documentation requirements.

## Update and Impact

Set out below is an overview of the principal changes and several practical considerations that employers and employees should bear in mind.

The cornerstone of the amendments is the extension and clarification of maternity leave entitlements. Under the proposed changes, a female employee will be entitled to take up to one hundred and twenty (120) days of maternity leave per pregnancy, an increase from the current entitlement of ninety-eight (98) days. During this period, the employer will be required to pay full wages for up to sixty (60) days, up from the current requirement of forty-five (45) days.

The amendments further recognise that complications can arise after childbirth and therefore introduce an additional entitlement tailored to the newborn's health. Specifically, if a baby is diagnosed as being at risk of complications, has an unusual condition, or lives with a disability, the mother may take an additional fifteen (15) days of leave to care for the child, subject to the presentation of a medical certificate. During this additional leave period, the employer must pay wages at no less than fifty percent of the employee's regular rate. Employers should establish a protocol for requesting and securely retaining the requisite medical documentation, taking into account data privacy considerations, and should also clarify whether the partial-pay leave will be calculated based on the employee's daily wage or prorated monthly salary.

Recognising the vital role of both parents in early childcare, the Labour Protection Act will grant employees, irrespective of gender, the right to take up to fifteen (15) calendar days of leave to assist a spouse following childbirth. This spousal leave, which is drafted in gender-neutral terms, must be taken within ninety (90) days of the child's birth. Employers are required to pay full wages for the entire period, up to a maximum of fifteen (15) days. Human resources departments should therefore update their leave request forms to reflect the statutory ninety-day window and ensure they collect appropriate documentation confirming the date of childbirth and the marital relationship, while complying with any applicable rules on the handling of sensitive personal data.

From a compliance perspective, employers should consider issuing internal memoranda to managerial staff explaining the revised entitlements, updating the company's work rules, employee handbooks, and employment agreements to avoid any perception of diminished benefits, configuring payroll systems to automate the fifty-percent wage calculation for supplementary post-partum leave, and providing supervisory training on the nondiscrimination aspects of administering maternity and spousal leave. Employees, for their part, should familiarise themselves with the relevant documentation requirements—particularly the need for a medical certificate for post-partum childcare leave and supporting evidence for spousal leave—to avoid inadvertently forfeiting their statutory entitlements.

The table below summarises the current leave entitlements alongside the proposed changes.

Leave	Current Entitlement	Entitlement under Proposed Amendment
Maternity Leave	98 days, with wages payable for up to 45 days	120 days, with wages payable for up to 60 days
Post-Partum Childcare Leave	Not provided	15 days, with wages payable at no less than 50% of the employee's regular rate
Spousal Leave (gender-neutral; includes paternity leave)	Not provided	15 days, to be taken within 90 days of the child's birth, with wages payable for up to 15 days

## Summary

In summary, the amendments to the Labour Protection Act represent a significant legislative step towards modernising family-related leave entitlements, promoting both maternal and paternal involvement in early childcare. Stakeholders should familiarize themselves with the draft amendments to ensure that internal policies and payroll systems are fully aligned with the new requirements once the bill is enacted and comes into force.

Chandler Mori Hamada will closely monitor these legal developments and keep you informed of any updates. If you have any questions in relation to the issues raised in this newsletter, please contact the authors listed above.